

Radford University

ADMINISTRATIVE AND PROFESSIONAL FACULTY HANDBOOK

Approved by the Board of Visitors

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Administrative and Professional Faculty Handbook

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All Full-time Administrative and Professional Faculty are covered by the policies set out by this Handbook unless specifically noted otherwise. To the extent that specific terms and conditions set out by any appointment letter are in addition to, contrary to, or inconsistent with the provisions of this Handbook, the terms and conditions of the appointment letter shall control.

1.0 EMPLOYMENT

1.1 DEFINITIONS

1.1.1 Administrative Faculty

Administrative faculty report no lower than two levels below the President. Administrative faculty positions require the performance of work directly related to the management of the educational and general activities of the institution, department or subdivision thereof. Incumbents in these positions exercise discretion and independent judgement and generally direct the work of others.

Qualification criteria include that the employee (1) must have advanced degree or training and work experience at a level which equates to an advanced degree; (2) must perform the duties and responsibilities associated with this category 50 percent or more of the contractual time; and (3) must regularly exercise discretionary actions.

1.1.2 Professional Faculty

Professional faculty report three or more levels below the President. Professional faculty positions require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience.

Qualification criteria include that the employee (1) must have advanced degree or training and work experience at a level which equates to an advanced degree; (2) must perform the duties and responsibilities associated with this category 50 percent or more of the contractual time; (3) must regularly exercise professional discretion and judgement; and (4) must produce work that is intellectual and varied in character and not standardized.

1.2 TERMS AND CONDITIONS OF APPOINTMENT AND CONTINUING EMPLOYMENT

Appointments to administrative and professional faculty positions are term contracts of either 9, 10, 11, or 12 months depending on programmatic needs. Contract renewal is not automatic. In a decision to renew an administrative or professional faculty member's contract, consideration will be given to performance factors such as effectiveness, productivity, professional growth and development, and the individual's service and contributions to the University. Consideration will also be given to the University's continued need for the scope and level of service provided by the position.

The 12-month contract period is from June 25 to June 24. Nine-, 10-, and 11-month contracts are for 18, 20, or 22 pay periods, respectively. All administrative and professional faculty are paid over 24 pay periods regardless of the length of their contracts. Starting and ending dates for the 9-, 10-, and 11-month contracts are dependent on the programmatic need. The initial contract will cover the period from the date of the appointment to the beginning of the normal contract period (e.g. June 25 is the beginning of the normal contract period for 12-month contracts).

Administrative and professional faculty whose contracts are not being renewed will receive a notice of the non-renewal. The length of the notice is determined by the length of the administrative or professional faculty member's employment as follows:

less than 1 year of service	1 month
1 to 5 years of service	2 months
5 to 10 years of service	6 months
more than 10 years of service	the full term of one contract period (required notice is the same length as the individual's contract for 9, 10, 11, or 12 months)

Administrative and professional faculty members will be notified no later than one month prior to the end of their contract period regarding the renewal of their contracts, i.e., May 25 for contracts ending on June 24. If the contract of an administrative or professional faculty member is not being renewed, he or she will be presented with a notification of non-renewal of the contract. The notice of non-renewal will specify the notice period required for the administrative or professional faculty member based on his or her length of service. If the notice period extends beyond the current contract period, the administrative or professional faculty member will receive a terminal contract letter for the period between the ending date of the current contract and the ending date of the required notice. For example, if an individual on an 12-month contract with four years of service is notified on May 25 that his or her contract is not being renewed, he or she will receive a terminal contract letter for the period of June 25 to July 24 to meet the notice requirement of two months. However, if the same administrative or professional faculty member is notified on April 25 that his or her contract is not being renewed, he or she will have been given the required notice of two months by the end of the current contract and a terminal contract letter for a period beyond the current contract will not be necessary.

The non-renewal of a contract with the appropriate notice is not grievable under the administrative and professional faculty grievance procedure.

1.3 SANCTIONS AND TERMINATION FOR CAUSE

Distinguished from the non-renewal of a contract or continuation of employment beyond a specified date which is governed by section 1.2 of this Handbook, termination means the dismissal of any administrative or professional faculty member during the term of the individual's contract of employment. Cause for termination includes, but is not limited to, unethical conduct, unsatisfactory attendance, falsifying credentials or records, unauthorized removal or damage to university property or another employee's property, acts of violence, criminal convictions relating to job responsibilities or of such a nature that continuing the employee in his or her position may constitute negligence on the part of the university, or violation of the university's policies.

Termination of an administrative or professional faculty member for cause does not require the advance notice required for the non-renewal of a contract as described in section 1.2 of this Handbook. However, if a supervisory administrative officer has determined that the termination of an administrative or professional faculty member is warranted, the administrative or professional faculty member shall be informed of the charges on which the decision to terminate is based. In turn, the administrative or professional faculty member will be afforded the opportunity to respond to the charges within a defined period of time of not less than 24 hours.

If the administrative or professional faculty member elects to respond to the notice of intended termination, and the response is deemed unsatisfactory, the appropriate administrative official will notify the faculty member in writing of the termination action and the effective date thereof. The written notification will state specifically the reasons for the termination and shall inform the individual of his or her right to access the grievance procedure for administrative and professional faculty members to appeal the termination decision.

In cases where the severity of the offense does not meet the standard for termination, or when mitigating factors are present, a lesser disciplinary action may be taken, i.e., counseling, oral or written notices, or suspension. Suspension may be partial, total, short-term or long-term, and may be with or without pay. However, as employees exempt from the Fair Labor Standards Act, administrative and professional faculty must be suspended in increments of not less than full work weeks, e.g., 40 hours, 80 hours, 120 hours.

An administrative or professional faculty member may be placed on administrative leave with pay or reassigned for any portion or the remainder of their appointment during an internal and/or external investigation or pending court action when the charges are job-related or of such a nature that to continue the employee in his or her assigned duties could constitute negligence on the part of the University. Upon completion of the investigation or court action, the administrative or professional faculty member may be reinstated or terminated.

If an administrative official decides to suspend an administrative or professional faculty member without pay in lieu of termination, he or she must ensure that the administrative or professional faculty member has been notified of the charges which are resulting in the suspension and has been afforded the opportunity to respond to those charges within a period of not less than twenty-four hours. The administrative or professional faculty member will be informed in writing of the period of the suspension and his or her right to access the grievance procedure for administrative or professional faculty to appeal the suspension decision.

1.4 ABOLITION OF POSITION OR FISCAL EXIGENCY

1.4.1 Abolition of Position

Administrative and professional faculty may be removed upon reduction or elimination of the specific services for which they were employed, such as through a reorganization. In such cases, notice will be provided to the employee according to the notice provisions given in section 1.2 of this Handbook, up to a maximum of six months.

1.4.2 Fiscal Exigency

Administrative and professional faculty may be removed in the event of financial hardship which cannot be alleviated by ordinary budgeting practices if a state of fiscal exigency is declared by the Board of Visitors.

1.5 REASSIGNMENT

The University may reassign administrative and professional faculty members to other positions at any time. In instances where the reassignment is to a position of a different level of responsibility, the individual's compensation may be adjusted accordingly with approval of the Board of Visitors.

Tenured and tenure-track administrators holding rank may be assigned full-time teaching duties with appropriate adjustments in salary should their administrative assignments be terminated.

1.6 RANK AND PROMOTION

Administrative and professional positions carry functional titles which are descriptive of their duties and responsibilities. Administrative and professional faculty do not normally have academic faculty rank. However, tenured and tenure-track faculty who transfer from instructional faculty positions to administrative and professional positions retain their academic faculty rank. Those hired with academic departmental appointments and library faculty also have academic faculty rank. For management information system coding purposes, administrative and professional faculty without academic faculty rank are assigned a nominal faculty-equivalent rank of lecturer.

Administrative and professional faculty who have rank because of their appointments in academic departments can apply through their academic department for promotion. The normal procedures for teaching and research faculty promotions shall apply.

Criteria and procedures for promotion of library faculty are given in section 2.4 of this Handbook.

1.7 TENURE ELIGIBILITY

The granting of tenure on initial appointment for individuals in administrative and professional faculty positions is limited to those serving as the Vice President for Academic Affairs and College Deans. Tenure-track faculty who transfer from teaching and research faculty positions to administrative and professional positions retain their tenure eligibility. The retention of tenure once gained by any person serving in one of the above positions shall require that these administrators continue, if at all feasible, to teach at least one course a year without compensation. The teaching responsibility can be either a formal course, individually or team taught, or other direct student instruction such as thesis advisor, internship or practicum supervisor.

Other administrators may be given rank, but these administrators cannot acquire tenure without relinquishing their administrative assignments and assuming full-time professorial duties providing that an appropriate position is available and that the appointment is approved in the same manner as are all other initial appointments. Years of service as a full-time administrator shall not be counted as part of the probationary period.

1.8 ADMINISTRATIVE AND PROFESSIONAL FACULTY TEACHING POLICY

To be eligible to teach, an administrative or professional faculty member must hold at least a master's degree, preferably a doctorate.

Administrative and professional faculty with tenure are expected to teach at least one course a year without compensation. The teaching responsibility can be either a formal course, individually or team taught, or other direct student instruction such as thesis advisor, internship or practicum supervisor.

Administrative and professional faculty without tenure who hold full-time administrative positions may teach one three credit course per semester, not to exceed a total of six credit hours per fiscal year unless otherwise specified in their job description. Administrative and professional faculty may be compensated as an overload if the teaching is not a part of their normal duties and responsibilities, or if there is no adjustment in their regular administrative responsibilities. Such teaching must be approved in advance by the person's supervisor and by the Vice President for Academic Affairs.

For some administrative and professional faculty, teaching an academic course is a normal responsibility for which they do not receive additional compensation. The approved job description for these administrative and professional faculty members will reflect this responsibility and no other approvals will be required for these individuals to teach.

1.9 EVALUATION POLICIES FOR ADMINISTRATIVE AND PROFESSIONAL FACULTY

1.9.1 Purposes

The purposes of evaluation of administrative and professional faculty include clarifying responsibilities and expectations, monitoring performance according to these expectations, providing regular feedback and motivation, encouraging performance which will lead to the achievement of unit and institutional goals, providing recommendations for improvement and professional development, and documenting the employee's level of performance based on systematic reviews. The evaluation of performance is one of the considerations in decisions related to continuing appointment, reassignment, merit pay, and where applicable, promotion.

1.9.2 Scope

These policies shall apply to all administrative and professional faculty below the level of Vice President with the exception of those governed by other evaluation procedures that have been approved by the appropriate Vice President, distributed to the employees governed by them, and filed with the Department of Human Resources.

1.9.3 Criteria for evaluation

For each administrative and professional faculty member, a set of Performance Objectives and Performance Factors shall be developed by the employee's supervisor and the employee. In addition, with the approval of the appropriate Vice President(s), general Performance Objectives and general Performance Factors may be developed for the evaluation of all administrative and professional faculty within a given unit, division or the entire university.

The Performance Objectives shall specify five to eight major responsibilities of the employee based on (a) the duties outlined in the employee's Position Description and (b) any Performance Objectives identified for the evaluation of all administrative and professional faculty within a given unit, division, or the entire university. The Performance Factors shall specify the broad skills and behaviors (a) specific to the position and (b) any general Performance Factors identified for the evaluation of all administrative and professional faculty within a given unit, division, or the entire university. If teaching is a part of the position description, it must be included among the performance objectives for evaluation.

For each administrative and professional faculty member, the Performance Objectives and Performance Factors shall be reviewed by the evaluator's supervisor, and then signed by the employee and by the evaluator. If the evaluator is the Vice President, then no reviewer's signature shall be required. The Performance Objectives and Performance Factors shall be placed on file with the appropriate Vice President.

1.9.4 Time lines for evaluations and revised Performance Expectations

- Performance Expectations shall be developed for new employees within 30 days of the beginning of employment.
- Annual evaluations for the preceding year shall be completed with revised Performance Expectations and Performance Factors for the current year, no later than September 15.

1.9.5 Evaluation Procedures

1. An annual written evaluation shall be completed by the employee's supervisor. The evaluation shall include:
 - written feedback for each of the employee's Performance Objectives and Performance Factors
 - an overall rating of performance
 - recommendations for improvement and professional development
2. The evaluation shall be based on multiple types of evidence of performance such as an annual report prepared by the employee, self-evaluations, supervisor observations, peer ratings, ratings by others who are knowledgeable of the employee's work, or other objective and reliable evidence of performance. If teaching is a part of the position description, the supervisor shall request from the relevant academic department copies of the chair's evaluation of the employee's teaching, which shall be incorporated into the overall evaluation.
3. The evaluation shall be reviewed by the evaluator's supervisor, and then with the employee. It shall be signed by the employee, the evaluator, and the reviewer (the evaluator's supervisor). If the evaluator is the Vice President, then no reviewer's signature shall be required.
4. The evaluation form shall include a comments section for the employee's written response to the evaluation. An employee may appeal to the reviewer to reopen consideration of the evaluation. The reviewer may not change the original evaluation, but may append written comments addressing such the points of appeal.
5. The completed evaluation shall be maintained by the supervisor with a copy to the employee.

Units may develop specific procedures in addition to those outlined in this policy if approved by the appropriate Vice President.

1.10 Evaluation of Deans and the University Librarian

Evaluations of College Deans and the University Librarian shall be conducted annually by the Vice President for Academic Affairs. These evaluations shall be based on their responsibilities, their annual goals, and the performance factors relevant to each position.

Procedures

1. The annual evaluation shall include
 - a. A conference and written feedback related to the areas of responsibility, annual goals, and performance factors relevant to the position
 - b. An overall assessment of performance
 - c. Recommendations
 - d. Agreement on annual goals for the following year
2. The evaluation shall be based on multiple types of evidence of performance including an annual report prepared by the College Dean or University Librarian, input from college or library faculty, and supervisor observations. In addition, it may include peer evaluations, ratings by others who are knowledgeable of the person's work, and other objective and reliable evidence of performance.

3. The input from college or library faculty shall be based on the summary of faculty evaluations and the recommendations from the Faculty Senate Governance Committee and should be substantially incorporated into the overall evaluation by the Vice President for Academic Affairs.

4. The evaluation by the Vice President for Academic Affairs, along with the summary of faculty evaluations and the recommendations from the Governance Committee, including any minority report, shall be given to the Dean or University Librarian. The Dean or University Librarian shall have the opportunity to respond to the evaluation.

5. The evaluations of the Deans and the University Librarian, along with supporting documentation, shall be forwarded to the President.

1.11 GRIEVANCE PROCEDURE

1.11.1 Definition of a Grievance

Grievable Issues:

A grievance is a complaint made by an administrative or professional faculty member concerning a decision, action, activity, or professional well-being of the individual and which can be corrected by the University.

Non-grievable Issues:

- Lack of funding for a position as determined by the appropriate university vice president
- Termination of contract with appropriate notice
- Reassignment
- The contents of established personnel policies, rules, procedures, regulations, ordinances, and statutes

1.11.2 Informal Grievance Procedure

Time line

An informal grievance must be addressed within 30 calendar days of a person's knowledge of an action or event which is the cause of a complaint.

Notification Process

1. The first step to resolving a grievance informally is for the complainant to meet with the person who took the action which is the cause of the complaint. Each party may be accompanied by an individual if both parties agree to allow others to be present.

2. If the complainant feels he or she is unable to address the person who took the action which is the cause of the complaint, the complainant may address the grievance in writing to the immediate supervisor of that person. The immediate supervisor should, if possible, attempt resolution. If the immediate supervisor feels the grievance is frivolous or otherwise unwarranted, he or she must notify the complainant in writing within ten work days of hearing the complaint. Any records of the outcome should be kept by the parties involved.

1.11.3 Formal Grievance Procedure

Time line

Whether an administrative or professional faculty member has or has not attempted to resolve a grievance through the informal grievance procedure, he or she may choose to file a formal grievance. The formal grievance, in the form of a letter or memorandum, must be filed within 30 calendar days of the action or event which is the cause of the complaint. The attempt to resolve the complaint informally does not extend the 30-day time period.

Notification Process

If an administrative or professional faculty member is unable to bring satisfactory resolution to his or her complaint through the informal process, he/she can invoke the formal grievance resolution process by requesting a panel hearing. The request for a panel hearing must be made in writing to the Executive Director of Human Resources. The grievant can withdraw the grievance at any time during the formal procedure.

Grievability Ruling

On receipt of the written grievance, the Executive Director of Human Resources will determine if the issue is grievable in accordance with the definition of a grievance under this policy. If the Executive Director of Human Resources determines that the issue is not grievable, he or she will notify the grievant in writing within five days of the receipt of the grievance. To appeal the Director's decision, the grievant must submit the appeal to the Vice President for Business Affairs within five days of his or her receipt of the decision. The Vice President for Business Affairs must respond to the appeal within five days of his or her receipt of the appeal. If the grievant is employed within Business Affairs, the written appeal of the Director's grievability ruling may be made to the President. In either case, the decision on appeal of the grievability ruling is final.

Panel Hearing Board

The President of the University shall, on or before the beginning of each fiscal year, select 12 persons from among the administrative and professional faculty to serve as members of a grievance panel board. The members of the board will serve a two-year term. A list of current members will be maintained by the Department of Human Resources.

Panel Hearing

The Executive Director of Human Resources shall be responsible for coordinating the selection and convening of a panel for hearing the grievance.

The panel for hearing a grievance shall consist of three members selected from the grievance panel board: one selected by the grievant, one selected by the University official who initiated the action which was the cause of the grievance, and a chairperson selected by the other two members. In the event that the two selected panel members cannot agree on a third member, the selection of the third member will be made by the Executive Director of Human Resources. Members of the grievant's administrative division, individuals who report to the University official who initiated the action which was the cause of the grievance, and relatives of any persons having direct involvement in the matters which form the substance of the grievance shall be ineligible to serve as a member of the grievance panel.

Within ten working days of its selection, the grievance panel will set a date (within 30 calendar days), time, and location of the hearing; and the chairperson shall notify the parties.

The panel hearing is intended to provide an impartial review of the grievance. Members of the panel do not have an advocacy role. The hearing shall be conducted as an administrative hearing, not as a formal court proceeding. Panel hearings are conducted in accordance with guidelines approved by the University. Panel hearings are closed. The panel shall consider all relevant evidence produced at the hearing or requested of the parties prior to the hearing. The panel's decision will be based on the preponderance of evidence.

At the conclusion of the panel hearing, the panel will deliberate in closed or executive session and reach a decision.

Panel Recommendation

The majority vote of the panel shall constitute the panel's recommendation. No later than five working days from the conclusion of the hearing, the chairperson of the panel will notify the Vice President for Business Affairs of the panel's recommendation with notification to the Executive Director of Human Resources.

The Vice President for Business Affairs will review and respond to the grievance and the panel's recommendation within ten days of his/her receipt of the grievance. If the Vice President for Business Affairs concurs with the recommendation, the grievance will be considered concluded and he/she will notify all parties and the Executive Director of Human Resources. If the Vice President for Business Affairs does not concur with the recommendation, he/she will forward the grievance to the President for his/her review. Within ten working days of his or her receipt of

the panel's recommendation, the President will notify the parties and the Executive Director of Human Resources as to whether he/she supports the recommendation of the panel. The President's decision is final.

If the grievance is filed as a result of an action taken by the Vice President for Business Affairs, the panel's recommendation will be forwarded directly to the President. If the grievance is filed as a result of an action taken by the President, the panel's recommendation will be forwarded to the Rector of the Board of Visitors. The decision of the Rector or any committee to which he/she refers the complaint is final.

Implementation of Recommendation

If the result of the panel hearing and subsequent decisions by the President or Rector or any committee of the Board of Visitors require some action, the Executive Director of Human Resources will have the responsibility to ensure that the action is taken.

Record keeping

All panel hearings will be taped. Official records of the grievance will be maintained by the Department of Human Resources.

1.12 LEAVES OF ABSENCE

1.12.1 Holidays and Compensatory Leave (Revised November 10, 2000)

The authorized holidays recognized by Radford University for personnel on 12-month appointments are:

- The first day of January (New Year's Day)
- The third Monday in January (Martin Luther King, Jr. Day)
- The last Monday in May (Memorial Day)
- The Fourth of July (Independence Day)
- The first Monday in September (Labor Day)
- The fourth Thursday and Friday in November (Thanksgiving)
- The twenty-fifth day of December and the four following work days (Christmas)
- Any other day so appointed by the Governor of Virginia or the President of the United States

Personnel on 9-, 10-, and 11-month appointments receive any holiday listed above if that holiday occurs within a pay period in which they work. If an employee is required to work on a holiday, he or she will be given hour-for-hour compensatory leave which must be used within a year of the date earned or it is lost.

Absences on days other than the holidays listed above, such as during University breaks, must be charged as annual or other approved leave.

Upon separation, a payment will be issued for any unused compensatory leave balance to the extent permitted by state personnel law.

1.12.2 Annual Leave (Revised November 10, 2000)

Personnel on 12-month appointments earn 24 days of annual leave per year. Newly hired administrative and professional faculty are granted six of the 24 annual leave days at the time they are hired. For their first 12 months of employment, newly hired administrative and professional faculty earn 6 hours of annual leave per pay period. At the beginning of the second year of employment, administrative and professional faculty earn 8 hours of leave per pay period.

Personnel on 9-, 10-, and 11-month appointments earn leave for the pay periods actually worked and at the same rate as 12-month appointments. The number of days of annual leave granted at the time of hire to new administrative and professional faculty on 9-, 10-, and 11-month appointments is prorated based on the number of months for which they are appointed.

Administrative and professional faculty are not required to record annual leave taken on leave forms when the annual leave taken is less than one-half day and such action is supported by their supervisor.

Administrative and professional faculty members may accrue annual leave and carry over up to a maximum of 30 days from one calendar year to the next. Upon termination, administrative and professional faculty members employed prior to January 1, 1995, are eligible for payment of unused annual leave to the extent permitted by state personnel law, up to a maximum of 20 days. If employed January 1, 1995, or later, employees are not eligible to be paid for unused annual leave balances.

Annual leave cannot be used to extend the separation date of the employee; therefore, the last day an employee actually works is considered the termination date.

1.12.3 Administrative Leave

If a full-time administrative and professional faculty member is called for jury duty, subpoenaed, or summoned to appear in court, this absence may be charged to administrative leave, except when he or she is a defendant in a criminal case or a plaintiff in a civil suit. Administrative and professional faculty members will be granted administrative leave to attend work-related hearings as a witness under subpoena. Administrative leave may also be used when called to serve on councils, commissions, boards, or committees of the Commonwealth.

Administrative leave must be requested before it is taken. Administrative and professional faculty members will receive full pay for administrative leave, provided a copy of the subpoena or other supporting document accompanies the leave report. Administrative leave will not be granted for more time than is actually required for the purpose for which it is taken.

The University may place an administrative or professional faculty member on administrative leave during an internal and/or external investigation or pending court action.

1.12.4 Military Leave

Military leave is available to administrative and professional faculty members holding full-time, salaried appointments. Qualifying administrative and professional faculty members are eligible for leave with pay for up to 15 work days in a federal fiscal year (October 1 through September 30) for military duty, including training, if they are members of any reserve component of the Armed Forces or the National Guard. Pay for more than 15 work days in a single tour of duty is prohibited even when that tour encompasses more than one federal fiscal year.

To qualify for military leave, faculty members must furnish copies of their orders or other documentation with their leave report. Employees granted military leave are also credited for their usual sick leave accrued during that time and may receive up to 24 months of group life insurance coverage.

1.12.5 Sick Leave (Revised January 1, 1999)

Administrative and professional faculty may use sick leave for absences related to conditions that prevent them from performing their duties. These conditions include illness, injury, or health problems related to pregnancy or childbirth. An administrative and professional faculty member may be asked, in case of any illness or injury, to provide his or her supervisor with a physician's statement. When the circumstances are known in advance, such as in the case of scheduled surgery or childbirth, administrative and professional faculty should give their supervisors advance notice.

Sick leave is administered on a calendar year which begins January 10 and ends on January 9.

Traditional Sick Leave Program

The traditional sick leave program is available to 1) administrative and professional faculty hired prior to January 1, 1999, who participate in the Virginia Retirement System (VRS) and elected not to participate in the Virginia Sickness and Disability Program, and 2) administrative and professional faculty who participate in the Optional

Retirement Plan. The traditional sick leave program is also available to administrative and professional faculty hired after January 1, 1999, who elect VRS and disability coverage under an "employer-sponsored plan." The Radford University "employer-sponsored plan" is an employee-paid, long-term disability policy provided by an independent insurance carrier through a contractual agreement with the university.

Under the traditional sick leave program, administrative and professional faculty on 12-month appointments earn five hours of sick leave per pay period (15 days per year). Employees on 9-,10-, and 11-month appointments earn five hours of sick leave per pay period for the pay periods actually worked.

There is no maximum limit for accrual of sick leave, however, administrative and professional faculty cease to earn sick leave after they have been absent from work with pay for a period that exceeds 60 consecutive work days.

Six sick days (48 hours) per calendar year may be used for family illness or death, with a maximum of three consecutive days (24 hours) per incident. When approved for Family and Medical Leave, administrative and professional faculty may also use up to one-third of their sick leave held at the beginning of the Family and Medical Leave period for the illness of a family member or the birth or adoption of a child.

Upon separation, 12-month administrative and professional faculty members who have five or more years of continuous service and were employed prior to January 1, 1999, will receive payment of one-fourth of their unused sick leave balance up to a maximum of \$5,000, to the extent permitted by state personnel law.

Upon separation, 9-, 10-, and 11-month administrative and professional faculty members who have five or more years of continuous service and were employed prior to January 1, 1999, will receive payment of one-fourth of their unused sick leave balance up to a maximum amount that is pro-rated based on the number of months employed per year, to the extent permitted by state personnel law.

Virginia Sickness and Disability Program (VSDP)

VSDP is available to 1) administrative and professional faculty hired prior to January 1, 1999, who participate in the Virginia Retirement System and elected to participate in VSDP, and 2) administrative and professional faculty hired after January 1, 1999, who participate in the Virginia Retirement System. Administrative and professional faculty participating in the Optional Retirement Plan cannot participate in VSDP.

Under the VSDP, administrative and professional faculty on 12-month appointments will be credited with 8 to 10 workdays of sick leave on January 10 each year. Sick leave credits for administrative and professional faculty with appointments of less than 12 months will be prorated according to the number of months worked. Sick leave is granted based on the length of employment as shown below for administrative and professional faculty on 12-month appointments. Sick leave balances are not carried forward from year to year.

Current Employees		New Employees	
Months of State Service	Sick Leave Hours/Days	Employment Begin Date	Sick Leave Hours/Days
Less than 60	64 (8 workdays)	1/1 - 6/30	64 (8 workdays)
60 to 119	72 (9 workdays)	7/1 – 12/31	40 (5 workdays)
120 or more	80 (10 workdays)		

Note: When approved for Family and Medical Leave, administrative and professional faculty may also use up to one-third of their sick leave hours held at the beginning of the Family and Medical Leave period for the illness of a family member or the birth or adoption of a child.

In addition to sick leave, administrative and professional faculty on 12-month appointments will receive up to five days of family and personal leave on January 10 each year. Personal and family leave credits for administrative and professional faculty with appointments of less than 12 months will be prorated according to the number of months

worked. Administrative and professional faculty may use family and personal leaves of absence for personal and family reasons as well as for personal illnesses or injuries. Family and personal days are granted based on the length of employment as shown below for administrative and professional faculty on 12-month appointments. Family and personal leave balances are not carried forward from year to year.

Current Employees		New Employees	
Months of State Service	Sick Leave Hours/Days	Employment Begin Date	Sick Leave Hours/Days
Less than 60	32 (4 workdays)	1/1 - 6/30	32 (4 workdays)
60 to 119	32 (4 workdays)	7/1 - 12/31	16 (2 workdays)
120 or more	40 (5 workdays)		

Under qualifying circumstances, administrative and professional faculty are provided with income protection when they cannot work due to an accident or illness. Short-term disability benefits begin after a 7-calendar-day waiting period. Administrative and professional faculty are eligible for income replacement depending on their length of employment as follows:

Months of State Service	Workdays of Income Replacement at 100%	Workdays of Income Replacement at 80%	Workdays of Income Replacement at 60%
	Fewer than 60	5	20
60 - 119	25	25	75
120 - 179	25	50	50
180 or more	25	75	25

Administrative and professional faculty who are unable to return to work after a 180-calendar-day (26-week) waiting period may qualify for long-term disability benefits at 60% of their compensation.

1.12.6 Family and Medical Leave

Under qualifying circumstances, federal law provides full-time administrative and professional faculty with unpaid, job protected leave to care for the faculty member's child after birth, placement, adoption, or foster care; to care for the employee's spouse, child, or parent who has a serious health condition; or for a serious health condition that makes the employee unable to perform his or her job. Further information on this type of leave may be obtained from the Department of Human Resources.

1.12.7 Leave Sharing

Administrative and professional faculty members who exhaust all leave balances due to an accident or illness, qualify for annual leave donations from the leave sharing program. Administrative and professional faculty members may donate annual leave to other administrative and professional faculty members who qualify for the additional leave. To be eligible to receive leave sharing, the employee must complete an application and submit a doctor's

statement showing the dates s/he is not able to work. The application is normally signed by the employee but may be signed on his/her behalf by a member of his/her family if circumstances warrant.

1.12.8 School Leave

Personnel are granted eight hours of paid leave per calendar year to:

- Meet with a teacher or administrator of any preschool, elementary, middle or high school about their children, step-children, or children for whom they have custody.
- To attend any school function in which their children or step-children are participating.
- Perform any school approved volunteer work such as to assist in preschool, elementary, middle or high schools.

1.12.9 Educational Leave

Educational leave is granted in accordance with the educational aid policy as outlined in the Personnel Information Manual. No leave is earned by the employee during this employment status.

1.12.10 Extended Professional Leave

Extended Professional Leave may be granted to allow administrative and professional faculty members to undertake activities such as seeking nationally recognized fellowships (for example, Fulbright, Guggenheim, Woodrow Wilson and ACLS Fellowships), serving as Visiting Professors at other institutions, providing public service, chairing national committees, assuming an elected office of a professional organization, and other similar professional activities. Such leaves may be granted with partial pay or without pay. In cases of leaves granted with partial pay, the total of the fellowship award or external remuneration (excluding remuneration for specific expenses incurred, such as moving expenses) and the partial pay provided may not exceed the faculty member's salary. Such leaves must be approved by the Vice President of the person's division based on the recommendations of the person's supervisor and based on the purpose of the leave, the proposed activity, and departmental needs. The period of the leave shall not normally exceed one academic year; however, the leave may be extended for a second year with the recommendation of the supervisor and approval from the Vice President. Extension of such leaves beyond two academic years is possible only in extraordinary circumstances.

For all Extended Professional Leaves granted with partial pay, a written report describing the accomplishments while on leave must be submitted by the faculty member to the supervisor and Vice President within three months of return from the leave.

All Extended Professional Leaves must be approved by the Board of Visitors.

1.12.11 Leave Without Pay

Administrative and professional faculty members wishing to take personal leave without pay may request such leave from the Vice President of their division on the recommendation of their supervisor. The request must be made with sufficient notice to allow time to secure a qualified replacement and must include the reason for the leave. If approved, a date will be specified by which any request for extension of the leave or notification of intent not to return to the University must be received. The University will not provide fringe benefits during a leave without pay, but the employee should consult with the Department of Human Resources to determine those benefits that may be purchased.

1.12.12 Absences and Inclement Weather

Administrative and professional faculty are required to work at the discretion of their supervisor when offices are closed due to inclement weather. Employees who are required to work will earn hour-for-hour compensatory time for hours worked during the period of time that offices are closed.

1.13 RESIGNATION AND RETIREMENT

1.13.1 Resignation

Administrative and professional faculty who wish to resign should give as much notice as possible, in consideration of their area of responsibility and the academic calendar, if they are teaching. Normally one month is the minimum acceptable notice.

1.13.1 Retirement

Administrative and professional faculty must contact the Department of Human Resources to file for retirement. To allow adequate time for processing the necessary paperwork, notification is needed at least four months in advance of the planned retirement date. As a courtesy, faculty planning to retire should so inform their supervisor as early as possible

2.0 POLICIES SPECIFIC TO LIBRARY FACULTY

2.1 LIBRARY FACULTY

Professional librarians are designated as library faculty and are awarded academic rank appropriate to their credentials and experience in a similar manner as teaching and research faculty. Library faculty are governed by the personnel policies outlined in this Handbook; policies specific to library faculty are outlined in this section.

1. Library faculty serve on twelve-month annual contracts starting June 25 and ending June 24 or, for those hired during a year, from the date of hiring to June 24.
2. Library faculty are non-tenured and are not eligible for tenure.
3. Policies regarding annual and sick leave are the same for library faculty as for other administrative and professional faculty.
4. The Master's degree in Library Science, or equivalent degree, from a graduate school accredited by the American Library Association is recognized as the appropriate terminal degree for library faculty.
5. Library faculty are evaluated annually by their respective supervisors. The supervisors' evaluations are reviewed by the University Librarian or Vice President for Academic Affairs, as applicable.
6. Library faculty have full voting privileges in the Faculty Senate.

2.2 CRITERIA FOR AWARDING RANK TO NEW LIBRARY FACULTY

The following shall be the minimum qualifications for initial appointment to the four ranks indicated:

1. Instructor

Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program.

2. Assistant Professor

- a. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program and has at least three years of full-time employment as a librarian at accredited collegiate institutions, or,
- b. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program and has at least six years of other specialized experience appropriate to the position to which appointed.

3. Associate Professor

- a. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program and has at least six years of full-time employment as a librarian at accredited collegiate institutions, or,
- b. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program and has at least twelve years of other specialized experience appropriate to the position to which appointed.

4. Professor

- a. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program and has at least ten years of full-time employment as a librarian at accredited collegiate institutions and holds an additional graduate degree, or,

b. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program, holds an additional graduate degree, and has at least eight years of service at accredited collegiate institutions, at least six of which must be with the M.L.S., and has ten years of other specialized experience appropriate to the position to which appointed.

Exceptions to these criteria may be made in cases of exceptional merit upon positive recommendation by the Library Personnel Committee, the University Librarian, and the Vice President for Academic Affairs.

2.3 LIBRARY FACULTY EVALUATION (Revised September 1, 2000)

Purposes

The purposes of evaluation of library faculty include clarifying responsibilities and expectations, providing feedback, acknowledging and encouraging performance that will lead to the achievement of individual, library, and institutional goals, providing recommendations for improvement and professional development, and documenting the librarian's performance. The annual evaluation of performance is one of the considerations in decisions related to continuing appointment, reassignment, merit pay, and promotion.

Criteria for evaluation

Library Faculty shall be evaluated in three areas: job performance, professional contributions, and university contributions. The librarian, in consultation with the supervisor, decides on the percentages allocated to these areas for the evaluation period. At the beginning of each evaluation period, each librarian and his/her supervisor shall review library and departmental objectives for the upcoming year. In consultation with his/her supervisor, each librarian shall establish a set of Performance Objectives for the evaluation period. The Performance Objectives shall indicate three to five areas for accomplishment and shall include, at a minimum, objectives in the area of job performance that are related to the duties described in the librarian's position description. The Performance Objectives also cover the areas of professional contributions and university contributions.

For each library faculty member, the Performance Objectives shall be reviewed by the evaluator's supervisor, and then signed by the Library Faculty member and his/her supervisor.

In addition, each library faculty member shall be evaluated on a set of Job Performance Elements identified for all library faculty.

Evaluation

1. An annual written evaluation shall be completed by the librarian's supervisor. The evaluation shall include:

- a) written assessments of each of the librarian's performance objectives
- b) ratings for each of the Job Performance Elements
- c) ratings and a numerical score for the areas of Job Performance, Professional Contributions, and University Contributions
- d) an overall rating of performance and overall numerical score, calculated using the designated percentages for evaluation of the areas of Job Performance, Professional Contributions, and University Contributions
- e) recommendations for improvement and professional development, as appropriate.

Written comments shall accompany the ratings for Job Performance, Professional Contributions, University Contributions, and overall performance.

2. The evaluation shall be based on multiple types of evidence including an annual report prepared by the librarian, self-evaluations of performance objectives, supervisor observations, or other objective and reliable evidence of performance.

3. The evaluation shall be reviewed by the evaluator's supervisor, and then with the librarian. It shall be signed by the librarian, the evaluator, and the reviewer (the evaluator's supervisor).
4. The evaluation form shall include a comments section for the librarian's optional written response to the evaluation. The librarian may appeal the evaluation to the evaluator and reviewer as an informal grievance, or may file a formal grievance as described in section 1.11 of this Handbook.
5. The completed original evaluation shall be retained by the Vice President for Academic Affairs, with copies distributed to the librarian, the supervisor, the reviewer, and the University Librarian's office.

The Library may develop specific procedures for the evaluation of library faculty in addition to those outlined in this policy, with the approval of the Vice President for Academic Affairs.

2.4 LIBRARY FACULTY EVALUATION OF THE UNIVERSITY LIBRARIAN

The Evaluation of the University Librarian shall be prepared annually by the Vice President for Academic Affairs according to the guidelines in the Administrative and Professional Faculty Handbook. Input from the library faculty represents an important component of this evaluation. Faculty evaluations of the University Librarian shall be conducted annually in the Spring semester by the Governance Committee of the Faculty Senate and shall be incorporated into the University Librarian's evaluation by the Vice President for Academic Affairs.

2.4.1 Criteria

Criteria for evaluation shall be based on the responsibilities of the University Librarian and the University Librarian's annual goals. At a minimum, the library faculty evaluation shall be based on:

- Overall management and development of library services, collections, systems, budgets, and staff;
- Leadership in assessing and addressing the information needs of the Radford University community;
- Representing the Library, its goals, and its needs to the university administration and to both internal and external constituencies
- Achievement of annual goals based on the University Librarian's summary.

2.4.2 Procedures

The faculty evaluation of the University Librarian shall be conducted as follows:

1. Prior to the evaluation of the University Librarian by library faculty, the University Librarian shall prepare and distribute to all library faculty an annual report summarizing his or her accomplishments related to responsibilities as University Librarian and annual goals.
2. The form used for library faculty evaluations of the University Librarian shall be developed by the Vice President for Academic Affairs and the Governance Committee based on the above mentioned criteria and shall be approved by the Committee. The scale for numeric ratings shall be based on the same scale as used for library faculty evaluations. The form shall include a category for overall evaluation and comments.
3. The Committee shall circulate the form to all library faculty.
4. The Committee shall summarize the data and comments from the above sources and make appropriate recommendations based on the data. The Committee summary and recommendations, together with copies of the University Librarian evaluation form, shall be forwarded to the Vice President for Academic Affairs. Members of the Committee who disagree with the recommendations may file a minority report with the Vice President for Academic Affairs at the same time.
5. The library faculty's evaluation of the University Librarian should be substantially incorporated and referenced in the University Librarian's overall evaluation.

6. The Vice President for Academic Affairs shall meet with the Governance Committee on the overall evaluation of the University Librarian and how the library faculty data was used in arriving at the overall evaluation.

2.5 LIBRARY FACULTY PROMOTIONS

2.5.1 Minimum Criteria For Library Faculty Promotion

The following shall be the minimum criteria for consideration for promotion to the three ranks indicated:

1. Assistant Professor

- a. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program and has three years of post-M.L.S. professional library experience at least two of which must be at Radford University, or,
- b. Holds a Master's degree and has four years of specialized professional experience at least two of which must be at Radford University.
- c. Demonstrated ability and evidence of success at the rank of Instructor.

2. Associate Professor

- a. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program and has six years of post-M.L.S. professional library experience at least four of which must be at Radford University at the rank of Assistant Professor, or,
- b. Holds a Master's degree and has ten years of specialized professional experience at least six of which must be at Radford University at the rank of Assistant Professor.
- c. Evidence of outstanding success and accomplishment as an Assistant Professor.

3. Professor

- a. Holds a Master of Library Science, or equivalent degree, from an American Library Association accredited program and has ten years of post-M.L.S. professional library experience at least six of which must be at Radford University at the rank of Associate Professor, or,
- b. Holds a Master of Library Science degree from an American Library Association accredited program for at least two years and has sixteen years of specialized professional experience at least eight of which must be at Radford University at the rank of Associate Professor.
- c. Evidence of superior success and accomplishment as an Associate Professor.

Promotions are not considered to be automatic upon achieving the above criteria, but must be earned by exemplary service. Job performance, professional contributions, and university contributions are all evaluated for promotion, with job performance given the most weight. The recommendation of the Library Promotion Committee, and the University Librarian will be considered in the awarding of any such promotion.

Exceptions to the above minimal criteria may be made in cases of exceptional merit upon positive recommendation by the Library Promotion Committee, and the University Librarian and the approval of the Vice President for Academic Affairs.

Upon positive recommendation of the Promotion Committee, University Librarian, and the Vice President for Academic Affairs, with the approval of the President, leaves of absence or other appropriate professional experience, with the exception of educational leave, may be considered as no more than one year of service in rank. Part-time service as a library faculty member can be counted toward post-M.L.S. or "specialized professional experience." Graduate assistantships may not be counted toward part-time service. The aggregate responsibilities for all part-time service as a library faculty member must be equivalent to or exceed the normal responsibilities for 12 months of full-time library faculty service in order to qualify for one full year of credit.

2.5.2 Procedures for Recommending Library Faculty Promotions (Revised September 1, 2000)

1. All deadlines for promotion consideration will be established each year and communicated in writing to all library faculty at the beginning of the Fall Semester in the University's Time Schedule for Personnel Decisions.
2. The library faculty member shall initiate an application for promotion to the University Librarian and shall provide supporting documentation which must include a statement justifying promotion, evaluations of the library faculty member for the years of service at Radford University, up to six years, current curriculum vita, and any other items appropriate to support a recommendation for promotion. The University Librarian shall submit the library faculty member's request and documentation to the Chair of the appropriate Library Promotion Committee.
3. After an evaluation of the candidate's documentation, the Library Promotion Committee shall make its written recommendation, including justification, to the University Librarian. The Library Promotion Committee shall provide a copy of its recommendation and justification to the candidate.

A minority report may be written if the Library Promotion Committee's recommendation concerning promotion is unacceptable to a minority of the committee members. A minority report is seen as an exception rather than the standard procedure and shall include a justification for its creation. The minority report shall be signed and submitted as a separate document, and shall be included with the Library Promotion Committee's recommendation. A copy shall be sent to the candidate.

The candidate for promotion may respond to their decision and/or justification, and submit this response to the Committee and to the University Librarian.

4. The University Librarian shall review the recommendations of the Library Promotion Committee and forward these recommendations to the Vice President for Academic Affairs along with his or her own written recommendation, including justification. The University Librarian shall provide a copy of his or her recommendation and justification to the candidate and the Library Promotion Committee.

The candidate for promotion may respond to his or her decision and/or justification, and submit this response to the University Librarian and to the Vice President for Academic Affairs.

5. The Vice President for Academic Affairs shall make his or her recommendation to the President. The Vice President for Academic Affairs shall provide a copy of his or her recommendation to the candidate, the University Librarian, and the Library Promotion Committee.
6. The candidate for promotion may request a conference as an informal grievance, if the recommendation of the Vice President for Academic Affairs is negative, or may file a formal grievance as described in section 1.10 of this Handbook.

7. The President shall make his or her recommendation and shall submit the names of all faculty recommended for promotion to the Board of Visitors.

8. The final decision regarding promotion rests with the Board of Visitors.

The composition and responsibilities of Promotion Committees are given in section 2.6 of this Handbook.

2.6 LIBRARY PERSONNEL AND PROMOTION COMMITTEES

2.6.1 Library Personnel Committee (Revised September 1, 2000)

The composition and responsibilities of the Library Personnel Committee are as follows:

1. The Library Personnel Committee shall consist of four members elected from and by the library faculty. The Library Personnel Committee members serve for two-year terms, beginning July 1 and ending June 30, with two positions elected each year. Because of the role of the University Librarian as chief library administrator, the University Librarian shall not be eligible to vote for members or serve on the Library Personnel Committee.

2. The Library Personnel Committee, in consultation with the library faculty and the University Librarian, shall make recommendations to the Administrative Senate regarding revisions of policies and procedures for library faculty evaluation and promotion.
3. The Library Personnel Committee screens all applicants for library faculty vacancies and recommends the best-qualified candidates to the University Librarian, who will, with the prior approval of the Vice President for Academic Affairs, invite two or more candidates to the campus for an interview with the Library Personnel Committee and other library faculty, the University Librarian, and the Vice President for Academic Affairs.
4. When the Library Personnel Committee is involved in the recruitment of a library faculty member, the supervisor of the position, if not a member and with the exception of the University Librarian, shall serve as an ad hoc member for the duration of the recruitment for that position.
5. Following interviews, the Library Personnel Committee consults with the library faculty and recommends to the University Librarian one or more candidates to be offered the position, including a justification for its recommendation. The Library Personnel Committee also recommends the rank to which a new library faculty member is appointed.

2.6.2 Library Promotion Committees (Revised September 1, 2000)

There shall be three Library Promotion Committees:

1. Promotion to Assistant Professor: All library faculty, except the University Librarian, who hold the rank of Assistant Professor, Associate Professor, or Professor.
2. Promotion to Associate Professor: All library faculty, except the University Librarian, who hold the rank of Associate Professor or Professor.
3. Promotion to Professor: All library faculty, except the University Librarian, who hold the rank of Professor.

In the event that a promotion committee would have fewer than three members, then the Library Personnel Committee, plus any library faculty holding that rank or higher shall serve as the Promotion Committee. Neither the University Librarian nor the candidate for promotion shall serve on the Promotion Committee.

3.0 EMPLOYMENT RELATED POLICIES

3.1 OTHER RADFORD UNIVERSITY EMPLOYMENT

Any employment or assignment through the university which results in additional compensation for an administrative or professional faculty member must be approved in advance by the person's supervisor.

3.2 EXTRA EMPLOYMENT

3.2.1 Purpose and Scope

It is the University policy that no administrative or professional faculty member may engage in other employment, not in any private business or profession during their employment by the University, in a manner or to an extent that affects or is deemed likely to affect their usefulness as an employee of the University. This policy defines extra employment and establishes the reporting and application procedures to be followed by individuals seeking approval for extra employment. It identifies the criteria by which applications are to be judged.

The policy applies to all full-time administrative and professional faculty while they are employed by Radford University. For individuals on 9-, 10-, and 11-month appointments, the policy applies only during those months they are employed by the University.

3.2.2 Definition

The primary obligation of full-time administrative and professional faculty is to fulfill the duties of their positions with the University. Extra employment should in no way interfere with this responsibility. For the purpose of reporting under this policy, extra employment is defined as work with total compensation over \$1,500 annually from all sources performed outside of any relationship with Radford University. Work of this nature includes all self-employment and self-initiated professional services such as consulting, workshops, seminars, conferences, institutes, or short courses accomplished for any agency other than Radford University. Participation in paid military reserve drills and other military activities is not considered extra employment under this policy.

3.2.3 Reporting Requirements

At the beginning of each academic year all full-time administrative and professional faculty must complete an "Extra Employment Statement." The statement will allow the individual 1) to indicate that no extra employment is anticipated during the year, or 2) to describe the extra employment anticipated and to seek approval as described below. Any changes to the information provided in this statement during the year for which it was prepared must be reported and approved in advance of the employment.

3.2.4 Approval Process

Administrative and professional faculty wishing to engage in extra employment must provide the information requested on the "Extra Employment Statement" and submit it to their supervisor for approval by the supervisor and the employee's Vice President. Individuals engaging in extra employment without securing prior approval jeopardize their continued status as employees of Radford University.

The decision to approve extra employment will be based upon a judgement of whether the proposed extra employment is consistent with the individual's professional expertise, will complement professional responsibilities and professional development, will require excessive time, will adversely affect the individual's performance at Radford University, will have negative public relations value, or will constitute a conflict of interest under State or local laws. While there is no rigid standard for "excessive time," only in extraordinary cases will time exceeding an average of one day per week be approved. Persons whose proposed employment meets all other criteria, but would require excessive time, may discuss with the supervisor the possibility of a reduced time appointment at Radford University for a negotiated time period.

All extra employment statements for administrative and professional faculty will be kept in personnel files in the office of the employee's Vice President.

3.3 CONFLICT OF INTEREST AND ETHICS IN CONTRACTING LAW

The State and Local Government Conflict of Interest Act (Code of Virginia, Sections 2.1-639.2 through 639.23) and Article 4 of the Virginia Public Procurement Act, Ethics in Contracting (Sections 11-72 through 11-80) provide the body of law applicable to all University employees. The cited code sections should be consulted by any administrative or professional faculty member when there is a potential conflict of interest or personal involvement in any contract. The Code may be accessed through the Internet at <http://leg1.state.va.us/> Employees who have questions should consult with the Vice President of their area.

3.4 INTELLECTUAL PROPERTY

The Commonwealth, by and through the University, owns intellectual property invented or created by faculty in certain cases. The following policy provides guidance as to when the University will assert its interest in intellectual property.

3.4.1 Definitions

Throughout this policy, where appropriate, the singular form of a noun also includes the plural, the masculine gender also includes the female gender, and the term "participants" means inventors, creators or authors.

Assigned Duty

"Assigned duty" is narrower than "scope of employment," and is an undertaking of a task or project as a result of a specific request or direction. A general obligation to do research, even if it results in a specific end product such as a vaccine, a published article, or a computer program, or to produce scholarly publications, is not a specific request or direction and hence is not an assigned duty. In contrast, an obligation to develop a particular vaccine or write a particular article or produce a particular computer program is a specific request or direction and is therefore an assigned duty.

Significant Use of General Funds

The phrase "significant use of general funds" and the phrase "developed wholly or significantly through the use of state general funds" mean that state general funds provided \$10,000 or more of the identifiable resources used to develop a particular intellectual property. A reasonable cost should be assigned to those resources for which a cost figure is not readily available, such as salary, support staff, and other equipment and resources dedicated to the creator's efforts. Resources such as libraries that are available to employees generally should not be counted in the assessment of the use of general funds.

For purposes of this policy, funds and facilities provided by governmental, commercial, industrial, or other private organizations which are administered and controlled by the university shall be considered to be funds and facilities provided by or through the university and, accordingly, constitute state general funds.

Employee

This includes full-time and adjunct faculty; classified employees; administrative staff; and students who are paid for specific work by the university. Students may be employees for some purposes and not for others. If they are paid as student assistants, for example, or given grants to do specific research, they will be employees for purposes of this policy. Students receiving general scholarship or stipend funds would not normally be considered employees for purposes of this policy.

Intellectual Property

This refers to anything or any portion of anything developed by anyone covered by this policy that fits one or more of the following categories:

- a potentially patentable machine, article of manufacture, composition of matter, process, or improvement in any of these;
- an issued patent;

- a legal right that inheres in a patent;
- anything that is copyrightable

Net Royalties or Other Income

This refers to the total value of any property received, including cash payments, in consideration for the sale, transfer, lease, licensing or other disposition of intellectual property in which the university has an interest, after subtracting the direct and identifiable expenses of the university in developing intellectual property, securing a copyright or patent, and the direct expenses of marketing the same (excluding any indirect costs, such as overhead, from such calculation), and payment of any taxes on the same.

3.4.2 Ownership of Intellectual Property

The university has an interest in intellectual property if and only if:

- the property results from or is developed by faculty or employees acting within the scope of assigned duties; or
- the property results from or is developed wholly or significantly through the use of state general funds.

Absent a prior contractual agreement, the university will not claim an interest in intellectual property invented or created in connection with course work by students who are not university employees. When significant use by students of university facilities, personnel, or other resources is contemplated, the university may require, as a condition precedent to such use by students, that ownership of the student-developed invention or creation be reserved to the university, in whole or in part. In such cases, a written understanding regarding ownership and use of student creations or inventions should be signed by the student and the University prior to such significant use by the student of university facilities, personnel, or other resources.

All faculty, employees, students, and visitors at the university who participate, as inventors or creators, in the development of intellectual property in which the university may have an interest (as specified under section 3.4.1 of this policy), shall be responsible for prompt written notification to the administrator (see section 3.4.3 of this policy) of such participation and development. The written notification shall be a full disclosure of the type of intellectual property being developed, the identity of all persons participating in such development, and the percentage of interest, if any, claimed by each of the participants. The notification shall be signed by each participant unless separate signed notifications are submitted addressing the same project. The participants shall furnish additional information as reasonably requested by the administrator.

The University shall claim its interest in intellectual property by written notice from the administrator to the inventors or creators. This written notice shall be made within ninety (90) days from the time written notification is received by the administrator, as specified in section 3.4.2 above. Failure of the administrator to so notify the inventors or creators that the university is claiming an interest in such intellectual property shall constitute a waiver by the university of any interest which the University might otherwise claim.

Where the University properly claims its interest in intellectual property, the inventor or creator shall be entitled to receive fifty percent (50%) of net royalties or other income accrued to the university by its sale, lease, licensing, exchange or other disposition of such intellectual property.

3.4.3 Administration of Policy

3.4.3.1 Administrator

The Vice President of Business Affairs is hereby designated as the administrator of this policy. The administrator shall:

- Develop standards and procedures appropriate for the implementation of this policy.
- Advise the inventors and creators as to ownership of intellectual property in which the university claims an interest.

- Promptly consider all written notifications required by 3.4.2 of the policy and determine the circumstances of creation to establish whether the intellectual property is that in which the university will assert its an interest. Such determinations shall be made within ninety (90) days by written notice to the participants.
- Determine whether to copyright a work or patent an invention in the university’s name, or to waive some or all of those rights in favor of the creator or inventor.
- Determine whether the intellectual property in which the university holds an interest is marketable and, if so, take appropriate steps on behalf of the university for marketing the property, including transferring the university’s rights to a Radford University foundation.
- Establish guidelines for distribution of royalties when the university and the inventors or creators share in ownership of the intellectual property.
- In consultation with the Vice President for Academic Affairs, compile and submit to the State Council of Higher Education, annually, such information on its intellectual property as said Council may require.

In addition, the administrator may:

- Distribute royalties accruing to the university as a result of the implementation of this policy.
- Transfer, where appropriate, any interest which the university may possess in patents, copyrights or other intellectual property addressed in this policy while ensuring compliance with Section 23-4.4 of the Code of Virginia requiring the Governor’s prior written approval for certain transfers.

3.4.3.2 Advisory Committee

A University Committee on Intellectual Property shall be established consisting of five faculty members and an administrator. The five faculty members shall be appointed by the Faculty Senate and the administrator shall be appointed by the Vice President for Business Affairs. Terms of appointment shall be consistent with the university’s internal governance provisions. The committee shall:

- Assist the administrator in developing standards and procedures for implementing this policy.
- Recommend amendments in this policy as needed.

3.4.3.3 Confidentiality

The contents of written notifications to the administrator by inventors and creators shall be confidential and shall not be disclosed to others within or without the university, except as may be reasonably necessary in the following situations:

- Disclosure by participants, in confidence, to legal counsel, accountants or other professionals assisting in the development or protection of intellectual property of the participants.
- Disclosure by the administrator, in confidence, to the university’s legal counsel, accountants or other professionals assisting in the development or protection of intellectual property in which the university may claim an interest.
- Disclosure by the participants or the administrator, in confidence, to the University Committee on Intellectual Property or Vice President for Academic Affairs as part of the dispute resolution procedures of this policy.
- Disclosure as required by judicial process, including proper pretrial discovery.
- Reporting as required by statutory reporting requirements established by the General Assembly and implemented by the State Council of Higher Education, in cooperation with the Innovative Technology Authority.

3.4.4 Dispute Resolution

In any case in which any creator or inventor of intellectual property disagrees with a decision of the administrator in respect to the ownership of intellectual property in which such persons claim an interest, or in respect to the sharing of royalties or other income accruing to the university through the sale, lease, licensing or other disposition of such property, such persons shall be entitled and obligated to pursue an administrative appeal within the university before pursuing any other legal or equitable remedy. The administrative appeal shall be conducted as follows:

- The aggrieved persons shall file with the Vice President for Academic Affairs a written statement of appeal specifically identifying the nature of the dispute and specifically stating the relief requested. This statement must be filed within thirty (30) days after receipt by the aggrieved persons of written notice of the Administrator's decision which is being appealed.
- Upon receipt of such a statement of appeal, the Vice President for Academic Affairs shall refer the matter to the University Committee on Intellectual Property, which shall, within thirty (30) days of the filing of the statement of appeal with the Vice President for Academic Affairs, make written findings of fact and recommendations regarding resolution of the dispute, unless within such time the Administrator and the aggrieved persons acknowledge in writing that they have resolved their dispute. The committee may require, upon reasonable notice, that the aggrieved parties or the Administrator or both appear before it and provide the committee with additional information relevant to the dispute.
- Upon receipt of the written findings and recommendations of the committee, the Vice President for Academic Affairs shall have fifteen (15) days to state his or her decision, in writing, to the aggrieved parties and to the Administrator. He may affirm, modify or reject any determination of the committee.
- If the Vice President for Academic Affairs and the Administrator disagree, the matter shall then be referred to the President of the University who shall have fifteen (15) days to state his or her decision, in writing, to the aggrieved parties, the Administrator, and the Vice President for Academic Affairs.
- The decision of the President shall be final within the University and no further administrative appeal shall be available to the aggrieved parties or to the Administrator.

3.5 FACULTY-AUTHORED WORKS

Faculty-authored works may make a significant contribution to the quality of instruction, to the professional development of the faculty member, and to the prestige of the university. However, it is the university's responsibility to monitor the selection of such works used as required or optional material in a course so that potential abuses are avoided. In the following, the term "faculty-authored work" includes any published work, in printed or electronic format, which is authored or coauthored by a member of the Radford University faculty and which generates royalties or other compensation for the faculty member.

If a work is being considered for a multiple-section course in which the faculty have agreed to use a common text or materials, and one of the faculty members is the author of one of the competing works, the selection shall be determined by secret ballot.

If a work is being considered for a single section course (or for a section of a multiple-section course in which the faculty have agreed not to use a common text), and the instructor is the author of that work, then the work must be approved by the department chair or by a committee appointed by the chair. If the author is the department chair, then the work must be approved by the Department Personnel Committee. Faculty members may submit evidence supporting the quality of the work including documentation of its use at other institutions and reviews or testimonials from other experts in that field. Documentation of such approvals shall be filed with the College Dean.

All faculty-authored works selected for use shall be reviewed at least every four years by the department chair or by a committee appointed by the chair. If the author is the department chair, then the work must be reviewed by the Department Personnel Committee. Documentation of such reviews shall be filed with the College Dean.

Subject to state law and the University's Intellectual Property Policy, royalties from the sale of published works rightfully belong to the author. However, faculty members shall not earn profits from the sale of unpublished notes, lab exercises, photocopied manuscripts, and other materials in printed or electronic format which they require for classroom use. These include bound photocopied materials provided through a commercial copying service. In cases where the meaning of "published work" is ambiguous, the Department Personnel Committee will be responsible for determining if a particular work is a "published work" for the purposes of this policy.

3.6 FINANCIAL DEALINGS WITH STUDENTS

Administrative and professional faculty shall not have University related financial dealings with students. Faculty shall not sell required books, materials, and supplies for class use. Financial arrangements for faculty-student travel shall be handled by a member of the University support staff.

4.0 CHANGES TO THE ADMINISTRATIVE AND PROFESSIONAL FACULTY HANDBOOK

The authority to amend or revise the Administrative and Professional Faculty Handbook lies with the Board of Visitors. However, proposals for revising the Handbook may be initiated by administrative and professional faculty, the President, or members of the Board of Visitors. Revisions fall into two categories: (1) those required to ensure that the University is in compliance with state policies and mandates, and (2) those within the purview of the decision-making processes within the University.

Revisions required to ensure that the University is in compliance with state policies and mandates, and that do not require a decision by University personnel, will be effected through an administrative update, with administrative and professional faculty being informed of the change and the reasons for it.

Revisions within the purview of the decision-making processes in the University Internal Governance system will be considered by appropriate committees as defined by the Internal Governance system. Proposals for changes will be made in the form of text intended to replace a portion of the Administrative and Professional Faculty Handbook, noting new language and striking out the old language. The proposed change will be accompanied by a brief explanation detailing why the revision is being proposed and what the revision is intended to accomplish. Final presentation of the proposal will be sent to the Administrative Senate.

It will be the Administrative Senate's responsibility to ensure that administrative and professional faculty are provided time and opportunity to review the proposed change so they can communicate with their senators prior to any action by the Administrative Senate. The Administrative Senate's recommendations on proposed revisions to the Administrative and Professional Faculty Handbook will be forwarded to the President.

The Council for Review of University Policies has the responsibility for annually updating the handbook to incorporate approved changes.