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# Faculty Manual

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## Section I: Organization

### I A. Academic Units

Each college, school, department, or academic program which administers a degree granting program is considered an academic unit. Each college, school, department or program is responsible for the content and quality of the academic programs under its jurisdiction, no matter where the elements of the program are offered (main campus, urban campus, global campus, learning center, research center, international.) Academic Faculty who are an integral part of an academic program are members of the academic unit responsible for that program, no matter where the faculty member is physically located. Academic responsibility is from the academic faculty through the chair or director, through the cognizant academic dean and to the Provost.

#### 1. Designation of Academic Unit

- a) A college is an organization of schools, departments, special programs and other units which have broad, common instructional and research interests. The administrative head of a college is a Dean.
- b) A school is a combination of two or more departments, programs or curricula that functions as an alternative to a department. The administrative head of a school is a Director.
- c) A department is defined as an academic unit with a faculty that performs the regular duties of instruction, research, and service in all matters relating to curricular and educational policies of the unit, subject to approval of the Faculty Senate. The administrative head of a department is a Chair.
- d) An academic program (interdepartmental) is defined as a program with an individual budget, an administrative officer, and a set of courses leading to a degree. Faculty who participate in the academic program may maintain a departmental affiliation. The administrative head of an academic program is a Director.

The procedures for creating, combining or eliminating academic units are covered in a Memorandum of Understanding between the Provost and Senate found at <http://facsen.wsu.edu/eppm/MOU.pdf>.

#### 2. Specific Duties of the Faculty of the Academic Units

To facilitate uniformity of operation, the duties of the faculty of each academic unit are defined as follows:

- a) Perform the regular duties of teaching, research, and service of the unit.
- b) Serve as the legislative body in all matters relating to curricular and educational policies of the unit, so long as such policies do not conflict with policies approved by the Faculty Senate and/or the Board of Regents. Among its responsibilities are the following:
  - (1) Recommend to the Faculty Senate:
    - (a) Standards of admission to the unit

- (b) Curricula and courses to be offered and the amount of credit for each course
  - (c) Requirements for graduation
- (2) Consider appropriation requests
  - (3) Consider candidates for appointment to positions within the unit
  - (4) Consider the apportionment of work of the unit
  - (5) Consider the policies of the unit

Ordinarily, these duties are undertaken by departments, schools or academic program. If an entire college is concerned, these matters are considered by the members of the college.

### **3. Chairs of Departments and Directors of Schools or Programs**

This section refers equally to Chairs and Directors even if both terms are not used in every instance.

Directors of programs have academic responsibilities for the program and coordinate activities associated with it. They are appointed by and are responsible to the Dean who has jurisdiction over that program.

#### **a) Duties**

Subject to the approval of the Dean of the college, a department chair or school director is responsible for organizing and supervising the courses of instruction offered by the department, distributing the teaching and research load, caring for the equipment and facilities assigned to or in the custody of the department, allocating and supervising department funds, conducting annual reviews of faculty and staff, and performing other duties assigned by the Dean of the college and the Provost. The Provost provides guidelines on the duties and responsibilities of chairs and directors at <https://provost.wsu.edu/procedures/chairs-directors/duties-and-responsibilities/>.

When a department or school has teaching and/or research programs at sites remote from the location of the headquarters of the department or school, some of the responsibilities rest with or are shared with the Campus Chancellor or Director of the remote station. Such shared responsibilities include care for equipment and facilities, supervision of funds, and day-to-day supervision of teaching and research activities.

The department Chair makes recommendations to the Dean for appointments, promotions, and salaries of members of the department, and transacts official department business with Deans, other administrators, and students. In the case of faculty at remote units, the department Chair shares information and coordinates recommendations with the Campus Chancellor or Director.

A department Chair is expected to provide leadership in the formation of departmental policies and to hold meetings with all available members of the faculty on matters of policy. Except as limited by applicable general regulations and policies or as otherwise directed by the Dean or by the Provost, it is the department Chair's responsibility to execute the policies determined by the department. When this is not done, he or she should notify the administrative superior and the members of the faculty of the action being taken and the reasons therefore. However, department Chairs must have sufficient latitude to permit the making and the execution of day-to-day operating decisions and the exercise of leadership responsibilities.

#### **b) Eligibility**

Service as a department Chair or school Director is limited to Professors and Associate Professors in departments in which three or more persons have such rank. If there are fewer than three, Assistant Professors are also eligible. Eligibility is not dependent upon or restricted by academic seniority nor is it limited to members of the present staff.

Persons eligible to express their preferences for department Chair are department tenured faculty of all ranks, tenure-track and clinical departmental faculty, regardless of the location of their assignment, including those on leave who have been members of the department faculty for more than one semester. Faculty on adjunct appointments, faculty who have resigned, been terminated, or notified that they will not be reappointed, and faculty who are retiring at the close of the academic or fiscal year or who have retired are not eligible to express their preferences for department Chairs.

### **c) Nomination**

Department Chairs or school Directors are appointed by the Provost and Academic Vice President upon recommendation of the Dean of the unit and in consultation with the President and reported to the Board of Regents after consideration of preferences expressed as follows:

- (1) Each eligible member of a department faculty, regardless of location, including those on leave, shall first be provided a form on which to express a preference for selecting a Chair from inside the unit or outside the University.
- (2) If on the first form a majority expresses a desire to select a Chair from inside the department, and the Dean and Provost and Academic Vice President concur, then a second form shall be provided to each eligible faculty member on which to express a preference from among eligible faculty members of the unit. If no candidate is clearly the department's choice on the second form, then, with the concurrence of the Dean and Provost and Academic Vice President, faculty members shall be asked to express their preference again using the same procedure.
- (3) If on the first form a majority expresses a desire to select a Chair from outside the department, but the Dean and Provost and Academic Vice President do not concur, then a second preference form will be distributed as in the preceding paragraph.
- (4) If on the first form a majority expresses a desire to select a Chair from outside the department and the Dean and Provost concur, or if a majority expresses a desire to select a Chair from inside the department but the Dean and Provost do not concur, then a committee of department faculty members will be appointed by the Dean of the unit concerned to prepare a list of candidates for department consideration. The Provost in consultation with the President may, after consulting with the Dean and the department, appoint an interim Chair during the search for an off-campus Chair so that the search need not be conducted in haste. Members of the department will then be given the opportunity to express their preferences from among the names submitted by the committee. If no external candidates acceptable to the department can be identified or if no acceptable candidates indicate an interest in the position, faculty members will be asked again to express their preference from among eligible members of the department.
- (5) All preference forms shall ordinarily be provided by the Dean of the unit concerned. Each person filling out a preference form shall be allowed at least one week to consider a decision. Forms will be returned directly to the Dean. Within one month after the department has indicated each preference, a summary of the results shall be reported by the Dean to the department faculty, the Provost, and the President. Each summary reported to the Provost shall be accompanied by the preference forms, which must be retained according to University policy.

### **d) Appointment**

In all cases, the Provost, after consideration of the preferences and consultation with the appropriate administrative officers, will take any one of the following actions: 1) appoint as Chair one of the two

persons having the highest preference as indicated by the preference forms; 2) appoint an interim Chair pending further consideration for a Chair; or 3) appoint as Chair a person not recommended, but only after consultation with the department faculty members and with the Dean concerned.

#### **e) Term of Office**

Except under special circumstances, department Chairs and school Directors are appointed for terms of four years and may be reappointed using the same process detailed above. Terms commence August 16 for those on academic-year appointments and for those on annual appointments in programs with preponderantly academic-year faculty. Terms commence July 1 for those on annual appointments in programs with preponderantly annual faculty. When a department chair is appointed effective on some other date, the four-year period shall be computed, for subsequent review purposes, from the preceding August 16 for nine month or July 1 for twelve (12) month if the appointment begins prior to January 1 and from the following August 16 or July 1 if it begins on or after January 1.

A department may initiate consideration for a change in its leadership, upon written request sent directly to the Provost, of one-fourth (1/4) of its members (but not fewer than two persons). Upon receipt of such request, the Provost will arrange for an expression of opinion on such question by all eligible members of the departmental faculty.

Upon request of the Provost, the Faculty Status Committee will appoint an adviser who is not a member of the Faculty Status Committee. The adviser will participate in the exchange of opinion, oral or written, among all parties involved. Immediately after the collection of information and consultation with appropriate administrative officers, the Provost will render a decision.

Appointments may be terminated at any time for incompetence, negligence, inability to perform the duties due to illness, or equivalent cause if, in the judgment of the Provost, the best interests of the department or the University require such change.

Unless otherwise prescribed in individual cases, the term of office expires on August 15 for nine (9) month or June 30 for twelve (12) month four (4) years from the beginning of the appointment. The cognizant dean, in consultation with the department, shall request preference recommendations from faculty six to nine (6 to 9) months preceding the expiration of the term of office.

The above policies and procedures apply equally to the chair of an academic program, although the chair of a program may be appointed for a two (2) year term when the program chair is responsible to more than one dean.

#### **f) Payment for Services as Department Chair or School Director**

A department Chair may be paid an additional sum (determined by a formula which considers such variables as student load, faculty numbers, and budget size, including extramural funding) under the assumption that such persons render additional services.

### **I B. Faculty Structure**

The faculty and staff include all employees, except student and non-student temporary hourly employees, of Washington State University, regardless of their location, who have received official appointments. There are three classifications of employees: faculty, administrative and professional personnel, and civil service personnel. Affiliated personnel who hold adjunct appointments with academic responsibilities are considered nonvoting members of the faculty. Whenever questions arise about the classification of a faculty member, the final decision will be made by the Provost in consultation with the administrative officers concerned.

## 1. The Faculty

The faculty includes academic faculty, extension faculty, and library faculty. Historically, additional faculty titles were used and faculty members with these titles retain their faculty status. The statutory duty of the faculty, which may not be delegated, is to recommend to the Board of Regents the candidates for suitable degrees and certificates. All faculty categories defined below are afforded equal rights and privileges. The various faculty categories, which are not mutually exclusive, are defined as follows:

### a) Academic Faculty

The academic faculty consists of ranked faculty assigned to degree-granting units or the Honors College.

### b) Extension Faculty

The extension faculty consists of ranked faculty assigned to Extension, Continuing Education or Public Service.

### c) Library Faculty

The library faculty consists of ranked faculty assigned to Libraries.

## 2. Meetings of the Faculty

The President of the University is the chief executive officer of the faculty. The President, or designated representative, presides at meetings of the Faculty except those called by the Faculty Status Committee or by the Faculty Senate Steering Committee. The Executive Secretary of the Faculty Senate shall serve as secretary of the faculty.

The Faculty Senate Steering Committee will have the power to call a meeting of the faculty. Any member of the Faculty may petition the Steering Committee of the Faculty Senate to call a meeting. The meeting will be called if the majority of the Steering Committee vote in favor of holding the meeting. A petition signed by a minimum of ten percent of the faculty will require that a meeting be called, regardless of the vote of the Faculty Senate Steering Committee. The Steering Committee shall designate a member of the faculty to chair the meeting(s).

The quorum for meetings of the faculty and the graduate faculty shall be all qualified persons in attendance at regularly scheduled and announced meetings. Each of these bodies shall be free to make its own rules of procedure, but, unless rules to the contrary are adopted, motions shall pass by majority vote.

## 3. Specific Duties of the Faculty Senate

The purpose of the Faculty Senate is to exercise the legislative powers delegated to it and to make recommendations to the President, to appropriate administrative officials of the University, and through the President, to the Board of Regents on matters affecting the general welfare of Washington State University and its educational, research, and service activities.

### a) Legislative Powers

The Faculty Senate shall serve as the legislative body of the faculty to make recommendations in all matters requiring faculty action or approval of curricular and educational policies of Washington State University, including

- (1) Standards of admission
- (2) Curricula and courses to be offered and the number of credits for each course

- (3) Standards of scholarship
- (4) Requirements for graduation
- (5) The academic calendar

#### **b) Power of Recommendation**

The specific duties of the Senate shall also include, but not be limited to, the formulation of recommendations to the President and appropriate administrative officials of the University with regard to the following:

- (1) Development and review of plans and policies to strengthen the educational program of the University
- (2) Review of the budget of the University to assess its general conformity with policies and priorities established or endorsed by the Senate
- (3) Review of the strategic plan, for the physical and educational development of the University
- (4) Protection and enhancement of academic freedom of members of the University community
- (5) Preservation and extension of academic responsibility of members of the University community
- (6) Promotion of the general welfare of the University community
- (7) Review of policies concerning the University's relations with its supporting community throughout the state of Washington
- (8) Review of policies concerning the University's relations with outside agencies
- (9) Review of rules and procedures of the University concerning the conduct of its members

The Faculty Senate will include a Steering Committee, the duties of which shall include matters relating to agenda, referral, voting, and elections. The Steering Committee shall also act as an emergency advisory council to the President, and it may serve as a Summer Executive Committee to carry out functions delegated to it by the Senate. Numerous other permanent Faculty Senate committees and sub-committees consider issues and make recommendations to the Faculty Senate for action. <http://facsen.wsu.edu>. The Faculty Senate Executive Committee shall consist of the Chair, Chair-elect, immediate past Chair and the Executive Secretary. The Executive Committee shall serve as the primary conduit of information between the faculty and the administration.

#### **4. Faculty Status Committee**

The Faculty Status Committee is an independent investigative faculty committee that reports and makes recommendations directly to the President. Functions of the Faculty Status Committee are:

- (1) Reviews, mediates, and/or adjudicates disputes between individual faculty members and between individual faculty members and the administration.
- (2) Makes recommendations to the Faculty Affairs Committee and to the President concerning policies about faculty affairs which arise out of its conciliatory and judicial functions.
- (3) Calls special meetings of the faculty or any component thereof, giving reasonable notice, at which time the Chair of the Committee shall preside.
- (4) Reviews any problem within its jurisdiction brought to it by any member of the faculty.
- (5) Makes periodic reports (at least annually) to the Faculty Senate and to the faculty concerning its operations.

The Faculty Status Committee is responsible to the faculty. It has nine members, each serving for three (3) years. Three members retire on August 15 and are not eligible to succeed themselves immediately. Further information is provided on the Faculty Status Committee website [http://facsen.wsu.edu/committees/faculty\\_status\\_committee/](http://facsen.wsu.edu/committees/faculty_status_committee/) .

**a) Nominations**

During the last two (2) weeks of February, the Faculty Status Committee shall form a nominating committee composed of two members of the Faculty Status Committee and three other members of the faculty designated by the Faculty Status Committee. The Nominating Committee will submit to the faculty a list of six nominees for the three vacancies to be filled at the beginning of the last week of instruction prior to final examinations in the spring semester. This committee of five shall request nominations from the faculty through the WSU Today and/or other appropriate means at least two (2) weeks prior to the selection of candidates by the nominating committee. If there are vacancies caused by death or resignation during the previous year, the nominating committee will submit two nominations for each vacancy.

If membership on the committee falls below seven during any one (1) year, a special election is held to fill vacancies. Nominations at special elections are made in the same way as above. If vacancies occur during the summer, the Faculty Status Committee may appoint members to serve until October 1 of that year.

**b) Election**

Election of new members to the Faculty Status Committee shall be by electronic ballot. This ballot is to be delivered to the faculty by March 15 with terms beginning August 16. The ballot shall carry the names of six nominees and shall provide an opportunity to enter the names of up to three eligible write-in candidates. Faculty may vote for up to three nominees or eligible write-in candidates. Ballots on which more than three nominees or eligible candidates are indicated shall not be counted. The three nominees or eligible write-ins receiving the greatest number of votes are elected to three (3) year positions. In the event that a vacancy occurs before the end of a member's regular three-year (3) term, the nominee or eligible candidate receiving the next greatest number of votes in the election of that vacating member shall be eligible to serve immediately and fills the remainder of the term.

**c) Leave of Absence**

If a member of the Faculty Status Committee goes on leave for a period of four (4) months to a year or for any reason is unable to participate in the work of the committee for a similar period of time, the committee is empowered to appoint a replacement for the period of absence. A member who anticipates a longer absence should resign so that the vacancy may be filled at the annual election.

**d) Powers of the Committee**

In addition to the functions enumerated above, the Faculty Status Committee has power to elect its own officers, fix dates of its meetings, make its own rules of procedure, designate other members of the faculty to assist in its work, and make reports and recommendations to the faculty and to the President.

After giving reasonable notice, it may call special meetings of the faculty or any component thereof. The Chair of the Committee presides at such meetings.

**e) Assessments**

For defraying necessary expenses of the Faculty Status Committee, the faculty may vote such assessments as may be necessary. These are payable to the treasurer of the Committee.

## 5. Other University Committees

In addition to the Faculty Status Committee, there are numerous other committees on which faculty serve. The President's Standing Committees have been established to provide advice to the President or to the President through a primary administrative officer of the University. The University Committees provide advice to various administrative officers or areas of the University. In some cases recommendations from University Committees are forwarded to the Faculty Senate for consideration and action. See the current Washington State University Committee Manual at <http://facsen.wsu.edu/committees/index.htm> for names, structure, and functions of permanent committees which contribute to the shared governance of Washington State University.

## Section II: Freedom, Responsibility, And Discipline

### II A. Academic Freedom And Tenure

Washington State University subscribes to the 1940 Statement of Principles on Academic Freedom and Tenure With 1970 Interpretive Comments of the American Association of University Professors with the 1987-1990 revisions. A copy of the statement is available on-line at <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure#B4>. The section on academic freedom reads as follows:

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

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

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

### II B. Freedom Of Expression And Accompanying Responsibilities

#### 1. Preamble

Washington State University has a long history of commitment to the principle of academic freedom for faculty and students. Freedom of expression is recognized as one of the essential elements of academic freedom. On a healthy campus, there is respect for the dignity and worth of all members of the campus community and a concern for the rights of others. The following statement describes the position of Washington State University with respect to these freedoms and accompanying responsibilities. It applies to all members of the University community—faculty, administrators, students, and staff.

#### 2. Policy

It is the policy of Washington State University to support and promote the rights of all individuals to express their view and opinions for or against actions or ideas in which they have an interest, to associate freely with others, and to assemble peacefully. The faculty has the right to dissent and protest.

The above rights exist in equal measure for each member of the University community. They exist regardless of the professional stature of the individual and regardless of the degree of acceptability among others of views or opinions advocated.

In order that these rights may be exercised by all and that orderly functioning of the University may be assured, certain limitations must be placed upon the manner in which these freedoms are exercised.

Accordingly, Washington State University insists that the free expression of views and opinions, whether by individuals or by groups, be such that the rights of others are not violated. Use of physical means to disrupt the educational processes and functions of the University, including classroom and laboratory activities, services, meetings, or ceremonies conducted by the University, its departments, divisions, or affiliated organizations, would constitute such a violation.

Members of the University community who violate the rights of others will be subject to appropriate disciplinary procedures. Principles of due process will be observed throughout such procedures.

## **II C. Faculty Responsibilities**

### **1. Faculty Code of Professional Ethics**

Faculty members have obligations that derive from membership in the University community. The following Faculty Code of Professional Ethics states the expected standard of performance:

Faculty members, guided by deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end, they devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry. Those who have instructional responsibilities are responsible to the University, their departments, and their students to perform in a conscientious and ethical manner all instructional tasks assigned to them.

### **2. Duties**

As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their disciplines. They demonstrate respect for the student as an individual and adhere to their proper role as intellectual guides and counselors. They make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect their true merit. They respect the confidential nature of the relationship between professor and student. They avoid exploitation of students for their private advantage and acknowledge significant assistance from them. They protect students' academic freedom.

As officers of the University, the faculty members seek above all to increase the University's effectiveness. Although they observe the stated regulations of the University, they maintain their right to criticize and seek revision within appropriate means. In consultation with department Chairs, they determine the amount and character of the work to be done outside the University with due regard to their paramount responsibilities within it and requisites of state and federal law. When considering interrupting or terminating their services, they recognize the effects of their decisions upon the programs of the University and give due notice of such intentions.

As members of the community, faculty members have the rights and obligations of all citizens. They measure the urgency of these obligations in the light of responsibilities to students, to the profession, and to the University. When they speak or act as private persons, they make clear that they are not speaking or acting for the University. They model the principles of reasoned and rational discourse which they pursue in the academic community in their speech and actions as private citizens, thereby extending their public

service in that realm. As citizens who are part of an institution that depends upon freedom for its health and integrity, the faculty members have particular obligations to promote conditions of free inquiry and to further public understanding of academic freedom.

### **3. Faculty Availability**

Consistent with the University's emphasis on undergraduate and graduate education and research, advising, and personal contact between faculty and students it is both expected and essential that faculty be available for student consultation. This contact allows the students to meet informally with faculty for discussion and advising (professional, career or academic). It is also the appropriate time to address sensitive matters with individual students.

Today's greater technology offers many modes of prompt and flexible communication/interaction for both faculty and students. These modes include; traditional office hours, telephone, email, electronic chats, blogs, on-site meetings, video teleconferencing, and other methods. It is incumbent upon faculty to state clearly what modes of availability he/she plans to utilize. This information must be available at a minimum through the department office and to students in courses he/she is teaching and through other means such as posted on office doors, listed in the class syllabus, or on the course web page.

## **II D. Ethics In Public Service**

There are several applicable statutes regarding ethics in public service which include the Ethics in Public Service Law-RCW 42.52, Use of State Resources - WAC 292-110-010 and Personal Use of University Resources-BPPM 20.37. The Ethics in Public Service Law, RCW 42.52, establishes a single code of ethics applicable to all state officers and state employees. Washington State University faculty members are state employees and are subject to the ethics law and rules, as well as Washington State University ethics policies. The basic provisions of the state ethics law are described below. When questions arise regarding potential ethics issues, the resources listed at the end of this subsection should be consulted.

The basic principle of the law is that public employment may not be used for personal gain or private advantage (RCW 42.52.900). The law prohibits state employees from having a financial interest or engaging in business activities that are in conflict with the proper discharge of their official duties (RCW 42.52.020). In addition to this general prohibition, the law prohibits a number of specific activities where one might receive improper private benefit as a result of state employment. The following only summarizes some basic provisions of the state ethics law.

### **1. Use of Public Property or Equipment for Private Purposes**

State employees may not use state property, equipment, or other resources for their private benefit, except as authorized by rules adopted by the Executive Ethics Board (RCW 42.52.160). The state Executive Ethics Board and the University adopt rules from time to time which describe permitted and prohibited activities involving use of state property such as telephones, computers, e-mail, and consumables such as paper and envelopes. See also WAC 292-110-010 and BPPM 20.37.

### **2. Gifts**

A state employee may not solicit or receive a gift from any person if it could reasonably be expected to influence the performance of official duties (RCW 42.52.140). In addition, an employee may not accept a gift in excess of fifty (\$50) dollars in a given year from any one person or source. Certain items are specifically excluded from the fifty (\$50) dollars limit such as unsolicited floral arrangements or food and beverages consumed at hosted receptions where attendance is related to the employee's official duties.

### **3. Honoraria**

State employees are prohibited from receiving honoraria unless specifically authorized by the employer. The University recognizes that allowing faculty to accept appropriate honoraria in connection with involvement in the larger community in order to carry out the University's academic and community outreach mission as a land-grant institution encourages participation in such activities. Accordingly, the

University policy on honoraria specifically authorizes faculty to accept honoraria if offered for their participation in community, business, trade, and professional activities related to their University duties. Receipt of honoraria is not permitted in the following circumstances:

- a) The person offering the honorarium is seeking or is reasonably expected to seek a contract or a grant from Washington State University, and the employee is in a position to participate in the terms or the award of the contract or grant;
- b) The person offering the honorarium is regulated by the employer of the state officer or state employee and the officer or employee is in a position to participate in the regulation; or
- c) The person offering the honorarium is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by Washington State University; and the employee may participate in the enactment or adoption.

Should any question arise regarding the propriety of any given honorarium, the potential recipient should contact his or her supervisor to obtain guidance as to whether or not the arrangement is proper. The WSU honoraria policy is included in the Washington State University BPPM

(<http://www.wsu.edu/~forms/manuals.html>)

#### **4. Compensation for Outside Activities**

The general rule is that no state employee may accept anything of economic value under any contract or grant outside the employee's official duties. Therefore, under the general rule, a Washington State University employee is prohibited from contracting to do private work. However, this general prohibition does not apply and the state employee can have a beneficial interest in a personal contract or grant if all six conditions listed in the law are met:

- a) The contract is bona fide and actually performed.
- b) The contract is not within the course of the employee's official duties.
- c) The performance of the contract or grant is not prohibited by RCW 42.52.040 regarding assisting another in transactions involving the state, or by applicable law or rules governing outside employment discussed in this section.
- d) The contract is neither performed for nor compensated by any person who is regulated by Washington State University or seeks to provide goods or services to Washington State University (same as person from whom the employee would be prohibited by RCW 42.52.150[4] from receiving a gift).
- e) The contract is not expressly created or authorized by the employee in his or her official capacity.
- f) The contract would not require unauthorized disclosure of confidential information.

If the contract is with a state agency then additional requirements apply. Therefore, if a Washington State University employee privately contracts with Washington State University or the state Department of Ecology, for example, then one of the following conditions must be met:

- a) There is an open and competitive bidding or selection process in which more than one bid or grant application is received,
- b) There is an open and competitive bidding or selection process in which the employee's bid or proposal is the only one received and the employee has been advised by the state Executive Ethics Board that the contract or grant will not be in conflict with the proper discharge of official duties,

- c) There is no open and competitive process but the employee has been advised by the state Ethics Board that the contract or grant will not be in conflict with the proper discharge of official duties,

The contracts or grants described in a), b), or c) must be filed with the Executive Ethics Board within thirty (30) calendar days of execution.

A Washington State University employee is not prohibited from performing duties under an employment contract with a governmental entity.

See additional requirements in Section IV.D, Policy on Compensated Outside Service by Faculty Members—Consulting, and IV.E, Extended Professional Activities.

### **5. Financial Interest in Contracts or Transactions**

A state employee may not be beneficially interested in a contract that is made by, though, or is under the supervision of the employee, in whole or in part, or accept compensation or reward from any other person beneficially interested in the contract. A beneficial interest is the right to enjoy profit, benefit, or advantage from a contract or other property. For example, a beneficial interest includes the community property interest one spouse has in the other's earnings (RCW 42.52.030).

### **6. Disclosure and Use of Confidential Information**

State employees may not disclose confidential information by reason of their official position or otherwise use such information for their personal gain or benefit, nor may they disclose confidential information to any person not entitled or authorized to receive it (RCW 42.52.050).

### **7. Failure to Release Public Records**

It is a violation of the ethics law for state employees to intentionally conceal a record if they know the record is required to be released under the public disclosure law, (RCW 42.56). This prohibition applies if the employee is under a personal obligation to release the record and the decision to withhold is not made in good faith (RCW 42.52.050)[4].

### **8. Information Resources Regarding State Ethics Law**

Information resources regarding state Ethics Law are available in the various administrative offices and in Holland Library. They include:

RCW (Revised Code of Washington) Ethics in Public Service chapter 42.52

Rules of the state Executive Ethics Board

Advisory opinions of the state Executive Ethics Board

WAC 292-110-010

WSU Business Policies and Procedures Manual, specifically BPPM 20.37

<http://www.wsu.edu/~forms/manuals.html>

Additional information is available on the Washington State Executive Ethics Board website at

<http://www.ethics.wa.gov/>

## **II E. Faculty Responsibilities Related To Student Academic Integrity**

All members of the University community share responsibility for maintaining and promoting the principles of academic integrity. To guide execution of this responsibility, the university has set a policy defining academic dishonesty and the process to be followed when it is alleged, for undergraduate and graduate students alike. Consult the Faculty Guide to Academic Integrity

(<http://academicintegrity.wsu.edu/resources-for-faculty/>) for more guidance. In addition, the cognizant instructor, Chair, or Dean may seek the advice of the Dean of the Graduate School, the Vice President for

Research, the University Ombudsman, or the Office of Student Affairs at any stage of the process described below.

Academic integrity violations include cheating, falsification, fabrication, multiple submission, plagiarism, abuse of academic materials, and complicity in or misconduct in research. Definitions are found in the Standards of Conduct for Students and in WAC 504-26-210. When there is an allegation or evidence of an academic integrity violation, the cognizant faculty member must conduct a prompt and careful investigation. Physical evidence should be retained and interviews with persons who may have knowledge of the events conducted. Students are required by the Code of Student Conduct to cooperate with such investigations and are prohibited from assisting in academic dishonesty (WAC 504-26-201, 504-26-207, 504-26-219). The accused must be afforded the opportunity to present evidence, preferably in writing, and the cognizant faculty member may require other students to answer questions material to the investigation. The cognizant instructor then determines, by the preponderance of the evidence, whether or not a violation has occurred. The instructor then assigns an appropriate academic consequence and notifies the student. The instructor must notify the Office of Student Affairs by memo of any finding that a violation has occurred, including the nature of the violation, student's name and ID number, and the action taken. If there is an appeal to the department Chair, the Dean or Provost, the burden shifts to the student to prove by a preponderance of the evidence that the offense did not occur or that the academic sanctions were too severe. If the appeal is successful, a report must be filed with the Office of Student Affairs.

If the violation is a first offense, the Office of Student Affairs will take action as described in the Standards of Conduct for Students <https://conduct.wsu.edu/policies/standards-of-conduct>. Knowingly false statements by the accused or by any witness constitute additional violations of the Standards of Conduct for Students.

## II F. Disciplinary Process/Procedures

### 1. Purpose

Adherence to the Faculty Code of Professional Ethics, II.C.1, and to the Conduct Regulations set forth below is the responsibility of the individual faculty member. The principles implicit in these procedures are for the benefit of all who are involved with or are affected by the rules and regulations of Washington State University.

- 1) The purpose of this document is to enumerate the violations of law or policy for which faculty may be subject to discipline, and to provide a process for addressing those violations that ensures the accused faculty member's rights are adequately protected.
- 2) The procedures contained herein were drafted to adhere to the requirements of Washington's Administrative Procedure Act, RCW 34.05, as well to ensure that an employee's constitutional due process rights are protected. To the extent possible, the procedures for serious disciplinary action adhere to the process recommended by the AAUP for dismissal proceedings. Thus, a faculty member will not be subjected to serious discipline, absent his or her agreement, unless s/he has been provided
  - written notice of the charges against him/her;
  - the opportunity to be heard by a committee of his peers and, should a discipline be imposed, the right to appeal the decision to the Board of Regents;
  - the right to be accompanied to all hearings by an advisor of his/her choice;
  - a recording of the hearing.
- 3) The procedures set forth herein contain other checks and balances to protect the rights of the accused and the accuracy of the process. For example, no disciplinary action may be imposed

without review by the Provost's office and, for serious, disciplinary action, without review by a committee of the faculty member's peers. Additionally, all disciplinary action imposed by the University is subject to court review according to the provisions of the Administrative Procedure Act, RCW 34.05.

- 4) These procedures enumerate timelines that shall be followed at each stage of the process to ensure that complaints are resolved in as timely a manner as possible. Timely resolution of complaints protects the rights of all participants to the process.
- 5) It is the overall goal of the University is to resolve concerns or problems at the lowest possible level. To this end, prior to initiating a formal complaint with the Provost, individuals feeling aggrieved by a faculty member's actions are encouraged to use the following resources for attempted resolution of disputes:
  - a) Supervisory chain of authority (e.g., the faculty member's Department Chair, Dean)
  - b) Office for Equal Opportunity (For complaints that may implicate EP# 15, the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct, see also section II G below.)
  - c) Human Resource Services
  - d) University Ombudsman
  - e) Faculty Status Committee

If an individual files a complaint with the Provost without utilizing these procedures, s/he shall include a statement of reasons explaining why the complaint is being filed directly with the Provost.

This document does not address student academic complaints, which are handled using the WSU academic grievance procedure.

## **2. Confidentiality**

It is the intent of the University that faculty discipline issues shall be kept confidential to the fullest extent provided by law. See RCW 42.56.210. Under state law, findings of specific acts of misconduct are public records that are subject to public disclosure. See RCW 42.56.210. Additionally, records created as part of the formal hearing process, including the charging document, are public documents that are subject to disclosure. See RCW 42.56.040, et seq. Similarly, the administrative procedure act requires the hearings conducted to impose formal discipline generally, but not necessarily, open to the public. See RCW 34.05.

## **3. Faculty Conduct Subject to University Discipline**

Conduct for which faculty members are subject to University discipline falls into the following categories:

1. Violation of the policy on Freedom of Expression, II.B.2
2. Incompetence or serious or repeated neglect of duty. Unless the act is serious or puts individuals and/or property at risk, employees will not be disciplined for inadequate work performance or neglect of duty unless they have been given written notice of the areas in which the work is considered deficient, and an opportunity to improve their performance.
3. Misconduct in research and scholarship, defined as fabrication or falsification of data, plagiarism, or other serious deviations from accepted practice in proposing, implementing, or reporting on research. Procedures for investigating allegations of misconduct in research are set forth in subsection II.I.
4. Failure to comply with federal, state, or University requirements for protecting researchers, human subjects, and the public during research and for insuring the welfare of laboratory animals.

5. Use of research funds, facilities, or staff for unauthorized and/or illegal activities.
6. Violation of EP #15, the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct (see section II.G below), which is considered part of this Faculty Manual.
7. Violation of EP #28, the Policy on Faculty-Student and Supervisor-Subordinate Relationships (see section II.H below), which is considered part of this Faculty Manual.
8. Retaliation against any individual for engaging in protected activity, including but not limited to, filing a good faith complaint of discrimination, harassment, misconduct, workplace violence or bullying. This includes, but not limited to, creating a hostile work environment or taking adverse employment action against another. Such acts form independent grounds for taking appropriate formal or informal discipline.
9. Forgery, alteration, or misuse of University documents or identification.
10. Falsification of information submitted to any University official or agency, or the offering of an intentionally false statement in any University disciplinary proceeding.
11. Theft of or intentionally damaging or defacing University property or property belonging to any member of the University community or campus visitor.
12. Illegal use, possession, or purveying of narcotic or dangerous drugs on University property. University policy is consistent with state and federal laws which regulate the possession, use, sale, and distribution of drugs.
13. Illegal possession, use, or sale of intoxicating beverages on University property. Washington State University's policies and programs for drug and alcohol abuse and a drug-free workplace are available at <http://www.wsu.edu/forms2/ALTPDF/EPM/EP20.pdf> .
14. Possession by a faculty member, on his or her person or otherwise, of a firearm, explosive, or other dangerous weapon within any office, laboratory or classroom building, lecture hall, residence hall, or sports arena on University property, and any immediately contiguous grounds, walkways and malls, except as follows:
  - (a) Those faculty members who also are authorized law enforcement officers shall be permitted to carry arms while on duty and engaged in regular activities of law enforcement.
  - (b) Faculty members with firearms in their possession shall be permitted to travel en-route to or from the University-provided storage facilities. Such facilities shall be available twenty-four hours per day for short- or long-term firearm storage.
  - (c) Activities requiring use of the prohibited items by faculty members may be conducted upon approval by the Board of Regents or their designee.
  - (d) Nothing in this article is intended to restrict the lawful possession by faculty members of firearms in privately owned vehicles on the University campus, within University-owned housing other than residence halls, or on other University property not specifically indicated above.
15. Unlawful acts that directly affect University programs, community members, or property insofar as they materially and substantially interfere with the missions, functions, processes, and goals of the University community or unlawful acts that result in guilty plea to or conviction of a felony.
16. Illegal entry, attempted entry, or entry in violation of Washington State University rules of University-controlled property, or University-related property, such as fraternities, sororities, or co-op houses.

17. Intentional disruption of the educational processes and functions of the University, including classroom and laboratory activities, offices, services, meetings, or ceremonies.
18. Intentional and unauthorized obstruction or restriction of free movement of persons or vehicles on the campus or other University property. Peaceful picketing is permitted, but such activity must be confined to the outside of University buildings and must not interfere with or restrict the free flow of traffic to and from any University building. Picketing of the Wilson Compton Union must be confined to the lobbies or to the outside of the building.
19. Violation of the University policy prohibiting Work Place Violence and Bullying as outlined in the BPPM Section 50.30.1
20. Willful violation of published University policy.

Faculty members should be aware of conduct regulations for campus guests and visitors as follows: Guests and visitors will observe the rules and regulations of the University while on the campus or other University property. Those who willfully refuse to obey an order of a uniformed campus security officer or other law enforcement officer to desist from conduct prohibited by the University rules and regulations may be ejected from the premises. Refusal to obey such an order will subject the person to arrest under the provisions of the criminal trespass statutes, in addition to such other sanctions as may be applicable.

#### 4. Types of Discipline

The sanctions that may be imposed include warning, censure, suspension, termination, and in emergency situations, summary suspension.

##### a. Informal Discipline

###### i) Warning

Written notice to the faculty member from the Provost that he or she has violated the Code or other regulation or policy, and that continued or additional such conduct may lead to more severe sanctions in the future.

###### ii) Censure

Written reprimand from the Provost regarding such violation(s).

##### b. Formal Discipline

###### i) Suspension

Suspension is defined as any one of, or a combination of, the following measures: temporary release from or reduction in assigned responsibilities; reduction or suspension of pay; denial or postponement of an opportunity for a professional promotion within the University or professional leave from the University. A summary suspension is also possible, as set forth in II.F.8.

###### ii) Termination

Dismissal of the faculty member from the University, whether a tenure, tenure-track or adjunct faculty member. The usual notice procedures for such termination shall not apply in this case, and may be set by the sanctioning authority.

##### c. Summary Suspension

In circumstances where an emergency exists or where there is an immediate threat to the public health, safety, or welfare, to University property, or to the safety or welfare of any member of the University

community (including the subject faculty member), the faculty member may be suspended immediately, without pay. See Section 8 below for further information regarding the procedures for imposing a summary suspension.

Written notice from a dean, chair or other supervisor indicating that a faculty member has violated a provision of this Manual and directing him/her not to do so again, or reprimanding him/her for such violation, are not discipline that is subject to appeal under this policy.

## 5. Initiation of Complaint

Any individual who has a formal complaint regarding violations of the Faculty Code of Professional Ethics and the Conduct Regulations should address his/her complaint, in writing, to the Provost. If the complainant has not utilized another complaint resolution procedure, s/he shall provide the Provost with a statement of reasons for filing his/her complaint directly with the Provost. If the Provost determines that the matter should be addressed at a lower level before his involvement, he shall inform the individual in writing within five (5) business days of the complaint resolution options available (e.g., The Ombudsman, the Faculty Status Committee, the Office for Equal Opportunity, etc.), as delineated in Section II.F.1 (5). The individual may initiate a formal complaint with the Provost after utilizing an alternative level complaint resolution process.

Unless the Provost has determined that a complaint should be remanded to another complaint resolution process, he shall, within ten (10) business days of receiving the complaint, determine whether the allegations, if proved, state cause to discipline a faculty member. If the Provost determines that the charges do not state grounds for discipline, s/he shall communicate that decision to the complainant.

If the Provost determines that the charges, if proven, state grounds for disciplinary action, s/he shall promptly notify the accused faculty member of the general nature of the allegations, the requirement for cooperation during an investigation, the right to present information on his or her behalf, and the obligation not to retaliate against those filing the complaint.

## 6. Investigation of Complaint or of Provost Concerns

If the Provost determines that the allegations, if proved, state grounds for discipline, s/he shall, within ten (10) business days of such determination, initiate an investigation into the matter. The Provost shall determine the appropriate investigative person/body, including, but not limited to:

- a. Himself/Herself
- b. Vice Provost or Associate Vice Provost
- c. Dean or Department Chair
- d. Office for Equal Opportunity
- e. Human Resource Services
- f. A faculty committee appointed by Faculty Status Committee within ten (10) business days of receipt of the request from the Provost and selected from among the members of the Faculty Hearing Committee Panel.

The Provost shall generally cause the investigation to be completed within thirty (30) business days of the date initiated. If it appears that the alleged violation will require that multiple witnesses be interviewed or will require an investigation that is otherwise substantial or complex, the Provost shall cause the investigation to be completed within one hundred twenty (120) calendar days of the date received. The Provost shall notify the complainant and the accused faculty member if the investigation is expected to take longer than thirty (30) calendar days.

The timelines may be extended by the Provost at any time upon his/her determination that exigent circumstances exist, e.g. unavailability of witnesses or faculty, complexity of issues. Any extension of the

timelines must be communicated in writing to the accused faculty member and the complainant. The Provost may also of his/her own initiative, after learning of concerns regarding faculty conduct, initiate an investigation and pursue disciplinary action consistent with the other requirements of this policy.

Any case reported to the dean that requires punishment or attendance at a class needs to be reported to the Provost and Academic Vice President. The Provost's office shall maintain a confidential file of all cases reported to a dean whose final determination involved punishment or mandatory attendance at a class. The purpose of this file is to ensure there is an adequate record of past infractions.

## 7. No Discipline

If after investigation the Provost determines that the alleged conduct either did not occur or did not constitute a violation of the Faculty Code of Professional Ethics II.C.1 or the Conduct Code, the Provost shall notify the affected faculty member and the complainant in writing. Said notification shall be made within ten (10) business days of the completion of the investigation. The determination of no violation by the Provost is final.

## 8. Summary Suspension

Summary Suspension is the responsibility of the President. Ordinarily, the disciplinary authority of the University will be invoked only after completion of the procedures established for the review of discipline cases and after the individual has utilized any appeal procedures desired as described in the following sections of the disciplinary regulations.

However, if at any time the Provost becomes aware of information that causes him/her to believe there is an immediate threat to the public health, safety, or welfare, to University property, or to the safety or welfare of any member of the University community (including the subject faculty member), the Provost shall immediately institute summary suspension procedures. These procedures require the Provost to provide the faculty member, either orally or in writing, with notice of charges against him, with an oral or written statement of the evidence that supports the charges, and with an opportunity to respond to the charges. If, after receiving the faculty member's response, the Provost believes that the immediate threat remains, s/he shall recommend to the President that the faculty member be summarily suspended. The President shall consider this recommendation, including the summary of the basis therefore and the faculty member's response to the charges and determine whether to summarily suspend the faculty member. If the faculty member is summarily suspended, salary shall not continue for the duration of the summary suspension. In all such emergency cases, the faculty member is thereafter entitled to all of the formal hearing process rights as provided in this section on formal discipline.

A decision to summarily suspend a faculty member shall comply with the requirements of RCW 34.05.479. The order of summary suspension shall be served on the faculty member in person. The notice should indicate that the suspension is for an emergency purpose in accordance with this section. It shall contain a brief statement of reasons to justify the summary suspension. If personal service is not feasible the notice shall be sent by certified mail. If there is to be a restriction on the faculty member's privilege to be present on University property, the faculty member shall be notified of that constraint, and such notice will be simultaneous with the notice of summary suspension.

The Provost shall issue a statement of charges within five (5) business days of the imposition of a summary suspension, and shall request that the Faculty Status Committee expedite the selection of a hearing committee. The Hearing Committee shall schedule the hearing within the next thirty (30) calendar days. This right to an expedited hearing may be waived by the accused faculty member.

## 9. Minor Infractions

If after investigation the Provost determines:

- a. The alleged conduct occurred,
- b. The conduct violated the Faculty Code of Professional Ethics or the Conduct Code, and

- c. The conduct subjects the faculty member to a warning or censure,

The Provost shall notify the affected faculty member in writing. This notice will be kept confidential to the extent allowed by law. The affected faculty member shall be provided the option of accepting or rejecting the informal discipline and must do so within ten (10) business days of receipt of the notice. If the affected faculty member accepts the imposed discipline, the Provost shall carry out the discipline accordingly, and notify the complainant and the cognizant administrators, including the affected faculty member's department chair and dean. If the affected faculty member rejects the imposed discipline, all information shall be turned over to the President for a final decision on the matter. The President may request additional briefing or oral argument from the Provost and the accused prior to issuing his/her decision.

## 10. Major Infractions

If after investigation the Provost concludes that the preponderance of evidence indicates:

- a. The alleged conduct occurred,
- b. The conduct violated the Faculty Code of Professional Ethics or the Conduct Code, and
- c. The conduct subjects the faculty member to a suspension or termination,

The Provost shall notify the affected faculty member in writing. This notice shall remain confidential to the extent allowed by law. The affected faculty member shall be provided the option of accepting or rejecting the imposed discipline and must do so within ten (10) business days of receipt of the notice. If the affected faculty member accepts the discipline, the Provost shall carry out the discipline accordingly, and notify the complainant and the cognizant administrators, including the affected faculty member's department chair and dean. If the affected faculty member rejects the discipline, the Provost shall cause formal disciplinary proceedings to commence.

The formal disciplinary process includes a formal hearing.

Formal hearings are adjudicative procedures under RCW 34.05. The University has developed its procedures to comport with the requirements of the Administrative Procedures Act, to ensure that parties are afforded appropriate due process rights, and to provide protection to the rights of all parties to the dispute while maintaining the collegiality that is the hallmark of the academic community.

The formal hearing procedure includes

- a. Statement of Charges

The first step in the formal disciplinary process is the issuance of a Statement of Charges that shall include

- i) A reference to those portions of the Faculty Code of Professional Ethics, Conduct Regulations, or other particular rules or policies the faculty member is alleged to have violated;
- ii) A short and plain statement of the factual matters asserted upon which the violations are based.
- iii) A statement of the contemplated disciplinary action.

- b. Response to Statement of Charges

The Respondent must provide a Response to the Statement of Charges within twenty (20) business days of service thereof. The Response to Statement of Charges shall include:

- i) Admissions or denials regarding the factual allegations related to violations of the Faculty Code of Professional Ethics, Conduct Code, or other particular rules or policies listed in the Statement of Charges;
- ii) Any affirmative defenses available to the faculty member.

The Respondent may elect to be represented by counsel in these proceedings. If counsel is elected, the Provost shall be notified immediately so that all further correspondence can be directed to counsel.

If Respondent fails to respond to the Statement of Charges within the specific period, the Respondent is deemed to be in default. The Provost can then proceed to impose the discipline recommended in the Statement of Charges.

### c. Hearing Panel

The President shall annually appoint twenty-one (21) tenured faculty on staggered three (3) year terms, nominated by the Faculty Status Committee, as members of the Faculty Hearing Committee Panel ("Panel"). The Faculty Status Committee shall keep in mind the University's values regarding affirmative action and diversity in recommending Panel members.

Within five (5) business days of the receipt of the Response to Statement of Charges, the Provost shall request that the Faculty Status Committee appoint a hearing committee from the members of the Faculty Hearing Committee Panel. The Hearing Committee shall consist of five tenured faculty members. Two alternate members shall also be named. All committee members, including the alternates, shall attend the hearings. The Faculty Status Committee shall select committee members within (10) business days of the receipt of the request. Once the Faculty Status Committee has constituted the Hearing Committee, the Provost and the Respondent shall each be provided the opportunity to disqualify up to two members without stated cause. The Provost/ and the Respondent shall also each be allowed such further challenges to the Committee's membership, based on articulable cause, at the discretion of the Faculty Status Committee. The Faculty Status Committee may, at its discretion, schedule a hearing for the purpose of considering challenges to the potential committee members and finalizing the selection of a panel. If it does not schedule a hearing, all challenges and responses thereto will be provided in writing utilizing the following timelines: Any request to strike a committee member, whether for cause or no cause, shall be provided to the Faculty Status Committee within five (5) business days of the receipt of the committee member's names. The Faculty Status Committee shall rule on all cause challenges within ten (10) business days of the receipt thereof. Once all challenges are resolved, the Faculty Status Committee shall confirm the members of the committee in writing sent to the Provost and the Respondent, or their respective attorneys.

No Committee member shall have been involved in the investigation of any matter involved in the Statement of Charges, or the decision to convene a formal hearing with regard to those charges. No Committee member shall make or receive any ex parte contact regarding the subject matter of the formal proceeding from any party thereto, directly or indirectly, outside the scope of the formal hearing, nor shall any party to the hearing make or attempt to make any such contact. See RCW 34.05.455. Communications regarding purely procedural or housekeeping matters related to the proceeding shall not be prohibited by the foregoing. Any attempt at improper contact with any Committee member outside the hearing shall be immediately reported to both the remainder of the Committee and to the other parties.

The Hearing Committee, at that first meeting, shall elect a Chair to preside over its hearings, and shall promulgate any specific procedural rules it may deem necessary or proper for the orderly conduct of the hearing. Those rules shall be consistent with this section of the Manual and with applicable Washington State law.

#### d. Notice of Hearing

The Hearing Committee shall determine a date(s) for its hearing on the matter. If a summary suspension has been ordered, the hearing must be scheduled to begin no later than thirty (30) calendar days from the date the Faculty Status Committee constituted the Hearing Committee, unless the Respondent waives his/her right to have the hearing begin within this time-frame. In all other cases, the hearing must be scheduled to begin no sooner than thirty (30) and no later than ninety (90) calendar days from the date that the Faculty Status Committee constituted the Hearing Committee. The Hearing Committee shall attempt to accommodate the convenience of the parties with respect to the hearing date(s). The Hearing Committee shall notify the parties in writing of the hearing date(s) at least ten (10) business days in advance thereof. The Hearing Committee may continue the hearing date(s) at the request of either party, or at the Committee's own initiative, where justice so requires. However, the Hearing Committee will do so in writing and must determine that just cause exists for doing so. Justice requires swift resolution of the case.

The Notice of Hearing shall include:

- i) The names and addresses of all persons to whom the Notice is sent, and of their respective representatives or attorneys (if any)
- ii) The name of the matter in which the proceeding is being held (usually the name of the faculty member)
- iii) The names, titles, and campus mailing addresses of the Committee members, including a designation of the Committee Chair
- iv) A statement of the time, place, and nature of the proceeding
- v) A statement that the hearing is being held pursuant to the Administrative Procedures Act of the State of Washington, under jurisdiction and powers granted to the University under RCW chapter 28B, and pursuant to this Manual
- vi) A short and plain statement of the matters asserted by the agency; and
- vii) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding, may be held in default in accordance with the provisions of RCW 34.05.

A copy of the Charging Document shall be attached to the notice of hearing.

#### e. Discovery

The parties shall be allowed to exchange documents and interview witnesses prior to the hearing. The Provost shall turn over to the Respondent all investigative materials upon which the decision to issue the Statement of Charges was based. The University will also use its best efforts to secure the cooperation of witnesses and make available such documents as are under its possession and control. All parties shall diligently share information, documents, and other relevant facts to ensure against unfair surprise at the hearing.

Formal discovery is time-consuming and costly, and therefore is discouraged. The Hearing Committee shall allow formal discovery only upon a showing of necessity and unavailability of information by other means. The Hearing Committee shall review the factors outlined in RCW 34.05.446(3) when determining whether to exercise its discretion to allow discovery. Formal discovery includes requests for answers to interrogatories, requests for production, the taking of depositions and all other procedures authorized by the Superior Court Civil Rules 26 through 36.

The Hearing Committee may issue subpoenas as authorized under RCW 34.05.446, and shall make such reasonable orders as may be proper to allow the all parties a full and fair opportunity to be heard.

f. Pre-hearing Statements

In order to facilitate an expedient hearing, at least ten (10) business days prior to the date of the hearing both parties shall provide to the hearing committee a Pre-hearing statement including:

- i) A list of all individuals the party intends to call to present their case in chief;
- ii) A list of all documents the party intends to present as evidence in their case in chief;
- iii) An estimated time for the presentation of their case.

The parties need not identify witnesses or documents intended to be used only for impeachment purposes.

The parties shall also be entitled to file with the Hearing Committee such memoranda, position statements, objections to proffered evidence, and other procedural materials as the Hearing Committee may in its discretion allow. The Hearing Committee's charge on this matter is to ensure that all parties have a full and fair opportunity to be heard while simultaneously upholding the parties' mutual interest in an expeditious proceeding.

g. Motions

The Hearing Committee shall, at appropriate stages of the proceedings, allow all parties the full opportunity to submit and respond to pleadings, motions, objections and offers of settlement. See RCW 34.05.437.

h. Formal Hearing

The Hearing Committee shall cause the hearing to be recorded by the most effective method, and shall preserve any exhibits or other materials received during the hearing. The Hearing Committee shall conduct its proceedings with as much dispatch as possible, while recognizing the parties' right to adequate time to present their case.

The University conducts faculty disciplinary hearings pursuant to the Washington Administrative Procedure Act, RCW 34.05. That law requires all hearings to be open unless closed 1) under a provision of law expressly authorizing closure or 2) under a protective order entered by the Hearing Committee pursuant to applicable rules. The Hearing Committee and the parties shall refrain from public comments or statements regarding the hearing, its conduct, the evidence presented before it, and any findings, recommendations and sanctions until final action has been taken on the matter.

The Hearing Committee shall first allow the Provost to submit those witnesses and documents identified in the Pre-hearing Statement. The Hearing Committee shall then allow the Respondent to submit those witnesses and documents identified in the Pre-hearing Statement. Both parties will be afforded the opportunity for rebuttal. All parties shall have the right to confront and cross-examine all witnesses.

The faculty member shall have the right to have a professional colleague present at all stages of the hearing as an academic advisor. In addition, the faculty member is entitled to have counsel present, as is the University. At any party's request or at the initiation of the Hearing Committee, a representative of the responsible educational association shall be permitted to attend even those portions of the hearing that have been closed to the public. The Hearing Committee retains the right to determine if any other person may attend or be excluded, including witnesses.

The Hearing Committee shall have the power, in its discretion, to adjourn the proceeding to enable any party to investigate evidence concerning which a valid claim of surprise is made, or at any point where it feels such adjournment will assist in its deliberations.

i. Findings, Recommendations & Sanctions

In all formal proceedings, the University bears the burden of proving that the faculty member violated the Faculty Code of Professional Ethics, Conduct Regulations, or some other regulation or policy of the University. This burden must be satisfied by a preponderance of evidence.

The Hearing Committee shall make its Finding, Recommendations and Sanctions, within thirty (30) calendar days of the last day of the hearing. It shall submit a complete record of the hearing, including any recording or transcription of the hearing and the Committee's Finding, Recommendations and Sanctions, to the President or, in those cases where the President considered a summary suspension and is therefore not eligible to act as a fact-finder, to the Board of Regents. All findings and recommendations of the Committee shall be based solely on the hearing record. The Committee shall in all cases issue an order that includes findings and recommendations, together with a statement of the reasons and bases for them. Findings based primarily on witness credibility or demeanor shall be specifically identified. Sanctions may be recommended only based upon a finding of a violation as set forth above. Sanctions shall not be used to restrain faculty members in their exercise of academic freedom or other rights. Academic freedom, however, does not include the right to remain a faculty member while persistently failing or refusing to perform the duties and functions of a faculty member, or the right to violate University policies and rules including those governing freedom of expression.

The Hearing Committee's findings, conclusions and recommendations are preliminary recommendations in which opinions are expressed and thus and shall not be disclosed to the public until action is taken on the matter.

j. Action by the President

The President shall not hear any appeal in which he has reviewed a request for summary suspension. In such cases, the record of the hearing, including the Committee's findings, conclusions and recommendations, shall be forwarded directly to the Board of Regents, and handled as stated in section 11 below. In all other cases, authority to take action and impose sanctions if appropriate lies with the President. Upon receipt of the full and complete record of the proceedings, including the Committee's findings, conclusions, and recommendations, the President shall make a determination within twenty (20) business days.

If the President's determination is to uphold the findings, conclusions and recommendations of the Hearing Committee, the Committee and faculty member shall be so notified. If the President objects to or disagrees with any portion of the Committee's findings, conclusions and recommendation, he or she shall indicate those objections or disagreements in writing and provide them to the Committee, the Provost and to the faculty member. The Provost, Committee and the faculty member shall have ten (10) business days to respond in writing to the President's objections and disagreements. Thereafter, the President will issue a determination within ten (10) business days. The determination will include findings of fact, conclusions of law, and specification of any sanctions to be imposed. The Decision shall also contain an explanation of the basis for the conclusions and sanctions, if any. The President's directive shall become final twenty (20) business days after delivery to the faculty member, unless the faculty member files an appeal to the Board of Regents by that date.

The President shall not make or receive any ex parte contact regarding the subject matter of the formal proceeding from any party thereto, directly or indirectly, outside the scope of the formal hearing, nor shall any party to the hearing make or attempt to make any such contact. See RCW

34.05.455. Communications regarding purely procedural or housekeeping matters related to the proceeding shall not be prohibited by the foregoing. Any attempt at improper contact with the President outside the hearing shall be immediately reported to all parties.

All reports and recommendations previously withheld from public disclosure as preliminary recommendations are subject to public disclosure, as is the President's determination itself, once the President's determination is issued.

k. Action by Board of Regents Regarding Summary Suspensions

The President shall not hear any appeal in which he has issued a summary suspension. In such cases, the Committee's findings, conclusions and recommendations shall be forwarded directly to the Board of Regents. The Board of Regents shall convene a meeting as soon as is reasonably practicable after receipt of the hearing record, including the Hearing Committee's findings, conclusions and recommendations given the Board's schedule. It shall make a determination within twenty (20) business days of its meeting. If the final determination is to uphold the findings, conclusions and recommendations of the Hearing Committee, the Committee and faculty member shall be so notified. If the Board objects to or disagrees with any portion of the Committee's findings, conclusions and recommendation, it shall indicate those objections or disagreements in writing and provide them to the Committee, the Provost and to the faculty member. The Provost, Committee and the faculty member shall have ten (10) business days to respond in writing to the Committee's objections and disagreements. Thereafter, the Board will convene another meeting as soon as is reasonable after receipt of the responses, and will issue a final determination.

The Board's final determination will include findings of fact, conclusions of law, and specification of any sanctions to be imposed. The decision shall also contain an explanation of the basis for the conclusions and sanctions, if any. The decision of the Board of Regents is the final decision of the University.

l. Appeal to Board of Regents

If the President decides to impose any sanction upon the faculty member, that faculty member shall have the right to appeal that sanction to the Board of Regents. Such an appeal must be served upon the secretary to the Board within twenty (20) business days after the faculty member's receipt of the decision. No Regent member shall make or receive any ex parte contact regarding the subject matter of the formal proceeding from any party thereto, directly or indirectly, outside the scope of the formal hearing, nor shall any party to the hearing make or attempt to make any such contact. See RCW 34.05.455. Communications regarding purely procedural or housekeeping matters related to the proceeding shall not be prohibited by the foregoing. Any attempt at improper contact with any member of the Board of Regents outside the hearing shall be immediately reported to the other Regents, to the University President, and to the parties.

The Board of Regents' review shall be based on the record of the hearing, including the Hearing Committee's findings, conclusions, and recommendations to the President, and the President's decision. The Board shall afford the faculty member and the University the opportunity to present written and/or oral argument. The Board will either sustain the decision or return it to the President with specific written objections. This decision shall be reached as soon as practicably possible by the Board of Regents within the normal constraints that arise from the infrequency of their meetings.

Sustaining of the decision by the Board of Regents shall conclude the formal proceeding. If the decision instead is returned, the President may either reconsider the decision or refer the matter back to the Hearing Committee for such further proceedings as it may deem proper. Whichever

method is used, a revised final report shall thereafter be prepared for the Board addressing its concerns and recommending action by the Board. The Board shall thereafter issue the University's final decision in the matter within sixty (60) calendar days of receipt of that revised report.

m. Alternate Dispute Resolution

The parties are encouraged to seek informal resolution of the dispute described in the Statement of Charges. Nothing in these procedures shall preclude the parties and/or the University from reaching an informal resolution of the dispute via any mutually agreed-on method, including stipulation, agreed settlement, consent order, or through the default of a party. However, the informal resolution process cannot be used to circumvent the timelines necessary to carry out the formal hearing process. Time is of the essence for all parties. All parties have an interest in prompt resolution of these issues.

All testimony, statements, or other evidence obtained in the informal resolution process, whether obtained from a party to the dispute or a third party, shall be regarded as made in the course of settlement discussions, and shall accordingly be confidential and not disclosed in subsequent discovery in the course of a formal hearing, without the express permission of the person who provided such testimony or evidence or as allowed by law. Further, such material may not be employed in proceedings for collateral or impeachment purposes without such permission or as otherwise allowed by law. However, such information may be subject to disclosure under the Washington Public Records Act and discovery in the course of a formal legal action.

## II G Policy Prohibiting Discrimination, Sexual Harassment, And Sexual Misconduct

### 1. Purpose

The strategic plan of Washington State University calls for “an environment of trust and respect in all that we do”. Discrimination and harassment destroy mutual respect and a trusting environment. This policy expresses WSU's commitment to maintaining an environment free from discrimination, including sexual harassment. This policy applies to all students, faculty, staff, or others having an association with the University.

WSU is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the University, and this policy is not intended to stifle teaching methods or freedom of expression. Discrimination and sexual harassment are neither legally protected expression nor the proper exercise of academic freedom. Sexual harassment and other forms of discrimination compromise the integrity of the University, its tradition of intellectual freedom, and the trust placed in its members.

### 2. Discrimination Prohibited

This policy prohibits discrimination on the basis of race, sex, sexual orientation, gender identity/expression, religion, age, color, creed, national or ethnic origin, physical, mental or sensory disability, marital status, and/or status as a veteran. Discriminatory harassment is one form of discrimination. Under this policy, discriminatory harassment is identified as conduct toward a particular individual or individuals on the basis of a protected status that is sufficiently severe or pervasive that it:

- has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment for the individual(s); or
- has the purpose or effect of unreasonably interfering with the work, academic performance, living environment, personal security, or participation in any University sponsored activity of the individual(s); or
- is abusive or severely humiliating.

Sexual harassment is a form of discrimination. Sexual harassment may include unwelcome sexual advances, unwelcome requests for sexual favors or requests for sexual favors in exchange for some benefit, and/or unwelcome verbal or physical conduct of a sexual nature by a male or a female. Sexual harassment occurs when:

- submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment or education; or
- submission to or rejection of such behavior by an individual is used as the basis for employment or educational decisions affecting the individual; or
- the behavior is sufficiently severe and pervasive to interfere with any individual's performance or education, or create an intimidating, hostile, or offensive work or educational environment.

Examples of behaviors that may rise to the level of sexual harassment and, therefore, are prohibited by this policy include but are not limited to the following:

1. physical assault;
2. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
3. a pattern of behaviors that is unwelcome and serious or pervasive, resulting in unreasonable interference with the work or educational environment or creation of a hostile, intimidating or offensive work or educational environment, and may include but are not limited to the following:
  - comments of a sexual nature;
  - sexually explicit statements, questions, jokes, or anecdotes;
  - unnecessary or undesirable touching, patting, hugging, kissing, or brushing against an individual's body;
  - remarks of a sexual nature about an individual's clothing, body, or speculations about previous sexual experiences;
  - persistent, unwanted attempts to change a professional relationship to an amorous relationship;
  - subtle propositions for sexual activity or direct propositions of a sexual nature; and/or
  - uninvited letters, emails, telephone calls or other correspondence referring to sex.

### **3. Reporting and Immediate Action**

Anyone who believes (s)he is a victim of discrimination or sexual harassment should take one or more of the following actions:

- meet informally with the Ombudsman or a counselor from the WSU Counseling Center to discuss the incident and seek information to ascertain his or her rights in connection with the incident; and/or
- report the incident to his/her supervisor, who must report the incident to the Office for Equal Opportunity for statistical purposes only; and/or
- report the incident to the Office for Equal Opportunity for formal investigation.

Supervisors (administrators, deans, chairs, directors, ombudsmen, faculty members, graduate teaching or research assistants, or undergraduate student employees with supervisory responsibility) receiving information in his or her capacity as a supervisor describing incidents of discrimination or sexual harassment defined in this policy shall:

- following discussion with the alleged victim or reporting individual, determine if the incident warrants filing a written complaint with the Office for Equal Opportunity; or
- report the incident to the police if suspicion exists that a crime was committed; and
- report alleged incidents of discrimination or sexual harassment to the Office for Equal Opportunity for statistical purposes only.

In addition, supervisors receiving information about incidents of discrimination or sexual harassment should either:

- take formal or informal action to immediately end the behavior; or
- report the incident to the Office for Equal Opportunity for formal investigation; or
- inform the reporting individual of his or her right to report the incident to the Office for Equal Opportunity for formal investigation.

Note: Reporting of the incident to the Office for Equal Opportunity does not preclude the supervisor from taking formal or informal action to end the behavior. The supervisor must inform the alleged victim or reporting individual of his/her obligation to report the occurrence of alleged incidents of discrimination and sexual harassment to the Office for Equal Opportunity for statistical purposes. In certain cases, the supervisor may be required to take formal or informal action to stop the behavior regardless of the reporting to the Office for Equal Opportunity. Please consult the Office of the Attorney General, WSU Division, for advice in this regard.

The Office for Equal Opportunity is responsible for conducting thorough and timely investigation of alleged discriminatory or sexual harassment; informing supervisors of the progress in the conduct of investigations; and reporting the results of the investigations to the supervisor, complainant and alleged perpetrator. The name of alleged perpetrators will be released only in response to an appropriate public records request. Complainants retain the right to withdraw from participation in the investigation of alleged discrimination or harassment.

Office for Equal Opportunity  
French Administration, Room 225  
Pullman, WA 99164-1022  
(509) 335-8288

University Ombudsman  
Wilson Hall, Room 2, Pullman, WA 99164-4002  
(509) 335-1195  
[www.wsu.edu/~ombuds/](http://www.wsu.edu/~ombuds/)

#### **4. Enforcement**

The University vigorously enforces this policy. Persons determined to have violated this policy shall be subject to sanctions imposed using the due process protections of applicable University policies and handbooks (e.g., the WSU Faculty Manual). The chosen sanction will be proportionate to the severity of the offense considering the totality of the circumstances of the incident (the nature, frequency, intensity, location, context, and duration of the alleged behavior). The chosen sanction will be adequately and appropriately severe to reasonably assure prevention of future offenses. The sanctions that are imposed or other actions taken will be reported to the claimant and Office for Equal Opportunity by the administrator imposing the sanctions.

Corrective actions or disciplinary sanctions may include: mandatory training or counseling regarding discrimination including harassment; transfer or reassignment; verbal or written warning; censure; demotion; reduction in salary; withholding of salary increases; denial of professional or retraining leave;

withholding of promotion; termination; or summary suspension and dismissal. Established incidents of discrimination and harassment must be explicitly incorporated into faculty annual review, third year review, progress toward tenure review, and tenure and promotion consideration as violating University policy, the Faculty Code of Ethics, and/or as interfering with the teaching, scholarship, or service function of the involved individual or unit.

### 5. Retaliation Prohibited

No one shall suffer penalty or retaliation for making or supporting a charge of discrimination or sexual harassment under this policy. Retaliation against any person for bringing forward or participating in the investigation of a complaint under this policy, including creating a hostile work environment, forms independent grounds for taking appropriate disciplinary action. Retaliatory acts shall be reported to the Office for Equal Opportunity.

#### Malicious or Frivolous Allegations Prohibited

The University will discipline members of the University community who knowingly make false allegations of discriminatory or sexual harassment. No complaint will be considered malicious or frivolous solely because it cannot be corroborated.

### 6. Resources

Other resources may also help in the resolution of reports of discriminatory or sexual harassment behaviors.

#### Internal, Local, State and Federal Resources

##### **Employee Assistance Program**

280 Lighty Student Services  
(509) 335-1744  
[www.eap.wsu.edu](http://www.eap.wsu.edu)

##### **Human Resource Services**

French Administration, Room 139  
(509) 335-4521  
[www.hrs.wsu.edu](http://www.hrs.wsu.edu)

##### **WSU Counseling Services**

280 Lighty Student Services  
(509) 335-4511  
<http://counsel.wsu.edu/>

##### **Regional Human Resource Services**

Spokane: 509-358-7740  
Tri-Cities: 509-372-7302  
Vancouver: 360-546-9587  
[www.hrs.wsu.edu](http://www.hrs.wsu.edu)

##### **Women's Resource Center**

Wilson Hall, Room 8,  
Pullman, WA 99164-4005  
(509) 335-6849  
[www.women.wsu.edu/](http://www.women.wsu.edu/)

##### **U.S. Dept. of Education, Office for Civil Rights**

Federal Office Building  
915 Second Ave Room 3310  
Seattle, WA 98174-1099  
<http://www.ed.gov/ocr>

##### **WSU Police**

Public Safety Building, Pullman, WA  
99164-7300  
(509) 335-8548  
For Emergencies: Dial 911

##### **U.S. Equal Employment Opportunity Commission**

Federal Office Building, 909 First Ave  
Suite 400  
Seattle, WA 98104-1061

## WASHINGTON STATE HUMAN RIGHTS COMMISSION

### **Olympia Headquarters Office**

(for complaints from Western Washington and the Olympics, including, Pierce, Thurston, Clark, Lewis, Grays Harbor, and Kitsap Counties)  
711 South Capitol Way, #402, PO Box 42490, Olympia, WA 98504-2490

### **Seattle District Office**

(for complaints from Central and North Puget Sound, including King, Snohomish, Skagit, San Juan Islands, and Whatcom Counties)  
Melbourne Tower #921, 1511 Third Ave, Seattle, WA 98101-1626

### **Spokane District Office**

(for complaints from Eastern Washington, including Spokane, Whitman, Okanogan, Lincoln, Ferry and Stevens County)  
Rock Point Plaza III, 1330 North Washington Street, Suite 2460, Spokane WA 99201  
509-568-3196

## **II H. Policy On Faculty-Student And Supervisor-Subordinate Relationships**

### **1. Introduction**

In accordance with EP# 28 ([http://public.wsu.edu/~forms/HTML/EPM/EP28\\_Faculty-Student\\_and\\_Supervisor-Subordinate\\_Relationships.htm](http://public.wsu.edu/~forms/HTML/EPM/EP28_Faculty-Student_and_Supervisor-Subordinate_Relationships.htm)), Washington State University employees, regardless of position, rank, or professional relationship, may rightfully develop consensual relationships. Washington State University values an environment of inclusion, trust, and respect as beneficial for learning and working. As a matter of sound judgment, faculty, graduate teaching and research assistants, residence hall officers, and other supervisory employees in the University community accept responsibility to avoid any apparent or actual conflict of interest between their professional responsibilities and their personal relationships with students or those whom they supervise, evaluate, or exercise other relationships of power or authority. Romantic and/or sexual relationships between a faculty member and a student, or a supervisor and subordinate, may potentially pose risks to the faculty member, student, supervisor, subordinate, or third parties. In such relationships voluntary consent by the student or subordinate is suspect because of the inherently unequal nature of the relationship. A romantic and/or sexual relationship between a faculty member and a student, or a supervisor and subordinate, can lead to a complaint of sexual harassment when the student or subordinate perceives he or she was exploited. In addition, other faculty members, staff members, supervisors, students, or employees may express concerns about undue access or advantage, favoritism, restricted opportunities, or unfavorable treatment as a result of the relationship. These concerns are damaging whether the favoritism is real or perceived. Concerns also arise in cases where the relationship between the faculty member and student, or supervisor and subordinate, remains amicable, as well as in cases that lead to allegations of exploitation. To ensure that the advising, mentoring, evaluation and supervision students or subordinates is conducted fairly, romantic or sexual relationships between faculty and students, and supervisors and subordinates are prohibited as set forth in this policy. This policy deals only with evaluative and supervisory relationships and not with committed relationships that fall under the definition of discrimination, sexual harassment, or nepotism.

## 2. Policy

Faculty or anyone in a supervisory role is prohibited from having supervisory responsibility over a student or subordinate with whom he or she is currently having a romantic and/or sexual relationship. Supervisory responsibility includes any supervisory role perceived as a position of power or authority, and is not limited to instruction, research, academic advising, coaching, service on research and thesis (dissertation) committees, assignment of grades, evaluation and recommendation in an institutional capacity for employment, scholarships, fellowships, or awards. Supervision may occur on or off campus, in curricular, co-curricular, or extra-curricular activities. Such supervisory responsibilities are prohibited in the case of a current academic or supervisory role, or if the parties may reasonably anticipate that an evaluative role may exist in the near future.

Relationships between individuals in which neither party is in a position to evaluate or supervise the other party are not within the scope of this policy so long as neither party participates in decisions that may reward or penalize the other and so long as such an evaluative relationship is not reasonably anticipated by the parties.

Romantic or sexual relationships in which one party is in a position to influence the career of the other, yet the relationship presents no clear or direct evaluative or supervisory conflict, may provide grounds for complaint by third parties when the relationship provides undue access, advantage, or restricts opportunities. Relationships resulting in indirect or inappropriate influence are prohibited. When a supervisory role or position of power and authority is imposed on an existing consensual relationship, the roles of the individuals in the supervisory and subordinate positions must be clearly established within the existing administrative structure.

In spite of these warnings, the University recognizes that sometimes such relationships occur. When a romantic and/or sexual relationship occurs or develops between a faculty member and a student, or a supervisor and subordinate, exercising a role in the evaluation or supervision of another individual an inherent conflict of interest arises. The faculty member or supervisor must disclose the relationship to an appropriate supervisor, with faculty or students disclosing the relationship to the appropriate department chair, program director, associate dean, vice-chancellor, or Dean of Students. In each case, the administrative supervisor shall make suitable arrangements for the objective supervision and evaluation of the student or subordinate partner's academic or job performance, and provide for the protection of individual and University interests.

## 3. Employees

If a supervisor enters into or engages in a sexual or romantic relationship with a subordinate employee, the supervisor must immediately report the relationship to their appointing authority so that a solution to the conflict of interest may be sought. The means of removing the conflict of interest must be reported to, and approved by the appointing authority within the unit, college, or campus and the appropriate vice president. Alternatives to the conflict of interest may include termination of the consensual relationship or appropriate changes in the supervisory/subordinate work environment.

## 4. Faculty

It shall constitute unprofessional conduct for faculty members to engage in romantic or sexual relationships with students, staff members or faculty members if the supervising faculty either currently has or will be given responsibility for or has influence over the supervision of, or evaluation (including recommendations for other employment, advancement, academic or professional progress) of the subordinate individual. If such a relationship exists, the supervising faculty shall immediately report the relationship to the department chair, program director, dean or chancellor with the intent of seeking alternative classes, advisors, or supervision. A written plan to resolve the conflict of interest developed by the faculty member, the academic administrator (in most cases, the department chair), and the head of the academic unit (e.g. dean, director, chancellor or equivalent) must be approved by the Office of the

Provost. If no alternatives can be identified, the romantic or sexual relationship must be discontinued until the faculty member no longer exercises supervisory responsibility for the student.

## 5. Violations

Sanctions will not ordinarily be imposed when developing romantic and sexual relationships are promptly self-reported and measures are taken to remove the conflict of interest, so long as the relationship is not alleged by one of the parties to be non-consensual or discriminatory. If the relationship is alleged to be non-consensual or discriminatory, the matter may be referred to the Office for Equal Opportunity.

Persons, who have not self-reported and are determined to have violated this policy shall be subject to sanctions imposed using the applicable University policies and handbooks (e.g., the WSU Faculty Manual, the Administrative Professional Handbook, WAC 357-40, applicable collective bargaining agreements, and for students the WSU Standards of Conduct for Students, WAC 504-26). Sanctions for employees will be chosen in consultation with the appointing authority and Human Resource Services. Sanctions for faculty members will be chosen in consultation with the Vice Provost for Faculty Affairs. Sanctions may include: mandatory training or counseling, transfer or reassignment, verbal or written warning, censure, demotion, reduction in pay, withholding of pay increases, denial of professional or retraining leave, withholding of promotion, suspension, summary suspension, or dismissal.

The chosen sanction will be proportional to the severity of the offense as judged by the totality of the circumstances of the incident (the nature, frequency, intensity, location, context, method of discovery, and duration of the alleged behavior). The chosen sanctions will be adequately severe to reasonably deter and assure prevention of future offenses. The sanctions imposed will be described to the parties involved in the relationship. The violation of policy and the imposed sanctions will also be reported in the annual review and/or tenure and promotional file of the persons violating the policy.

## 6. Retaliation prohibited

No one shall suffer penalty or retaliation, including any actions that may dissuade a reasonable person from making or supporting a charge, for reporting a relationship that violates this policy. Retaliation against any person for bringing forward or participating in the investigation of a complaint under this policy forms independent grounds for taking appropriate disciplinary action.

## 7. Malicious and Frivolous Allegations Prohibited

The University will discipline members of the University community who knowingly make false allegations of prohibited faculty-student or supervisor-subordinate relationships. No complaint will be considered malicious or frivolous solely because it cannot be corroborated.

## 8. Related policies

Non-consensual relationships are addressed in the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct, EP# 15 (see above).

Marital and family relationships are addressed in the University's nepotism policy BPPM 60.14.

## 9. Additional Resources

Concerns regarding violations of this policy involving faculty or students should be reported to the Office of the University Ombudsman or Provost.

- University Ombudsman  
Wilson Hall, Room 2  
(509) 335-1195 <http://ombudsman.wsu.edu/>

- Office of the Provost  
French Administration, Room 436  
(509) 335-5581 <http://provost.wsu.edu/>

Concerns regarding violation of this policy involving other employees should be reported to Human Resource Services.

- Human Resource Services  
French Administration, Room 139  
(509) 335-4521 [www.hrs.wsu.edu](http://www.hrs.wsu.edu)

- Regional Human Resource Services  
Spokane: 509-358-7740  
Tri-Cities: 509-372-7302  
Vancouver: 360-546-9587

- Office for Equal Opportunity  
French Administration 225  
Pullman, WA 99164-1022  
509-335-8288 [www.oeo.wsu.edu](http://www.oeo.wsu.edu)

For resources concerning sexual harassment and other forms of sex and gender based violence (including sexual assault, intimate partner violence and stalking), please see the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct, EP# 15 directly above(see section II G above).

## **II I. Administrative Procedures For Misconduct In Research**

Hereafter misconduct means misconduct in research and scholarship as defined in II F.3 above. Misconduct does not include honest error or honest differences in interpretations or judgments of data. This policy pertains to original research and scholarship only and is not intended to replace other policies dealing with academic conduct, such as integrity in class or course work.

### **1. Inquiry**

An inquiry will be made immediately into allegations or evidence of possible misconduct. Inquiry means information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants investigation. The Vice President for Research shall normally be in charge.

The Dean of a college or the Vice President for Research may receive allegations of misconduct in research and scholarship (typically in writing). However, the President of the University, through the Vice President for Research, is ultimately responsible for all research programs and activities conducted at the University. Therefore, the Vice President for Research shall be informed by the Deans of all allegations of misconduct in research and scholarship. Furthermore, the Vice President for Research shall consult with the University's Office of the Attorney General on all inquiries and investigations, and this Vice President is responsible for directing inquiries into and investigations of misconduct in research and scholarship, and for meeting all reporting requirements established by federal and nonfederal agencies.

The procedures of this policy are not exclusive of other mechanisms for the review of misconduct. In the case of review of allegations of misuse of funds, the University's Internal Auditor, and in some cases outside auditors, shall investigate and report to the proper administrators. In the case of illegal activities, the President retains the power to direct investigations, take interim measures, and request reports on alleged violations. Where an investigation of misconduct under this Policy may be duplicative, and where issues of the proper conduct of scientific research are lacking, the Vice President for Research may decide not to conduct an investigation under this policy.

- a) An inquiry must be completed within sixty (60) calendar days of its initiation unless circumstances warrant a longer period. A written report shall be prepared that documents the evidence received, including summaries of interviews, and the conclusions reached. The individuals against whom the allegation was made shall be given a copy of the report of inquiry. If they comment on this report, their comments will be made part of the record. If the inquiry takes longer than sixty (60) calendar days, the record of the inquiry shall include documentation of the reasons for exceeding the sixty-day period.
- b) The privacy of those who have reported apparent misconduct will be protected to the fullest extent possible.
- c) The affected individuals will receive confidential treatment to the fullest extent possible; they are also entitled to a prompt and thorough inquiry, and they will have an opportunity to comment on allegations and the findings of the inquiry.
- d) If it is determined that an investigation is not warranted, records will be maintained in sufficient detail to permit subsequent assessment of that determination. Such records will be kept in a secure manner for a period of at least three (3) years after the termination of the inquiry, and shall, upon request and where relevant, be provided to authorized personnel.
- e) A decision on whether to proceed to a formal investigation shall be made by the Vice President for Research. If an investigation is deemed unwarranted, the Vice President for Research will take steps to protect the party or parties who made the allegation, and the individual(s) charged with misconduct. Also, the Vice President for Research will take steps to repair any damage done to the reputation of individuals falsely accused.
- f) In case of apparent false and malicious accusations, an inquiry will be initiated (as noted under 1.a.) of the accuser(s).

## 2. Investigation

If warranted, an investigation will begin following the inquiry as described above. Investigation means the formal examination and evaluation of all relevant information to determine if misconduct has occurred.

- a) Investigations will begin within thirty (30) calendar days of the completion of the inquiry. The committee, appointed by the Vice President for Research, will be composed of at least three (3) faculty members familiar with the research or scholarship at issue in the alleged misconduct, including at least one faculty member from a relevant area of research or scholarship, whose academic appointment is outside of the college of the accused individual(s).
- b) The investigation will include examination of all pertinent documentation, publications, and correspondence, and any memoranda related to telephone calls. Whenever possible, interviews will be conducted with all individuals involved in making the allegation, or against whom the allegation is made, or other individuals who might have information pertinent to the allegations. Summaries of the interviews will be prepared, provided to the interviewed parties for comment or revision, and included as part of the investigation file.
- c) Precautions will be taken to prevent real or apparent conflicts of interest on the part of those involved in the investigation.
- d) Diligent efforts will be made, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed, and also to protect the positions and reputations of those persons who have made allegations in good faith.
- e) Documentation will be prepared and maintained to substantiate the investigation's findings.

- f) An investigation of misconduct will be completed within one hundred twenty (120) calendar days of its initiation. This includes conducting the investigation, preparing a report of the findings, and making the report available for comment to the subjects of the investigation.
- g) When allegations of misconduct have been substantiated, appropriate sanctions will be applied as prescribed by the Faculty Manual, and the State of Washington Higher Education Personnel Board rules and regulations.

### 3. When Federal Funds Are Involved

When allegations of misconduct in research and scholarship involve the use of federal funds, the following additional steps will be followed:

- a) The Vice President for Research will notify the relevant federal agency prior to an investigation and within thirty (30) calendar days following the completion of an inquiry. If there is indication of criminal violations, the Vice President for Research will notify the relevant federal agency within twenty-four (24) hours of obtaining appropriate evidence.
- b) When appropriate, documentation of the investigation's findings will be made available to a relevant federal agency.
- c) The University will be responsible for notifying relevant federal agencies if any of the following exist during an inquiry or investigation: an immediate health hazard; an immediate need to protect extramurally obtained funds or equipment; an immediate need to protect any parties involved; or, in the case of possible criminal violation if the incident is going to be reported publicly.
- d) Interim administrative actions will be taken, as appropriate, to protect federal funds and to insure that the purposes of federal financial assistance are carried out.
- e) The University will keep the relevant federal agency apprised of any developments during the course of the investigation that may affect current or potential funding for the individual under investigation or are necessary for the federal agency to protect the public interest.
- f) The report of the investigation, completed within one hundred twenty (120) calendar days, will be submitted to the relevant federal agency along with the final outcome of the investigation.
- g) While the University is primarily responsible during the period of inquiry and investigation, a relevant public agency may perform its own investigation at any time prior to, during, or following the university's investigation and may impose sanctions determined by its own investigation.

#### Related policies

EP# 33 Responding to Allegations of Research Misconduct-

([http://public.wsu.edu/~forms/HTML/EPM/EP33\\_Responding\\_to\\_Allegations\\_of\\_Research\\_Misconduct.htm](http://public.wsu.edu/~forms/HTML/EPM/EP33_Responding_to_Allegations_of_Research_Misconduct.htm))

EP# 27 Ethics, Conflict of Interest and Technology Transfer

([http://public.wsu.edu/~forms/HTML/EPM/EP27\\_Ethics\\_Conflict\\_of\\_Interest\\_and\\_Technology\\_Transfer.htm](http://public.wsu.edu/~forms/HTML/EPM/EP27_Ethics_Conflict_of_Interest_and_Technology_Transfer.htm) )

## **Section III: Faculty Personnel Policies**

Personnel policies and procedures of Washington State University represent the cooperative efforts of the faculty, the administrative officers, and the Board of Regents to develop and maintain a superior faculty.

### **III A. Antidiscrimination Policy**

Washington State University subscribes to the principles and laws of the State of Washington and the federal government pertaining to civil rights and equal opportunity, including applicable Executive Orders. WSU EP# 15, the Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct (see section II.G above) applies in the recruitment, admission and retention of students; the recruitment, employment, and retention of faculty, administrative professionals, staff, and students; and the operation of all University programs, activities, and services. Evidence of practices which are inconsistent with this policy should be reported to the Office for Equal Opportunity (1022), French Administration, Room 225, (509)335-8288.

The University acknowledges that the several Reserve Officer Training Corps (ROTC) Programs operated on campus through the Department of Aerospace Science, Military Science and Naval Science may not adhere to this statement of nondiscrimination, due to programmatic restrictions imposed upon them by the United States Government and certain mandates imposed upon the University under State law. The University will enforce this statement with regard to such programs, however, to the full extent allowed by those supervening laws and policies.

### **III B. Affirmative Action**

Washington State University is an affirmative action employer and educator and reaffirms its commitment to demonstrate the principles embodied in equal opportunity and affirmative action laws through its policies and practices. The University will make good faith, positive efforts to address under-represented groups in its faculty ranks through recruitment, hiring, and promotion and all other employment practices (see also EP# 12, Equal Employment Opportunity and Affirmative Action Policy, available at <http://oeo.wsu.edu/publications-and-policies>).

### **III C. Workplace Violence and Bullying Policy**

The University is committed to maintaining an environment that is free from all acts or threat of violence perpetrated by or against employees, students, or members of the public, including workplace bullying. WSU policy on workplace violence and bullying is detailed at <http://www.wsu.edu/forms2/ALTPDF/BPPM/50-30.pdf>.

### **III D. Reasonable Accommodation For Employees With Disabilities**

The Washington State Law Against Discrimination, RCW 49.60, together with federal law, including section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 prohibit discrimination and ensure equal opportunity for persons with disabilities in employment. As part of its program of equal employment opportunity, Washington State University is committed to providing reasonable accommodation for employees with disabilities. WSU complies with these laws as written or amended by this section of the Faculty Manual and otherwise through policy and procedure.

Under Washington law, which provides protection beyond those under federal law, disability is defined (see <http://app.leg.wa.gov/RCW/default.aspx?cite=49.60.040>) as the presence of a temporary or permanent; sensory, mental or physical impairment; that is medically recognizable or diagnosable; exists as a record or history; or is perceived to exist whether or not it exists in fact.

These provisions set forth guidelines for meeting reasonable accommodation requirements of state and federal laws. The reasonable accommodation process is subject to flexibility within governing law and as set forth in the BPPM, 60.21. Employees are to consult with Human Resource Services regarding services, accommodation options and rights in accordance with laws pertaining to disabilities in the Washington State University work setting.

### **1. When Reasonable Accommodation is Available**

For purposes of qualifying for reasonable accommodation in employment, an employee's impairment must be known or shown through an interactive process with the employer to exist in fact. Additionally, the impairment must have a substantially limiting effect on the employee's ability to perform his or her job, access to equal benefits, privileges or terms or conditions of employment. The employee must have put the employer on notice of impairment, including providing medical documentation to Human Resource Services that must establish a reasonable likelihood that engaging in job functions without a reasonable accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect. A substantially limiting effect is one that is not trivial.

### **2. Procedures to Request Accommodation**

Employees are to submit a reasonable accommodation request and supporting medical documentation to Human Resource Services. Once submitted, the employee, Human Resource Services and the employing department work together via the interactive process to identify what if any alternative accommodations will allow the employee to perform the essential functions of the position. The University will consider potential reasonable accommodations, giving consideration to the employee's preference, if any, among the alternatives. Each employee's circumstances will be evaluated on a case-by-case basis.

Washington State University will attempt to reasonably accommodate the employee in his or her current position. Other options, however, may include a change in position, medical leave of absence, reduction in FTE, regular retirement, disability separation or disability retirement. In all its actions under this Section of the Faculty Manual the University shall be guided by and comply with the definitions and requisites of applicable state and federal law concerning employees with disabilities. This Faculty Manual incorporates by reference all University policies adopted pursuant to such laws and with or without amendment, is modified by such laws as they may change from time to time. Prospective employees and applicants for employment who need accommodation during the job search process should contact Human Resource Services.

A faculty member and/or department, unit or area head wishing to explore reasonable accommodation or having questions about other options available to employees with disabilities should contact Human Resource Services. Human Resource Services will provide information on the types of reasonable accommodation available to faculty and coordinate reasonable accommodation requests.

### **3. Employee Complaints**

Faculty who believe they have suffered discrimination on the basis of disability (including failure to reasonably accommodate) may file a complaint or consult with the Office for Equal Opportunity at Washington State University, the Washington State Human Rights Commission, the Federal Equal Employment Opportunity Commission, and/or the Office of Federal Contract Compliance Programs. It is against Washington State University policy and state and federal laws to retaliate against an individual who files a complaint of discrimination, participates in an investigation, or opposes illegal discrimination.

#### **4. Funding**

Facility modifications required by an employee to perform his or her job may be funded from the Minor Capital Improvements budget and/or department budget. Equipment purchased for an employee to perform his or her job, as part of the reasonable accommodation, is usually funded from the department's budget. Other sources of funding, including specific Minor Capital Improvements projects, the Department of Labor and Industries, and other rehabilitation programs, may be explored depending on the case.

#### **5. Record Keeping**

It is important that employees work with Human Resource Services and identify their disabilities if they seek or wish to explore the need for reasonable accommodation. A health care provider's evaluation may be required to assist in identifying which essential duties can and cannot be performed and what reasonable accommodations may be needed to assist the employee. To ensure compliance with both state and federal law and regulations and to provide consistency within the institution, records of reasonable accommodations and health care provider's summaries or reports are to be sent directly to and be maintained by Human Resource Services. Original copies of all documentation are to be forwarded to Human Resource Services and not maintained at the department, unit or area level.

### **III E. Employment**

The creation or elimination of faculty positions is approved by the Provost. Modified positions or positions transferred from one unit to another require special approval.

Whenever a department plans to employ or host an international professor, researcher, or scholar, it is important to contact the Office of International Programs regarding arrangements for the appropriate immigration status.

#### **1. Faculty Appointment Categories for Tenured and Tenure-track faculty**

##### **Tenured Appointment**

Upon having attained tenured status, the faculty member shall continuously hold appointment with WSU until retirement, resignation, or termination pursuant to the terms of the Faculty Manual.

##### **Probationary Tenure-Track Appointment**

The faculty member is on probation during the time prior to consideration for tenure. Faculty members will have annual performance reviews in their academic units as well as annual reviews assessing their progress toward tenure. In their third year they will be evaluated to determine continuation and progress toward tenure. At a time specified in the offer letter, the University will decide whether to grant tenure.

#### **2. Initial Employment**

When a position becomes vacant, it is subject to reconsideration, and the department Chair is expected (a) to report the fact promptly to the principal administrative officer concerned, who will ascertain from the Provost whether the expected vacancy may be filled, and (b) to initiate a search for the most highly qualified available candidate for the approved position, unless an exception to open recruitment as specified under BPPM 60.11 is applicable. No commitment is to be made until the proposed appointment has been approved by the Provost or the appropriate administrative officer authorized by the Provost to act on such recommendations.

The initial responsibility for seeking and recommending candidates for authorized faculty positions is with department (or other unit) Chairs, who should recommend an appointment only after consideration by all available department members and after consultation with the principal administrative officer

concerned. Where appropriate, consultation is to be encouraged with representatives of other departments, schools, colleges, or teaching programs to which the work proposed in the particular appointment is substantially related. Procedures are conducted in conformity with affirmative action policies.

No faculty member, department Chair, Dean, or other administrative officer shall vote, make recommendations, or in any other way participate in the decision of any matter which may directly affect the appointment, tenure, promotion, salary, or other status or interest of such person's parent, child, spouse, domestic partner, sibling, in-law, or close relative. However, it is the policy of the University that there shall be no prejudice against a faculty member or candidate for a faculty position whose parent, child, spouse, domestic partner, sibling, in-law, or close relative is employed by, or is a candidate for employment with the University. This policy applies within as well as between departments and colleges of the University.

When an agreement has been reached regarding the applicant best suited for the position, the recommendation for appointment is submitted on the prescribed form and with the required supporting information by the principal administrative officer concerned. All understandings, limitations, promises, and the like pertaining to the proposed employment are to be recorded in writing on the standard form or attached to it. The Provost approves all faculty appointments.

If approved by the appropriate officers and the Provost, the position is offered in writing to the prospective appointee.

#### **a) Selection**

The department, school, or other unit, with the approval of the principal administrative officer, initiates a recommendation for appointment to its faculty. The Provost, by delegation of authority from the President, makes all appointments of faculty. The President usually discusses with the Board of Regents the appointment of principal administrative officers prior to the appointment. Every recommendation made through appropriate channels to the President should include, from individuals professionally competent to judge, three recent letters with respect to the professional education, training, experience, and other qualifications of the person recommended.

Each faculty position has, and should have, unique distinguishing features. In addition to the professional qualifications necessary for specific positions, certain attributes are desirable, in varying degree, in all academic ranks and positions and are always to be considered in making recommendations for appointment to the Academic Faculty. These include:

- (1) High teaching and research ability.
- (2) High standards of scholarship.
- (3) Ability to speak clearly and write well.
- (4) Breadth and depth of intellectual interest.
- (5) Interest and aptitude in dealing with the problems of individual students.
- (6) Personal attributes such as integrity, initiative, diligence, open-mindedness, objectivity, cooperativeness, and commitment to the affirmative action policy of the University.

## **b.) Faculty Titles for Tenure Accruing Appointments**

### Academic Faculty

The ranks of professor, associate professor, and assistant professor are the traditional academic ranks of appointment. Expectations for appointment and advancement are set forth in the Faculty Manual and may be further defined by the college and approved by the Office of the Provost.

### Extension Faculty

Extension Faculty are faculty assigned to extension, continuing education or public service. Expectations for appointment and advancement are defined by the Faculty Manual, and by the Director of Extension, and the extension faculty and approved by the Office of the Provost.

### Library Faculty

Library Faculty are professional personnel of the Library. Expectations for appointment and advancement are defined by the Faculty Manual and may be further defined by the Dean of Libraries and the library faculty and approved by the Office of the Provost.

### Scientific Faculty

The ranks of scientist, associate scientist, and assistant scientist, are appointments for research faculty. Expectation for appointment and advancement are defined by the Faculty Manual and may be further defined by the college and approved by the Office of the Provost.

## **c.) Terms of Employment**

All appointments are made in writing. Although preliminary information may be conveyed by letter of appointment by the Dean of the college, the official letter of appointment is signed by the Provost. The letter of appointment specifies the conditions and terms of employment as listed below. The original goes to the appointee, and a copy is retained for the personnel file. This letter of appointment and the acceptance of the position by the proposed appointee constitute the contract between the employee and the Board of Regents.

Joint Appointments refer to budgeting arrangements. A salary line is budgeted between two different units within WSU or between WSU and a contracted external institution, e.g., a medical center. An individual with a joint appointment will have voting rights and job performance reviews in both units as agreed upon at time of appointment.

The letter of appointment includes, by specific statement, the following items:

(1) Title

(2) Salary

(3) Basis of service: academic-year basis defined as August 16 through May 15, annual basis defined as July 1 through June 30, or for a stated period; tenured or tenure-track appointment

(4) Any special understandings, promises, or conditions. These must be included in the letter of appointment.

(5) Relocation expenses (household and personal effects) (a) Payment of relocation expenses for permanent new faculty employees must be approved in advance by the principal administrative officer (generally, the Dean of the College involved) and must follow requirements set forth by state regulations (b) Payment of relocation expenses for temporary faculty may be approved if a sponsored project specifically provides funds for these expenses (c) Per diem and personal transportation expenses for relocation are not covered. In all cases, the prospective employee must agree to reimburse the University

for any funds paid for relocation expenses if he or she resigns or causes his or her termination within one year of the date of employment. The employee is responsible for all costs for relocation that have not been authorized or that exceed the total relocation allowance authorized by the University.

(6) Washington State University employs only U.S. citizens and lawfully authorized non-U.S. citizens. All new employees must show employment eligibility verifications as required by the U.S. Immigration and Naturalization Service to comply with the Immigration Reform and Control Act. Documentation must be shown to the faculty member's department office within three (3) business days after duties begin. Failure to do so will result in employment termination.

(7) The Washington State University Intellectual Property Policy IV.F, which is included in the Faculty Manual and is a condition of the faculty members employment, provides that certain intellectual properties developed within the scope of the faculty members employment or association, or developed with substantial use of university facilities, or developed under third party funding agreements are considered to be the property of the University. For any intellectual property in which the University has an interest, the faculty member is hereby agreeing to execute promptly all assignments, waivers and other legal documents necessary to vest in the University or its assignee any and all rights to the intellectual property.

(8) Periods of appointment.

The Faculty Manual is the official guide to policy and procedure and its provisions should be considered a part of the conditions of employment. It cannot and does not foresee every possible contingency, but it should be consulted and followed where applicable as a means of resolving questions regarding the service of an employee. Future editions of the Manual, however, must apply when current, regardless of provisions in force at the time of original employment. (See Section VI, Revision of Preceding Sections.)

Sample letters of appointment are available at <http://hrs.wsu.edu/Letters>.

### **3. Review of Faculty**

It is the policy of Washington State University to encourage the professional advancement of members of its faculty commensurate with their abilities and the effectiveness of their services. Among the encouragement to superior service, no factors are more important than the policies concerning advancement in salary and rank.

#### **a) General Criteria**

Faculty members are expected to contribute to the University through their accomplishments. Faculty members will be recognized for activities that fulfill the University's responsibilities in teaching; research, scholarship and creative activity; and service. Scopes of the three areas are outlined below.

##### **i) Teaching**

Teaching at WSU focuses on undergraduate and graduate instruction and is both formal and informal in nature. Teaching activities include, but are not limited to, the following:

- Instruction, which can be quite varied, including large enrollment lower-division courses, upper-division courses, graduate courses, honors college courses, seminars, and classroom and distance education courses.
- Mentoring of individuals, including face-to-face guidance of undergraduate students, graduate students, postdoctoral researchers, and others in such areas as special projects, senior projects, thesis and dissertation research, performances, exhibitions, career goals, and life choices. Guiding professional and student clubs may also involve mentoring.

- Academic advising, including guidance of individual students in setting up appropriate programs of instruction while observing academic requirements. It also includes guiding groups of students such as departmental majors.
- Educational outreach in areas in which a faculty member is expert, including Extension, external instructional activities in K-12 schools, other colleges and universities, presentation of public lectures, and lecturing at significant workshops or professional schools.

Especially for academic faculty, evaluation of teaching is a major consideration in annual review and in the tenure and promotion processes. Both quality and quantity of instructional activities are evaluated. Quantity of instruction will include, but not be limited to, consideration of class sizes, numbers of courses, course levels, whether courses require unusual levels of preparation, and development of new courses. For tenure and promotion, evaluation of the quality of instruction must be based on multiple forms of assessment, such as peer review and student end-of-course evaluations, rather than on a single form. Multiple forms of assessment are also desirable in annual reviews. Evaluation of teaching will take into account special situations, such as a faculty member undertaking more instructional activity than is normally expected or a faculty member supervising or training teaching assistants in laboratory and clinical settings. Evaluation of teaching will also take into account the levels of desirable and actual assistance provided in support of instruction, such as in the form of teaching assistants.

Recognition will be given for creativity in the art of teaching, including submitting grant applications in support of instruction, receiving grant awards or other funds in support of instruction, student awards, publishing pedagogical articles, and incorporating instructional innovations in courses. Similarly, learning more about teaching at conferences and workshops, developing significant new courses, applying methods supported by the current pedagogical literature, assessing the quality of instruction, and disseminating instructional innovations and assessments at conferences will be recognized.

There is overlap among scholarship, teaching and service activities. For example, documented activities such as publication of pedagogical papers in peer reviewed journals by a faculty member will be recognized as part of that person's scholarly and creative accomplishments, sometimes the major part. Similarly, faculty members who obtain research grants that support and thereby make possible scholarly and creative activities of students at all levels will be recognized for contributing to teaching and learning.

Teaching is expected of all faculties. Its form and composition will vary across the colleges and units according to instructional needs and to the relative importance of teaching, research and service in particular disciplines. Individual faculty members are expected to document their teaching and instructional activities in informational materials they provide for annual review and in their teaching portfolios.

#### ii) Research, Scholarship and Creative Activity

Faculty are expected to demonstrate original research, scholarship and creative activities that involve efforts to examine, acquire, produce, disseminate, and interpret new and existing ideas, knowledge and artistic expression. The precise nature of scholarship, scholarly activities, research and equivalent professional activities varies significantly across the disciplines; therefore, these terms must be understood in their broadest context.

Research, scholarly and creative activity results in the dissemination of new knowledge and insights through a variety of media. Measures of creative activity will depend upon the discipline and may include, but are not limited to, journal articles; books; monographs; manuals; conference papers; participation in symposia and conferences; reviews; software programs; data bases; patents; bibliographic studies; edited works; maps; reports; involvement in films, videos, audio recordings, live theatre, opera, and radio drama; group and solo exhibitions; commissioned creative work; activities associated with creation and production of performing arts, for example,

music, dance, and theater; published and performed plays and music compositions; and public lectures related to the creative research area.

In evaluation of research, scholarship and creative activity, the quality of the work, not the sheer quantity, is the primary criterion. Since peer-evaluation and interaction are an integral aspect of research, scholarly and creative activity, evidence of peer responses and review is expected. There are many manifestations of peer evaluation, including, but not limited to, publication in a peer-evaluated media; reviews, adoptions, commentaries, and citations; invitations to present papers, performances and master classes, chair conference sessions, participate in symposia, referee papers, review grant applications, or participate on review panels; editorships of journals; and membership on boards of societies. Faculty members may be recognized for seeking and receiving funding through fellowships, grants, contracts, commissions and awards as appropriate. Expectations on funding should be consistent with the costs associated with doing research in a given area and the availability of funding.

### iii) Service

Service is interpreted generally as activities aligned with teaching and research that benefit and contribute to the professional, university, or private communities. In addition to teaching and research, faculty duties include a substantive service component that, along with teaching and research, is considered in annual evaluations for salary increases, tenure, and promotion decisions. Shared governance, the basic operating principle of the University, is impossible without faculty service.

The basic elements comprising service include outreach and university, college, department, professional discipline, and public service.

- Outreach and public service, which are defined as professional and scholarly activities that benefit communities and industries external to the university, include for example, but are not limited to, activities such as contributions to the welfare of a city, school, or public service group; technology transfer to further economic development, or educational outreach to the general public.
- University service includes for example, but is not limited to, activities such as serving as member or chair of university level committees and task forces involved in tenure and promotion policies, diversity and equity policies, graduate and undergraduate program policies, and university level recruitment (e.g., Deans, provosts, president, etc.), organization, production, and support of University events, facilitation of visiting scholars and artists, and involvement with and support of Faculty Senate.
- College service includes for example, but is not limited to, activities such as membership or chairing of committees involved with tenure and promotion, curriculum, undergraduate and graduate programs, and college level recruitment.
- Departmental service includes for example, but is not limited to, participation or leadership in activities such as recruitment, advising student organizations, development of tenure and promotion practices and policies, graduate and undergraduate program policy development, and curriculum development and policies.
- Professional discipline service includes for example, but is not limited to, activities such as journal and grant reviewing, leadership roles in national or regional professional associations, leadership and contribution to regional and national conferences.

While service is expected and required of all faculty, its form and composition varies significantly across colleges, disciplines, and departments. Each college and unit defines the elements and requirements for

service according to the traditions and dictates of their areas. The exact composition of the service requirement generally will include some configuration of the above basic elements as defined and specified at the unit level. In addition, service elements and duties will likely vary significantly with rank. For example, service for untenured assistant professors may be limited to departmental and professional discipline service. Tenured associate professors may be expected to assume increased levels of service. Along with departmental and professional discipline service, tenured associates may be expected to serve at the college and university levels to some extent. Service for full professors may include substantial elements of university service and college services along with departmental and professional discipline service. This variance is illustrative only, however, and again, though service is required of all faculty, the level and composition of service must derive from needs, traditions, and conditions at college and departmental levels.

#### **b) Specific Criteria for the Four Faculty Categories**

The criteria listed below for the several faculty categories are intended to supplement the General Criteria listed above (III.D.3.a) with additional guidelines to evaluate a faculty member for salary increases and for possible advancement in rank. Faculty members are also evaluated according to criteria approved at the areas or unit level (cf. III.D.5.b). In addition, each faculty member is subject to evaluation for his or her contributions to the effective functioning of the department, or equivalent unit, and for adherence to high ethical and professional standards.

##### **(1) Criteria for Academic Faculty**

The general criteria cover a wide range of faculty assignments and apply to faculty located at campuses, research stations, extension centers, and other locations. The differentiation and relative weights among these criteria may not be precisely defined and may vary from unit to unit or even with regard to different faculty members. The approved criteria for the college and department or other unit are developed within the framework of these criteria but are more specific to the function of the individual unit.

The following primary criteria in addition to acceptable professional training are used in evaluating the qualification of a member of the academic faculty for possible advancement in rank and tenure:

- (a) Teaching effectiveness in credit courses using appropriate modes and techniques.
- (b) Teaching and leadership effectiveness in workshops, short courses and conferences.
- (c) Effectiveness in advising and/or supervising students, undergraduate and graduate as appropriate.
- (d) Productivity in research, scholarship or creative activity; ability to obtain external funding for teaching, research and service.
- (e) Service to the institution and to the public.

##### **(2) Criteria for Extension Faculty**

Extension faculty represent the University within the state. Primary criteria for evaluating extension faculty for possible advancement in rank and tenure follow:

- (a) Effectiveness in analyzing problems of individuals, groups and communities, and in planning necessary work.
- (b) Ability to organize and utilize the resources of the people, the University, and government agencies in carrying out programs.
- (c) Ability to speak and write effectively and to communicate research findings, new applications, problems and ideas to others.

- (d) Service to the institution and public.
- (e) Professional development, professional achievement and professional recognition.

(3) Criteria for Library Faculty

The following criteria are used in evaluating the qualifications of a member of the library faculty for possible advancement in rank and tenure:

- (a) Effectiveness in handling library services for the undergraduate programs, the graduate programs, the research programs, and extension.
- (b) Efficiency in performance of library technical operations.
- (c) Administrative ability and capacity for administrative responsibility.
- (d) Achievement in research and scholarship.
- (e) Service to the institution and the public.
- (f) Professional development, including work toward an advanced degree or courses in appropriate fields.

**c) Annual Review**

Annually, the status, qualifications, and performance of each faculty member are reviewed by the appropriate administrative officers. The criteria used in this annual review shall be those utilized for possible advancement in rank.

Each faculty member is expected to provide his or her department Chair a curriculum vitae that will include information concerning education, instructional performance, research activities and publications, awards, and professional experience, activities, and affiliations. This file is to be updated annually to keep the information current. A nontenured faculty member should add biographical or other information to assist tenured faculty in reaching a recommendation at the time of tenure consideration. The period for each annual review will be January 1 to December 31, with documentation submitted for the annual review received by the department in a timely manner.

The annual review of all faculty is intended to provide feedback about the faculty member's performance relative to the department's expectations. The basic criteria are those for promotion. These reviews are also designed to be a merit rating for each faculty member that forms the basis for salary increase recommendations. These reviews are intended to address performance during a single year. They are also intended to reflect the chair's assessments of the faculty member's performance and do not require input from other faculty members. However, the chair should solicit feedback from supervisors of faculty at distant locations such as program coordinators at urban campuses or supervisors at research stations.

After the department Chair, or equivalent, has completed written evaluations of faculty for annual review, he or she shall provide a copy to the faculty member and provide the opportunity to meet with him or her to discuss the contents of the report, the faculty member's performance over the past year, professional goals for the coming year and prospects for advancement in salary. Each faculty member so reviewed shall be given a copy of the completed written evaluation and shall have a minimum of two (2) working days to sign a statement indicating that he or she has had the opportunity to read the evaluation report and to discuss it with the chair. A faculty member's dissent regarding contents of the report may be appended to the report upon the faculty member's request. When a dissent is appended, the faculty member must receive written acknowledgement within fifteen (15) working days that the statements have been reviewed by the writer of the evaluation's immediate supervisor (normally the Dean[s]) and must receive, within an additional fifteen (15) working days, written acknowledgement that the statements have been reviewed by the Provost.

If commensurate merit ratings assigned by the faculty member's Dean are identical to those assigned by the Chair, no additional faculty signature is required. In such cases where the dean's rating is different, a second and subsequent signature from the faculty member will be required on the form.

If in any year no funds are allocated for salary increases of faculty members, or if only a cost-of-living increase is available to the faculty member, the annual review reports will be retained and preserved at the department or equivalent administrative level for inclusion in the next year's reviews. At that time the evaluations will be averaged and used to determine salary increases.

Recommendations for merit-based salary increases or promotion follow the same administrative channels used for employment. If a merit-based increase is available to a faculty member, then the report will be forwarded through the appropriate administrative channels. If no merit-based increase had been available to the faculty member in the immediate previous annual review period, then reports for both the current and previous annual review periods will be forwarded to the Provost for final action. If no merit-based increase was available to the faculty member for the most recent two annual review periods, then reports for the current and two previous periods will be forwarded. Irrespective of the availability of increases, reviews will be forwarded for a faculty member at least every three (3) years. Reviews forwarded for more than one (1) year shall be considered together.

Faculty shall be provided with comparative information to help them assess their performance evaluations and numerical ratings. Whenever a periodic evaluation and numerical rating for an individual faculty member is completed by a Chair and Dean, or their equivalents, then the rating shall be reported back to the individual faculty member, together with the mean and standard deviation of ratings for all faculty in the department or equivalent unit evaluated at the same time. However, no comparative information shall be reported back in departments having fewer than four (4) faculty members on permanent appointment in order to preserve the confidentiality of ratings of individual faculty members.

To assure that salary increases and promotions will be made objectively, equitably, impartially, and as a recognition of merit, the policies and procedures given below are to be observed. In addition, to qualify for salary increases and promotion, a faculty member is expected to observe all policies applying to faculty covered in the Faculty Manual Freedom, Responsibility, and Discipline, Section II.

Ordinarily, recommendations for promotion or increase in salary will only occur at the time of annual review. Promotions for annual appointees will take effect July 1 and for academic-year appointees August 16. Salary increases for both annual and academic-year appointees normally take effect July 1 unless established otherwise by the legislature.

#### **d) Yearly Reviews of Tenure Progress**

Regular reviews, as set forth below, shall be conducted annually to advise and direct faculty members' progress toward tenure. Evaluations of nontenured faculty members are to be conducted at the department level at least once a year. These reviews should be done at the same time of year as the annual review.

Annual pre-tenure reviews are intended to give faculty members feedback about their progress toward tenure. Since the criteria for tenure and promotion are the same, the same attributes and areas of performance are assessed. They are, however, expected to be cumulative and they require feedback from all tenured faculty in the unit, not just the chair.

The tenured faculty members of the unit are expected to establish how the evaluation is to be accomplished. These evaluations should, whenever possible, involve all tenured faculty members. Departments are encouraged to hold a meeting of the tenured faculty and may require written comments be submitted to the chair or equivalent. [As with annual reviews for faculty at distant locations who have a supervisor there (e.g., Program Coordinator), feedback from that distant supervisor should be included in the review materials.] Current copies of college, department, school, or other unit criteria for tenure and promotion, the nontenured faculty member's updated curriculum vitae, student evaluations and previous

progress-toward-tenure signed summaries are to be included in each yearly review of tenure progress where applicable. Following completion of the evaluations, the department chair or equivalent should prepare an accurate written summary of tenured faculty comments; tenured faculty should have the opportunity to review this summary prior to it being shared with the person under review. Each department has the option of providing the candidate with copies of written comments from tenured faculty members.

The department Chair, or equivalent, is to meet individually with each nontenured faculty member yearly to discuss results and implications of the evaluation. The purpose of the conference is to aid the faculty member in understanding how tenured members view his or her performance in light of the departmental criteria. A dated written summary of the discussion of these results and of the implications shall be signed by each non-tenured faculty member and the department Chair, or equivalent. The faculty member shall have the right to have a response concerning this summary permanently attached to the summary. A copy of the signed summary is to be provided to the faculty member. This summary also shall be available, upon request, to each tenured member of the department and to other supervisors if they exist. It is the responsibility of the department chair or equivalent to insure that the above procedures are followed and all parties are aware of their rights and responsibilities associated with the process.

#### **e) Formal Tenure Progress Review**

Satisfactory progress toward meeting tenure requirements must be demonstrated for continued appointment prior to tenure. In addition to the yearly reviews, a formal tenure progress review shall be conducted for all faculty members who were initially appointed full time at the level of Assistant Professor, or equivalent. This review normally will occur in the Spring of the third year of appointment. The timing for the formal tenure progress should be negotiated at the time of appointment for faculty appointments with a pre-tenure appointment less than six (6) years. The formal tenure progress review is optional for faculty appointments with a pre-tenure period less than three (3) years. The tenure progress review shall be conducted by those eligible to perform final tenure evaluations, and follow similar procedures as they apply to final tenure consideration, except for external professional evaluations. The purpose of this review is to identify relevant deficiencies with regard to progress toward tenure. The results of the tenure progress review shall be made available to the faculty member. The Chair shall provide the faculty member with written comments on progress at the third-year review. Where the results are judged unsatisfactory, the third-year tenure progress review can lead to non-reappointment as described on section III.F.1. In this event, the faculty member may, within thirty (30) calendar days after notification of non-reappointment, petition the Faculty Status Committee to review the decision upon an allegation of inadequate consideration, an allegation of violation of academic freedom, or an allegation of substantial procedural irregularity.

#### **f) Final Tenure Review**

The final tenure review for faculty members initially appointed full time at the level of Assistant Professor, or equivalent, shall normally occur no later than the sixth year of appointment. All tenure review cases for faculty without tenure must be submitted by year six unless there is a documented exception. In the case of extraordinary circumstances such as catastrophic illness or similar family emergency, a nontenured faculty member in a tenure-track position may apply, through his or her Chair and Dean, to the Provost for an extension of the tenure probationary period. Under normal circumstances this will not exceed one year. This final review may occur earlier in especially meritorious cases at the request of the appropriate dean, and with the consent of the Provost, department Chair, and faculty member. Tenure consideration for faculty members initially appointed full time at the level of Associate Professor or Professor, or other comparable ranks, ordinarily will be considered for tenure no later than during the third year of service or during the first year of service respectively, at WSU. The timing of tenure consideration is a negotiable condition of employment. Tenure review shall result in either the granting of tenure, to become effective at the beginning of the academic year following the year in which

tenure consideration is conducted, or the denial of tenure and the offering of a one year terminal appointment. The decision to deny tenure must be communicated to the faculty member by no later than May 15 of the review year.

The Instructions and Forms on Tenure and Promotion are normally distributed by the Office of the Provost in the spring for persons to be considered during the following academic year. The lists of names for those who are due for tenure consideration are distributed at the same time. These instructions are to be consulted and carefully followed because they provide more complete details than does the Faculty Manual. The completed recommendations, including recommendation forms, current resume, letters of recommendation, teaching portfolio, ballots and supporting materials are normally due in the Provost's Office by the date specified in the Provost's Instructions for Tenure and Promotion, usually November 1. Decisions, with letters sent to the faculty are normally made by the middle of the spring semester. Tenure becomes effective July 1 for annual appointees and August 16 for academic-year appointees.

At the time of tenure consideration, all faculty members with tenure in the candidate's department, including those who will retire prior to the effective date of such grant of tenure, are given the opportunity to fill out a form on which the following alternative recommendations are provided: 1) to grant tenure and 2) to deny the granting of tenure. At least five persons who are thoroughly familiar with the attainments of the eligible faculty member must complete this tenure form. When there are not five tenured faculty members in the unit, the tenured members shall recommend additional such persons through the principal administrative officers to the Provost, who shall determine which of these persons will complete the tenure form.

The complete tenure packet file for a faculty member under tenure review will be available to each tenured member within the department or unit. It is expected that professional evaluations for a candidate shall be obtained from persons outside the University.

Any nontenured faculty member who holds a tenure track position at the time she gives birth may request, through her administrative unit head, that the Provost grant a one-year extension of the time at which her tenure decision will be made. Similarly, if the birth occurs prior to the third-year review, a one-year extension of the date of that review may be requested. Requests for extension for these reasons must be made prior to September 1 of the year of tenure consideration and will be routinely granted by the Provost. A maximum of two such extensions (a single one-year extension for each of two births) is permitted. The option to extend the tenure candidacy period will be available regardless of the number of weeks of sick leave taken by the faculty member at the time of childbirth, whether or not she has requested or was granted a reduction in her normal professional duties, or whether or not she took leave without pay for the purposes of child care. This request for extension of the tenure probationary period is optional and at the discretion of the faculty member. If the faculty member believes her record justifies tenure within the usual time frame, she may decide not to exercise her option.

#### **g.) Part-Time Tenure Tenure-Track Faculty**

Tenured and tenure-track faculty members may sometimes benefit from a part-time appointment. The University wishes to accommodate these faculty members, if possible, without negatively impacting their program, department, or University function. As a result, tenure-track and tenured appointments for not less than fifty percent (50%) time may be offered for all ranks. The duties (e.g., teaching, research and service expectations) and support provided (e.g., start up money, teaching and/or research assistance) will be the same as for a full-time faculty member except they may be prorated for the percentage of the appointment. The duties and support for a part-time faculty member should be specified in the offer letter signed by the faculty member, chair, dean, vice chancellor (for urban campus faculty members) and provost. Part-time faculty members have all of the rights and responsibilities of full-time faculty members

except as otherwise provided in the Faculty Manual, and subject to the following rules that are specific to their positions.

Tenured and tenure-track faculty members may be initially appointed to a part-time position with the University. To facilitate this process, advertisements for faculty positions may be written to allow applicants to request either full-time or part-time appointments. Those appointed initially to a part-time position have no guarantee that they can subsequently move to a full-time appointment if they wish to do so. Any increases or decreases in the percentage of appointment must be accompanied by a new written agreement signed by the faculty member, chair, dean, vice chancellor (for urban campus faculty members) and provost that specifies the new percentage of appointment and the duties and support associated with the new position. If a tenured faculty member's part-time appointment is permanently increased in the same department in which he or she holds tenure, tenure for the increased portion of the appointment must be granted automatically.

Full-time faculty members who wish to change to part-time status may do so subject to the following conditions.

- Under most circumstances, tenure-track faculty members may not convert to part-time until after they have obtained tenure.
- Tenured faculty members may request a permanent change to a part-time appointment. This change, if granted, must be agreed to in writing by the faculty member, chair, dean, vice chancellor (for urban campus faculty members) and provost. The written agreement must specify the new percentage appointment and the duties and support associated with the new position. Tenure will be reduced to the percentage of the part-time appointment. There is no guarantee that such a faculty member can return to full-time status. A return to full-time status requires the written agreement of the faculty member, chair, dean, vice chancellor (for urban campus faculty members) and provost.
- Tenured faculty members may request a temporary change to part-time status in one semester increments (6-month increments for 12 month appointees) for up to two (2) years. This change, if granted, must be agreed to in writing by the faculty member, chair, dean, vice chancellor (for urban campus faculty members) and provost. The written agreement must specify the percentage appointment, the duties and support associated with the position, and the time for which the appointment is changed. There is no limit to the number of times that a faculty member can request a change in appointment as long as the faculty member returns to full-time status for at least two years between events.

The standards for tenure and promotion are the same for part-time faculty as for full-time faculty members except that part-time faculty members may be granted a proportionally longer period in which to meet these standards. Under most circumstances, someone on a fifty percent (50%) appointment may be given as much as twice as long (12 years) as someone on a one hundred (100%) appointment (6 years) to complete the requirements for tenure and/or promotion. In this case, two intensive formal tenure progress reviews should be completed, one after four (4) years and one after eight (8) years. Someone on a seventy-five percent (75%) appointment may be given up to nine (9) years to complete the standards for tenure and/or promotion. One formal tenure progress review will be completed after four (4) years. As for full-time appointments, exceptions can be made to these time requirements for appropriate reasons, such as service at other institutions. Such exceptions must be specified in writing in the offer letter. For part-time faculty members already on appointment, a request for early consideration for tenure and/or promotion may be made by applying to the provost through the chair, dean and vice chancellor (for urban campus faculty members).

## 4. Advancement in Rank

### a) General

Policies concerning advancement in rank, or promotion, are designed to encourage superior service. The status, qualifications, and performances of each faculty member are reviewed annually by the appropriate administrative officers. A part of that review is the analysis of the progress being made toward promotion by the faculty member.

Consideration for promotion requires a process that is separate from annual review for possible salary adjustment. Consideration for promotion to Associate Professor is considered in parallel with consideration for tenure except in those cases where a faculty member was hired as an Associate Professor without tenure.

The criteria for promotion are based on the General Criteria for Faculty Review listed in section III.E.2.b, above. Additional expectations for promotion to Professor are listed in section III.E.4.c below. Criteria for promotion to both Associate Professor and Professor are to be articulated and supplemented by criteria developed at the department, school, and/or college level to emphasize goals and objectives. College, and/or department/school, or other unit criteria for promotion shall be provided to the area administrators and to the Provost. After administrative approval, a copy of the criteria shall be provided to every faculty member of the college, department/school or unit. A copy of all relevant college, school, department, or other unit criteria for tenure and promotion shall be provided to each new employee at the start of his or her appointment. Units shall maintain records of having done so.

### b) Procedures for Promotion

The Instructions and Forms on Tenure and Promotion are normally distributed by the Office of the Provost in the late spring for persons to be considered during the following academic year. These instructions are to be consulted and carefully followed since they provide more complete details than does the Faculty Manual. The completed recommendations, including recommendation forms, current resume, letters of recommendation, teaching portfolio, ballots, and supporting materials must be forwarded from the department Chair or unit head to the Academic Dean and Urban Campus Chancellor (when appropriate) on the same schedule as tenure recommendations.

In consultation with the department Chair or unit head and the relevant college committees on promotion, the Academic Dean will decide which promotion cases are to be forwarded to the Provost and will notify each candidate of the decision, in writing, within ten (10) business days. If the decision is to not forward the packet, the faculty member will be given a written justification. In addition, the faculty member will be given a minimum of five (5) working days to exercise the right to have the packet forwarded to the Provost, regardless of the Dean's decision.

The promotion packet is normally due in the Provost's Office by the date specified in the Provost's Instructions for Tenure and Promotion, usually November 1. Final decisions are normally made by the middle of spring semester and letters notifying faculty of the decision are sent immediately thereafter. Promotion becomes effective July 1 for annual appointees and August 16 for academic-year appointees.

### c) Promotion to Professor

Attainment of the rank of Professor is an indication that, in the opinion of colleagues, an individual has made, and continues to make, outstanding contributions to a major area of the individual's work assignment. Satisfaction of minimum criteria at the unit level is not sufficient

to ensure promotion. In fact, some successful faculty members will complete their careers without being promoted to the rank of Professor.

Candidacy for promotion to Professor may be initiated by the faculty member, one or more departmental Professors, or the department chair. Candidates for promotion to Professor must show clear and convincing evidence of persistent high levels of attainment in the criteria appropriate to their work assignment and to the mission of their units, including increasing service to the institution, professional organizations, and/or society. Documented evidence that the quality and quantity of the accomplishments of the candidate are at a significantly higher level than that expected of an Associate Professor is required. National, and preferably international, prominence must be demonstrated through some form of recognized achievement reviewed by appropriate professionals for promotion to Professor. Only under extraordinary circumstances will a person be considered for promotion to Professor prior to the end of his or her fifth year of service as an Associate Professor, with the promotion, if granted, awarded at the end of the sixth year.

## 5. Tenure

### a) General

Tenure provisions are designed to ensure the widest possible range of freedom for scholarly inquiries in teaching, research, and extension for faculty members on permanent, full-time appointment as well as for those faculty members on permanent appointment for one-half time fifty percent (50%) or greater but less than full time, where the basic expectations for job performance are the same as for full-time faculty positions associated with tenure. For such appointments the time for tenure consideration may be extended. The decision to associate tenure with a position rests with the program, department, or division offering the position. This decision must be made at the time the job description is developed.

Tenure is granted only for academic rank or professional status within programs, departments, or service units. Department Chairs, School Directors, Deans, Directors, and other administrative officers do not acquire tenure in administrative positions. To qualify for tenure, the faculty member is expected to observe all policies applying to faculty in section II of the Faculty Manual: Freedom, Responsibility, and Discipline. Except in extraordinary circumstances, such as financial exigencies or elimination of function, these tenure provisions apply.

The acquisition of tenure requires affirmative action by the President of the University by delegation of authority from the Board of Regents. Tenure, once granted, is retained by the faculty member until he or she retires or ceases to be an employee of the University.

When a former faculty member who had tenure is reemployed in a comparable position within two years, tenure may be given immediately, though the usual procedures must be followed. Units may consider prior academic appointments elsewhere in the tenure process; however, all probationary assistant professors will be allowed up to six (6) years prior to tenure consideration.

If a tenured person takes a different faculty position within the institution on a permanent basis, the receiving department must assume the tenure obligations accompanying the transfer. In the special case of the formation of a new unit, the prior tenure of each faculty member will be transferred to the new unit.

A faculty member whose appointment is budgeted on a continuing basis in more than one (1) unit may be granted tenure, provided that the positions are permanent and provided that tenure is granted in all units simultaneously. Such tenure implies no obligation for one (1) unit to increase the employment of the person beyond the budgeted portion in the event that duties should cease

to exist in another unit. This policy applies to a person holding a joint appointment in instructional units as well as to a person with duties divided between teaching and nonteaching responsibilities in a position having faculty status.

In special circumstances involving a joint appointee, one (1) unit may request permission to assume an additional portion or all of the tenure responsibility for the faculty member, and in this case the other unit or units accept no responsibility for continuation of the position.

If the duties of a nontenured faculty member change so as to result in a shift between units in the budgeted appointment on a continuing basis, the date of eligibility for tenure consideration remains based on the original appointment to the faculty.

A person who is appointed to a temporary position, whether part-time or full-time, is not eligible for tenure. If a person in a temporary position is subsequently given an appointment without terminal date, the principal administrative officer, at the time of the permanent appointment, shall recommend to the Provost for consideration the extent to which past service shall count toward eligibility for tenure. This decision shall be included in the person's employment record.

## **b) Criteria**

The criteria and procedures pertaining to tenure are of basic importance in the development of excellence within the faculty of the University. General criteria for faculty review are outlined in this Faculty Manual. These are to be articulated and supplemented by tenure criteria developed at the department, school, and/or college level to emphasize goals and objectives. Input from faculty members of the unit and students, if appropriate, shall be utilized in the development of the statement of criteria.

In general, departmental criteria appropriate to the unit's particular needs shall be directed toward excellence in most or all of the following areas: teaching effectiveness, including advising; research, scholarship or creative activity; extension education, extension service and other public service; professional service and advancement; academic and professional leadership; services to the University; and interactions with colleagues and students. Long-term support of faculty members requires commitment in terms of salary and other resources; therefore, criteria for tenure must include consideration of contributions toward program objectives.

Colleges departments, schools, and other units shall develop written criteria for tenure and promotion that are to be used in all progress-toward-tenure reviews and all tenure or promotion decisions. Criteria documents shall also delineate the process the unit will follow in its yearly reviews of the progress of untenured faculty. The criteria shall be developed with representative input from tenured faculty in the unit, and shall be approved by majority vote of all tenured and tenure-track faculty in the unit by anonymous ballot. The same procedure shall be followed in revising the criteria or review process. Proposed new or revised criteria and review processes shall be provided to relevant administrators and to the Provost. After administrative approval, a copy of the new or revised criteria and description of the process shall be provided to every faculty member of the college, school, department or other unit.

Tenure should be recommended for a faculty member only after a thorough assessment and evaluation of the quality and extent of the individual's performance in terms of the department and/or college criteria. Input into tenure consideration should come from several levels, including students (when the person has instructional duties), other faculty, and administrative officers.

## **c) Eligibility and Procedures**

A person employed full time at the rank of Assistant Professor, or comparable rank, must be considered for tenure no later than the sixth year of service at Washington State University with

tenure, if granted, effective at the beginning of the seventh year. Generally, recommendations for tenure will be made concurrently with a recommendation for promotion to Associate Professor, Professor or comparable rank. A person employed full time at the rank of Associate Professor without tenure, or comparable rank, ordinarily will be considered for tenure no later than the third year of service at Washington State University with tenure, if granted, to be effective at the beginning of the fourth year. This is a negotiable condition of employment. A person employed full time at the rank of Associate Professor or Professor, or comparable rank, may be granted tenure through usual procedures, effective the date of initial appointment. This is a negotiable condition of employment. If not employed with immediate tenure, a person hired at the rank of Professor must be considered for tenure during the first year of service, with tenure, if granted, to be effective at the beginning of the second year.

#### **d) Teaching Portfolio**

A teaching portfolio is a compilation of information about a faculty member's teaching, made by that faculty member, often for use in consideration for tenure or promotion. It is not, in itself, an instrument for teaching evaluation, but a vehicle for presenting information that may include results of evaluations and that may itself contribute to evaluation. It can therefore be selective, emphasizing the positive to serve as a showcase for the faculty member's achievements in teaching, not necessarily a comprehensive or balanced picture of everything.

The format and uses of the portfolio will naturally vary from one part of the university or discipline to another. The outline that follows is meant to be an adaptable template, which can be modified for individual units or even individual faculty members.

There should still be a degree of uniformity. The original impetus for proposing the portfolio at Washington State University was the fact that personnel documents from different units described teaching activities in such varied ways that often it was difficult, if not impossible, to use them fairly or to obtain useful aggregate results.

Typically, the teaching portfolio shall be firmly limited to five pages and should present information under headings selected appropriately from those listed below (and perhaps others) and organized in much the same way. Some faculty members may attach complementary information in the form of appendices or exhibits, but these are not always essential and should be used, if at all, in moderation. The outline that follows can therefore be regarded as a menu from which faculty members (or departments, and colleges) can select items to include in teaching portfolios to fit their particular circumstances.

Each teaching portfolio should be dated and signed by the faculty member concerned.

##### **(1) Goals**

A compact but thoughtful statement about the faculty member's intentions and aspirations in teaching, especially for the near future.

Examples include preferred principles for good teaching and plans for improvement, curricular projects, publications, presentations, and so forth. Platitudes and vacuous generalities should, of course, be avoided.

Obstacles the faculty member has encountered, such as inadequate facilities, inadequate library resources, excessive class size, would be appropriately noted in this part of the portfolio.

##### **(2) Responsibilities**

The topics listed below reflect a broad concept of teaching. Others might be added.

- (a) Percentage of appointment devoted to teaching, if stipulated

(b) Courses recently and currently taught, with credit hours and enrollments

When instructional duties for a course are shared, those of the faculty member should be described or at least represented by a percentage. Attachment of typical syllabi as exhibits may be appropriate.

(c) Work with individual students

Examples include guidance of independent study or undergraduate or graduate research, direction of theses, supervision of postdocs.

(d) Advising.

Examples: Advising for the Student Advising and Learning Center (SALC), advising of majors, advising students competing for prestigious scholarships or for admission to graduate or professional programs, approximate numbers of students advised (advising students in one's own classes specifically about those classes does not belong here).

(e) Instructional innovations.

Innovation is not essential to good teaching, but credit should be taken for major efforts to improve teaching. Examples include novel use of instructional technology, development of collaborative arrangements outside the unit and/or University, adoption of such methods as collaborative learning, use of case studies, and so forth.

(f) Extraordinary efforts with special groups of students

Examples include exceptionally able students; members of underrepresented groups or groups facing special challenges (women in mathematics, men in nursing, returning students, students with disabilities).

(g) Use of disciplinary research in teaching

Examples include modification of syllabi, laboratory experiments, reading lists, and other classroom materials, in light of one's own research; involvement of students in one's own research; special activities for helping students to develop creative and critical thinking skills for use in their research.

(h) Out-of-class evaluation activities

Examples include participation in assessment of educational outcomes such as end-of-program assessment, participation in conducting examinations for advanced degrees, and screening students for scholarships and other distinctions.

(i) Service on WSU or other committees concerned mainly with instruction

Examples include service on the Faculty Senate Academic Affairs Committee and college and department committees of the same general kind.

(j) Learning more about teaching

Examples include programs of systematic reading in the literature on teaching, attending short courses and professional conferences concerned with teaching, leading and or participating in faculty seminars concerned with teaching issues.

(k) Projects and potential projects requiring non-state funding

Teaching-centered grants received and grant proposals under consideration. When other faculty members are involved, the role of the faculty member who is reporting should be made clear.

(3) Evaluation

The Evaluation section in a portfolio should consist chiefly of comparative data from whatever methods are used for evaluating teaching—not only evaluation by students. Some faculty members may wish to include explanations or rejoinders for evaluations which they believe to be potentially misleading.

(a) Student evaluations

Examples include results of student questionnaires, interviews of students, the one-minute essay, and other forms of “classroom research.” Data must be presented in comparative form with departmental or college data.

(b) Measures of student learning

Direct evidence of the extent and quality of learning by the faculty member’s students, such as performance on appropriate standardized tests.

(c) Peer evaluation

Reports from respected colleagues who have visited classes, examined instructional materials, and talked with the faculty member. Letters from colleagues may also be used.

(d) Letters from students, alumni, and employers of alumni.

Solicited letters, from former students, are not likely to carry the credibility of unsolicited statements.

(e) Teaching awards

Something should be said about the character of the awards if the names are not self-explanatory.

(f) Other evaluations.

(4) Results.

(a) Student successes

Examples include noteworthy achievements of students in terms of awards, admissions to graduate school, employment, and other accomplishments, for which the faculty member claims a significant part of the credit.

(b) Instructional materials

Examples include textbooks, workbooks, manuals, visual aids, software, etc.

(c) Contributions to the scholarship of teaching

The scholarship of teaching treats teaching itself (especially in one's discipline) as a subject of scholarly discourse. Results may include oral presentations, papers in appropriate journals, and other presentation materials.

In items (b) and (c), data about publications should be presented with full citations and also included in the resume.

(d) Other results

Appendix or exhibits may include: detailed information (syllabi, student evaluation forms, reports of peer evaluations, grade distributions) about specific courses and other teaching activities, copies of materials listed under 4.(b) and preprints or offprints of items listed under 4.(c).

**e) Resume for Tenure or Promotion Packet**

The current resume to be submitted as a part of tenure or promotion packets should include at least the following:

- (1) A description of the candidate's research and scholarly or creative activities, including a statement of the nature and significance of research, scholarship, or creative activities, including involvement of graduate students, undergraduate students, and postdoctoral fellows, impact of research on teaching, extension or service functions, and academic history, degrees, and dates.
- (2) A list of grant and contract support, including identification of principal investigators, granting agencies, periods, and funding of all awards. Unfunded proposals may be listed if accompanied by the reviewers' comments (in any case, the number of unfunded proposals may be indicated).
- (3) A complete list of publications with full citations, including abstracts, articles, book chapters, papers in conference proceedings, patents, and reviews; or creative activities including original scores, exhibits, performances, and works of art. In most disciplines the distinction between refereed and non-refereed work should be indicated.
- (4) A list of consultancies, sabbatical leaves, and international collaborations, if applicable.
- (5) A list of invited and contributed presentations at national or international conferences and symposia, including dates, titles, and/or identifications of groups addressed.
- (6) Other supporting information, such as the number of citations of key publications (include period covered by the citations) or copies of reviews of exhibits or performances.
- (7) A description of service to the department, college, and university, and other institution or firm.
- (8) A description of service to professional groups or associations.
- (9) A description of service to county or state governments, communities or other societal groups.
- (10) A description of honors and awards, including teaching, research or public service awards.
- (11) Other evidence of recognition, such as lectureships.
- (12) All faculty may prepare a statement of context (not more than 2 pages) as part of the portfolio of materials to be considered for third year as well as tenure and promotion reviews. Such a statement may include expectations placed on a faculty member by circumstances extant at research stations or urban campuses, the requirement of joint-appointments or other special circumstances such as commitments to student groups.

## **f) Denial of Tenure**

“Tenure must be granted or denied. Granting of tenure becomes effective on August 16 for academic-year appointees and on July 1 for annual appointees. Upon denial of tenure, notification of non-reappointment will be given at least twelve months in advance of the termination of service.

Notification of the granting or denial of tenure shall be given in writing to the faculty member by the Provost and Executive Vice President within three (3) business days after a decision has been made. While notification of the final tenure decision will be communicated by the Provost and Executive Vice President, the dean or relevant area administrator will provide more detailed analysis.

If the Faculty member resigns within ninety (90) calendar days after notification of denial of tenure, no reference will appear in his or her personnel file that tenure was denied or that a recommendation to deny tenure was made. The effective date of such resignation shall be the date upon which the appointment would have been terminated if tenure had been denied, or earlier, if mutually agreed to by both parties.”

A faculty member who has been denied tenure may, within thirty (30) calendar days after notification of non-reappointment by the Provost, petition the Faculty Status Committee to review the decision, based upon an allegation of inadequate consideration, an allegation of violation of academic freedom or an allegation of substantial procedural irregularity that had the effect of prejudicing the faculty member’s application for tenure. If a review by the Faculty Status Committee is requested, the Committee shall determine its own procedures for hearing the matter, in a manner consistent with Federal and state law, shall conduct its review as expeditiously as possible, and shall report its findings to the President, or designee, and to the faculty member requesting review within the next ninety (90) calendar days after the request is made. The Committee may elect to count only days of the academic year in the ninety-day (90) period. The President shall notify the faculty member requesting the review of his or her decision within thirty (30) calendar days after receiving the report of findings. The President is under no obligation to accept findings by the Committee as binding.

A tenured person whose position has been eliminated also has the right of appeal to the Faculty Status Committee.

## **6. Salary**

The objective of the Faculty Salary Policy is to provide faculty salary increases, based on evaluation of professional growth and meritorious performance as determined in the annual performance review process. Within available means, salaries are to be comparable with those paid for similar service at peer institutions.

### **a) Allocation**

When funds become available for faculty salary increases, they shall be allocated in the following manner: Unless provided otherwise by law, salary-increase monies shall be allocated thirty percent (30%) to professional development, forty percent (40%) to superior merit, and thirty percent (30%) to extraordinary merit, equity and market adjustment. The professional development portion reflects professional growth and service to the University during the period of review and, unless extraordinary circumstances occur, each faculty member will receive this professional development adjustment. The professional development portion shall be uniformly allocated as an equal percentage of annual salary to all faculty, unless substandard performance or extraordinary circumstances occur. The superior merit portion, also a performance based merit adjustment, reflects the degree of superior merit above the average performance realized during

the period of review. The remaining portion will be allocated based on merit and comparative information for equity and market.

If in any year or period of years, no funds are allocated for salary increases of faculty members, or if only a cost-of-living increase is available to the faculty member, the annual review reports will be retained and preserved at the department or equivalent administrative level for inclusion in the next year's reviews. At that time all retained evaluations will be averaged and used to determine salary increases.

Recommendations for merit-based salary increases follow the same administrative channels used for employment. If a merit-based increase is available to a faculty member, then the report will be forwarded through the appropriate administrative channels. If no merit-based increase had been available to the faculty member in the immediate previous annual review period, then reports for both the current and previous annual review periods will be forwarded to the Provost for final action. If no merit-based increase was available to the faculty member for the most recent two annual review periods, then reports for the current and two previous periods will be forwarded. Irrespective of the availability of salary increases, reviews will be forwarded for a faculty member at least every three (3) years.

To assure that salary increases and promotions will be made objectively, equitably, impartially, and as a recognition of merit, the policies and procedures given here are to be observed. In addition, to qualify for salary increases and promotion, a faculty member is expected to observe all policies applying to faculty covered in the Faculty Manual Freedom, Responsibility, and Discipline, Section II.

Ordinarily, recommendations for an increase in salary will only occur at the time of annual review. Salary increases for both annual and academic-year appointees normally take effect July 1 unless established otherwise by the legislature.

#### b) Promotional Adjustment

When a faculty member is promoted, his or her salary will be increased by no less than ten percent (10%) of his or her annual salary, starting with the effective date of the promotion. This adjustment will be made regardless of the level of funding for salary increases and will be in addition to any other merit, equity, marketplace, or cost-of-living adjustments made to the faculty member's salary. For most state-funded positions eight percent (8%) is provided by the university and the other two percent (2%) is the responsibility of the department.

#### c) Alternative Allocation

Should the President believe in any particular year, that allocation of salary funds in accordance with the above subsection 6.a, is not in the best interests of the University, he or she shall seek the advice of the faculty through the Faculty Senate on an alternative salary allocation proposal. When the President seeks such advice the matter shall be privileged before the Faculty Senate and a response shall be forthcoming within fourteen (14) business days.

#### d) Summer Salary

Payment for summer employment will be at an agreed figure, which in no case may exceed a monthly rate of one-ninth of the previous academic-year salary. Normally, total employment is limited to two (2) months. Requests for a third month of summer salary must be recommended by the Chair and Dean and approved by the Provost.

## 7. Benefits

### a) Insurance

The University makes available group medical/dental insurance, salary continuation insurance (long term disability), life insurance, and other benefits. Eligibility for these programs is determined by the State of Washington Public Employee's Benefits Board (PEBB). Generally, full time and half time faculty, who are anticipating to be employed for an academic year, or equivalent thereof, are eligible for the PEBB benefit package. Other eligibility criteria may be applicable, including stacking concurrent employment with more than one Washington state higher education institution. Industrial insurance (worker's compensation) covers all employees. (Consult the Benefit Services Office website for details of these programs <http://www.wsu.edu/benefits/> ) and Disability Services links for details of these programs found on the Human Resource Services website, <http://www.hrs.wsu.edu/>

### b) Retirement

Participation in a retirement plan is available to any faculty member who is employed at least half time for one semester, or equivalent period.

The WSU Retirement Plan has been established by the Board of Regents under authority provided by laws of the state of Washington for the purpose of providing retirement incomes and related benefits to eligible faculty and employees. It is a defined contribution 403b plan.

Beginning July, 2011, The Teachers Retirement System Plan 3 is another retirement plan new hires are able to participate. This 401a plan is a hybrid defined contribution/defined benefit plan.

Washington State University also offers Faculty voluntary retirement plans to which employees may make additional non-matched retirement contribution up to the IRS maximum limits.

For details on the retirement plans, see the Benefits link on the Human Resource Services website at [www.hrs.wsu.edu](http://www.hrs.wsu.edu).

### c) Institutional Liability Insurance

The University carries a form of liability insurance that covers the liability of each individual faculty member acting within the scope of his or her duties while representing Washington State University, except for actions involving their individual automotive vehicles, libel, slander, false arrest, and malicious prosecution, and for actions one against another. This statement is for information purposes; the policy provisions apply in each case. (Consult the Risk Management section in Business Affairs for policy provisions.)

## III F. Leave Of Absence And Vacation

### 1. Annual Leave

The vacation provision in the terms of employment is intended to provide opportunity for periodic leisure and relaxation, free from official duties. Vacation time, therefore, is not regarded as a leave of absence.

In accordance with BPPM 60.56-Faculty and Administrative Professional Personnel Leave, Faculty on annual appointment earn annual leave at the rate of 14.67 hours per month, based on full-time equivalent, of completed service. Unused annual leave is cumulative to a maximum of 352 hours (forty-four (44) working days). A faculty member moving from an annual to an academic year appointment has one (1) year to use any accrued annual leave. Leave is scheduled with the approval of the unit administrator. Faculty cannot be paid for annual leave unless they leave state employment. Annual leave cannot be taken

before it is earned and must be reported on a Faculty and Administrative Professional Leave Report. See also BPPM, 60.63.

## **2. Academic-Year Faculty**

Members of the faculty on academic-year appointment do not earn annual leave and are free to seek other employment in the summer, to do consulting work, or to study. Summer employment by the University of persons on academic-year basis is not precluded, but no obligation exists to provide such employment.

## **3. Holidays**

The University establishes a schedule for each year that includes ten (10) holidays. The schedule is available from Human Resource Services and is published in WSU Today.

The Faculty Senate establishes the academic calendar including the holidays that fall within the two academic semesters and the summer session.

Faculty on annual appointment are eligible for a one-day personal holiday to be used on a fiscal year basis and only in a one-day block.

## **4. Absence**

Absence of faculty members from official duty is subject to such limitations as the administrative officer in charge may determine.

## **5. Sick Leave**

Members of the faculty are allowed to use accrued sick leave under certain conditions:

- a) Faculty on academic-year appointment earn sick leave at the rate of 8 hours per month based on full time equivalent, per month of completed service. One additional day of sick leave is earned for each month of full-time summer employment.
- b) Faculty on annual appointment earn sick leave at the rate of 8 hours per month based on full time equivalent.
- c) Sick leave may not be taken before it is earned. It is usable only in case of illness or temporary disability of the faculty member or his or her immediate family.
- d) The administration of faculty sick leave is the responsibility of the President and is delegated, through the Provost, to the principal administrative officers and the department Chairs. Sick leave is reported on the Faculty Leave Report. For more information see BPPM 60.56 and BPPM 60.63.

## **6. Family Medical Leave Act and Medical Leave**

The University complies fully with the Federal Family Medical Leave Act and Washington State Medical Leave laws. Faculty shall be entitled to leave under the terms of such policies as may be adopted by Human Resource Services from time to time to implement the provisions of these laws.

- a) Family Medical Leave (FML) allows eligible employees twelve weeks or four hundred and eighty (480) hours of job protected leave during a twelve month period. An eligible employee is an employee who has worked for the state for at least twelve-months and at least one thousand two hundred fifty (1,250) hours during the previous twelve-month period.
- b) Illnesses of more than three days with a visit to a physician may qualify the employee for FML. A faculty member is to submit to Human Resource Services, a health certificate from a physician for illness outlining the requirement for the faculty member to take leave for their own serious health condition or to care for a family member with a serious health conditions. Human Resource Services will inform the faculty member at the time of the medical leave application if family medical leave is to be so designated.

- c) A FML qualified faculty member may use any combination of accrued leave (annual or sick) or leave without pay during a period of designated FML.
- d) Continuation of Employer-Paid Benefits. If necessary due to disability, the employee is allowed to use a minimum of eight hours of accrued paid leave per month for up to four months of disability leave due to pregnancy and/or childbirth (or as long as medically certified) to provide for continuation of employer-paid benefits. (The total months of such disability leave include the twelve workweeks provided under the Family and Medical Leave Act, if eligible.) NOTE: If using leave without pay, eight hours of paid leave per month may not be sufficient to cover the employee's portion of the insurance premiums. Contact HRS for more information.

## 7. Military Leave

The regulations concerning leave for training duty and for active military service are as provided by state law:

According to RCW 38.40.060, every officer and employee of the state of Washington or of any county, city, or other political subdivision thereof who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding twenty-one (21) working days each year beginning October 1st and ending the following September 30th . Such leave shall be granted in order that the person may take part in active training duty in such manner and at such time as he may be ordered to active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, the officer or employee shall receive from the state, or the county, city, or other political subdivision, his normal pay. (1957 c 236 1)

According to RCW 73.16.033, any person who is a resident of this state and who voluntarily or upon demand vacates a position of employment to determine his physical fitness to enter, or who actually does enter upon active duty or training in the Washington national guard, the armed forces of the United States, or the United States public health service, shall, provided he meets the requirements of RCW 73.16.035, be reemployed forthwith. The employer need not reemploy such person if circumstances have so changed as to make it impossible, unreasonable, or against the public interest for him to do so. This section shall not apply to a temporary position.

If such a person is still qualified to perform the duties of his or her former position, he or she shall be restored to that position or to a position of like seniority, status, and pay. If he or she is not so qualified as a result of disability sustained during his or her service, or during the determination of his or her fitness for service, but is nevertheless qualified to perform the duties of another position under the control of the same employer, he or she shall be reemployed in such other position: Such position shall provide like seniority, status, and pay, or the nearest approximation thereto consistent with the circumstances of the case (1953 c 212 2). See also BPPM 60.56.

## 8. Leave for Jury Duty

Faculty members are entitled to leave for jury duty. Those not entitled to exemption by state statute shall serve with neither gain nor loss in compensation. The jury fee to which they are entitled shall not be deducted from their University salary.

## 9. Leave for Testimony at Trials and Hearings

University employees, as all citizens, have a duty to provide accurate information to ad judicatory bodies. The purpose of this policy is, to the extent proper and permissible, to alleviate the burdens of subpoenaed testimony and to permit expert testimony to be provided through arrangements made directly between faculty and litigants. Where faculty are subpoenaed because of facts gained within the course of

University duties, arrangements for providing expertise to litigants should be reviewed to assure the University's interests are protected.

**a) Voluntary Expert Testimony**

Voluntary expert testimony is governed by the Policy on Compensated Outside Service by Faculty Members.

**b) Subpoenaed Expert Testimony.**

In the course of his or her professional duties, a faculty member may develop facts based upon his or her specialized expertise. Such knowledge may cause him or her to become subject to a subpoena for testimony that is essentially expert in nature. In such cases, he or she may request permission from his or her immediate supervisor to testify as a voluntary expert witness and negotiate an arrangement and fee for such testimony. Normally, the faculty member's request to testify under such an arrangement will be granted unless the testimony 1) might involve the University in the litigation as a party; 2) is likely to damage the reputation of the University; or 3) is so closely connected to duties specifically directed by the University that it would be improper to permit testimony in a private capacity. If the faculty member is not granted permission to testify as a voluntary expert, he or she shall testify as part of his or her University duties and be reimbursed through the established process for actual expenses incurred. The University has the right to determine proper fees for testimony rendered on University time, and the fees shall accrue to the University. If permission to testify under a negotiated arrangement is granted, such activity is treated as voluntary expert testimony and is governed by the Policy on Compensated Outside Service by Faculty Members. Faculty, supervisors, and department chairpersons should consult the Office of the Attorney General when faculty are served with subpoenas relating to performance of University duties.

**c) Nonexpert Testimony Pursuant to Subpoena.**

A faculty member appearing as a nonexpert witness pursuant to an effective subpoena shall serve with neither gain nor loss in compensation; therefore, any statutory witness fee paid for such testimony shall be returned to the University. See also BPPM, 60.56.

**10. Leave without Pay**

For important service to the State or to the United States, leave of absence without pay ordinarily will be granted to faculty members. Leave without pay for other reasons, such as graduate or professional study or acceptance of foundation grants, exchange professorships, and consulting appointments, may be granted. A faculty member applying for a grant, professorship, or appointment must secure the approval of the immediate administrative officers and deans prior to submitting the application. Leave, if granted, normally will be for a period not exceeding one year. Faculty members on leave-without-pay status do not earn annual or sick leave.

If a faculty member chooses to strike against the University or otherwise not perform assigned responsibilities, he or she shall inform the immediate administrative superior of such intention at least twenty-four (24) hours in advance of action. Going on strike and/or otherwise willfully failing to perform regular duties shall be considered an automatic request by a faculty member for leave without pay. Such a request will normally be granted for the period during which the faculty member is not on duty. When the faculty member fails to perform assigned responsibilities, without providing notification of intent to strike, the principal administrative officer, after consultation with the immediate administrative officer, will determine whether that person is on strike.

These provisions shall not prejudice the right of the University to initiate disciplinary action in accordance with the regulations provided. See also BPPM 60.56.

## 11. Professional Leave

Professional leaves may be granted to faculty members in recognition of meritorious service and/or scholarly achievement in teaching, research, and creative activity. Applications for professional leaves will be considered only from faculty members on permanent appointment (academic or annual) who have completed at least five years of active service for Washington State University at the time the leave is to be effective. The amount of prior service on temporary appointment at Washington State University applicable to professional leave will be determined by the Provost.

Faculty members on professional leave are relieved from all teaching, research, administrative, and committee functions for the leave period so that full time may be devoted to the purpose for which the leave is granted. Professional leaves are to be used for specified projects to further professional study or development and must be of advantage to the University in terms of improved instruction, research, or public service. Leaves may not be granted to faculty members when a major purpose of such leave is the enhancement of the faculty member's private business. Neither are leaves granted to faculty members whose primary purpose is working toward an advanced degree. Under unusual circumstances, professional leave may be awarded for a meritorious project that may incidentally lead to attainment of a degree; in such cases, leave is awarded on the basis of the proposed project itself without reference to the acquisition of the advanced degree.

A faculty member is expected not to engage in other employment during the period of professional leave for which University salary is paid. The sum of the professional leave salary and any salary provided by grants and stipends cannot exceed the University salary for the leave period. Reimbursements for travel and related expenses (including cost-of-living adjustments) for grantees and dependents are not considered salary items.

Professional leave may be granted for periods up to two (2) semesters or twelve (12) months for faculty on academic or annual appointment, respectively. Faculty on academic appointment may receive one hundred percent (100%) of base salary for leaves of one semester or seventy-five percent (75%) of base salary for leaves of two (2) semesters. Faculty on annual appointments may receive one hundred percent (100%) of base salary for leaves of six (6) months or seventy-five percent (75%) of base salary for leaves of twelve (12) months. Faculty on academic appointment who are granted paid leaves of more than one (1) semester but less than two (2) semesters will be paid at a monthly rate which is the average of 4.5 months at one hundred percent (100%) and any additional months at fifty percent (50%). Faculty on annual appointments who are granted paid leaves of more than six (6) months but less than twelve (12) months will be paid at a monthly rate which is the average of six (6) months at one hundred percent (100%) and any additional months at fifty percent (50%). In any case, the monthly rate of pay received from the state during the leave period may not exceed the average salary rate of the highest paid quartile of teaching faculty on academic year appointments (RCW 28b.10.650). Faculty on professional leave earn annual or sick leave. Extra compensation for services as a department Chair or other administrative officer is discontinued during a professional leave.

Professional leaves cannot be granted where the ongoing program of instruction, research, or extension will be jeopardized, and leaves cannot result in an additional dollar cost to the University. Administrative supervisors must certify that leaves will not affect the unit programs or result in additional costs.

Faculty members receiving professional leaves in a fiscal year can postpone them to a subsequent fiscal year only at the University's request or because of the unexpected temporary unavailability of laboratory, library, consultant, or other resources required by leave projects. Otherwise, if faculty members wish to delay leaves into the next fiscal year, new applications must be submitted to be considered with others received at the later time.

A faculty member receiving a professional leave must agree to return to active duty as a member of the faculty for a period at least equal to the length of the leave. Faculty members must submit a written report of their activities during the leave through their department chairs or appropriate immediate administrator

to their Deans with a copy to the Provost's Office. These reports are due on the following April 1 for those who return from leave on or approximately January 1 and on the following November 1 for those who return from leave on approximately August 16.

Specific guidelines for making application for professional leave are available from the Office of the Provost. Completed applications are considered by the Provost. In some cases the Provost refers leave applications to the Faculty Status Committee for its recommendation. Final approval is given by the Provost.

## **12. Retraining Leave**

Retraining leave may be granted to faculty members in recognition of previous meritorious service and for previous scholarly achievement in teaching, research, or service. The purpose of retraining leave is to provide opportunities for tenured faculty to prepare themselves for beginning new educational programs, or for continuing existing ones, within specific areas of the University that are experiencing, or expect to experience in the future, declining enrollments. Subject programs may be assigned to a department or unit in which a faculty member is currently a part or may be assigned otherwise. In any event, the department or unit must clearly demonstrate a need for added personnel having specific qualifications.

Procedures for applying for retraining leave are available in the Office of the Provost. A faculty member is eligible for retraining leave provided he or she expects to serve Washington State University for at least five (5) years following the leave and before retirement. Completed applications are considered by the Provost who subsequently approves or disapproves the application. A person accepting retraining leave is obligated to enter into a written and signed agreement with Washington State University stipulating that he or she shall return to University employment following completion of the leave for a period at least as long as the leave period.

Leave may be granted for up to two (2) semesters or one (1) year, respectively, for academic or annual year appointees. Salary policies and rates are the same as those for professional leave except that, when retraining is a condition of continued employment, remuneration shall be at one hundred percent (100%) of base salary.

## **13. Leave with Pay**

Leave with pay for the purpose of official duties or service in behalf of the University may be authorized by the principal administrative officer in charge or, in the case of principal administrative officers, by the Provost. After two (2) years of completed service, a faculty member may request ten (10) working days of special leave with pay. This must be approved by the Provost prior to leave. Further requests may be made after each additional two (2) years of completed service. See also BPPM, 60.56.

## **14. Emergency Leave**

Emergency leave is intended to apply only in the case of death in the family or of a household member or comparable emergency.

Family member, for the purpose of Emergency Leave, is defined as employee's parent, spouse, child, grandparent, grandchild, sister, brother, stepbrother, stepsister, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepchild, stepparent, and child in custody of and residing in the home of the employee.

Household members are defined as persons who reside in the same home who have reciprocal duties to and do provide financial and/or emotional support for one another. This term shall include, but is not limited to, foster children and legal wards. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

A comparable emergency is defined as a severe or life threatening illness or injury to a domestic partner, family, or household member when not otherwise eligible for coverage under FML or other medical leave provisions of the University.

Such leave, with pay, may be granted to a faculty member by the dean or other principal administrative officer in charge, provided the regular duties of the person concerned are assumed by other staff members without additional expense to the University. Up to five (5) working days of leave shall be granted for each emergency and may be extended to ten (10) working days with authorization of the Provost or his or her designee. See also BPPM, 60.56.

### **15. Leave of Absence in Relation to Continuing Employment and to Tenure**

Grant of leave of absence to an employee for any purpose does not constitute or imply, on the part of the University, any greater obligation to resume or continue such employment than had the employee not been granted leave, nor does grant of leave of absence involve any additional tenure obligation on the part of the University. However, especially meritorious service to the state or nation will be taken into consideration.

When applicable, faculty members on professional leave, military leave, leave for jury duty, leave for testimony at trials and hearings, and leave with pay, earn annual and sick leave. Faculty members on leave without pay do not earn annual or sick leave. Whether time spent on leave without pay is included in time in rank applicable toward tenure should be determined when leave is approved. Washington State rules require faculty to submit leave reports to Human Resource Services on a monthly basis.

## **III G. Termination Of Employment**

A faculty member's employment at the University may be terminated in any of the following ways:

### **1. Non-reappointment**

A faculty member on appointment without terminal date and without tenure has no presumption of reappointment, including reappointment with tenure. Such faculty may be terminated at any time consistent with their employment contracts and this section, with or without cause. A non-reappointed faculty member will be advised in writing by the department chair as soon as it has been decided that the appointment is not to be renewed. This decision shall be made by the department Chair with the approval of the Dean and following consultation with tenured members of the department involved. This notification will be given to the faculty member as follows: (a) at least three (3) months in advance of the termination of services if in the first year of employment; (b) at least six (6) months in advance of the termination of services if in the second year of employment; (c) at least twelve (12) months in advance of the termination of services if in the employment of the University for two (2) years or longer. At the request of the faculty member, a written statement of the reason for non-reappointment shall be provided.

These notice provisions shall not apply in situations involving extraordinary circumstances, such as financial exigencies or elimination of function.

### **2. Resignation**

A member of the faculty with teaching responsibilities is expected to complete the academic year unless the appointment is for a shorter term. Any member of the faculty with teaching responsibilities who has decided to terminate services with the University is expected to notify his or her Dean in writing at the earliest possible opportunity, but not later than March 15. A faculty member without teaching responsibilities is expected to give at least two (2) months' notice, and principal administrative officers are expected to give at least four (4) months' notice. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where he or she would otherwise be denied substantial professional advancement or other opportunity.

Unless otherwise mutually agreed, a faculty member who terminates service without giving due notice or who fails to complete an academic year or other term for which he or she may have been employed, except under extraordinary circumstances, is regarded as having broken the terms of the contract of employment with the University.

Breach of contract may place the University in a position of hardship in meeting its responsibilities to its students and services to the state. Such action is regarded also as a breach of professional ethics. A complete account of any irregular resignation may be written into the permanent record of the person concerned.

### **3. Under Extraordinary Circumstances**

#### **a. Financial Exigency**

Termination of a tenured appointment or any other appointment before the end of the period of appointment may be based on financial exigency or the discontinuance of a program or department of instruction, research, or service.

A financial exigency exists when the President or designee, after consultation with the principal administrative officers and with the Faculty Senate Steering Committee, Faculty Senate Budget Committee, and Faculty Affairs Committee, has determined and declared that a budgetary crisis, legislative mandate, and/or other causes constitute the exigency, and that determination has the concurrence of the Board of Regents. The President will recommend one or more groups of faculty members to review proposed terminations, and the Faculty Senate Steering Committee and Faculty Affairs Committee will approve the appointments to the committee. Criteria for judgments determining where termination of appointments may occur will be developed and distributed to the faculty. The criteria will include considerations of institutional needs and educational policy, including affirmative action, as well as faculty status and length of service.

#### **b. Discontinuation of a Program**

If the University determines that a budget reduction, reallocation of resources, realignment of academic priorities, or other comparable extraordinary circumstance should be met in whole or in part, by discontinuing a program with the result that faculty positions are eliminated, the Provost shall simultaneously provide a written notice of the proposed action to the Faculty Senate Steering Committee, the Faculty Affairs Committee, and the Dean and faculty of the affected program.

The notice shall state the rationale for the proposed action in light of long-range institutional considerations and include the documentation used by the Provost in making the proposed action. Types of documentation used may include any of the following: reports from periodic reviews of the program; accreditation reviews of the program; performance data gathered and maintained by the program, department, school, college, or campus; and any other information that reflects on the program and/or long-range institutional considerations.

The notice shall inform recipients of the procedures in the Faculty Manual for responding to the proposed action. The notice and relevant documentation may be provided in hard copy or electronically.

Faculty who are in the affected program shall have fifteen (15) business days from the date the notice is sent to submit a written response, individually or collectively. The response shall include additional documentation, if any, relied upon by the faculty. Faculty responses and relevant documents shall be submitted in writing, either hard copy or electronically, to the Provost, and shall be due in the Provost's office at 5:00 p.m. PST on the 15th business day and shall be copied to the Faculty Senate Steering Committee and the Faculty Affairs Committee.

The Faculty Senate Steering Committee shall schedule a meeting of the Faculty Senate at which affected program faculty will be provided an opportunity to present their response. An opportunity will also be provided at the meeting for discussion of the proposed action by Faculty Senate members and other interested parties. The Faculty Senate Steering Committee may limit the speaking time at the meeting for each individual in order to allow all who wish an opportunity

to speak. The meeting shall occur within sixteen to twenty (16 to 20) business days from the date the notice is sent by the Provost.

Following the meeting, the Faculty Affairs Committee and the Faculty Senate Steering Committee, and/or their designees, shall have eight (8) business days to submit written comments to the Provost. The Provost shall consider these comments before making a final decision on discontinuation of the program(s) in question.

**c. Placement in Another Unit**

Before an appointment is terminated because of discontinuance of a program of instruction, research, or service, the institution will make reasonable and good faith efforts to transfer the affected faculty member to a suitable position for which he or she is qualified. If relevant qualifications are equal, priority will be given to tenured faculty according to higher rank. Terms of the new position will be negotiated with the faculty member.

The University's obligation under this section shall not cease until the end of the faculty member's notice period, unless a reasonable offer of employment was made and rejected.

**d. Reappointment After Termination**

If an appointment is terminated before the end of the period of appointment because of financial exigency or because of discontinuance of a department or program of instruction, research or service, the released faculty member's appointed position will not be filled by a replacement within a period of three (3) years, unless the released faculty member is offered suitable reappointment and thirty (30) calendar days to accept or decline reappointment.

**e. Notice Period**

Termination may be effective for all faculty, including those on academic-year appointments, on any day of the calendar year. Tenured faculty members holding annual (twelve-month) appointments shall be entitled to receive at least twelve calendar months' notice in advance of termination for reasons of financial exigency or discontinuance of a department or program of instruction, research or service. Tenured faculty members holding academic-year (nine-month) appointments shall be entitled to at least nine calendar months' notice in advance of termination for reasons of financial exigency or discontinuance of a department or program of instruction, research or service, provided that the three summer months, not part of the usual academic year (May 16 to August 15 under the current academic calendar) shall not be included when computing notice requirements. Nontenured faculty members shall be entitled to minimum advance notice of termination of services for reasons of financial exigency or discontinuance of a department or program of instruction, research or service in accordance with the following:

Type of Appointment	Year of Employment	Minimum Advance Notice in Calendar Months
Annual (twelve-month)	1	3
Annual (twelve-month)	2	6
Annual (twelve-month)	3 or more	12
Academic (nine-month)	1	3*
Academic (nine-month)	2	6*
Academic (nine-month)	3 or more	9*

\*Excluding three summer months

Where less than the required notice is given prior to termination, the faculty member shall be entitled to receive at the time of termination one-twelfth of his or her current annual salary, on an annual appointment, or the faculty on an academic year appointment shall be entitled to one-ninth his or her current annual salary for each month less the required notice. The University may, at its option, make regular monthly severance pay payments from the date of termination until the expiration of the appropriate notice period, commencing the date notice of termination is given, unless there is an agreed settlement on or before the termination date of the total amount of severance pay to be paid to the faculty member.

In the event that a faculty member who has received notice of termination for reasons of financial exigency or discontinuance of a department or program of instruction, research or service secures new employment prior to the effective date of the termination, he or she shall provide the University with immediate notice, including the effective date of new employment. In these cases, the University shall waive the requirements for resignation notice that would otherwise apply.

#### **f. Appeal Procedures**

1. Each faculty member notified of termination for reason of program discontinuance or financial exigency shall have the right to appeal to the Faculty Status Committee (FSC) regarding whether the financial exigency or program discontinuance is bona fide or the faculty member was properly identified as a member of the eliminated program; and the university's efforts to place the faculty member in another suitable position for which he/she is qualified. An appeal regarding the determination of exigency or program discontinuance, or identification of a faculty member within a program must be filed within thirty (30) calendar days of the date on the faculty member's notice of termination. An appeal regarding efforts to place the faculty member in a suitable position must be filed within thirty (30) calendar days of the final decision on placing the faculty member in a suitable position. Grounds for all appeals include substantial procedural irregularity, inadequate consideration, and/or violation of the faculty member's academic freedom.

2. If an appeal is filed with the Faculty Status Committee, the committee shall determine its own procedures for reviewing the matter, in a manner consistent with state and federal law, shall conduct its review as expeditiously as possible, and shall report its findings and recommendations to the President, or designee, and to the faculty member appealing, within one hundred twenty (120) calendar days after the appeal is made. The committee may elect to count only days of the academic year in the one hundred twenty (120) day period as long as the President's decision can be rendered before the termination date of the faculty member. Following the faculty member's receipt of the FSC report he/she shall have fifteen (15) calendar days to provide the President with a written response to the report. The President shall consider both the FSC report and the faculty member's response, if any, in making a final decision and shall notify the faculty member of that decision within thirty (30) calendar days after receiving the FSC report. See the table below.

Faculty Status Committee Investigation: 120 calendar days

Faculty Member's Written Response: 15 calendar days

President's Final Decision: 30 calendar days

#### **4. For Cause: Violation of the Faculty Code of Professional Ethics or Faculty Conduct Subject to University Discipline**

See Section II.F, II.G, II.H.

#### **5. For Cause: Physical and Mental Health Reasons**

A faculty member may be suspended or have his or her appointment terminated when physical or mental conditions prevent the faculty member from performing the essential functions of his or her position. Normally, solutions to such matters would be resolved through efforts of department Chairs and unit

heads, Deans, appropriate central administrators, and the University Ombudsman. When these efforts do not result in a satisfactory solution, the procedures described below shall be followed. In all matters related to this issue, the University's policies on accommodation of persons with disabilities and all applicable laws shall be followed; to the extent those provisions may be inconsistent with the procedures set forth in this section, the provisions of this section shall be modified to conform with those other strictures. Human Resource Services should be consulted on issues related to the disabilities laws.

The informal and formal procedures, if needed, shall parallel the procedures for disciplinary cases, except as follows. A Statement of Inability to Perform Essential Job Functions Due to Physical and Mental Health Reasons would replace the Statement of Charges. The Statement of Inability to Perform Essential Job Functions Due to Physical and Mental Health Reasons would be in the context of quality of performance due to physical and mental health reasons rather than violations, or if the latter, only incidentally so. Any suspension or termination would be for physical or mental health reasons.

If a formal hearing procedure is necessary, a hearing panel will be chosen by the Faculty Status Committee and will be comprised of three members, at least two of whom will be members of the faculty or University Health and Wellness Services chosen with regard to the mental health problems at hand. The charge of the hearing panel is to determine that a physical or mental health problem underlies inadequate performance. The panel may or may not further identify the specific health problem.

The ultimate disposition may be suspension or termination. Such disposition shall not preclude the opportunity for a faculty member to receive salary continuation as provided by the University's insurance program. In cases of suspension there may arise a need for reconsideration if physical and mental evidence warrant. Reconsideration would be made at the request of the faculty member or immediate supervisor no more frequently than once each year and granted at the discretion of the same (if feasible) hearing panel.

In a given health situation, it may be that the need for the special procedure above may not be identified until after various stages of disciplinary procedures have been followed; in that case, in the discretion of the Faculty Status Committee (during informal procedures) or of the hearing committee (during formal procedures), the procedures of this hearing panel may be adopted. At any stage of the procedures whatsoever, the faculty member may ask that the special physical and mental health procedures be considered for adoption.

In all cases in which a Termination for Cause due to Physical and Mental Health may be pursued, the faculty member should be referred to the Human Resource Services Benefits unit to be informed of Retirement because of Health Condition, and possible benefits associated therewith.

## **III H. Retirement**

### **1. Retirement Age**

There is no mandatory retirement age for Washington State University faculty. Eligibility for a monetary benefit from the faculty member's retirement plan is determined by the rules of the plan the individual is participating at the time of the separation from employment.

Retiring prior to one's federally defined full retirement age will reduce Social Security benefits.

Eligibility for medical, dental and or life insurance after retirement is determined by the Health Care Authority rules. A Medical Expense Plan benefit may be available to non-teaching, non-research faculty who accrue sick leave.

Faculty members hired prior to July, 2011, who are at least age 62, with at least 10 years of service may be eligible for a Supplemental Retirement Plan benefit at the time or retirement.

Notification of retirement should be provided within the same time frame identified in the Resignation section. Information is available from Human Resource Services online at [www.hrs.wsu.edu/Benefits/](http://www.hrs.wsu.edu/Benefits/).

## **2. Retirement Because of Health Condition**

In the event an employee may no longer be able to perform the duties of his/her position due to a serious health condition, he/she may be eligible for Retirement. If this were to occur prior to the individual reaching age 62, and if he/she had at least 10 years of service, he/she may be eligible for a Supplemental Retirement Plan benefit, and other insurance options. If an individual pursued a retirement because of health condition, he/she will follow the processes identified in the WSU Retirement Plan and/or its Guidelines and Directives, perhaps in lieu of the termination for cause due to Physical and Mental Health Reasons.

The faculty member should be referred to the Human Resource Services Benefits unit to discuss this option.

## **3. Phased Retirement System**

Washington State University Phased Retirement Plan is a program designed to give participants in the WSU Retirement Plan an opportunity for pre-retirement reduction of full-time service while gradually phasing into retirement over a period of years. Phased retirement is intended to support the University's excellence. It permits the University to retain the services and contributions of senior faculty and administrative professional staff while enabling participants to continue to remain in their profession and to build additional financial security for the future. The Phased Retirement Plan provides an opportunity for individual career flexibility and forms an important part of the long-range personnel resource management of the University. The Plan also assists in diversifying the University's work force by releasing positions and funds that can contribute to renewing its personnel resources. The WSU Retirement Plan Phased Retirement Plan is a voluntary and mutually agreed upon arrangement between the University and the participant.

The Phased Retirement Guideline, which include eligibility criteria for participation is available on the Human Resource Services web site at [www.hrs.wsu.edu](http://www.hrs.wsu.edu), under "Retirement Information" within the Benefits link.

# **III I. Emeritus Faculty Appointment**

## **1. Eligibility**

Emeritus Rank is granted in recognition of service to Washington State University.

To be eligible, faculty must be either age sixty or older with ten or more years of service at the University or have completed twenty-five or more years of service to the University, AND have held an eligible non-tenure or tenure track rank at Washington State University for a period of at least five years prior to leaving the University.

Upon retirement, the Chair or Director will inform Human Resource Services to assign the eligible retiring faculty members ranks to Emeritus Faculty rank. Human Resource Services will note this designation on the retirement Personnel Action Form (PAF), if the assignment has occurred by the time the form is initiated.

## **2. Notification of Granting of Emeritus Rank**

A letter of recognition will be sent by the Provost to each faculty retiree named to an Emeritus Rank.

### 3. Privileges of Emeritus Rank

The Emeritus rank shall entail continued campus courtesies including the options to

- 1) use library and recreational facilities;
- 2) receive publications sent to active faculty and members of the Alumni Association;
- 3) participate in contract, grant, and other scholarly endeavors;
- 4) negotiate with academic Chairs or Directors for office space, laboratory space, and computer (retain internet and e-mail @wsu.edu privileges) and facility access as available;
- 5) participate in academic convocations, commencements and other academic endeavors; and
- 6) request that their names be retained in the University catalog until their death.

Emeritus faculty status is the last earned rank that will be accorded to eligible faculty upon their retirement. Emeritus faculty are encouraged to remain an important part of the University. Department Chairs and unit Directors are encouraged to assist Emeritus faculty in maintaining a continuing relationship with the department, school, college, and University as is feasible and mutually acceptable. "The Ethics in Public Service Act (RCW 42.52) provides that state employees cannot use state resources for personal benefit or their state positions to obtain special privileges."

## Section IV: University Policies Affecting Faculty

### IV A. Procedures And Records

#### 1. Payroll Procedures

Each employee signs an Employee's Withholding Exemption Certificate, Form W-4, as required by the United States Treasury Department, before being placed on the payroll. Ordinarily, a faculty appointee will have received this form, together with a copy of the Faculty Manual prior to the start of employment. The Form W-4 is to be completed, signed, and returned promptly to Payroll Services. The social security number is a basic identifying number in the Washington State University payroll system and must be shown on the Form W-4 if the employee has a number. A copy of an application for a social security number may be submitted with the Form W-4; an employee will not be placed on the payroll until a social security number is received. For other purposes, disclosure of the faculty member's social security number shall be voluntary, and refusal to disclose that number shall not be grounds for denying a faculty member any right, benefit or privilege provided by law. If the faculty member refuses to disclose his or her social security number for such other purposes, the University shall assign a random number to that faculty member for its record-keeping purposes.

Payment for annual leave for faculty who retire, resign, or terminate their employment and who are entitled to a lump sum payout for accrued annual leave will be paid on the first payroll date following the last day worked. Faculty who retire, resign, or terminate their employment, and who are not entitled to a lump sum payout for accrued annual leave will be maintained on the payroll until the accrued annual leave is exhausted with usual payroll procedures applicable. Academic-year faculty do not earn annual leave.

An employee may sign an authorization in Payroll Services to have the payroll check sent directly to a bank. If no authorization is signed, the check will be sent to the employee's home address. In either case, the check will be mailed on official University pay dates established in conjunction with the state legislature or by regulation. These dates are listed in the Payroll Documents Schedule. (For information about this schedule see the BPPM, 55.04) Washington State University is prohibited by law from paying salary in advance.

## 2. Personnel Records

A permanent cumulative personnel record is maintained for each member of the faculty. Material submitted by deans and department chairs, pertinent correspondence, and other information also become part of the cumulative record. Anonymous communications relating to faculty members are not made a part of the personnel files.

## 3. Faculty Work Load

Washington State University does not specifically prescribe a division of workload for each faculty member, but, each unit is obligated to specify the proportion of duties that individual faculty will devote to teaching, research/creative activity, and service.

## IV B. Policies On Waiver Of Tuition And Fees For Permanent Employees

The objective of this policy is to allow half-time and full-time permanent employees of Washington State University to take advantage of educational opportunities for both professional and personal fulfillment and development. This policy is consistent with chapter 82, laws of 1979 of the state of Washington (RCW 28B.15.558).

### 1. Eligibility and Enrollment Restrictions

#### a) Eligibility

- (1) Faculty, on permanent, half-time or full-time, nine or twelve-month appointments are eligible
- (2) Faculty on temporary, full-time, nine- or twelve-month, USDA/Agriculture Research and ROTC appointments are eligible
- (3) Employees who are not eligible for the tuition and fee waiver are faculty on adjunct appointment; retired faculty, undergraduate and graduate assistants, associates, or others holding positions with student status

#### b) Limitations

- (1) Up to six (6) credits in any one semester or four (4) credits in the summer session (including audited course work and courses offered at any of the Washington State University urban campuses) may be taken by eligible employees under the provisions of this tuition waiver
- (2) Eligible employees desiring to take more than six (6) credits in a semester or four (4) credits in the summer will pay regular tuition and fees for all credits
- (3) Tuition-exempt employees will be admitted to classes when space and facilities are available; i.e., in cases requiring limitations of class size, tuition-exempt employees will have lowest priority
- (4) Tuition-exempt employees will have the responsibility for paying a non-refundable five (\$5.00) dollar registration fee, plus any special course fees laboratory, late registration, and so forth
- (5) Tuition-exempt employees are not eligible for student benefits under this program

### 2. Implementation of the Program

The tuition waiver applies to all courses except internships and courses numbered 499, 600, 700, 702, 800 and tutorials, private lessons or practicums; Extended Degree Program or flexible enrollment courses; those designated as supplemental or self-sustaining, whether or not the course work is job-oriented.

#### a) Procedures

- (1) Authorization for the employee to take classes must be given by the immediate supervisor and/or the head of the department or unit. The appropriate personnel officer from Human Resource Services (French Administration 139) must determine the employee's eligibility to take classes and sign the authorization form
- (2) At the discretion of the employer, an employee authorized to take a class that is job-related may or may not be required to make up the time
- (3) When a full-time employee is authorized to take a class that is not job-related, the supervisor should arrange, in a cooperative effort, for the employee to make up work missed during the employee's absence to attend class
- (4) The employee should provide a copy of his or her class schedule to the supervisor so arrangements can be made to maintain the employee's work responsibilities while he or she is attending class

### **IV C. Policy On Pursuit Of Advanced Degrees At Washington State University**

In special circumstances faculty members may pursue programs of study leading to advanced degrees at Washington State University. Requests to do so are considered on a case-by-case basis by the Dean of the Graduate School and the Graduate Studies Committee. Approval is subject to all rules and regulations of the Graduate School and requires the concurrence of the Graduate Studies Committee. Review of applications will include consideration of factors such as

1. Abstention from service on the Washington State University Faculty Senate, Graduate Studies Committee, and Research and Arts Committee
2. Avoidance of situations which may constitute a conflict of interest
3. Impact upon the unit in which a faculty member is appointed
4. Preparation in advance of admission of a general program of study with a stated timeline and
5. Abstention from pursuit of degrees in units which are administratively related to the faculty member's unit.

### **IV D. Policy On Compensated Outside Service By Faculty Members—Consulting**

#### 1. General

Washington State University encourages worthwhile professional outside services by faculty.

Full-time faculty members are compensated for full-time service to the University in instruction, research, public service, extension, or combinations of these responsibilities. The University expects that each full-time faculty member will assume a proper share of the functions and responsibilities of the department, college, or other equivalent administrative unit, and the University.

University employees, as consultants, can be valuable resources to government, industry, and public and private organizations. The University encourages consulting that does not interfere with the employee's performance of University duties and when no conflict of interest exists. Under certain circumstances and within certain limits, a faculty member may receive compensation for outside professional service work beyond the scope of prescribed duties.

#### 2. Guidelines

The following guidelines are intended to provide for certain employees to engage in a limited amount of outside work for pay and to protect the integrity of the employee-public university work relationship.

a) Consulting

Consulting, which must be consistent with the University's mission and enhance the faculty member's professional development, includes consulting, advising, research, demonstrating, or teaching for others in areas of professional competence for which the faculty member is employed by Washington State University. Not included is appearance on the program of a scientific or scholarly meeting attended mainly by professional peers or outside profit-making business activities engaged in for personal monetary gain. Some such activities are covered in section VI.E Extended Professional Activities.

b) Non-Interference with Professional Duties

Outside work must not interfere with a faculty member's normal official University duties, including those non-classroom responsibilities expected of all faculty members.

c) Remuneration

Compensation for outside work includes salaries, fees, honoraria and gifts beyond actual expenses. No compensation may be accepted by faculty members for tutoring students in courses they teach.

d) Solicitation

Attempts to arrange outside work must be consistent with state law (RCW 42.52 especially 42.52.120 and .160) and University policy.

e) Limit and Approval

The University values faculty-student exchanges and high quality of performance of duties. Therefore, without special consent of the Dean or other comparable unit administrator, and of the Provost, on recommendation of the department chair, full-time faculty are allowed to spend the equivalent of one day per week in outside work for each week worked equivalent to the entire year of employment. All outside work must be disclosed promptly and reported annually by the faculty member to the department Chair or comparable unit administrator. Such work by a department Chair or Dean must be reported to the Provost. These provisions do not apply to full-time faculty on nine-month appointments outside periods of obligated service.

Part-time faculty members may be self-employed or may accept additional employment outside the University as long as the employment inside of and outside of the university do not exceed a full-time position.

The department Chair, or other comparable unit administrator, must determine in each specific case whether outside professionally related service activities by an employee are interfering with official University duties. If, contrary to expectation, such activities prove in the judgment of the department Chair or comparable unit administrator to interfere with prescribed standard University duties and obligations, the faculty member must either seek an acceptable revision of outside work activities or apply for a partial or full leave of absence. A faculty member deemed not to be meeting University obligations will be dealt with as provided in the Faculty Manual.

f) Use of Facilities

University facilities (equipment, materials, space, or clerical service) may not be used in connection with compensated outside professionally related service work.

g) Responsibility

The University assumes no responsibility for the competence or performance of a faculty member who engages in outside work for compensation. No such responsibility may be implied in any

advertising or contractual documents. University stationery may be used only for official University business.

## **IV E. Extended Professional Activities**

### **1. General**

The policies and procedures of WSU should allow the expertise of University faculty and staff to be available to society without interfering with University programs or academic freedom, and without leading to conflict of interest.

A University employee's commercial involvements may at times go beyond ordinary relationships arising from normal duties, professional affiliations, and consulting agreements and thus may not be covered by University policies on extra compensation, patents, and copyrights. These extended involvements also raise the possibility of conflicts of interest, constraints on the free exchange of information, or excessive diversion from the employee's primary responsibilities to the University. The following policy and procedures for disclosure and approval of extended professional activities apply to extended involvement and permit supervisors flexibility for dealing with unusual situations.

As used in this section, the word supervisor means Chair and Dean or Director for faculty who are not administrators; Dean or Director for Chairs; The Provost for Deans, Directors, and Vice Provosts; the President for Vice Presidents and the Provost; and the unit head (Chair, Dean, Director, Vice President, Provost, or President) for staff. Supervisors bear responsibility for approval of activities under this section. However, as part of the approval process, supervisors should review their actions with the Provost.

### **2. General Provisions**

a) Activities for which approval shall be obtained under this policy include the following:

- (1) Ownership of substantial equity in a commercial enterprise that carries on activities closely related to the employee's area of University work
- (2) Holding a line management position in such a commercial enterprise
- (3) Participation in the day-to-day operations of such a commercial enterprise
- (4) Assumption of an important continuing role in the scientific or technical aspects of such a commercial enterprise
- (5) Transfer, for personal gain, to a commercial enterprise of nonpatented technology or potentially marketable information developed in University research programs

In case 5, approval from the Intellectual Property Committee as well as the supervisors is required.

b) Activities for which approval need not be obtained under this policy include the following:

- (1) Minor holding of stocks
- (2) Uncompensated service on boards of directors and, in some instances, compensated service on company boards when this service does not conflict with the employee's University obligations
- (3) Ownership of or equity in a corporation used solely for the employee's consulting as reported under the policy on extra compensation

The supervisor may determine that outside activities of certain temporary or part-time employees do not conflict with the University position and therefore exempt them from the requirements of this section.

c) Requests for approval of such commercial involvements must disclose

- (1) Nature of the relationship with the commercial entity

- (2) Short- and long-term commitment of time and effort
  - (3) Financial aspects, including extent of compensation, equity, indirect or potential economic value
  - (4) Expected benefits to the commercial entity
  - (5) Expected benefits to the employee and to the University
- d) Supervisors should consider the following factors for acceptability of such requests:
- (1) The relationship should benefit the employee and the University
  - (2) The relationship should not interfere with the employee's primary obligations to the University, nor should it detract from the integrity of the University; in particular, there should be no conflict of interest as defined in RCW 42.52
  - (3) The employee's total time commitment during periods of obligated service, averaged over the term, to commercial involvements and outside work of all kinds should not exceed one day a week
  - (4) There must be no anticipated distortion of academic programs or direction of students, the protection of whose intellectual property should receive special attention
  - (5) There must be free access to the results of all research conducted at the University
  - (6) With rare exceptions, holding a line management position or participating in day-to-day operations in a commercial entity should not be approved for full-time employees; employees may engage in such activities if their appointments to the University are at an appropriate level less than full time
  - (7) If the applicant for approval is a department Chair or program Director, the request should be consistent with unit goals, which the supervisor should determine by consulting representative members of the unit
- e) The information disclosed by the employee and a record of the supervisor's action on the employee's request shall be transmitted to the Provost and placed in the employee's file where it will be protected from public disclosure to the extent permitted by law. Moreover, the supervisor shall not disclose financial aspects of the request except to his or her own supervisors.

### 3. Appeals

Negative decisions by the supervisors may be appealed to the Provost. When this occurs, the Provost shall establish a suitable review process in consultation with the Faculty Status Committee. The appeal shall be filed within fifteen (15) business days of the decision and the Provost shall reply within thirty (30) business days after receiving the appeal.

### 4. Evaluation

- a) By November 1, each employee who in the preceding year has had commercial involvements in areas related to his or her University responsibilities approved under the provisions of this section shall submit a summary of those activities to the approving supervisor(s) with a copy to the Provost. Review may result in revision of activities based on apparent or emerging conflicts with University policy
- b) Before the end of each fall semester, the Deans, Directors, and Vice Presidents shall review employee commercial involvements, as treated in this section and reported under 1, and prepare an evaluative report for the President
- c) The summaries and reports required in items a) and b) may be combined with those prescribed for outside consulting. See also BPPM, 60.44

## IV F. Intellectual Property

### 1. Introduction

- a) Intellectual property is the inherent value produced by human creativity and invention, protected by law from unauthorized exploitation by others, and includes patents, copyrights, trademarks, plant variety protection certificates, and other proprietary information.
- b) The University's patent and copyright policies are intended to encourage a healthy atmosphere conducive to research and development through a system of rewards and incentives for the creation of intellectual property while at the same time giving proper consideration to the responsibilities that the University has as a public land-grant university.
- c) The strength of the University lies in its employees. The University's policies can provide invaluable assistance in bringing employee ideas to development and fruition within a framework of mutual trust and collegiality.
- d) These policies are intended to spell out the responsibilities of the University and its employees and establish a framework for ethical conduct. While employees are encouraged to consider the potential market value of their inventions, they shall not be held liable for failing to recognize a potentially patentable invention. Nothing in this policy shall be construed as abridging a faculty member's academic freedom in the classroom.
- e) Employees of Washington State University may create copyrightable works, patentable, and otherwise protectable discoveries. In some cases it is desirable in the public interest to seek University intellectual property protection for these works and discoveries. Commercialization through licensing the use of the property provides an opportunity for both income to the inventor and support for further University research and scholarship.
- f) This Intellectual Property Policy applies to all University Employees. For the Purposes of this Intellectual Property Policy, "Employee" shall be defined as any person receiving compensation for service, or any person volunteering services for the benefit of the University. Employees shall include, but not be limited to, faculty, administrative and professional personnel, classified staff, research fellows, staff assistants, and all other student employees. "Faculty" shall be defined as permanent and temporary teaching, research, service, extension, library, or student affairs appointment faculty, graduate teaching and research assistants, visiting scientists, and postdoctoral researchers. The uncompensated activities of students in furtherance of their education shall not be considered service that benefits the University within the meaning of this policy unless an agreement exists to the contrary.
- g) All employees accept the terms of these policies as conditions of employment or gratis association. Employees shall agree to execute an assignment of their future patentable works and discoveries to the University. These policies may be modified by the administration with approval from the Board of Regents after consulting with faculty and staff of the University.

### 2. Applicable Laws

- a) Federal law governs the creation of intellectual property. The United States Constitution, Article III, Section 8, gives to Congress, in order "to promote the progress of science and the useful arts, "the power to grant, for limited periods of time, to authors and inventors, the exclusive right to their respective writings and discoveries." The Copyright Act, in Title 17 of the United States Code, sets out the requirements by which an author of literary, artistic, and similar works may obtain copyright protection, and provides that in the case of a "work made for hire," the employer is the author for copyright purposes. 17 U.S.C. § 201(b). The Patent Act, in Title 35 of the United States Code, sets out the requirements by which inventors of new and useful processes, machines, manufactures, or compositions of matter may obtain patent protection.

b) The Washington State Ethics Law (Ethics Law), RCW 42.52, and the rules promulgated pursuant to the law, restrict the use of state resources for private purposes, and state employees are individually responsible for complying with this law. For Ethics Law purposes as it relates to this Policy, state employees are defined as all faculty, staff, and students employed by the University. The Ethics Law provides that "No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another." RCW 42.52.160. However, the Ethics Law allows state officers and employees to receive "honoraria" if "authorized by the agency where they serve." Honoraria is defined in the Ethics Law to mean "money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role." RCW 42.52.010(11).

c) Consistent with the Ethics Law, this Policy authorizes University employees, under defined circumstances, to retain ownership to certain intellectual property created with University resources. Additionally, this Policy authorizes University employees to receive royalty payments from commercialization of certain University-owned intellectual property that they created.

### 3. Intellectual Property Committee

a) The Intellectual Property Committee serves as an advisory committee to the Associate Vice President for Economic Development and External Affairs on all University intellectual property (i.e., patent, copyright, trademark, and proprietary information) especially with regard to University policy on these matters. All members of the Committee shall hold confidential all matters coming before the Committee regarding specific intellectual property.

b) The composition and tenure of the Intellectual Property Committee shall be:

- (1) Six faculty with three year terms, one of who will be appointed chair. The Faculty Senate may suggest faculty members to be considered by the President.
- (2) Two Deans or Associate Deans of the colleges for three-year terms.
- (3) One member of the administrative and professional personnel or staff, with a three-year term.
- (4) Director of Office of Commercialization (OC) who serves as secretary to the Committee. Director of the Office of Grant and Research Development. Both Directors act as ex officio members to the committee.
- (5) Associate Vice President for Economic Development and External Affairs, who serves as an ex officio member of the committee.

c) The quorum required for voting at a committee meeting must be no fewer than five voting members; three of whom must be faculty.

### 4. Office of Commercialization

a) The Office of Commercialization (OC) (<http://commercialization.wsu.edu>) serves the University and its employees by promoting the transfer of technologies, encouraging the disclosure of intellectual property, conducting preliminary reviews of commercial potential of invention disclosures, and determining copyright and patent protection and licensing of intellectual property, OC manages invention disclosures, patenting, license agreements, marketing efforts, federal reporting, and royalty income. The professional staff includes the Director, Program Administrative Manager, and Technology Licensing Associate(s).

## IV G. Patent Policy

An invention may be a design, process, code, biological material, or device that shows novelty, usefulness, and non-obviousness. A patent is a contract between the inventor and the government to allow

the inventor exclusive rights to make, sell, or use the invention for a definite period of time (generally twenty (20) years from the filing date). Plant Variety Protection, international Plant Variety Rights, and international patents are other forms of invention protection. Transfer of biological material, software source code, or proprietary information may be protected through confidentiality agreements. For further information about patents, refer to the U.S. Patents and Trademarks Office at <http://www.uspto.gov/>.

### **1. Scope of Policy**

a) This policy applies to potentially patentable discoveries and proprietary information which are developed using Washington State University equipment, supplies, facilities, employee time, or proprietary information, or which relate directly to the University's business, research, or development. The University will be assigned ownership in patents and other tangible research property developed by its employees as a result of their University research or employment. The University does not claim rights in inventions for which no equipment, supplies, facilities or proprietary information was used and which was developed entirely on the employee's own time.

### **2. Sponsored Research**

a) Where the invention has been developed through research sponsored by a grant or contract with the federal government (or its agencies), it must be reported to the agency and the agency joins the University to determine distribution of the rights in the invention, to determine if patent prosecution should be sought, and how the patent should be administered or disposed of in the public interest. The WSU Office of Grant and Research Development (OGRD) is responsible for the submission and acceptance of sponsored projects to the University. For further information, you may refer to OGRD's home page at <http://www.ogrd.wsu.edu/>.

b) Where private industry or foundations have sponsored research, licensing of patents or other intellectual property shall be negotiated between the sponsor and the University, or the University's designee where appropriate. The University will strive to protect the financial interests of all and ensure that the University retains the traditions of self-governance and academic freedom. The University, on behalf of its constituent colleges, schools, or departments, will not accept grants or enter into agreements for the support of instruction or research that confer upon an external party the power to censor, unduly delay, or exercise effective veto power over either the content of instruction or the publication of research. Publication of research findings may temporarily be delayed in order to protect patent rights or permit the research sponsor to review the proposed publication for the sole purpose of identifying proprietary information furnished by or belonging to the sponsor.

c) The University normally retains ownership of property developed under sponsorship agreements and will negotiate rights to license the property. The proprietary rights of the University and of the University's employees shall be subject to the agreement between the sponsor and the University or its designee. Agreements with outside sponsors shall be approved by the Vice President for Research or his or her designees.

### **3. Disclosure of Potentially Patentable Discoveries**

a) Prior to employment by the University and for the protection of the employee's interests at the time of employment, each new employee shall disclose to OC all inventions previously developed or being developed by the employee for the purpose of establishing his or her ownership rights to developments made.

b) While employed at the University, employees shall disclose patentable inventions and discoveries to OC for review. The Director of OC will provide assistance in filling out forms for disclosure. Invention Disclosure forms may be found at [http://www.oipa.wsu.edu/Documents/IDF/Invention\\_Disclosure](http://www.oipa.wsu.edu/Documents/IDF/Invention_Disclosure).

#### 4. Patent Ownership

- a) The University or its assignee shall own the rights to all patentable property and other tangible research and scholarship developed as a result of University employment, or when the equipment, supplies, facilities, employee time or proprietary information of the University are used. After the employee terminates his or her Washington State University employment and is re-employed elsewhere, the University or its assignee retains ownership of subsequent inventions where the invention is a direct outgrowth of the University's business or University research and development.
- b) Under the federal patent and trademark legislation of 1980 (35 U.S.C. § 200 et seq.), the University has the right of first refusal to title in inventions made in the performance of federal grants and contracts. The University or its assignee will assert title to and attempt to license inventions made with federal government funds so that the Congressional purpose of fostering the development of industry in the United States will be furthered.
- c) For any patentable inventions and other discoveries in which the University, its assignee, or a sponsor has an interest, the employee shall execute promptly all assignments, waivers, and other legal documents necessary to vest in the University, its assignee, or the sponsor any and all rights to the invention, including assignment of any patents or patent applications.

#### 5. Patent Ownership Appeals

- a) If there is a question of ownership, OC will determine whether the potentially patentable property is owned by the University, by the employee, jointly by the University and the employee, or by an outside sponsor. The Office may determine that the employee or sponsor is a partial owner of the intellectual property with the University in cases where it would be unfair to determine that the property is wholly owned by the University, e.g., when an employee disclosed enabling discoveries that occurred before employment with the University or when the sponsor's employees have contributed to the invention. In such cases, OC shall notify the previous employer (if any) and negotiate percentages of respective ownership. If OC deems it to be in the best interests of the University to release its rights to the invention, it may do so.
- b) When a question of ownership arises, the procedure for determination of ownership shall be as follows. OC shall make its determination of ownership, or request additional time, within forty-five (45) business days of full disclosure. If OC asks for additional time, it must, in any event, make its determination within thirty-five (35) business days of its request for additional time. The employee will be notified of OC's decision within five (5) business days of its determination. The employee shall have thirty (30) business days from the date of OC's mailing of the notice of the determination of ownership to appeal the decision to the Vice President for Research. If the Vice President for Research cannot resolve determination of ownership within five (5) business days of the appeal, the appeal shall be heard by the Intellectual Property Committee within twenty (20) business days of the notice of the appeal. The Intellectual Property Committee will make its recommendation to the Vice President for Research. The decision on appeal shall be issued within thirty (30) business days of the deadline for submitting material. If OC fails to notify the employee in writing of determination of ownership within fifty (50) business days of full disclosure or eighty (80) business days if additional time is requested, then the University's rights in the patentable property shall automatically become the property of the employee or sponsor.
- c) Following this internal appeal process, the employee will have recourse to settle ownership by binding arbitration administered by the American Arbitration Association (AAA) under AAA Patent Arbitration Rules. The employee shall file his or her claim with any Washington office of the AAA within sixty (60) business days of the Vice President's decision, and provide a copy of such claim to OC within the same period of time. Costs of the arbitration shall be shared equally by the parties.
- d) After the determination by OC and exhaustion of the employee's right of internal and external appeal, the employee shall execute documents of assignment to convey to the University, its assignee, or the

sponsor all of the employee's interest in the invention determined to be owned by the University, its assignee or the sponsor and assist in obtaining, protecting, and maintaining patent rights.

e) In the event an appeal results in ownership by the employee, the University shall formally release all claims to the employee's invention.

## 6. Publication and Disclosure to Third Parties

a) Once an invention is identified as potentially patentable, premature publication, public use, or disclosure of an invention can jeopardize the rights of the employee, or the university or its assignee to secure patent protection - particularly patent protection in other countries. In close consultation with the employee inventor and for the benefit of employee inventor, University, and possible Licensee, there shall be no publicity or disclosure concerning the invention until patent applications have been filed. OC shall act in a timely fashion in such cases so as to not unreasonably delay employee publications. All publicity, public reports, interviews, news releases, speeches, public disclosures, or public demonstrations of the invention subsequent to the filing of the application shall have prior clearance in writing from the University or its assignee.

b) This section shall not be applicable to sponsorship agreements that impose different obligations on disclosure.

## 7. Management of Patents

a) Patent protection prosecution and commercialization through licensing are complex and expensive endeavors requiring active participation by the inventors and the University over a period of twenty (20) years after patent filing. For inventions that were enabled through sponsored research, the federal, state, or private sponsoring agency must be notified and allowed the right to patent the invention. If there was no enabling sponsored research, or the sponsor or the University declines to pursue the invention, then the invention rights will be returned to the inventor.

## 8. Division of Patent Royalties

a) All monetary proceeds from commercialization of University-owned inventions are the property of the University or its assignee. The University or its designee will collect and distribute royalties, fees, equity interests, or dividends to inventors and University in accordance with procedures established by the University.

(1) The University or its designee will deduct the costs of obtaining and maintaining legal protection for each invention to arrive at "adjusted income."

(2) The University or its designee will deduct twenty percent (20%) from adjusted income and the remainder will be "net income." This deduction is directed toward covering the expenses (excluding direct patent expenses) for administering OC and provides initial funds for patent prosecution for other inventions without obvious commercial partners.

(3) Distribute net income according to the following schedule.

Cumulative Net Income	Inventor	University
\$1-\$10,000	100%	
\$10,001 - \$200,000	50%	50%
Above \$200,000	25%	75%

(4) With consideration to other University priorities and policies, the University or its designee will distribute a portion of its share to the Office of the Vice President for Research to be invested in further research and technology efforts for the University and at least twenty percent (20%) of its

share to be split equally between the inventor's department and College (or relevant urban campus when appropriate) for further research.

- b) Inventors, whose technology was previously assigned to the former non-profit intellectual property manager for WSU, the WSU Research Foundation for administration, will be given the one-time option of selecting the above Division of Royalty policy over any pre-existing royalty policy.
- c) In the event of multiple inventors, the inventors will agree among themselves as to the distribution of the income accruing to the inventors; distribution of the inventors' share shall be made only upon receipt of a signed agreement among the inventors.
- d) The University or its designee may negotiate, but shall not be obligated to negotiate, for equity interests in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to inventions or Copyrighted Works. Any equity interests acquired pursuant to this section shall be held and managed by the Washington State University Foundation. Neither the Washington State University Foundation nor University acts as a fiduciary for any person concerning equity nor other consideration received under the terms of this regulation.

### **9. Public Released Agricultural Research Center Plant Varieties**

a) The research and development, patent or plant variety protection, and public release of plant varieties requires the cooperation of the plant breeder(s), funding agency (USDA), Variety Release Committees, WSU Agricultural Research Center (ARC), Washington State Crop Improvement Association (WSCIA) or similar commodity groups, and OC. The distribution of Research Fees and Royalties will follow this schedule:

#### **b) Seed Propagated Crops**

- (1) The University or its designee will deduct the costs of obtaining and maintaining legal protection for each plant variety.
- (2) WSCIA typically collects a two percent (2%) management fee for its services in producing and distributing seeds, and collection and distribution of research fees.
- (3) Seventy percent (70%) of the adjusted income will be distributed to the Agricultural Research Center for enhancement of plant variety programs.
- (4) The remaining thirty percent (30%) of the adjusted income will be distributed
  - 10% to OC
  - 10% to WSU-ARC
  - 10% to plant breeder(s)

#### **c) Vegetatively propagated crops**

- (1) The University or its designee will deduct the costs of obtaining and maintaining legal protection for each plant variety.
- (2) Fifty percent (50%) of the adjusted income will be distributed to the Agricultural Research Center for enhancement of plant variety programs.
- (3) The remaining fifty percent (50%) will be distributed as follows:
  - 10% to OC
  - 10% to WSU-ARC
  - 30% for breeder(s)

## IV H. Copyright Policy

The United States government grants a copyright to the author or creator of original works of authorship. Copyrights for works created after January 1, 1978, are granted for the term of the author's life and an additional seventy (70) years. In the case of a work made for hire, the term of the copyright is ninety-five (95) years from the year of first publication or one hundred twenty (120) years from the year of creation, whichever expires first. The copyright allows the author or persons assigned rights for the author to rightfully withhold others from copying or using the works without permission. A copyright is automatically secured when the work is created or "fixed" in a tangible medium. No publication or registration or other action in the Copyright Office is required; however, it is required that a copyright be registered before a lawsuit is brought. Refer to the U.S. Copyright Office at <http://lcweb.loc.gov/copyright> for further information.

### 1. Copyright Policy Objectives

a) The University encourages the publication of scholarly works as an inherent part of its educational mission. In this connection, it acknowledges the right of faculty, staff, and students to prepare and publish, through individual initiative, architectural designs, photographs and slides, illustrations, computer software, multimedia presentations, sound recordings, video productions, telecasts, music, grant proposals, scholarly publications, and other material. The following statement of University policy on ownership of copyrightable material is provided to clarify the respective rights and responsibilities of individuals and the University in this important area. OC will administer the policy.

### 2. Copyright Ownership

#### a) University Ownership of Copyrighted Works

- (1) Work Made for Hire. Except as otherwise provided in the Employee Ownership of Copyrighted Works section of this Policy, the University shall own all copyrightable works that were created as a "work made for hire." "Work made for hire," as defined by the Copyright Act, includes 1) works prepared by University employees within the employee's scope of employment, or 2) works not created within the employee's scope of employment but that are specially commissioned by the University pursuant to a written agreement that is signed by both the University and the employee.
- (2) Sponsored Agreements. The University shall have the right to perform its obligations with respect to copyrightable works, data, prototypes, and other intellectual property under any contract, grant, or other arrangement with third parties, including sponsored research agreements, license agreements, and the like. Employees shall assign all rights to the University or as required by the sponsored agreement necessary to facilitate obligations under grants and contracts.
- (3) The Employee shall own copyrightable works unrelated to the employee's University employment responsibilities that are developed on an employee's own time and without University support or use of University facilities.

#### b) Faculty Ownership of Copyrighted Works.

- (1) The University shall not assert ownership in the following works created by Faculty within the Faculty's scope of employment, unless 1) substantial kinds or amounts of University resources, as defined below, were used to create the works; 2) the works are created pursuant to a written agreement between the employee and the University; or 3) the works are created pursuant to a third-party sponsored agreement, contract, or grant, specifically allocating ownership rights to the University.

- (a) scholarly material,
- (b) educational material,

- (c) art works,
- (d) musical compositions, and
- (e) dramatic and nondramatic literary works.

(2) **Substantial University Resource Use Resulting in University Ownership.** The University shall assert an ownership interest for works identified in the previous paragraph to which the University contributes substantial kinds or amounts of resources. Each department or unit of the University may publish, with the approval of the Provost, a description of what constitutes substantial kinds or amounts of University resources. In the event that a department or unit does not publish such a policy prior to the creation of the works, substantial kinds or amounts of resources shall mean the use of staff or clerical time other than peer review; provision of university funding specifically for or in support of the development of the work; not to include professional leave, and provision of equipment, facilities, and supplies beyond that which is usually provided for meeting employment obligation.

c) **Student Writings.** Students employed by the University in any capacity are covered by the terms of this policy. In addition, where a student receives financial aid or remuneration under a sponsored research, training, or fellowship program, his or her rights in copyrightable material are limited by the terms of the University agreement with the sponsoring agency. The University has no ownership rights in copyrightable material developed by students who are not employees.

d) **Patentable Works.** Some works, particularly certain types of computer programs, may qualify for patent as well as copyright protection. An author, upon recognizing that one of his or her works is of this kind, is responsible for disclosing it to OC for a determination of (i) ownership and (ii) whether the University wishes to seek patent protection should ownership be vested in the University. OC, following the procedures set out in the University's patent policy, will make these determinations. If ownership of such a work is vested in the University under the patent policy, but the University decides not to protect the work, ownership and disposition of the work is then determined in accordance with this Policy. If Faculty wish to appeal OC's or its staff's decisions, the procedure set out in section 6 of the Patent Policy shall be followed.

### **3. Administration of the Copyright Policy**

a) **Disclosure.** Material subject to copyright and owned by the University under the circumstances set forth in the Copyright Policy should be promptly disclosed to OC.

b) **Determination of Ownership in Unclear Cases.** Such determinations will be made by OC and will follow the guidelines set out in this Policy. Either the University or the author may initiate this review.

c) **Distribution of Royalties.** See the Division of Copyright Royalties section of this document.

d) **General Advice & Assistance.** Contact the Washington State University, Office of Commercialization, WSU Research and Technology Park, Pullman, WA 99164-1802, telephone (509) 335-5526.

### **4. Management of Copyrights**

a) The University will retain ownership of its copyright interests for development by OC or other University publishing units or Colleges, e.g., Office of Publications and Printing, Educational Telecommunications and Technology, Information Technology, or the Extended Degree Program. The University may select a managing agent and execute any necessary assignments to the agent.

b) Copyright registration is simple. Software commercialization through sale or licensing may be complex and expensive requiring active participation by the authors and the University.

## 5. Division of Copyright Royalties

a) The University retains all monetary proceeds from commercialization of University-owned copyrighted works (often software). When practicable and consistent with any related agreements, the University or its designee may collect and distribute royalties, fees, equity interests, or dividends to authors and University in accordance with procedures established by the University. The guidelines as follows will be used most commonly, but the University reserves the right to adjust the distribution of its share.

- (1) The University or its designee will deduct the costs of obtaining and maintaining legal protection for each copyrighted work to arrive at “adjusted income.”
- (2) The University or its designee will deduct twenty percent (20%) from adjusted income. This deduction is directed toward covering the expenses for administering OC.
- (3) The University or its designee will first reimburse the appropriate University unit for expenses advanced in developing and distributing the copyrighted work, e.g., distance learning courseware. The remaining income is the Net Income.
- (4) Copyright royalty income will be distributed as identified in Patent Policy IV.G.8.

b) In the event of multiple authors, the authors will agree among themselves as to the distribution of the income accruing to the authors; distribution of the authors’ share shall be made only upon receipt of a signed agreement between the authors.

c) The University or its designee may negotiate, but shall not be obligated to negotiate, for equity interests in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to Inventions or Copyrightable Works. Any equity interests acquired pursuant to this section shall be assigned to the Washington State University Foundation for management. Neither the Washington State University Foundation nor the University acts as a fiduciary for any person concerning equity or other consideration received under the terms of this regulation.

## IV I. Use of Faculty Authored, Edited or Prepared Scholarly Material

Faculty members are expected to educate our students using the best scholarly materials and knowledge available. In some cases, this will result in faculty producing materials, such as textbooks or unpublished laboratory manuals, for student purchase. Requiring the use of faculty authored materials must only be done to promote appropriate educational goals. It must not be done for personal benefit or to obtain special privileges for faculty (See the Ethics in Public Service Act, RCW 42.52). Faculty members may not sell any materials directly to students. Students may be required to use textbooks or other material written by WSU faculty only if:

- the faculty member receives no financial gain from sales to WSU students, or
- the materials are printed and copyrighted by a recognized publishing house and either in widespread use in other institutions or with evidence of independent external review by peers, or
- the materials are reviewed and approved for use by a group designated by the Faculty Senate Executive Committee. A request for review and approval must be submitted every five (5) years or at the issuance of a new edition or whichever comes first.

## IV J. Trademarks

University trademarks include the names, designs, logos, and colors for “Washington State University”, “WSU”, “Cougars”, “Go Cougs”, “Ask Dr. Universe”, and others. Permission of the University is required before use of these trademarks. Commercial use requires licensing and payment of royalties. Royalty income from licensing of University and Athletic trademarks is administered by the Washington State University Foundation. The Trademarks Officer may be contacted at <http://marketing.wsu.edu/staff/index.html>.

From time to time other University trademarks are registered for software, plant varieties, or devices in conjunction with their patent or copyright protection. These trademarks may generate royalty through commercialization. Net royalty income received by the University or its designee shall be distributed according to the schedule used for Patents or for Plant Varieties, as appropriate.

#### **IV K. Faculty Involvement And Residual Rights In Films, Videotapes, And Other Instructional Media**

Washington State University may transmit or reproduce by television, radio, or other means, for local or general distribution, news and general information programs prepared by Washington State University on which faculty members have appeared. The negotiation of a contractual agreement between the responsible faculty member(s) and the University is handled through the Provost.

Nothing in this policy shall be construed as abridging a faculty member's academic freedom in the classroom.

#### **IV L. Business Policies And Procedures**

Many additional policies and procedures which may affect faculty are included in the BPPM which is available online on the WSU homepage at [www.wsu.edu/~forms/manuals.html](http://www.wsu.edu/~forms/manuals.html). Among the policies covered in detail in that manual are the following.

##### **1. Use of Name and Logo**

The name Washington State University and its logo are the exclusive property of the institution and consequently, should not be used in support of claims or advertisements by any outside organization without permission of the President. Research grants from commercial concerns are given in accordance with a memorandum of understanding which states that the name of the University or any of its departments shall not be used in connection with advertising except by permission.

Faculty members publish a considerable number of reports in the form of bulletins, circulars, scientific articles, monographs, and books, some of which are copyrighted and others which are not. Material from such recognized publications is, of course, quotable, and proper recognition should be given both to the individual author and to the publishing institution of quotations.

University stationery may be used only for official University business. No report or statement relating to private consulting or other services may use the name of Washington State University or be attributed to it. The use of official titles for personal gain or publicity is not appropriate procedure. See BPPM, 60.44. [www.wsu.edu/~forms/manuals.html](http://www.wsu.edu/~forms/manuals.html).

##### **2. Project Funds From Outside Sources**

The University encourages individual investigators, departments, and other units to seek financial support for research and other scholarly and creative activities from sources outside the funds ordinarily available to the Board of Regents. Numerous organizations, governmental units, and other agencies offer support for research programs. Demonstrated ability and recognized professional standing of an individual or group constitute the most important means of attracting financial assistance.

Policies and procedures relative to projects supported by outside agencies have been established. A copy of these policies is included in the BPPM. All proposals for research, academic, scholarly, creative, instructional, extension, and service activities require approval of the Chair of the department, the Dean of the college, and the Vice President for Research, to whom the authority has been delegated for giving final University approval to all such proposals. Aid in the preparation of proposals to external agencies is available through the Office of Grant and Research Development. Before an application is forwarded to an external agency, this office is responsible to ensure approval of all concerned units.

Acceptance of any grant, gift, or contract resulting from such proposals must be approved and confirmed in writing by the Vice President for Finance and Administration, and copies of all pertinent documents must be deposited with this officer and the Dean concerned.

### 3. Faculty and Staff Travel

Authorized travel by University employees is subject to state regulations and to such budgetary and travel regulations as are established by the University, as well as by certain units thereof. Expense of travel not within the scope of these regulations will not be reimbursed from University funds nor from any funds administered by it. For purposes of these regulations, in-state travel includes only travel within the state of Washington.

Travel authorization forms should be submitted to the principal administrative officer via channels established by the respective units for the contemplated travel by all employees. BPPM, Chapter 95.01.

### 4. Applicant Travel

It is often important that potential faculty members be invited to the campus for interviews. A recommendation for each such visit is to be submitted to the principal administrative officer on the Personal Professional Service Request form. Following approval of this recommendation, the invitation to come to the campus should be sent by the department Chair, Dean, or Director concerned. It should include a statement that travel expenses will be reimbursed at a rate not to exceed round-trip, coach airfare. See BPPM, Chapter 95.01.

### 5. Equipment

All equipment purchased by or given to the University or to one of its departments is the property of Washington State University and not the property of a department or other unit. Priority in the use of a piece of equipment ordinarily is held by the department that purchased it out of its department funds. No individual has any proprietary interest in property of the University, nor are University buildings available for the permanent or continuing storage of employee personal property not used in official operations. Property continuously stored in University buildings is presumed to be state property. Department Chairs and principal administrative officers are responsible for maintaining inventories of equipment and are the custodians of the property assigned to their respective units. University equipment may not be borrowed by or loaned to an individual for private use. The Controller is authorized to rent certain items of equipment at times not needed in University operations.

### 6. Purchasing

All purchases by any unit of the University must be arranged through the Division of Purchasing prior to acquisition of the merchandise or equipment by the University or by one of its employees. Forms as furnished by the Purchasing Manager must be used to place purchase orders. Purchasing procedures are prescribed by state law and regulation and must be observed by all units of the University. The acquisition or custody of property not covered by normal purchasing procedure should be reported to the Vice President of Business Affairs.

### 7. Cash Received by Employees outside Controller's Office

Except for those departments traditionally considered as vendor departments, no department can sell goods or services to students, employees, other departments, or the general public without obtaining specific authority from the Assistant Vice President for Finance and Administration. The procedures for handling cash sales must be coordinated with the Controller. Washington State University receipts and invoices or other receipts or invoice documents approved by the Controller must be used by all departments to record payments or charges immediately upon receipt. All payments made to employees handling accounts and sales of produce, poultry, trees, and other property of the University, or for which the University is responsible, are to be deposited intact within a week with the Office of the Controller.

Cash, checks, or other payments totaling one hundred dollars (\$100) or more are to be deposited daily. The department must be responsible for providing adequate safeguards for cash.

(Departments may take charge sales only when authorized by the Office of the Controller.)

## **8. Approval of Contracts and Memoranda of Agreements**

The Vice President for Finance and Administration, or designee, the Assistant Vice President for Finance and Administration, is the contracting officer for the University. Each agreement or arrangement that any unit of the University or any employee wishes to enter into which, if made, would commit the University to any obligation, financial or otherwise, must formally documented in a contract or memorandum of agreement. These contracts or memoranda of agreement must be approved and signed by the Assistant Vice President for Finance and Administration. Persons wishing to negotiate such an agreement should, with the approval of their Dean or Director, discuss it in principle with the Assistant Vice President for Finance and Administration in advance or at least in the early stages of negotiation. A sufficient number of copies of each proposed contract or memorandum of agreement should be routed to the Assistant Vice President for Finance and Administration to permit the retention of one copy in the permanent contract files. BPPM, 70.21 <http://www.wsu.edu/~forms/manual.html> .

## **9. Bonding of Employees**

Every member of the faculty and staff is bonded in the amount of one hundred thousand dollars (\$100,000) as an employee of the State of Washington. It is not consistent with University policy for any employee to handle funds for any other organization as a part of his or her duties as a University employee.

# **Section V. Policies And Procedures For Indefinite Term And Fixed Term Faculty**

Washington State University employs a number of indefinite term and fixed term faculty. In no instance should temporary employment be used to jeopardize Washington State University's commitment to equal opportunity in employment and affirmative action. Parts A, B and C of Section III of this manual apply equally to indefinite term and fixed term faculty.

## **V A. Types of Non-tenure Track Appointments**

Non tenure track faculty appointments may be divided into two categories: (1) terminal appointments with specific end dates determined by the nature of the assigned task, funds or contracts (ie, Fixed Term); and (2) contingency appointments, with end dates, in which continued employment is determined by specific contingencies (Indefinite Term).

### **1. Terminal Appointment Definition**

Terminal appointments end on specific dates. Reappointment is dependent upon renewal of funding or contracts, extension of the assigned tasks, and positive action taken to reappoint the incumbent. The offer of such a position implies no obligation on the part of the University to continue employment beyond the termination date of the temporary appointment; such decisions lie solely within the University's discretion.

Types of terminal appointments are contracts for a specified period, teaching positions to cover unexpected enrollments in courses, visiting faculty appointments, grant-funded positions, summer appointments, adjunct and non-service appointments, appointments to teach courses offered through Extended University Services, exchange faculty appointments, appointments of persons who have not attained permanent visas or citizenship, research associate positions, internships, and positions occurring because of permanent employees' leaves or separations.

## **2. Contingency Appointment Definition**

In addition to termination dates, hiring actions for contingency appointments include a statement that continuing employment is contingent upon specific qualifications. If the contingency specifies a date by which some action must be complete and if the specifications are not met, the University has no obligation to the employee beyond the contingency date. Employees hired on one- to three-year contracts are in this category, as are employees holding temporary visas who will become eligible for permanent positions upon requisite changes in immigration status.

## **3. Hiring Policies And Procedures**

Information regarding recruitment, including special circumstances for grant employees, periodic advertisement to establish temporary applicant pools, and details regarding adjunct and visiting appointments may be found in the BPPM, 60.11 and/or the Office for Equal Opportunity Recruitment Manual.

## **V B. Establishment of Positions**

As in the case of permanent faculty positions, indefinite positions must be established prior to advertisement or personnel reclassification. To establish an indefinite position, a memo of request, position action, and a job description is addressed to the Provost and routed through the normal administrative channels to the Budget Office and Office for Equal Opportunity. The responsibility for final decisions about faculty positions resides with the Provost and no action on those positions may be taken without the approval of that office or the appropriate designee.

### **1. Periods of Appointment**

Periods of appointment will vary depending upon the particular situation. Indefinite academic (nine-month) appointments usually occur within the August 16 through May 15 academic year. If the appointment occurs between the period May 16 through August 15, it is called a summer appointment unless the employee is involved in instructional duties, in which case it is called a summer session appointment. All summer appointments and summer session appointments are indefinite. Annual (twelve-month) appointments are differentiated from academic appointments in that they occur during the period July 1 through June 30 or any portion of that period and are usually noninstructional positions. Only annual appointees accrue annual leave. Those appointed with temporary research titles may be appointed at any time for any period up to two (2) years.

### **2. Relocation Expenses**

Relocation expenses for indefinite faculty are not allowable on state funds by state law. If the hire includes moving on other than state funds, a statement must be included on the Personnel Action Form and the necessary departmental requisition sent to Purchasing. The employee may not set up his or her own move. Further information may be obtained from the Purchasing Office.

### **3. Temporary Long-Term**

Faculty hired on a contingency basis may be granted permanency if they meet certain criteria such as completion of a terminal degree. These appointments may be established for up to three years. Understandings of this nature must be written into the comments sections of the Personnel Action forms and permanent positions must be identified at the time such agreements are made. A statement must be made on the Personnel Action Form if the time spent in the temporary appointment is to be credited toward tenure eligibility.

In the case of international indefinite appointees, a statement that the appointee will be eligible for consideration for permanent appointment with requisite changes to his or her immigration status and identification of a permanent position should accompany the initial appointment. Such faculty may be appointed to three-year terms.

## **V C. Titles**

### **1. Clinical Faculty**

Faculty whose primary responsibilities are clinical supervision, and/or clinical instruction are persons qualified by training, experience or education to direct or participate in specialized university functions which are defined within the college making the appointment and approved by the Office of the Provost. Appointments are as clinical assistant professor, clinical associate professor or clinical professor.

### **2. Lecturer**

The title Lecturer is an entry level faculty position and is used for faculty hired as assistant professors who arrive without having completed their terminal degree. Such faculty are expected to complete the terminal degree during the first year of appointment or be given a terminal appointment for the second year. The title lecturer also may be used for temporary appointments to address a particular teaching need, usually for one semester and at less than one hundred percent (100%).

### **3. Instructor**

The title Instructor is used for short-term teaching contracts where no indication of rank is intended. The title Instructor implies the appointment is non-permanent and non-tenure track in nature. An instructor's primary responsibility is teaching undergraduate or clinical courses as defined by the supervising dean. These appointments can be renewed indefinitely at the discretion of the University. Instructor appointments may be from one to three years.

### **4. Senior Instructor**

See above Instructor definition. Only under extraordinary circumstances will a person be considered for promotion to Senior Instructor prior to the end of his or her fifth year of service as an Instructor, with the promotion, if granted, awarded at the end of the sixth year. Expectations for such appointments must be defined by the college and approved by the Office of the Provost. Appointments are for one to five years.

### **5. Research Faculty**

Non-tenure track appointments used to identify non-teaching faculty who may serve as principal or co-principal investigators on grants or contracts administered by the University. As qualified, ranks of assistant research professor, associate research professor, or research professor may be assigned to research faculty.

### **6. Visiting Faculty**

Fixed term appointees who are faculty members or professionals from another institution for purposes of teaching, collaboration or research. They are normally expected to return to their own institutions at the expiration of the appointment and are appointed as visiting instructors, visiting assistant professors, visiting associate professors, or visiting professors.

### **7. Adjunct Faculty**

Adjunct faculty are individuals who may hold positions with employers other than WSU and are appointed temporarily to WSU faculties. Adjunct faculty provide various types of service/teaching within individual colleges according to established criteria and may serve on graduate committees. As qualified, ranks of adjunct assistant professor, adjunct associate professor, or adjunct professor may be assigned to adjunct faculty. Appointments are for up to three years.

### **8. Postdoctoral Research Associates**

Postdoctoral research associates are persons who have earned a doctorate and are employed temporarily to support research.

## 9. Affiliate Faculty

Affiliate faculty are comparable to an adjunct appointment except that the person already is a WSU employee (faculty, administrative/professional) and has been invited to serve in a faculty role in a program other than the one paying his/her salary. Affiliate faculty are appointed on an unpaid, usually part-time basis to a department other than their home department at WSU for limited, renewable terms. As qualified, ranks of affiliate assistant professor, affiliate associate professor, or affiliate professor may be assigned to affiliate faculty who do not otherwise possess a faculty title.

Whenever a department plans to employ or host a foreign professor, researcher, or scholar, it is important to contact the Office of International Programs regarding arrangements for the appropriate immigration status.

## V D. Appointments

Appointment–Clinical Assistant Professor: Faculty at the rank of Clinical Assistant Professor are on fixed term appointments of up to three (3) years contingent upon College/Department needs and may be reappointed upon satisfactory evaluation as measured by annual performance review; a one-year terminal appointment may be given prior to completion of a three-year term if the annual review is unsatisfactory.

Only under extraordinary circumstances will a person be considered for promotion to Clinical Associate Professor prior to the end of his or her fifth year of service as a Clinical Assistant Professor, with the promotion, if granted, awarded at the end of the sixth year. At the time the faculty member elects to seek promotion, the College/Department will conduct a comprehensive tenure style review that involves all clinical, tenure-track, and tenured faculty in the College/Department at the ranks of Associate and Full Professor. Faculty may also remain at the rank of Clinical Assistant Professor and be reappointed to subsequent terms at that rank after their sixth year of service provided satisfactory performance continues.

Appointment–Clinical Associate Professor: Faculty at the rank of Clinical Associate Professor are on fixed-term appointments of up to five (5) years. Performance reviews will be conducted annually with the possibility of five (5) year rolling horizon renewal based on College/Department needs; a one-year terminal appointment may be given if the review is unsatisfactory.

Only under extraordinary circumstances will a person be considered for promotion to Clinical Professor prior to the end of his or her fifth year of service as an Associate Professor, with the promotion, if granted, awarded at the end of the sixth year. At the time the faculty member elects to seek promotion to the rank of Clinical Professor, the College/Department will conduct a comprehensive tenure style review that involves all clinical, tenure-track, and tenured faculty in the College/Department holding the Full Professor rank. An individual College/Department, at its discretion, may require external reviews in line with its specific mission. If promotion to Clinical Professor is not pursued or is not granted, faculty may remain at the rank of Clinical Associate Professor provided satisfactory performance continues.

Appointment–Clinical Professor: Faculty at the rank of Clinical Professor are on fixed-term appointments of up to five (5) years. Performance reviews will be conducted annually with the possibility of renewal for an additional period designated by the Dean and/or Chair and senior faculty of the College/Department, but not to exceed five (5) years (i.e., rolling horizon appointment).

## V E. Setting Salaries, Extra Compensation, And Annual Review

### 1. Salary Criteria

Indefinite faculty salaries are negotiated based upon education, experience, market value, and merit. Salary averages for permanent faculty are distributed to the Deans' offices the second semester of each year and may be used as benchmarks for determining salaries for indefinite faculty.

## **2. Annual Review and Salary Increases**

Fixed term faculty hired on one- to five-year renewable contracts and fixed term faculty holding ranked titles eligible for rehire must be included in the formal annual review during the first year of appointment. Salaries for employees hired for short-term contracts on self-sustaining funds may be renegotiated each rehire. Individuals holding fixed term research faculty titles and compensated by extramural grant funding should receive merit salary increases at the initiation of the principal investigator subject to administrative approval.

Fixed term faculty (other than those holding research titles) expected to be rehired for the following year must be included in the formal annual review process during the first year of appointment. Criteria for evaluation may differ slightly from criteria for permanent faculty; however, performance in instruction, research and creative accomplishments, and service activities should be considered. The review should include student evaluations where appropriate and should indicate strengths and weaknesses with suggested areas of improvement. Salary increases for fixed term faculty will be based on annual review.

After the department chair, or equivalent, has completed the written annual review evaluations, each indefinite faculty member reviewed shall sign a statement indicating that he or she has had the opportunity to read the evaluation report and to discuss it with the chair prior to its being forwarded through administrative channels. Any dissent regarding contents of the report shall be appended to the report before it is submitted through channels.

## **3. Extra Compensation**

Indefinite faculty have the same constraints as permanent faculty in respect to earning extra compensation. See the BPPM, 60.44.

## **V F. Rights And Privileges**

### **1. Benefits**

#### **a. Insurance**

The University makes available group medical/dental insurance, salary continuation insurance (long term disability), life insurance, and other benefits. Eligibility for these programs is determined by the State of Washington Public Employee's Benefits Board (PEBB). Generally, full time and half time faculty, who are anticipating to be employed for an academic year, or equivalent thereof, are eligible for the PEBB benefit package. Other eligibility criteria may be applicable, including stacking concurrent employment with more than one Washington state higher education institution. Industrial insurance (worker's compensation) covers all employees. (Consult the Benefits and Disability Services links for details of these programs found on the Human Resource Services website, <http://www.hrs.wsu.edu> )

## **b. Retirement**

Participation in a retirement plan is available to any faculty member who is employed at least half time for one semester, or equivalent period.

The WSU Retirement Plan has been established by the Board of Regents under authority provided by laws of the state of Washington for the purpose of providing retirement incomes and related benefits to eligible faculty and employees. It is a defined contribution 403b plan.

Beginning July, 2011, The Teachers Retirement System Plan 3 is another retirement plan in which new hires are able to participate. This 401a plan is a hybrid defined contribution/defined benefit plan.

Washington State University also offers Faculty voluntary retirement plans to which employees may make additional non-matched retirement contribution up to the IRS maximum limits.

For details on the retirement plans, see the Benefits link on the Human Resource Services website at [www.hrs.wsu.edu](http://www.hrs.wsu.edu).

## **2. Unemployment Compensation**

Under applicable state laws and Department of Employment Security regulations, indefinite faculty who are expected to be rehired for consecutive years are not eligible for unemployment benefits during summer months. Persons included in annual review will be denied unemployment benefits unless departments produce Personnel Action Forms indicating separation from University service.

## **V G. Leave**

### **1. Leave Accruals**

Indefinite faculty must be employed for at least half time (.50 FTE) for one (1) semester on academic appointment or six (6) months on annual appointment to be eligible for sick leave and (if eligible) annual leave. Full-time annual appointees earn 14.67 hours of annual leave per month based on full-time equivalence. Academic- and irregular-term employees are not eligible for annual leave accruals. Eligible faculty earn eight hours of sick leave per month, based on full-time equivalence. Indefinite appointees who work at least one (1) month during the summer earn sick leave. Hourly appointees are not eligible for leave benefits. Employees who had accrued leave prior to the adoption of this policy may retain their current leave balances until the hours are depleted or until they separate from University service.

### **2. Holidays**

Indefinite faculty are eligible for all University holidays that occur during their period of appointment. Half-time or greater annual appointees on at least four-month appointments are eligible for the personal holiday.

### **3. Leave Usage and Payoff**

No state employee may use leave before it is earned. Indefinite faculty must request leave prior to taking it through their immediate supervisors. Generally, leave will be allowed unless a serious lapse in the project will occur or unless classes cannot be covered by alternate personnel. An indefinite faculty member may use eight hours per month of accrued paid leave (including sick leave) for up to four (4) months during parental or disability leave without pay to maintain eligibility for University-sponsored insurance benefits.

Normally, indefinite faculty cannot be paid for accrued annual leave and cannot transfer accrued annual leave to an appointment with a different funding source.

#### **4. Sick Leave**

With the exception of the circumstances described above, sick leave may be used only in case of illness or temporary disability of the indefinite faculty member or a member of his or her immediate family or household. Sick leave for more than ten (10) working days must be verified by a physician except in the case of childbearing and adoption in which case six (6) weeks of sick leave is allowable. If more time is required, the employee must supply a physician's statement. An illness of more than three (3) working days and a visit to a physician may qualify the employee for Family and Medical Leave. Human Resource Services will determine eligibility for such leave and the University must inform the employee at the time leave is taken if it will be so designated.

#### **5. Work-Related Illness or Injury**

Benefits for work-related illness, accident, or injury are provided in accordance with the State of Washington's Workers' Compensation Act. Indefinite faculty pay one-third of the medical aid premium expense through payroll deductions. Any job-related accident or injury should be reported to the immediate supervisor, and the Benefit and Payroll Services through an Accident Injury or Occupational Illness report as soon as possible. If an employee receives compensation from State Industrial Insurance for a job-related injury, a like amount will be deducted from the next paycheck and a portion of reported sick leave will be reinstated. The Benefit and Payroll Services can provide clarification of this regulation.

#### **6. Emergency Leave**

Indefinite faculty are eligible for emergency leave under the same provisions as permanent faculty. See section III.E.14 of this Manual.

#### **7. Professional/Retraining Leave**

Indefinite faculty are not eligible for professional or retraining leave. However, time spent in temporary positions may (upon approval of the appropriate administrative officers and the Provost ) be credited toward leave if the employee acquires a permanent position.

#### **8. Military Leave and Civil Duty**

Indefinite faculty are eligible for civil duty, military training or leave as provided by state law. See section V.G.7-V.G.8.

#### **9. Leave Without Pay**

Leave without pay must be requested by memorandum to the immediate supervisor. Reasons for the leave and the beginning and ending dates must be included in the request. If an extension is necessary, a second request should be submitted. The request should include a statement of intent to return to Washington State University for a like period of time. The period of leave cannot exceed the period of current appointment.

### **V H. Waiver of Tuition And Fees For Full-Time Temporary Employees**

Temporary employees on at least half-time appointment may enroll, on a space available basis, with full waiver of tuition and fees in no more than six (6) hours in one semester or four (4) hours in the summer session. They must pay a five dollar (\$5) registration fee plus any special course fees such as laboratory or late registration. This rule applies to total enrollment, and audits are included in the maximum permitted in any semester or summer session.

### **V I. Suspended Operations**

In the case of natural or national emergency, when the President of the University declares suspended operations, temporary faculty who are not required to work will use annual leave or leave without pay.

## **V J. Obligations**

### **1. Code of Ethics**

Indefinite and fixed term faculty are considered officers of the University and as such must observe the Faculty Code of Professional Ethics and the Conduct Regulations. Within the parameters of their positions, they are expected to respect and defend free inquiry of associates, acknowledge contributions of others, show due respect for the opinions of others, set an academic example, accept their share of responsibilities for governance of the University, and protect institutional integrity by close observance of published regulations and policies in order to increase the effectiveness of the entire University community. Indefinite and fixed term faculty have the rights, privileges, and obligations of all citizens. They should make personal and private speech or actions clearly separate from University sanction, and as citizens of the University community, they are responsible for the promotion of free inquiry and public understanding of academic freedom.

### **2. Patents and Copyrights**

Indefinite and fixed term faculty are subject to the same patent and copyright policies as are permanent faculty.

Washington State University may transmit or reproduce by television, radio, or other means, news and general information programs prepared by or participated in by indefinite and fixed term faculty. The negotiation of a contractual agreement between the responsible employee and the University is handled through the Provost.

## **V K. Termination**

Employment may be terminated in any of the following ways:

### **1. Non-reappointment**

For a faculty member with an appointment carrying a terminal date, the appointment ends on the specified terminal date, unless positive action is taken to reappoint that faculty member. A written notice of non-reappointment is required only when a faculty member's fixed term appointment length is three years or more and the faculty member has not yet received a letter of reappointment. The written notice must be issued at least sixty (60) calendar days prior to the termination date. Contingency appointments always end on the designated terminal date unless the specified contingencies are satisfied.

### **2. Resignations**

Resignations should be submitted as early as possible and must be submitted in writing at least sixty (60) calendar days prior to the separation date. Indefinite and fixed term faculty may properly request a waiver of the notice requirement in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

### **3. Under Extraordinary Circumstances**

Termination of an indefinite and fixed term faculty appointment before the end of the period of appointment may be based on financial exigency or discontinuance of a program or department of instruction, research or service. Under the circumstances described in section III.G.3 of this Manual, notification to the employee(s) involved must be delivered in writing sixty (60) calendar days prior to the terminal date; or in cases where the terminal date of the current appointment necessitates an interval of less than sixty (60) calendar days, termination will be concurrent with the effective terminal date of the current appointment. If a decision to discontinue a program is rendered during the summer months and a verbal expectation of employment has been given to an indefinite or fixed term faculty member, notice will be delivered in writing as far in advance as possible that employment will not be available for the coming school year.

#### **4. For Cause: Violation of the Faculty Code of Professional Ethics or Conduct Regulations**

See Section III.F. Disciplinary Process/Procedures

#### **5. For Cause: Physical or Mental Health Reasons See Section III F 5.**

#### **6. For Cause: Unsatisfactory Performance**

Indefinite research faculty compensated by extramural grant funding may be terminated if their performance is deemed unsatisfactory by the principal investigator of the research grant or contract to which their salary is charged. Indefinite faculty have access to advice from the Office for Equal Opportunity, the University Ombudsman, and the Faculty Status Committee.

### **V L. Retirement**

Indefinite faculty who have been reappointed beyond their original appointment and who intend to retire should address a letter to their immediate supervisor and to Human Resources Benefit Unit if the employee has paid into a retirement system through the University. Notice of retirement at the end of the current appointment should be submitted as early as possible. A minimum of sixty (60) calendar days notice is appropriate.

#### **1. Retirement Age**

There is no mandatory retirement age for Washington State University faculty. Eligibility for a monetary benefit from the faculty member's retirement plan is determined by the rules of the plan the individual is participating at the time of the separation for employment.

Retiring prior to one's federally defined full retirement age will reduce Social Security benefits.

Eligibility for medical, dental and or life insurance after retirement is determined by the Health Care Authority rules. A Medical Expense Plan benefit may be available to non-teaching, non-research faculty who accrue sick leave.

Faculty members hired prior to July, 2011, who are at least age 62, with at least 10 years of service may be eligible for a Supplemental Retirement Plan benefit at the time of retirement.

#### **2. Retirement Because of Health Condition**

In the event an employee may no longer be able to perform the duties of their position due to a serious health condition, they may be eligible for Retirement. If this were to occur prior to the individual reaching age 62, and if they had at least 10 years of service, they may be eligible for a Supplemental Retirement Plan benefit, and other insurance options. If an individual pursued a retirement because of health condition, they will follow the processes identified in the WSU Retirement Plan and/or its Guidelines and Directives. The faculty member should be referred to the Human Resource Services Benefits unit to discuss this option.

### **Section VI: Revision Of Preceding Sections**

Revision of the preceding sections of this Faculty Manual may be proposed by any unit of the University or by any member or group of members of the faculty. All proposals shall be submitted in writing to the Executive Secretary of the Faculty Senate. Proposals ordinarily shall be reviewed by the Faculty Affairs Committee, but may be reviewed by the Faculty Status Committee and sent with the reviewing Committee's recommendation to the Senate Steering Committee. The Senate Steering Committee shall inform the President of the recommendations prior to action by the Senate. The Faculty Senate shall

submit its recommendations to the President, who has final responsibility, as delegated by the Board of Regents, for revisions or changes in the Faculty Manual. The Executive Secretary of the Faculty Senate shall be responsible for informing the University community of approved changes in the Manual and for adding these changes to the published revisions of the Manual at appropriate intervals.