



INSTITUTIONAL POLICY: PE-02

Category:	Personnel
Subject:	Faculty
Effective Date:	November 4, 2024
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PE 02-1. Authority

W. Va. Code § 18B-1-6

PE 02-2. Purpose and Applicability

The purpose of this policy is to set forth the rules of the West Virginia School of Osteopathic Medicine (“WVSOM”) concerning faculty matters, including faculty qualifications, appointments and categories, evaluations, promotion, sabbatical leave, emeritus status, resignations, non-retention, misconduct, termination of employment for cause, termination of employment due to financial exigency, and faculty grievance procedure. This policy applies to all WVSOM faculty members.

PE 02-3. Faculty Qualifications

- 3.1 WVSOM faculty shall have appropriate expertise in subjects they teach. Faculty qualifications may be determined in one of two ways: qualification by credential or qualification through equivalent tested experience.
 - 3.1.1 Qualified faculty members are identified primarily by credentials (minimum degree requirements). WVSOM may consider other factors such as equivalent tested experience in determining whether a faculty member is qualified to teach specific subject matter. Equivalent tested experience may substitute for an earned credential or portions thereof.
 - 3.1.2 When determining acceptable qualifications of its faculty, WVSOM gives primary consideration to the highest earned degree, which is normally a terminal degree in the discipline. In general, instructors are to possess an academic degree relevant to what they are teaching and at least one level above the level at which they teach, except in programs for terminal degrees or where equivalent tested experience is established.
 - 3.1.3 In some instances, there may be a generally accepted standard with regard to some disciplines that allows for a faculty member's qualifications to be other than a terminal degree. WVSOM may deem a faculty member qualified based on experience that the institution determines is equivalent to the degree it would otherwise require for a faculty position. This experience should be tested experience in that it includes a breadth and depth of experience as set out in Section 3.3.2 relevant to the discipline in which the faculty member would be teaching. Additionally, if a faculty member

holds a master's degree or higher in a discipline or subfield other than that in which they teach, that faculty member must have completed a minimum of 18 graduate credit hours in the discipline or subfield or qualify under equivalent tested experience. An academic subfield refers to a component of the discipline in which the instruction is delivered. The key consideration is whether a degree in the field or a focus in the specialization held by a faculty member appropriately matches the courses the faculty member would teach in accordance with the conventions of the academic field.

3.2 Qualification by Credential

3.2.1 Faculty teaching in the Doctor of Osteopathic Medicine degree program must have

- (i) a terminal degree determined by the discipline or subfield of the discipline, in which they teach, and/or for which they develop curricula; or
- (ii) a terminal degree in any discipline, a record of research, scholarship or achievement, AND a minimum of eighteen (18) graduate credit hours in the discipline or subfield in which they are assigned to teach.

3.2.2 Faculty teaching in graduate programs should hold a terminal degree determined by the discipline and have a record of research, scholarship or achievement appropriate for the graduate program.

3.3 Qualification by Equivalent Tested Experience

3.3.1 Equivalent tested experience can substitute educational requirements establishing minimally qualified faculty if academic credentials set forth in Section 3.2 above are not met. Circumstances may arise in which the institution determines it is beneficial to hire or assign a full-time faculty member or instructor with specific experience that, when combined with educational credentials, provides an equivalent level of expertise to teach in the assigned course. The institution may grant an exception to the criteria in Section 3.2 above if an individual possesses the necessary breadth and depth of equivalent tested experience as set out in 3.3.2.

3.3.2 WVSOM defines minimally acceptable equivalent tested experience as:

- (i) Having a terminal degree in any discipline, AND a nationally-recognized credential (certification, license, etc.) for the discipline or subfield (in those fields with such designation), AND recognition by their peers for distinguished professional accomplishments AND a minimum of five (5) years of tested experience in a related discipline to the course.
- (ii) In certain circumstances, a faculty member may teach a doctoral-level course with a master's degree if they are recognized by their peers for distinguished professional accomplishments, AND are considered an expert in the content covered in the course, AND have a minimum of seven (7) years tested experience in a related field to the course. Examples of professional accomplishments include, but are not limited to, publications, research, awards, certifications, licensure, clinical experience, classroom or laboratory teaching experience, business degrees, etc.

- (iii) In certain circumstances, a faculty member may teach a graduate-level course with a master's degree if they are recognized by their peers for distinguished professional accomplishments, AND are considered an expert in the content covered in the course, AND have a minimum of three (3) years tested experience in a related field to the course. Examples of professional accomplishments include, but are not limited to, publications, research, awards, certifications, licensure, clinical experience, classroom or laboratory teaching experience, business degrees, etc.

3.3.3 Examples of information that may be used to document equivalent tested experience include but are not limited to:

- (i) A letter from a supervisor, administrator, or business owner confirming related work experience or other relevant documentation provided by an employer.
- (ii) Client references if the faculty candidate is self-supervised or self-employed.
- (iii) Current copy of appropriate licensure(s) or certification(s) in the discipline including expiration date and issuing agency.
- (iv) Copy of honors or awards within the last seven years related to the appropriate discipline with date and awarding agency or institution, and if necessary, an explanation.
- (v) Copy of teaching awards, teaching evaluations, peer reviews from an institution of higher education. Documentation should include dates, institution, copy of teaching awards, evaluations with date and awarding agency or institution and listing of public speaking engagements.
- (vi) Related research experience in industry or government agencies, PI or Co-PI for funded external grants, supervision of professional student research or other project-based activity in the discipline with official notification of award, letters of agreement, letters of reference, contracts or other appropriate documentation.
- (vii) Record of peer-reviewed, refereed or invited publications, presented papers, author or co-author of textbooks, or other activities in the discipline with full citation in the CV.
- (viii) Evidence of conducting professional training or documented demand for public speaking (e.g., invited lecturer, keynote speaker).
- (ix) Documentation corroborating at least three years (graduate-level programs) or seven years (doctoral-level programs) of substantial practical, professional or practitioner experience in a relevant field.

PE 02-4. Hiring Process for New Faculty

- 4.1 Postings for faculty positions or solicitations must include notice of minimum qualifications consistent with this policy.
- 4.2 A current curriculum vita, along with official academic transcripts or other documents verifying credentials, must be submitted to the Office of Human Resources prior to hire for

all faculty positions. Records of the curriculum vita and academic credentials will be kept by the Office of Human Resources for all faculty hires.

- 4.3 WVSOM's hiring process for faculty as outlined by the Office of Human Resources and Vice President for Academic Affairs and Dean will be followed for selecting qualified candidates for interviews. This process will use the minimum qualifications for a faculty member outlined in this policy when selecting and approving a candidate for hire.
- 4.4 During the recruitment phase of the selection process, a department chair or designee may request an exception to the criteria in Section 3.2 above based on equivalent tested experience. The written request along with all necessary supporting documentation must be submitted to the Vice President for Academic Affairs and Dean for review and approval or rejection.
- 4.5 After review, the Vice President for Academic Affairs and Dean will notify the Office of Human Resources in writing of the exception request determination to inform those involved in the hiring process.
- 4.6 The Office of Human Resources shall maintain written documentation for current or future faculty members hired through equivalent tested experience verifying that they meet the minimum standards set forth in this policy.

PE 02-5. Faculty Academic Assignments by Department Chairs or the appropriate Assistant or Associate Dean

- 5.1 Faculty qualifications are reviewed by department chairs or the appropriate Assistant or Associate Dean when making new academic teaching assignments to ensure that courses are staffed by faculty with appropriate credentials.
- 5.2 The Vice President for Academic Affairs and Dean will perform a final review of new academic teaching assignments to ensure that courses are appropriately staffed.
- 5.3 Any written request by a department chair, the appropriate Assistant or Associate Dean or designee for an exception based on equivalent tested experience along with all necessary supporting documentation must be submitted to the Vice President for Academic Affairs and Dean for review and approval or rejection.
- 5.4 The Vice President for Academic Affairs and Dean shall notify the applicable department chair, or the appropriate Assistant or Associate Dean in writing of any approved exception request determination for faculty assignment to a course requiring an exception.

PE 02-6. Faculty Appointments

WVSOM faculty will be appointed by the President. This section officially defines faculty membership. For appointment purposes, faculty members are further subdivided by the President into the following categories:

- 6.1 Tenure Track Faculty

- 6.1.1 Tenure at WVSOM is an assurance that, after a pre-tenure period, faculty shall have permanent employment until retirement barring termination of employment for cause, financial exigency, or other reasons set forth in this policy.
 - 6.1.2 Tenure track faculty may be pre-tenured or tenured. Such faculty are full-time (1.0 FTE) employees of WVSOM and may possess the title of Professor, Associate Professor, Assistant Professor, or Instructor. Tenure track faculty are Voting Faculty (see Faculty Handbook, Section 3.1.1).
 - 6.1.3 To be considered for tenure, a faculty member must provide information concerning significant achievement in the areas of teaching effectiveness, professional development, and service to the academic community. Tenure is granted to an individual based upon meritorious contribution to the institution and perceived potential for future development and contribution in each of these areas.
 - 6.1.4 Physician faculty in the patient care environment must hold an active medical license and board certification/board eligibility.
 - 6.1.5 Ordinarily, four years of service to the institution as a full-time employee (1.0 FTE) is considered a minimal length of time prior to consideration for tenure. This does not preclude possible earlier or later consideration for an individual.
 - 6.1.6 Under special circumstances, if requested by the faculty member and approved, a full-time tenure track appointment may be converted to a part-time tenure track appointment for a specified time period, normally not to exceed one calendar year. At the conclusion of the approved time period or an approved extension thereof, the faculty member will return to a full-time tenure track appointment or, if the faculty member chooses not to return to a full-time tenure track appointment, the faculty member's employment will cease. This section does not apply to actions associated with phased retirement programs.
- 6.2 Non-tenure Track Faculty
- 6.2.1 Non-tenure track physician faculty in the patient care environment must hold an active medical license and board certification/board eligibility.
 - 6.2.2 Non-tenure track faculty hold appointments that are not subject to consideration for tenure, regardless of the number, nature, or time accumulated in such appointments, except as provided in Section 6 of this policy. Such Faculty may possess the titles of Professor, Associate Professor, Assistant Professor or Instructor which may be preceded by the designations "Research", "Clinical" or "Adjunct". Non-tenure track faculty members are further subdivided as follows:
 - 6.2.3 Regular Non-Tenure Track Faculty
 - (i) Regular non-tenure track faculty members are full-time (1.0 FTE) employees of WVSOM.
 - (ii) Regular non-tenure track appointments can only be used if one or more of the following conditions exists:
 - (a) Responsibilities of the position are focused in only one of the three evaluation areas and the job description does not include significant participation in all

three evaluation areas of teaching, professional development/scholarly activity, and service. Such faculty members are Voting Faculty (see Faculty Handbook, Section 3.1.1) and may serve on faculty committees.

- (b) The employee is granted a primary appointment as an administrator or to perform other non-instructional duties, with a secondary regular non-tenure track faculty appointment that is instructional in character. Such employees may petition for voting status as described in the Faculty Handbook.

6.2.4 Short-Term Non-Tenure Track Faculty

- (i) Short-term full-time (1.0 FTE) non-tenure track faculty possess full voting status and may serve on faculty committees.
- (ii) Short-term part-time (less than 1.0 FTE) non-tenure track faculty with appointments equal to or greater than 0.53 FTE possess full voting privileges for purposes of faculty governance and may serve on faculty committees. Short-term part-time faculty with appointments of less than 0.53 FTE are not entitled to vote on issues pertaining to faculty governance but may petition for voting status as described in the Faculty Handbook.
- (iii) Short-term non-tenure track faculty appointments can only be used if one or more of the following conditions exists:
 - (a) The position is funded by a grant, contract or other source that is not part of the regular and ongoing source of operational funding.
 - (b) The appointment is for the temporary replacement of an individual on sabbatical or other leave of absence. Such appointments may be renewed at the discretion of the President to meet departmental or institutional needs and are subject to annual review.
 - (c) The position is used to meet temporary instructional or institutional needs. Such appointments may be renewed at the discretion of the President to meet departmental or institutional needs and are subject to annual review.

6.2.5 Adjunct Faculty

- (i) Qualified individuals who have been credentialed by WVSOM to teach, mentor, and support students may be given an adjunct faculty appointment and will be issued a certificate of recognition.
- (ii) Credentialing requirements:
 - (a) A current curriculum vitae;
 - (b) A current license to practice (when applicable);
 - (c) A current DEA certificate (when applicable);
 - (d) Board certification document, or evidence of board eligibility; and
 - (e) A recommendation by the appropriate associate dean.

- (iii) Adjunct faculty appointments shall be for no longer than a two (2) year period, but may be renewed based on continued participation as an adjunct faculty member.
- (iv) Adjunct faculty members' medical licenses are verified annually with their board of medical examiners (when applicable).
- (v) Adjunct faculty do not hold voting privileges on matters pertaining to faculty governance and cannot serve on faculty committees.
- (vi) The balance between remunerated full-time faculty and remunerated adjunct faculty shall be reviewed annually among the Vice President for Academic Affairs/Dean, the Faculty Council, and the President. Any adjustments to the balance shall be determined by the President.

6.2.6 Clinical Preceptors

- (i) Clinical Preceptors are qualified individuals who have been credentialed by WVSOM and may serve as teachers to WVSOM students on clinical rotations. These Clinical Preceptors may not have yet applied for adjunct faculty appointments or may have chosen not to pursue an adjunct faculty appointment.
- (ii) Credentialing requirements:
 - (a) A current curriculum vitae;
 - (b) A current license to practice (when applicable);
 - (c) A current DEA certificate (when applicable);
 - (d) Board certification document, or evidence of board eligibility; and
 - (e) A recommendation by the appropriate associate dean.
- (iii) Clinical Preceptor appointments shall be for no longer than a two (2) year period, but may be renewed based on continued participation as an adjunct faculty member.
- (iv) Clinical Preceptor medical licenses are verified annually with their board of medical examiners.
- (v) Clinical Preceptors do not hold voting privileges on matters pertaining to faculty governance nor can they serve on faculty committees.

6.2.7 Visiting Faculty

- (i) Visiting Faculty are those members of the teaching faculty who are not employed by WVSOM but who may be compensated for delivering curricular content to WVSOM students.
- (ii) These faculty members are accorded the title Visiting Lecturer.
- (iii) Visiting faculty do not hold voting privileges on matters pertaining to faculty governance nor can they serve on faculty committees.

6.2.8 Graduate Teaching Assistants

- (i) Graduate Teaching Assistants are students who are contractually engaged to assist in teaching at WVSOM. They are under the direct control and supervision of faculty.
- (ii) These students are accorded the title Graduate Teaching Assistant.
- (iii) Graduate Teaching Assistants are excluded from participation in faculty governance at WVSOM.

6.3 Administrators Holding Faculty Appointments

6.3.1 Faculty Administrators are administrators who hold tenure-track or non-tenure track faculty appointments. Employees holding the title of Dean, Associate Dean, or Assistant Dean may hold faculty titles but are not considered faculty members for the purposes of membership on faculty committees or for voting on matters pertaining to faculty governance unless they have petitioned for voting status as described in the Faculty Handbook. Other faculty whose appointments are primarily administrative may also petition for voting status as described in the Faculty Handbook.

6.3.2 In addition to their regular administrative duties, each WVSOM administrator who holds faculty rank shall teach at least (1) one course during each eighteen-month employment period or perform on-going research in lieu of teaching, pursuant to W. Va. Code § 18B-8-6(b). Such teaching and research shall be evaluated in accordance with this policy.

6.4 Notification of Terms and Conditions of Faculty Appointments

6.4.1 The faculty appointment shall be in writing and shall include at least the following:

- (i) That the appointment is offered in accordance with the provisions of WVSOM's policies, Employee Handbook, and Faculty Handbook;
- (ii) That the appointment is tenured, tenure-track, or non-tenure track;
- (iii) The rank, if applicable;
- (iv) That the appointment is full-time (1.0 FTE) or part-time with the FTE identified;
- (v) That it is a terminal contract, if applicable;
- (vi) The beginning and ending dates of the appointment;
- (vii) The total salary for the appointment;
- (viii) That continued employment is subject to the fulfillment of the duties and responsibilities of the position;
- (ix) That the specific assignments of the position will be determined by WVSOM; and
- (x) That acceptance of the appointment will be specified by the faculty member's signing, dating, and returning a copy of the written appointment to the designated WVSOM representative within the timeframe listed in the appointment.

6.4.2 Renewal letters need not contain all the information listed in Section 3.4.1 above, but may refer to the earlier appointment.

PE 02-7. Supplemental Appointments

The primary responsibility of the faculty is to instruct and evaluate the students of WVSOM. Faculty may, however, be granted supplemental appointments to engage in approved research, service, or administrative activities, provided their primary responsibilities are being satisfactorily performed.

PE 02-8. Evaluation

- 8.1 All faculty shall be evaluated on a regular basis.
- 8.2 Pre-tenured faculty are evaluated in depth yearly until they attain tenure status. Tenured faculty are evaluated in depth in the year prior to the end of each faculty appointment contract, but not more frequently than every four years with a brief review of progress in the off years.
- 8.3 Tenure track faculty and non-tenure track faculty, to the extent applicable, shall be evaluated under the following areas:
 - 8.3.1 Teaching performance, including the following:
 - (i) course content
 - (ii) course organization
 - (iii) course presentation
 - (iv) knowledge base of the faculty member
 - (v) rapport with and counseling of students
 - (vi) rapport with other faculty members in the course
 - (vii) appropriate procedures for evaluation of student performance
 - 8.3.2 Professional growth and development, including the following:
 - (i) maintenance of license, where applicable
 - (ii) maintenance of board certification, where applicable
 - (iii) meeting current standards of patient care, where applicable
 - (iv) participation in original research, scholarly activities or service projects
 - (v) participation in outside professional activities
 - 8.3.3 Service to academic and institutional programs, including the following:
 - (i) participation in faculty committees and institutional functions
 - (ii) participation in programs representing WVSOM to outside groups, either on or off campus
- 8.4 Sources of information for an evaluation must include the following:

- 8.4.1 A self-assessment discussing the faculty member's past and present contributions and the faculty member's plans and goals for future development in the areas of evaluation.
- 8.4.2 Peer Evaluations. There must be a minimum of two peer evaluations included. One requested by the faculty member and a second requested by the Chair of the Division. Such evaluation should be based upon observation and not upon reputation and should address the areas of evaluation set forth above.
- 8.4.3 Student Evaluations. To be a broad-based and comprehensive evaluation of the faculty member's teaching abilities, this should include as many classes as possible from among those taught by the faculty member.
- 8.4.4 Evaluation by Immediate Supervisor. This includes any further documentation that may be required by the Division Chair, the appropriate Associate Dean and the Academic Dean.

PE 02-9. Promotion

- 9.1 In order to be considered for promotion, a faculty member must provide information concerning teaching effectiveness, professional development and service to the academic community.
- 9.2 Regular, full-time non-tenure track faculty may petition to join the tenure track. This petition must include submission of a review packet to the Promotion and Tenure committee to receive feedback on how many years of service may be credited.
- 9.3 Promotion to the rank of Assistant Professor constitutes recognition of a faculty member's completion of a terminal academic degree or other special qualifications in the field and having met or exceeded his/her quantifiable goals since joining the Faculty at WVSOM. Upon promotion to the rank of Assistant Professor, the faculty member shall be awarded a 10% increase in base salary.
- 9.4 Promotion to the rank of Associate Professor constitutes recognition of significant personal achievement and the promise of continued development in the areas described above. In the area of professional development, these achievements must be commensurate with resources provided by the institution. Upon promotion to the rank of Associate Professor, the faculty member shall be awarded a 10% increase in base salary.
- 9.5 Promotion to the rank of Professor acknowledges a record over several years of excellence in teaching, outstanding professional achievement, and dedicated service to the academic community. In the area of professional development, these achievements must be commensurate with resources provided by the institution. Upon promotion to the rank of Professor, the faculty member shall be awarded a 10% increase in base salary.

PE 02-10. Sabbatical Leave

- 10.1 Sabbatical leave may be granted to a faculty member so that he/she may engage in research, writing or other activity calculated to contribute to professional development and his/her

usefulness to the school. A faculty member's institutional position, status and rank shall not be adversely affected solely by his/her absence while on sabbatical leave.

- 10.2 Any person holding faculty rank is eligible for sabbatical leave after completion of at least six years of full-time employment in a faculty rank. After completing a sabbatical leave, a faculty member shall not be eligible for another sabbatical leave until the seventh subsequent year of full-time employment.
- 10.3 A faculty member applying for sabbatical leave must present an application to the Department Chair for initial consideration. Sufficient time shall be allowed by the applicant for processing his/her application so required reviews and recommendations may be thorough and completed prior to the President's review and decision. A minimum of 6 to 12 months is suggested. Applications must be in writing and specify the following:
 - 10.3.1 The applicant's name and date of application;
 - 10.3.2 Location sabbatical is to take place, inclusive dates requested for leave, and where the applicant can be contacted during leave;
 - 10.3.3 Specific value to school and faculty member;
 - 10.3.4 A detailed plan of activity which he/she proposes to follow (i.e., research, service, etc.); and
 - 10.3.5 Budgetary requirement to replace the applicant's teaching, service, etc.
- 10.4 Review and written recommendations as follows:
 - 10.4.1 Department Chair;
 - 10.4.2 Appropriate Associate Dean;
 - 10.4.3 Vice President for Academic Affairs and Dean; and
 - 10.4.4 President, for final decision.
- 10.5 A faculty member on sabbatical leave shall receive full salary for not more than one-half of the academic year or half-salary for no more than the full academic year.
- 10.6 Obligations of the faculty member:
 - 10.6.1 An applicant for sabbatical leave shall sign a statement indicating that, in accepting a sabbatical leave, he/she is aware of, and agrees to, all conditions of the leave as specified in Section 7 of this policy.
 - 10.6.2 While on sabbatical leave, a faculty member may not accept remunerative employment without the written consent of the President or his/her designated representative. Fellowships, grants, assistantships, and similar stipends shall not be considered remunerative employment.
 - 10.6.3 A faculty member is obligated to return for a full contract year of service upon completion of the leave. Failure to return will obligate the faculty member to reimburse fully the institution for salary received during the period of leave.

10.6.4 Within six (6) months following termination of a sabbatical leave, the faculty member shall file a written report of all scholarly activities with the Vice President for Academic Affairs and Dean, with copies filed with the President, the appropriate Associate Dean, and the Department Chair.

10.7 The President shall forward information on approved sabbatical leaves to the WVSOM Board of Governors on an annual basis.

PE 02-11. Emeritus Status

Emeritus status is an honorary title that may be awarded to a retiring faculty member or administrator for extended meritorious service. The WVSOM Faculty Handbook sets forth the process for granting emeritus status.

PE 02-12. Faculty Resignations

A faculty member desiring to terminate an existing appointment during or at the end of the academic year, or to decline reappointment, shall give a minimum of 90 days' notice. Professional ethics dictate due consideration of WVSOM's need to have a full complement of faculty throughout the academic year.

PE 02-13. Non-Retention of Faculty

13.1 For tenure-track faculty members who were appointed on or before March 8, 2003, the decision regarding his/her retention or non-retention for the ensuing year shall be made by WVSOM's President or designee, and shall be notified in writing of the decision in the following ways:

13.1.1 A letter post-marked and mailed no later than December 15 of the second academic year of service; or

13.1.2 A letter post-marked and mailed at least one year before the expiration of an appointment after two or more years of service in the institution.

13.2 For tenure-track faculty appointed after March 8, 2003, the decision regarding retention or non-retention for the ensuing year shall be made by WVSOM's President or designee, and shall be notified in writing of the decision by letter post-marked and mailed no later than March 1.

13.3 Failure to provide timely notice of non-retention to tenure-track faculty would lead to the offer of renewal of appointment for an additional year, but would not prejudice further continuation after that additional year.

13.4 Following receipt of the notice of non-retention, the faculty member may appeal such non-retention decision by requesting a statement of reasons and then filing a grievance. The request for a statement of reasons shall be in writing and mailed to the President or designee within ten (10) working days of receipt of the notice of non-retention.

PE 02-14. Misconduct

- 14.1 WVSOM holds faculty to the highest standard of professionalism at all times. Failure to meet this high standard amounts to faculty misconduct, and includes academic misconduct, research misconduct, or unprofessional behavior.
- 14.1.1 “Academic misconduct” means any activity that would compromise the academic integrity of WVSOM, including, but not limited to, fabrication, falsification, plagiarism, or other activities that seriously deviate from those commonly practiced in academia. Academic misconduct does not include honest error or differences of opinion.
- 14.1.2 “Research misconduct” means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion. WVSOM Institutional Policy R-03: Research Misconduct more fully sets out the School’s policy regarding research misconduct.
- 14.1.3 “Unprofessional behavior” means behavior or language that is at variance with the generally accepted professional ethics of the academic community, and includes but is not limited to intimidating or disruptive behavior, harassment, verbal outbursts or physical threats, passive aggressive behaviors such as refusal to perform tasks assigned by supervisors or persistent refusal to answer reasonable questions or return calls or emails without justification, or use of rude or condescending tone or language. Unprofessional behavior does not include honest error or differences of opinion.
- 14.2 WVSOM recognizes the destructive effect that faculty misconduct can have on academic achievement, the scientific process, and on collegial relations. Misconduct by a WVSOM faculty member would be recognized as substantially impairing the faculty member’s fulfillment of institutional responsibilities, and is explicitly forbidden as a consequence. Faculty misconduct may result in progressive disciplinary action, which may include the following steps: oral warning, written warning, suspension without pay, and termination of employment.
- 14.3 Egregious misconduct, including but not limited to circumstances in which the health or safety of the faculty member or other campus community members is in jeopardy, may result in immediate suspension upon authorization of the President and/or immediate removal from campus, pending review of further disciplinary action up to and including termination of employment under Section 12 of this policy.

PE 02-15. Termination of Employment for Cause

- 15.1 The employment of a tenured or non-tenured faculty may be terminated as a result of findings of misconduct, as set forth in Section 11 of this Policy.
- 15.2 A faculty member’s employment may be terminated for one or more of the following causes:
- 15.2.1 Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic or research misconduct;

- 15.2.2 Conduct which directly and substantially impairs the individual's fulfillment of WVSOM responsibilities, including but not limited to verified instances of sexual harassment, or of racial, gender-related, or other discriminatory practices;
- 15.2.3 Insubordination by refusal to abide by legitimate reasonable directions of administrators;
- 15.2.4 Substantial and manifest neglect of duty;
- 15.2.5 Failure to return at the end of a leave of absence or a sabbatical leave;
- 15.2.6 Outside employment or service which interferes with the performance of regular WVSOM duties and responsibilities;
- 15.2.7 Physical or mental disability for which no reasonable accommodation can be made, and which makes the faculty member unable, within a reasonable degree of medical certainty and by reasonably determined medical opinion, to perform assigned duties;
- 15.2.8 Refusal to sign or execute an offered contract or notice of appointment or reappointment by the date indicated by WVSOM for its execution, or failure to undertake the duties under such document at a reasonable time, shall be deemed abandonment of employment with WVSOM and any rights to tenure or future appointment. (Special circumstances may occur, i.e., vacation, absence from area, etc., and do not constitute refusal to sign when contract terms are not in dispute.) Faculty objecting to terms of such document do not waive their objections to such terms by signing or executing the document.

15.3 Notice of Intent to Terminate Employment for Cause; Right to Appeal.

- 15.3.1 WVSOM shall provide the faculty member with written notice of the intent to terminate the faculty member's employment for cause. The notice, which must be sent to the faculty member by certified mail, return receipt requested, shall contain the following:
 - (i) A statement of the charge(s) relied upon as the basis of the intent to terminate employment;
 - (ii) The reason(s) for the intent to terminate employment;
 - (iii) The proposed effective date of the termination;
 - (iv) The right of the faculty member to refute the charges by meeting with the WVSOM designee; and
 - (v) The deadline by which the meeting with the WVSOM designee must occur.
- 15.3.2 Upon conclusion of the meeting with the WVSOM designee or the expiration of the deadline for the meeting, whichever comes first, the WVSOM President shall make a final decision whether to terminate the faculty member's employment for cause. The final decision, which must be sent to the faculty member by certified mail, return receipt requested, shall contain the following:
 - (i) A statement of the charge(s) relied upon in the final decision to terminate employment;

- (ii) The reason(s) for the final decision to terminate employment;
- (iii) The effective date of the termination; and
- (iv) A statement that the faculty member wishing to grieve or appeal the final decision may do so under the West Virginia Public Employees Grievance Procedure (Chapter 6C, Article 2 of the West Virginia Code).

PE 02-16. Termination of Appointment Due to Financial Exigency

- 16.1 Any faculty member's appointment may be terminated because of a financial exigency, as determined by WVSOM's Board of Governors.
- 16.2 Notice. WVSOM shall provide written notice of termination of appointment to the faculty member due to a financial exigency by certified mail, return receipt requested. The notice shall contain the following:
- 16.2.1 A description of the WVSOM Board of Governors' determination of a financial exigency;
 - 16.2.2 An explanation of the decision to terminate the appointment of the faculty member; and
 - 16.2.3 A statement that the faculty member wishing to grieve or appeal the decision may do so under the West Virginia Public Employees Grievance Procedure (Chapter 6C, Article 2 of the West Virginia Code).

PE 02-17. Faculty Grievance Procedure

A faculty member wishing to grieve or appeal an employment decision adverse to the faculty member or a work-related dispute may do so under the West Virginia Public Employees Grievance Procedure (Chapter 6C, Article 2 of the West Virginia Code).

PE 02-18. References

- 18.1 Higher Learning Commission *Guidelines for Institutions*, located at https://download.hlcommission.org/FacultyGuidelines_OPB.pdf, November 2023. (See PE-02 Sections 3, 4, 5)

PE 02-19. Superseding Provisions

This policy supersedes the West Virginia Higher Education Policy Commission ("HEPC") Series 9 (W. Va. Code R. § 133-9), any other rule of HEPC which relates to the subject matter contained within this policy, any conflicting provisions within the WVSOM Faculty Handbook and the WVSOM Employee Handbook, and any other WVSOM policies or procedures which relate to the subject matter contained within this policy.