

University Handbook

2022-2023



CHRISTOPHER NEWPORT

UNIVERSITY

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SECTION I
General Information

1. History
 - a. In 1960 the General Assembly of Virginia established Christopher Newport College as a non-residential branch college of The College of William and Mary and located it in Newport News, Virginia. The Board of Visitors of The College of William and Mary authorized Christopher Newport College to offer a lower-level undergraduate liberal arts curriculum through which a student could receive an Associate of Arts degree.
 - b. In September 1961 the College enrolled 171 students at its initial home, the John W. Daniel School, a former public school building in downtown Newport News. In 1963, the City purchased and deeded to the Commonwealth the 75-acre tract where the present campus is now located.
 - c. From 1961 to 1969, the College matured as a two-year institution, and in 1969 the Board received approval from the General Assembly to broaden the role of the College by adding upper-level bachelor's programs and awarding Bachelor of Arts and Bachelor of Science degrees.
 - d. In its 1976 session, the General Assembly of Virginia established Christopher Newport College as a four-year baccalaureate institution independent of The College of William and Mary. The operation of the College was transferred to the Board of Visitors of Christopher Newport College, a 12-member board appointed by the Governor of Virginia on July 1, 1977. Since that date the Board has increased by two members.
 - e. In its 1990 session, the General Assembly of Virginia authorized Christopher Newport College to offer degrees at the master's level. The 1992 session of the General Assembly of Virginia changed the status of Christopher Newport College to Christopher Newport University, effective July 1, 1992.
 - f. University presidents
 - 1) H. Westcott Cunningham, 1961–1970
 - 2) James C. Windsor, 1970–1979
 - 3) John E. Anderson, Jr., 1980–1986
 - 4) Anthony R. Santoro, 1987–1996
 - 5) Paul S. Tribble, Jr., 1996–
2. The Values of Christopher Newport University
 - a. We will always put students first!
 - b. We will remain committed to liberal learning.
 - c. We will provide access and opportunity to a diverse community.
 - d. We will be actively engaged in shaping the economic, civic and cultural life of this community.
 - e. We will always offer outstanding teaching.
3. Vision

Christopher Newport University, a small academically selective public university, is grounded in the principles of liberal learning and dedicated to the ideals of scholarship, leadership, and service. We celebrate the values inherent in the liberal arts and sciences and live as a community of honor to inspire our students to lead lives of significance. We aspire to be a preeminent, public liberal arts and sciences university. We will pursue excellence in all that we do and dedicate ourselves to those initiatives that will strengthen our teaching, our scholarship, our academic programs and disciplines, and our campus community. We will build an intimate, diverse, residential community which will attract the most academically talented, inquisitive, and intellectually adventuresome students. We will ignite in our students a love of learning and instill a sense of responsibility and civic duty that

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will give our graduates the knowledge and confidence to engage as responsible leaders and citizens in their communities, the nation, and the world.

4. Mission Statement

The mission of Christopher Newport University is to provide educational and cultural opportunities that benefit CNU students, the residents of the Commonwealth of Virginia, and the nation. CNU provides outstanding academic programs, encourages service and leadership within the community, and provides opportunities for student involvement in nationally and regionally recognized research and arts programs.

Our primary focus is excellence in teaching, inspired by sound scholarship. At CNU, personal attention in small classes creates a student-centered environment where creativity and excellence can flourish. Our primary emphasis is to provide outstanding undergraduate education. We also serve the Commonwealth with master's degree programs that provide intellectual and professional development for graduate level students.

We are committed to providing a liberal arts education that stimulates intellectual inquiry and fosters social and civic values. CNU students acquire the qualities of mind and spirit that prepare them to lead lives with meaning and purpose. As a state university, we are committed to service that shapes the economic, civic and cultural life of our community and Commonwealth.

5. University Strategic Plan

a. University Priority I – A vital curriculum.

An excellent liberal learning curriculum, providing students a rigorous higher education rooted in the liberal arts and sciences and responding to the values inherent in the University's mission.

Goals:

- 1) Provide an intellectually challenging and dynamic liberal learning curriculum.
- 2) Support learning that cultivates critical and innovative thinking.
- 3) Foster independent student learning.
- 4) Connect liberal learning to ethical conduct and civic responsibility.

b. University Priority II - A culture of student learning and engagement.

Independent, disciplined, and dedicated students committed to learning, scholarship, and civic responsibility in a community of honor.

Goals:

- 1) Foster campus-wide commitment to academic life and culture.
- 2) Promote personal initiative, integrity, and responsibility for learning.
- 3) Sustain and promote a climate of University-wide undergraduate and graduate intellectual engagement.
- 4) Connect liberal learning to community outreach through service and leadership.
- 5) Create learning opportunities that expand individual potential.
- 6) Foster a culture of academic success as reflected in retention and graduation rates.

c. University Priority III - An inspired faculty.

An exceptional faculty of respected teacher-scholars who thrive in a community of honor committed to liberal learning and civic responsibility.

Goals:

- 1) Cultivate a faculty committed to teaching and learning excellence and to university citizenship.
- 2) Recognize and support faculty innovations and achievements tied to excellence in teaching, scholarship, and service.
- 3) Affirm and support principles of shared governance.

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- d. University Priority IV - A purposeful campus community.
A safe, aesthetically pleasing campus of beauty and function that promotes community and achievement as well as intellectual and social engagement.
Goals:
 - 1) Cultivate a talented, inspired, and diverse staff committed to the University’s mission.
 - 2) Sustain a program of intercollegiate athletics that enhances the quality of campus life and supports the mission of the University.
 - 3) Employ state-of-the-art technology in the service of the University.
 - 4) Reflect the University’s character through creative and functional design.
 - 5) Sustain a campus identified by outstanding architecture and natural beauty.
 - e. University Priority V: An engagement between the campus and the larger community.
A dynamic university community whose members will transform and energize the cultural, intellectual and economic lives of the region.
Goals:
 - 1) Foster and promote the civic benefits of the public liberal arts and sciences university.
 - 2) Build community-university collaborative relationships.
 - 3) Promote university-related opportunities for the region.
 - 4) Promote the University as an economic, intellectual and social asset for the region.
6. Academic Accreditation
- a. **Institutional Accreditation**
Christopher Newport University is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award degrees at the baccalaureate and master’s degree levels. Degree-granting institutions also may offer credentials such as certificates and diplomas at approved degree levels. Questions about the accreditation of Christopher Newport University may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC’s website, www.sacscoc.org.
 - b. Specialized Accreditation
 - 1) The baccalaureate social work program of Christopher Newport University is accredited by the Council on Social Work Education.
 - 2) The music program of CNU is accredited by the National Association of Schools of Music.
 - 3) The theater program of CNU is accredited by the National Association of Schools of Theatre.
 - 4) The baccalaureate computer engineering program of Christopher Newport University is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (ABET).
 - 5) The business program of Christopher Newport University is accredited by AACSB International, the Association to Advance Collegiate Schools of Business.
7. The university is authorized to confer the following degrees:
- a. Bachelor of Arts in the fields of:
 - 1) biology,
 - 2) communication,
 - 3) economics
 - 4) English,
 - 5) fine and performing arts (**art history**, music, **studio art**, theater),
 - 6) **general foreign** languages (classical studies, French, German, Spanish,)
 - 7) history,

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- 8) interdisciplinary studies (American studies, environmental studies, **global commerce and culture, leadership studies**),
 - 9) mathematics,
 - 10) philosophy,
 - 11) political science,
 - 12) psychology,
 - 13) social work, and
 - 14) sociology (**anthropology, criminology, sociology**).
- b. Bachelor of Science in the fields of:
- 1) biology (cellular, molecular & physiological; integrative; **kinesiology**; organismal **and environmental**),
 - 2) chemistry (biochemistry, **chemistry**),
 - 3) computer engineering,
 - 4) computer foundations (physics, computer science, **cybersecurity**),
 - 5) electrical engineering,
 - 6) interdisciplinary studies,
 - 7) mathematics (computational and applied mathematics),
 - 8) **neuroscience, and**
 - 9) psychology.
- c. Bachelor of Science in Business Administration **in general business**, with majors in:
- 1) accounting,
 - 2) finance,
 - 3) management, and
 - 4) marketing.
- d. Bachelor of Science in Information Science.
- e. Bachelor of Music, with concentrations in the areas of:
- 1) **pre-certification choral**,
 - 2) **pre-certification instrumental**,
 - 3) performance, and
 - 4) composition
- f. Master of Arts in Teaching in the endorsement areas of:
- 1) art (visual arts),
 - 2) biology,
 - 3) chemistry,
 - 5) elementary,
 - 6) English,
 - 7) English as a second language,
 - 9) history and social science,
 - 10) mathematics,
 - 11) **music (choral, instrumental)**
 - 12) physics, and
 - 13) Spanish.

Upon completion of the program, students are recommended for licensure through the Virginia Department of Education to teach in the Commonwealth of Virginia.

- g. Master of Science in the fields of:

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- 1) applied physics and computer science, with concentrations in the areas of
 - a) computer systems engineering and instrumentation,
 - b) computer science,
 - c) applied physics, and
- 2) environmental science.

h. Master of Financial Analysis

8. Cooperative Arrangements

The university has cooperative programs with other educational institutions allowing students the opportunity to pursue formal degree programs through joint efforts. The university has moved the review of transfer students to competitive admission standards and has developed Articulation Agreements with the Virginia Community College System for guaranteed admission.

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SECTION II
Board of Visitors

1. By-Laws, Board of Visitors, Christopher Newport University

a. Article I. Corporate Name and Governing Body

Christopher Newport University is a public corporation created by an Act approved by the General Assembly of Virginia and published as Title 23.1, Chapter 14, sections 23.1-1400 through 23.1-1403 of the Code of Virginia. The method of appointment of members of the Board of Visitors of Christopher Newport University, their eligibility for service, and their powers and duties are set forth therein.

b. Article II. Composition, Appointment, Removal

1) Section 1. The Board of Visitors shall consist of fourteen members appointed by the Governor, subject to confirmation by the General Assembly of Virginia, for terms of four years. Members may be reappointed for one additional four-year term. No more than two of such members may be nonresidents of Virginia. Visitors shall continue to serve until their successors have been appointed and have qualified.

2) Section 2. A vacancy on the Board is filled by appointment by the Governor for the unexpired term. A person filling an unexpired term may be reappointed by the Governor, subject to confirmation by the General Assembly, for two additional four-year terms.

3) Section 3. The Governor may remove from office any member of the Board for malfeasance, misfeasance, incompetence, or gross neglect of duty. The Governor is the sole judge of the sufficiency of the cause for removal. The Governor shall fill the vacancy resulting from the removal.

If any member of the Board fails to attend the meetings of the Board for one year without sufficient cause, as determined by a majority vote of the Board, or fails to attend the educational programs required under §23.1-1304 of the Code of Virginia in the first two years of membership without sufficient cause, as determined by a majority vote of the Board, the remaining members of the Board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated.

4) Section 4. The Board shall annually appoint the current President of the Student Assembly or another student leader, as a non-voting advisory representative to the Board. The student so appointed shall serve a single, one-year term.

c. Article III. Powers and Duties

The Board shall control and expend the funds of the University and any appropriation hereafter provided; control all real estate and personal property of the University; make all needful rules and regulations concerning the University, appoint the president who shall be its chief executive officer, and all members of the faculty; fix their salaries; provide for the employment of other personnel as required; and generally, direct the affairs of the University.

The Board shall operate at all times in an open and transparent manner, in compliance with the provisions of the Virginia Freedom of Information Act. Records and meetings of the Board shall be open and available to the public unless the law provides an applicable exemption and the Board decides to assert it.

d. Article IV. Meetings

Meetings of the Board of Visitors are of four kinds: the annual meeting, regular meetings, a yearly meeting with the President and special meetings. As required by statute, there will be five meetings held per year.

- 1) Section 1. The Annual Meeting - The annual meeting of the Board is the first meeting in the new academic year. Board officers are elected at the annual meeting.
- 2) Section 2. Regular Meetings - In addition to the annual meeting, the Board shall have three regular meetings during the year. The days, times and places of the meetings shall be fixed by the Board.
- 3) Section 3. Yearly Meeting with the President – The Board shall hold a fifth meeting each year that includes a closed meeting with the President for the purpose of delivering the President’s performance evaluation, which shall be conducted and presented by the officers of the Board.
- 4) Section 4. Special Meetings - Special meetings of the Board may be called by the rector or any three members of the Board. Notice of such meetings shall be given by the secretary to every member and shall include the date, time, and place of the meeting. No matter may be considered which was not specified in the call except by a two-thirds vote of the members of the Board present at the meeting.
- 5) Section 5. Public notice of all meetings shall be given in writing, at least five (5) days in advance of the meeting and in accordance with Section 2.2-3703 C of the Code of Virginia by the Secretary of the Board.
- 6) Section 6. University counsel, or other representative of the Attorney General appointed to represent CNU pursuant to Section 2.2-507 of the Code of Virginia, shall be notified of and invited to attend all meetings of the Board and its committees.
- 7) Section 7. An agenda shall be prepared by the Secretary, under the supervision of the president. Such agenda shall be distributed to the Visitors at least five days prior to the meeting for which it is prepared. Matters which arise between the distribution of the agenda and the convening of the Board shall be presented to the Board as a supplementary agenda, which is to be prepared by the secretary under the supervision of the president. The written notice of a special meeting specifying the item to be considered at the special meeting shall take the place of the agenda at the special meeting.
- 8) Section 8. A quorum for the conduct of business shall consist of seven members of the Board (as required by statute) except in those instances where other statutory provisions require a larger number for the transaction of particular items of business.
- 9) Section 9. Attendance at any meeting or a waiver of notice signed by a member shall be the equivalent to the giving of proper notice of the meeting.
- 10) Section 10. Minutes of all open meetings of the Board shall be recorded by the Secretary to the Board and posted on the Board’s website, in accordance with Section 2.2-3707 and -3703.1 of the Code of Virginia.
- 11) Section 11. Faculty or student committee representatives and others may be invited by the Rector to attend any meeting of the Board for the purpose of presenting matters to the Board. All meetings of the Board of Visitors shall be open to the public.
- 12) Section 12. All meetings of the Board shall be conducted in accordance with the principles of procedure prescribed in *Robert's Rules of Order*, Newly Revised.
- 13) Section 13. All discussions and actions on any topic not expressly exempt from open meeting requirements pursuant to the provisions of Virginia’s Freedom of Information Act shall take place in a meeting properly noticed and open to the public.

- 14) Section 14. As required by law, any official action discussed or decided upon in a properly conducted closed meeting must be approved by the Board in an open meeting if it is to have any force or effect.

e. Article V. Officers

- 1) Section 1. The Board of Visitors shall at the annual meeting in even numbered years elect from its membership a rector, a vice-rector and a secretary. Said officers shall serve for a two-year term. The secretary shall serve as the presiding officer until an election is accomplished or the Board appoints another presiding officer. Election of officers shall be by a majority vote of the members present. Nominees must have two years remaining in their terms or must be eligible for reappointment to the Board. Priority should be given to nominating members for office whose terms of appointment on the Board do not expire simultaneously so the Board shall not be without a presiding officer.
- 2) Section 2. Powers and Duties of the Rector - The rector shall be the presiding officer of the Board at all of its meetings and as such shall have the power, unless otherwise directed by the Board, to fix the order of business and appoint all standing and special committees (except the Executive Committee). Upon the request of the Board, the rector shall act as its spokesperson or representative.

The rector shall perform such additional duties as may be imposed on the office by statute or by the direction of the Board. Whenever the Office of the President becomes vacant or a vacancy is impending, the Rector shall appoint a Special Committee on the Nomination of a President **to seek and recommend to the Board a person to fill the vacancy.** This special committee shall be chaired by the rector. **It shall be broad and diverse, consisting of at least 15 members including its chair. Seven members shall be chosen from among the members of the Board and the remaining 7 selected from among the various constituencies important to the University, such as faculty, staff, alumni, community leaders and others, at the discretion of the chair.**

- 3) Section 3. Powers and Duties of the Vice-Rector - In the absence of the rector at any meeting or in the event of the rector's disability or of a vacancy in office, all the powers and duties of the office of rector shall devolve upon and be executed by the vice-rector. The vice-rector shall perform such other duties as may be imposed on the vice-rector by direction of the Board. In the absence of the rector, the vice rector shall preside at all meetings.
- 4) Section 4. Powers and Duties of the Secretary - The secretary of the Board shall be responsible for the notices to every member of all meetings of the Board, for recording, maintaining and distributing minutes of all meetings of the Board, and for such correspondence and communications as the business of the Board may require. In the absence of the rector and vice-rector, the secretary shall preside.
- 5) In the absence of the rector, vice-rector and secretary, the Board shall appoint a pro tempore officer to preside.
- 6) Section 6. Any vacancy in the office of Rector, Vice-Rector or Secretary, that occurs prior to the conclusion of the two-year term for which that officer was elected to serve shall be filled by the Executive Committee upon a vote of the members present and voting at its first meeting subsequent to the occurrence of the vacancy. The individual so appointed shall serve for the remainder of the term.

f. Article VI. The Executive Committee

- 1) Section 1. The members of the Executive Committee shall be the rector, who shall serve as chair, vice-rector and secretary, all of whom shall be elected as required by Article V, Section 1 above, and chairs of the Standing Committees and two members-at-large, who shall be appointed by the rector. Any member of the Board of Visitors who wishes to do so may attend an Executive Committee meeting with full voting privileges.

- 2) Section 2. The appointed members of the Executive Committee shall be designated at the annual meeting.
 - 3) Section 3. The Executive committee shall organize the working processes of the Board and recommend best practices for Board governance. It shall meet upon the call of the rector and transact the business of the Board in its recess. All actions taken by the Executive Committee during the recess of the Board shall be reported to the Board at the next regular meeting by the chair.
 - 4) Section 4. A simple majority of the rector, vice rector, secretary, two members-at-large and chair of the standing committees shall constitute a quorum.
 - 5) Section 5. The Executive Committee may make rules and set the agenda for the conduct of its meetings and the notice given thereof.
 - 6) Section 6. Pursuant to the provisions of Virginia law, the Executive Committee shall assure that the following activities are conducted and completed as necessary:
 - a) development of a statement of governance setting out the Board’s role for recommendation to and adoption by the Board;
 - b) periodic review of the Board’s by-laws and recommendation of amendments as deemed necessary and appropriate;
 - c) provision of advice to the Board on committee structure, appointments and meetings, as deemed necessary and appropriate;
 - d) develop an orientation and continuing education process for visitors that includes training on the Virginia Freedom of Information Act;
 - e) creation, monitoring, oversight and review of compliance with a code of ethics for visitors; and
 - f) development of a set of qualifications and competencies for membership on the Board for approval by the Board and recommendation to the Governor.
 - 7) Section 7. Vacancies on the Executive Committee shall be filled at the next regularly scheduled meeting of the Board and by the same method as set forth in Article VI, Section 1.
- g. Article VII. Standing Committees
- 1) Section 1. The Standing Committees of the Board of Visitors shall be the Committee on Finance and Facilities; the Committee on Academic Affairs; the Committee on Student Life; the Committee on University Advancement; and the Committee on Operations, Audit and Risk.
 - 2) Section 2. The rector shall appoint the chair and members of the committees. Each committee shall have a minimum of four members who shall serve for a period of two years. Three members shall constitute a quorum.
 - 3) Section 3. The duties of the committees shall be as follows:
 - a) The Committee on Finance and Facilities. This committee is responsible for oversight of the fiscal policies and physical assets of the University. It shall be the duty of this committee to consider and make recommendations to the Board concerning fiscal policy **and** financial planning for the University. The Committee shall regularly report to the Board all information necessary to aid it in meeting its fiduciary responsibilities to the Commonwealth of Virginia and the University. It shall also be the duty of this committee to consider and make recommendations to the Board concerning the development, maintenance and preservation of the physical facilities and grounds of the University.
 - b) The Committee on Academic Affairs. It shall be the duty of this committee to consider and make

recommendations to the Board on matters of faculty appointments and the academic organization of the University.

- c) The Committee on Student Life. It shall be the duty of this committee to consider and make recommendations to the Board on policies affecting the students of the University.
 - d) The Committee on University Advancement. It shall be the duty of this committee to consider and make recommendations concerning the ways and means of fostering the relationship between the University and its alumni and the general development and fund-raising efforts of the University.
 - e) The Committee on Operations, Audit and Risk. It shall be the duty of this committee to oversee the University's entire audit function, both independent and internal, and to ensure effective systems of accounting and internal controls, as needed. The committee shall have direct access to internal and external auditors. The committee shall examine the annual audited financial statements of the University and to conduct other such audits as deemed necessary for the good order of the University's finances. The committee shall also receive periodic reports on university management of operational, compliance, strategic and reputational risks, including Information Technology and Security, Human Resources, and Title IX and Equal Opportunity.
- h. Article VIII. Ad Hoc Committees
- 1) Section 1. The rector may from time to time appoint ad hoc committees of the Board as the rector deems necessary for the good conduct of Board and university affairs. Each such committee shall have a minimum of two members, including a chair appointed by the rector. The rector may, at his discretion, include non-Board members among the membership of ad hoc committees.
 - 2) Section 2. The duties of all ad hoc committees shall be specified and reported to the Board by the rector at the time of their appointment.
- i. Article IX. The President
- 1) Section 1. The president of the University shall be the chief executive officer of the University. The president shall be appointed by the Board and shall serve at its pleasure. Changes to the President's employment contract may be made at any time, but only by a vote of the majority of the members of the Board.
 - 2) Section 2. Duties of the president-The president shall:
 - a) attend all meetings of the Board and shall have notice of and the privilege of attending all meetings of its committees;
 - b) have responsibility for the operation of the University in conformity with the purposes and policies determined by the Board;
 - c) act as adviser to the Board and shall have responsibility for recommending to it for consideration those policies and programs which in the president's opinion will best promote the interests of the University;
 - d) recommend to the Board long-range educational goals and programs and the new degrees which may be best suited to attain those goals and programs;
 - e) recommend to the Board the election, compensation, promotion, and leaves of absence of the faculty except as otherwise provided;

- f) have primary responsibility for the establishment and maintenance of proper relationships with the graduates of the University;
 - g) at all times maintain cordial relationships with the students, guarding and protecting their best interests;
 - h) submit to the Board at the June meeting each year an annual budget for the operation of the University for the following fiscal year, and shall prepare and submit to the Governor, after approval by the Board, a biennial budget request as required by law or regulation;
 - i) have responsibility for and control the fundraising activities of the University;
 - j) promote the development of the endowment funds of the University and be authorized to accept any gift or grant subject to the approval of the Governor as required, making a report thereon to the Board of such gifts or grants;
 - k) present by November 1 of each year the annual financial statements of the University to the Board of Visitors, the Secretary of Education, and, under oath, to the Auditor of Public Accounts as required by Section 2.1-160 of the Code of Virginia (1950), as amended; [report of the president to the Board at its January meeting] and to give the Board an update of university matters at each meeting of the Board; and
 - l) perform such other duties as may be required by the Board.
- j. **Article X. Board Evaluation**
The Board shall conduct a self-evaluation biennially that evaluates its committee structure, processes and procedures, and performance.
- k. **Article XI. Hearings**
The Board at its discretion shall hear such appeals, as are provided for in the University regulations.
- l. **Article XII. Amendment of By-Laws**
The By-Laws may be amended at a regular meeting of the Christopher Newport University Board of Visitors provided that the amendment has been submitted in writing at the previous meeting and shall receive not less than eight affirmative votes.
- m. **Article XIII. Construction of By-Laws**
These By-Laws and any amendments shall be construed consistently with the provisions of the laws of the Commonwealth of Virginia.
- n. **Article XIV. Date of Implementation**
The effective date of the provisions of these By-Laws shall be April 16, 2021, and as of that date shall supersede all prior actions of the Board which are inconsistent with them.
2. **Policies of the Board of Visitors of Christopher Newport University**
- a. **General Policies**
- 1) The Board authorizes the establishment of a *University Handbook*, which shall be a collection of documents which fall into three categories.

The first category is Board Bylaws and Policies. The contents of the documents in this category are contractual in nature and authorized by the Board.

The second category is University Regulations. The contents of the documents in this category are subordinate to, and derived from the Board Bylaws and Policies, and are authorized by the president under delegated authority from the Board, with right of review. They are contractual in nature.

The third category is University Information, the contents of which documents are authorized by the Vice presidents under the delegated authority from the president, and are not contractual in nature, and may be changed at any time.

A *University Handbook* Committee, appointed by the president, reviews all proposed changes to the University Regulations and Information categories of the *Handbook*, and makes its recommendations to the president.

The maintenance of the *Handbook* is the responsibility of the president or the president’s delegate.

Should the occasion arise for an official interpretation of the contents of the *Handbook*, that interpretation is vested in the president, subject to review of the Board. The Board reserves the right from time to time to clarify and/or change, consistent with applicable law, the contractual conditions and contents of the documents contained in the *Handbook*.

- 2) Consistency
All by-laws, handbooks, policies, regulations, and procedures of the faculty, students, administration, alumni, and other organizations of the University must be consistent with, or subordinate to the By-laws and Policies of the Board of Visitors (hereinafter referred to as the “Board”).
- 3) Construction
These policies shall be construed consistently with the laws of the Commonwealth of Virginia; and nothing contained herein shall affect or diminish the rights and powers thereby vested in the Board.
- 4) Independence
Although certain policies and procedures contained in the documents in the *Handbook* and in other places may be similar to those of the American Council on Education, the American Association of State Colleges and Universities, the Southern Association of Academics and Schools, the American Association of University Professors, and other organizations, the Board hereby declares that its policies and procedures are independent of those or any other organizations: it shall not be bound by interpretations of its policies by any organizations. Moreover, the University does not consider membership in any organizations as binding to follow recommendations, policies, procedures, interpretations, guidelines, or any other statements by any organizations of which it is a member.
- 5) Emergency Provisions
The Board by vote of two thirds majority of a quorum at any regular or specially called meeting may declare a “State of Emergency” and thereafter take whatever actions by a simple majority it deems necessary toward resolution of the emergency state.
- 6) Financial Exigency
The Board by vote of two thirds majority of a quorum at any regular or specially called meeting may declare a “State of Financial Exigency.” The condition of financial exigency is defined as a circumstance in which the University will clearly violate its primary financial policy of liquidity, which is herein stated. It is a circumstance in which recorded or anticipated expenditures are expected to exceed anticipated revenues and fund balances by material amounts, requiring substantive budgetary reductions

to achieve a balanced state in the institutional budgets. The state of financial exigency may exist in the institution as a whole or within financial account groups as defined by numbered items in the Commonwealth Appropriations Act.

Upon declaration of a state of financial exigency, the Board shall direct the president to prepare revised budget plans. Such plans shall be based on general guidelines as may be provided to the president at the discretion of the Board, including program reduction, and other actions as may be necessary to reduce anticipated expenditures. The revised plan shall be subject to the final approval of the Board.

7) Control of Content

The Board reserves the right to withdraw, add to, or change the content of publications, handbooks, or other Christopher Newport University materials.

b. Academic Policies

1) Admission

The Board shall determine the general policies for admission of students to the University.

2) Curriculum

Courses of study shall be developed under the direction of the president, consistent with the mission of the University and applicable laws of the Commonwealth.

3) Instruction

Subject to the legal obligations of the University and to the approval of the Board, and except as otherwise provided, actual instruction shall be discharged by the faculty of the University under the direction of the president.

4) Academic Credit

The University shall operate on the semester credit unit system.

5) Academic Freedom and Responsibility

Christopher Newport University subscribes to the mutual concepts of academic freedom and academic responsibility. The Board recognizes “academic freedom” as:

- a) the right to full freedom in the classroom in presenting and discussing subjects within one’s own recognized area of academic expertise germane to the class;
- b) the right to explore all avenues of research, scholarship and creative expression and to publish the results of these scholarly pursuits;
- c) the right to speak or write, without institutional restraint, on matters of public concern or institutional policy. The University will not censure or discipline a faculty member for speaking privately or publicly on such matters, whether or not as a member of a body of university governance.

Academic responsibility implies the faithful performance of professional duties and obligations. Faculty members have the obligation, as a member of a learned profession and employee of the University to attempt to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to make every reasonable effort to indicate that the faculty member is not an institutional spokesperson. Faculty members will be guided by academic ethics and professional standards.

This policy applies to teaching and research faculty. To the extent that administrative professional faculty members have teaching and research roles, the policy is applicable to those individuals when those individuals are performing their teaching and research roles. However, when those individuals are acting

as administrative professional faculty members, the policy is inapplicable to them

6) Degrees

Degrees authorized by the Board will be conferred upon students who have completed satisfactorily the prescribed courses of study for such degrees as approved by the president.

7) Graduation

The University shall conduct at least one formal graduation exercise in each calendar year.

8) Awards

The Board of Visitors may confer the following:

a) Honorary Degrees

- (1) Doctor of Science, for scholarship in science
- (2) Doctor of Letters, for scholarship other than in science or the humanities
- (3) Doctor of Humane Letters, for scholarship in the humanities
- (4) Doctor of Laws, (generally) for distinguished service to the Commonwealth and to learning

b) Other Awards

- (1) Distinguished Service Award
- (2) Mace Award
- (3) Plaque of Recognition

9) Accreditation

The University shall maintain its accreditation by the Southern Association of Colleges and Schools.

c. Personnel Policies

1) Affirmative Action and Equal Opportunity

Christopher Newport University, an equal opportunity employer, is fully committed to access and opportunity.

2) Appointments

a) The Board exclusively is empowered to make all full-time faculty appointments, administrative/professional or instructional, upon recommendation by the president. All instructional faculty appointments shall be for the term as specified in the appointment contract.

b) In accordance with Resolution 1, dated December 14, 1993, the Board of Visitors delegates to the president of the University the authority to act on its behalf, in any instance in which he deems such action appropriate, as the final authority on the appointment of full-time, salaried members of the teaching/research and/or administrative professional faculty of the University, regardless of type of appointment status. The president shall report the substance of all actions taken under the authority of this resolution to the Board of Visitors at the first regular meeting of the Board following any exercise of the authority hereby delegated.

3) Completeness of Contracts

a) Individual contracts constitute the complete agreements of employment between Christopher Newport University and its employees. No covenants or promises other than those expressly set forth in such contracts are made by the University.

b) Incorporation by reference into such contracts of documents and materials beyond those referred to in the contract is explicitly disclaimed.

- 4) Leaves
It is the policy of the Board to grant to its personnel leaves of absence which benefit the University. Leaves may be given with or without pay and with or without fringe benefits.
- 5) Academic Rank
The Board authorizes the following academic ranks, in hierarchical order:
 - a) distinguished professor,
 - b) professor,
 - c) associate professor,
 - d) assistant professor,
 - e) visiting professor, visiting associate professor, or visiting assistant professor,
 - f) lecturer, and
 - g) instructor.
- 6) Teaching Loads
The workload of full-time instructional faculty requires teaching, an ongoing program of professional development, student advising, and service to the department, college/school, University, and professional and civic communities. The full-time teaching load for probationary and tenured faculty may consist of twelve (12) lecture hours or the equivalent per week in either the fall or spring term, and nine (9) lecture hours or the equivalent per week in the remaining semester, for a total of twenty-one (21) lecture hours per academic year. For restricted faculty, the full-time teaching load may consist of twelve (12) lecture hours or the equivalent per week, for a total of twenty-four (24) lecture hours per academic year. Teaching loads may be adjusted, however, when circumstances warrant, including during the year preceding retirement.
- 7) Uniform Faculty Evaluation
There shall be uniform plans for the evaluation of instructional and administrative faculty.
- 8) Promotion of Faculty
All faculty promotions are elevations in academic rank only and are made by the Board, upon non-binding recommendation of the president.
- 9) Tenure
The Board recognizes the concept of tenure as the right of a faculty member having been conferred such status by the Board to be offered at the end of an academic year, employment for each succeeding academic year at an academic rank no less than the academic rank of the preceding academic year. If, in the judgment of the Board, appropriations from the Virginia General Assembly are sufficient to do so, the offer of employment will include an academic year salary that is at least equal to the stipulated academic year salary of the preceding academic year, subject to the contractual terms and conditions of employment which exist from period to period. Only the Board confers tenure and all rights incident thereto end with termination of employment. Only faculty whose appointment is with rank in an academic department are eligible for tenure. Tenure cannot be earned de facto, regardless of years in service. Administrative Faculty cannot be tenured in their administrative positions. A tenure appointment may be terminated as provided in Section II.2.c.12) of this *Handbook*.
- 10) Hearings
 - a) Mandatory
The Board shall provide a hearing for any full-time instructional faculty member who has been dismissed for cause, if requested in writing by the employee within 30 days of notification of the dismissal.
 - b) Discretionary

The Board may hear appeals, of full-time instructional faculty on decisions of the president on matters of initial employment, promotions, tenure, or terminations other than dismissal, at its discretion.

11) Retirement

The age 70 mandatory retirement provisions have been removed from the Virginia Supplemental Retirement Act for state employees and teachers, as well as for employees serving under contracts of unlimited tenure at institutions of higher education.

12) Termination of Tenure Appointments

Employment of a tenured faculty member may be terminated at any time as a consequence of:

- a) retirement;
- b) resignation;
- c) failure of the faculty member to execute and return a new employment contract within the time period specified by the University, such failure to be deemed a voluntary resignation;
- d) physical or mental incapacity;
- e) financial exigency as declared by the Board of Visitors;
- f) non-continuance of positions compensated by wages;
- g) Elimination or reduction of a program, department, or college/school; and
- h) declaration of an emergency, as made by specified Board resolution.
- i) Dismissal for one or more of the following causes:
 - (1) incompetence in one or more areas of assigned job responsibilities;
 - (2) continuing neglect of duty in one or more areas of assigned job responsibilities;
 - (3) academic misconduct in one or more areas of teaching, research, public service, or administration;
 - (4) physical or mental incapacity in one or more areas of assigned job responsibilities;
 - (5) fraud or falsification of official documents, credentials, or experience;
 - (6) violation of Board policies;
 - (7) violation of the terms of the employment contract;
 - (8) violation of the rights and freedom of students, Board members, or employees of the University;
 - (9) conviction of a felony after initial employment.
 - (10) violation of the Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy and Procedures.

13) Termination of Nontenure Appointments

All appointments for faculty not on tenure shall be for the period specified in the employment contract and shall terminate automatically at their expiration date. A new appointment may be made for nontenured faculty in writing by the University at its discretion. The University is not obligated to show cause when no new appointment is made. Nontenured faculty shall be given reasonable notice of the University's intention not to offer a new appointment.

Employment of nontenured faculty also may be terminated at any time as a consequence of one or more of the circumstances under which the employment of a tenured faculty may be terminated (Section II.2.c.12)).

14) Termination of Employees other than Instructional Faculty

Classified employees shall be terminated in accordance with the provisions of the Virginia Personnel Act and applicable directives of the Department of Human Resources Management. Administrative professional faculty members serve at-will.

15) Faculty-Student Relationships

- a) Rationale

The Board of Visitors has a substantial and compelling responsibility to prohibit conduct by members of the University community which adversely affects the learning process, the unique academic working environment, or the University's academic image and reputation. The University's educational mission requires that the relationship between the faculty of the University and the students of the University be professional in nature. To this end, the Board deems it necessary and appropriate that *every* instructional faculty member and *every* administrative professional faculty member have a *professional* relationship to and responsibility toward *every* student of the University. The Board deems such professional relationships to be incompatible with intimate relationships. The Board deems such intimate instructional faculty-student and administrative professional faculty-student relationships to have the potential to subvert the educational mission of the University; to have the potential to affect adversely the educational experiences of students; to have the potential to affect adversely the effectiveness of both instructional and administrative professional faculty in the discharge of their professional responsibilities; and to have the potential to affect adversely the mental, physical and/or financial well-being of faculty, staff, and students — including in all instances instructional and administrative professional faculty, staff, and students who may not be direct parties to the relationship itself.

b) Prohibited Acts

No instructional or administrative professional faculty member shall have an amorous relationship (consensual or otherwise) with a student. However, nothing in this policy shall be construed as prohibiting the spouse of an instructional or administrative professional faculty member from enrolling as a student. Moreover, nothing in this policy shall be construed as prohibiting the spouse of a student from accepting employment as an instructional or administrative professional faculty member.

c) Sanctions

Violations of this policy by instructional or administrative professional faculty members shall be considered cause for dismissal. In dismissing instructional faculty, the University will follow the Due Process procedures set forth in the *University Handbook*. However, the University may place the instructional faculty member on administrative leave with pay pending the completion of the dismissal process.

d) Complaints

Complaints involving violations of this policy shall be directed to the director of Title IX and equal opportunity for investigation.

e) False Charges

A student who knowingly brings false charges under this policy against an instructional or administrative professional faculty member shall be considered in violation of the Honor Code and, upon conviction of the offense, shall be expelled. An instructional or administrative professional faculty member who knowingly brings false charges under this policy against another instructional or administrative professional faculty member shall be considered guilty of violating the “rights and freedoms of students, Board Members, or employees of the University.” Under these by-laws, violation of the “rights and freedoms of students, Board Members, or employees of the University” constitutes cause for termination of employment. A classified employee who knowingly brings false charges under this policy against an instructional or administrative professional faculty member shall be considered to have lied to their employer and shall be subjected to appropriate discipline under the Commonwealth of Virginia State Classified Employee system.

d. Financial Policies

- 1) The primary principle which shall govern financial management of the University is liquidity, which is

- that the Board shall authorize only expenditures of those funds which the University has received. Budgeted expenditures will be developed on reasonable expectations of revenues; however, irrevocable commitments to expend, or actual expenditures will not occur until the University is in receipt of revenues, gifts, transfers, and appropriations adequate to support such commitment or expenditure.
- 2) Reporting Principles
Revenues shall be collected, expenditures made, and transactions recorded and reported in accordance with established principles, regulations, and law. A listing of applicable statements of standards and governing directives shall be presented by the president to the Board and annually reviewed by the Board.
 - 3) Tuition and Fees
The Board shall establish mandatory tuition and fee schedules. Non-mandatory fees and user rates shall be established by the president or the president's designee. The underlying principle governing establishment of fees, tuition, and user rates is that sufficient funds be raised to support planned operations and capital development with due consideration to requirements of law, market conditions, and fund balances which may otherwise be available from appropriations and gifts.
 - 4) Tuition Waiver
The Board shall establish appropriate tuition waiver plans.
 - 5) Internal Audit
There shall be an Office of Internal Audit which shall report to the Board.
 - 6) Compensation Plan
The Board shall annually approve a plan of compensation for faculty.
 - 7) Budget
The Board shall annually approve a budget.
- e. Policy Concerning Student Conduct
The University shall establish and maintain standards of student conduct in order to preserve the rights and enforce the responsibilities of students as members of the University community.
- f. Operational Policy
The president of the University shall be the chief executive officer of the University. The president shall have responsibility for the operation of the University in conformity with the purpose and policies determined by the Board.
- g. Policy on Ownership of Intellectual Property
- 1) Introduction
 - a) The results of scholarly activities may take many forms, including research papers, books, inventions, computer software, musical scores, articles for magazines and journals, and new technologies. Many of these intellectual properties have value for the owner(s) and should be protected under the appropriate patent or copyright laws.
 - b) This policy is designed to:
 - (1) protect the equities of the authors and the inventors, as well as the University,
 - (2) define the responsibilities, rights and privileges of those involved, and
 - (3) establish basic guidelines to be included in the administration of this policy.

2) Definitions

Most of the following definitions explain words or phrases that are used in particular ways in these guidelines. Two terms, "assigned duty" and "significant use of general funds," are defined because state law requires that they be defined. Throughout these guidelines, where it is appropriate, the singular form of a noun also includes the plural: "creator" also means "creators" if there are more than one, etc.

- a) Assigned duty (Required by legislation for determining when transfers of intellectual property must be approved by the Governor.)
"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.
- b) Claims an interest
The University "claims an interest" in intellectual property when it asserts a right in the property under its intellectual property policy. The University may choose not to "claim an interest" in some forms of intellectual property that it does not want to own, even though it might legally be able to assert ownership.
- c) Council or State Council
The State Council of Higher Education for Virginia.
- d) Creator
Either an inventor in the context of patentable inventions, or an author in the context of copyrightable works of authorship.
- e) Employees
Full and part-time 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. Students receiving general scholarship or stipend funds would not normally be considered employees.
- f) Intellectual Property
Anything developed by anyone covered by the University's intellectual property policy that fits one or more of the following categories:
 - (1) a potentially patentable machine, article of manufacture, composition of matter, process, or improvement in any of these; or
 - (2) an issued patent; or
 - (3) a legal right that inheres in a patent; or
 - (4) anything that is copyrightable (in legal terms, this means anything that is an original work of authorship, fixed in a tangible medium of expression).
- g) Reporting Period
The period from July 1 of one year through June 30 of the following year.

- h) Royalties Received
Any value received during the reporting period, including cash payments as well as the market value of any property or services received, in consideration for a transfer of any intellectual property in which the University claims an interest.
 - i) Significant Use of General Funds (Required by legislation for determining when transfers of intellectual property must be approved by the Governor.)

This phrase, and the phrase "developed wholly or significantly through the use of general funds," mean that 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.
 - j) State Council
See "Council."
 - k) Work-Made-for-Hire
Intellectual property, either an invention or copyrightable material, which has been produced by an individual or group acting as an employee of the University with the use of University resources.
- 3) Applicability of the Policy
The Intellectual Property policy of Christopher Newport University applies to students and employees; visiting faculty and researchers; and those employees and visitors covered by sponsored program agreements or other contractual arrangements, as well as employed students.
- 4) Ownership of Intellectual Property
Unless otherwise required by agreement, law, or this policy, Christopher Newport University assumes the creator of intellectual property retains the proprietary interest.
- a) Patentable Discoveries and Inventions
Any employee of the University who has made a discovery or invention which in the employee's judgment appears to be patentable, or upon which the employee plans to seek to obtain a patent, shall bring such discovery or invention to the attention of the chair of the Patents Subcommittee. The purpose of this disclosure is to determine whether and to what extent the University has a proprietary interest in the discovery or invention. All such discoveries should be disclosed as promptly as possible. Upon receipt, a disclosure shall be reviewed by the Subcommittee on Patents. Each discovery or invention should be disclosed regardless of whether or not the inventor(s) plan to exploit the discovery or invention for financial gain. Failure to make the required disclosure may result in a forfeiture of any proceeds or profits which the University would otherwise be obligated to pay pursuant to this policy.
 - b) Ownership of Discoveries and Inventions
 - (1) Outside Ownership
Certain research projects sponsored by governmental agencies, industrial organizations, or others may entitle the sponsors to ownership of a discovery or invention made by a faculty or staff member of the University without payment of any royalty. This ownership may occur when the sponsor provides funds for the entire project and in research involving the testing of a product or products developed by the sponsor. The chair of the Patents Subcommittee is authorized to ratify such agreement on patent matters where it is necessary to do so as a

prerequisite to University participation in the project or receipt of a grant or contract. The determination of the chair may be subject to review by the Subcommittee on Patents.

(2) Faculty or Staff Ownership

A discovery or invention developed by a faculty or staff member shall be the exclusive property of the inventor(s), if: (i) the University has contributed no funds, facilities, or time of the inventor(s) and (ii) the discovery or invention is not along lines related to any University research program then in progress or completed within the past twelve (12) months with which the inventor(s) may have a connection.

(3) Review and Disposition of New Discoveries and Inventions

Where the University has a proprietary interest, the discovery or invention shall be reviewed by the chair of the Patents Subcommittee. A recommendation may be made to seek patent protection. In the absence of interest on the part of commercial or University-related entities to license and/or develop the invention or new technology, the invention will be reviewed by the Patents Subcommittee prior to releasing any interest to the inventor(s). Upon concurrence of the Subcommittee on Patents the invention may be pursued by the inventor's own patent agent, subject to the remaining provisions of this document. Expenses incurred by the inventor pursuing this option may be recoverable from subsequent royalty income received by the University. The University shall have the right to review the patent documents prior to submission of an application for patent.

Such determination shall be made within 90 days from the date of receipt of the disclosure, unless it is mutually agreed by the Subcommittee and the inventor(s) that additional time is needed and an alternative deadline is established. The inventor(s) shall have the right to make recommendations pertaining to such determinations.

If the discovery or invention in which the University has a proprietary interest is submitted to an organization for invention development, and the organization decides not to file or abandons an application for a patent, the invention may be submitted to other organizations for the same purpose. If all potentially interested organizations have been queried, the application is abandoned, or no action is taken within the 60 days after receipt of the notice of declination, the University's rights to the invention shall be assigned to the inventors at the inventor's request. At the time of assignment, the University may elect to continue to maintain its proprietary interest.

c) Determining Copyright Ownership

All materials in which the University may have a proprietary interest under the provisions of this policy shall be promptly reported in writing by University personnel concerned, through their department head, to the Copyright Subcommittee. The purpose of this disclosure is to determine whether, and to what extent, the University has a proprietary interest in the materials. This report shall include a full and complete disclosure of the subject matter of the materials concerned and identity of all persons participating in the development.

The Copyright Act (P. L. 94-553) provides that, when a copyrightable work is produced by one person who has been employed by another for that purpose, it is the employer and not the actual producer that is the copyright proprietor. In the academic setting, complex issues can arise as to whether the faculty or staff person produced the copyrightable work in the course of the employee's employment. Generally, the courts have placed a heavy burden of proof on the employee to prove the copyright was not a product of the employee's employment.

- (1) Outside Ownership
Funds and facilities provided by governmental, commercial, industrial or other private organizations, which however are administered and controlled by the University, shall be considered to be funds and facilities provided by or through the University for the purpose of this policy statement. Agreement between the University and the sponsor pertaining to sharing royalties and title to copyrightable materials shall be addressed in the contract between the University and the sponsor. University personnel who contract with third parties for the development of copyrightable materials can relinquish no greater interests in the materials than they legally possess. Therefore, if substantial University resources are employed in the development of materials subject to copyright, the University retains interests in the materials, regardless of the terms of a contract between the third party and the University employee, unless the University specifically has waived its rights.
- (2) Faculty or Staff Ownership
Copyrightable materials developed by University employees shall usually be the property of the employee. The University will exercise ownership under the work-made-for-hire rationale only when the employee was assigned to create the specific product whose ownership is in question. A faculty member's general obligation to produce scholarly works (for example, textbooks and related instructional materials) does not constitute an assigned duty for purposes of determining copyright ownership. If a copyright work, produced as an assigned duty of an employee, is marketed, the employee ordinarily will not share in any royalties from sales of the work.
- (3) Audio and Video Recordings
When a faculty member has been assigned to teach a specific class, and that class is transmitted electronically to another site, on or off campus, and in the performance of those duties, a recording is made simultaneously with such transmission, the resulting fixed work shall be considered University property. The retention and/or marketing of recordings for subsequent instructional use, on or off campus, will be undertaken only with the consent of the faculty member. Retention of such materials will normally be only for the academic term in which they are created.
- (4) Return to Ownership
If, within a period of twelve (12) consecutive months, the University or its assignee fails to make progress toward exploiting copyrighted materials in which the employee has a share, the employee may make a written request to the Subcommittee on Copyrights that the ownership of the materials pass to the employee.
- (5) Review for Obsolescence
Materials in which the University has a proprietary interest, but which are the result of the individual initiative of an employee, may be reviewed for obsolescence by the employee after five (5) years. If the employee considers the material to be obsolete, the employee has the right to refer the matter to the University Committee on Intellectual Property, with a recommendation for disposal of the material.

- (6) Student Ownership
Ownership of intellectual properties developed by students who are also employees of the University will be determined by the rules which apply to all University employees. Copyrightable works developed in connection with course work assignments may be deemed to belong to the student. However, in cases of significant use of University personnel and facilities in the development of the intellectual property, the University may exercise its right to ownership.
- (7) Individuals External to the University
Individuals outside the University, who may hold intellectual properties that they wish to exploit, may request inclusion under the University's Intellectual Property Policy. If it is in the University's interest to accept such a request, the University and the individual shall execute a legally binding contract, clearly stating the terms and conditions of the arrangement. The sharing of royalties will be explicitly stated.

5) Administrative Organization

a) Committee on Intellectual Property

The Committee on Intellectual Property is responsible for making policy recommendations to the president for dealing with patents, copyrights, and related mechanisms for the protection/exploitation of intellectual properties in which the University may have proprietary interest. The provost shall serve as chair of the committee.

Two subcommittees shall be organized under the Committee on Intellectual Property. One subcommittee shall be responsible for various matters concerning University-originated inventions and new technology. The other subcommittee shall be responsible for matters relating to copyrightable materials. The full Committee on Intellectual Property shall comprise the subcommittee members and the *ex officio* members listed below. Each subcommittee shall be composed of three faculty members, having experience with patent or copyright matters, depending on the subcommittee appointment. The Subcommittee on Patents shall be chaired by the chair of the Physics and Computer Science Department. The Subcommittee on Copyrights shall be chaired by the dean of the College Arts and Humanities. University Counsel shall serve as *ex officio* member of the committee and shall sit on both subcommittees.

The president shall receive faculty nominations from the Faculty Senate and shall make all appointments. All terms are for three years. Members may be reappointed.

The Committee on Intellectual Property is composed of the members of the Subcommittee on Patents and the Subcommittee on Copyrights, the *ex officio* members, and the chair. The president shall make all appointments. All terms are for three years. Members may be reappointed. The committee shall have the following authority and responsibility with respect to intellectual property.

- (1) To develop and recommend University policy to the president dealing with intellectual property.
- (2) To review discoveries, inventions and copyrightable materials to determine whether or not the University has proprietary interest.
- (3) To hear and make recommendations to the president on disputed ownership of discoveries, inventions and copyrightable materials.
- (4) To hear and make recommendations to the president on disputed equities of the University, the inventors or authors and other parties associated with the intellectual property concerned.

- (5) To make recommendations to the president for the sharing of royalties between the University and the authors or inventor(s) of the intellectual property in which the University has a proprietary interest.
 - (6) To promulgate such guidelines and procedures as may be necessary for the implementation of this policy, subject to review and approval of the president.
- b) Subcommittee on Patents
The Subcommittee on Patents shall:
- (1) Review all invention disclosures. Such review, when possible, should occur prior to submission of disclosures to any other party. Exceptions to this practice must be approved by the subcommittee chair or committee chair and by the inventor.
 - (2) Review, as appropriate, agreements on patent matters that may be entered into as a prerequisite to University participation in a sponsored project or receipt of a grant or contract.
 - (3) Establish deadlines for the disposition of inventions and discoveries, as provided for in the section Ownership of Discoveries and Inventions (*See h.4)b*).
 - (4) If a decision is made by the University not to pursue a potential patent or other forms of protection or exploitation, advise the appropriate individuals on the assignment of the University's rights to an invention or discovery.
- c) Subcommittee on Copyrights
The Subcommittee on Copyrights shall:
- (1) Review all disclosures of copyrightable materials. Such review, when possible, should occur prior to submission of such information to any other party. Exceptions to this practice must be approved by the subcommittee chair or by the committee chair and by the author of the copyrightable materials.
 - (2) Review, as appropriate, agreements on copyright matters that may be entered into as a prerequisite to University participation in a sponsored project or receipt of a grant or contract.
 - (3) Establish deadlines for the disposition of copyrightable materials as provided for in the section determining copyright ownership (*See section g.*).
 - (4) If a decision is made by the University not to pursue publication or marketing of these materials, advise the appropriate administrators on the assignment of the University's rights to copyrightable materials.
- 6) Procedures for Notification
Each Subcommittee shall establish, maintain, and distribute procedures and forms for the reporting of University-originated inventions, new technology, and copyrightable materials. The notification must describe the intellectual property, identify all creators, and identify the source of funding that has supported creation of the intellectual property. When more than one person created the intellectual property, the notification must specify the percentage that each claim in any royalties accruing to them resulting from the property. Notification should be made as promptly as possible. If Christopher Newport University does not claim an interest in an intellectual property about which it is notified, it will so advise the creator in writing.

7) Protection and Commercialization

Christopher Newport University will decide which patent and copyright properties if any, they will commercialize on a case-by-case basis.

a) Patents

Because patent review is highly technical, few institutions can maintain the entire operation in-house. In order to evaluate a possible patent Christopher Newport University will submit each employee's invention to an external agency specializing in patent review and commercialization, such as the Center for Innovative Technology, Research Corporation, University Patents, or similar organizations. Agencies like these can evaluate inventions for patentability and commercial potential, and obtain patents, license them, manage the royalties, and protect the patents from infringement.

b) Copyrights

Copyright protection applies to any work of authorship as soon as it is written or otherwise recorded. When a work is published, it should contain a copyright notice: a small "c" in a circle or the word "copyright" or the abbreviation "copr.", the year of publication, and the name of the copyright owner. Registration of copyright is not generally a condition of copyright protection, but is a prerequisite to an infringement suit. Registration does offer the advantages of public record of the copyright claim, *prima facie* evidence of the validity of the copyright, and availability of a broader range of remedies in infringement suits.

Registration can occur at any time, but requires a small fee (currently \$10 for each work registered) and administrative time. Thus, the decision of whether, and when, to register copyrights is a cost-benefit decision. As a practice, Christopher Newport University will seldom register a copyright until a high commercial value is perceived for a work. For example, a major computer program or a semiconductor chip design would be registered immediately, though a newsletter might never be registered.

8) Work-Made-For-Hire

a) Patents

Except as herein provided, the University shall obtain the entire right, title, and interest in and to any invention made by any faculty or staff member of the University: (a) while at work for the University or during working hours, as applicable, or (b) with a substantial contribution by the University of facilities, equipment, materials, funds, or information, or of time or services of other University employees during working hours, or (c) which is made in consequence of the official assigned duties of the inventor. For purposes of this policy, it shall be deemed that an invention has been "made-for-hire" if the employee is employed or assigned to: (a) invent, improve, or perfect any art, machine, design, manufacture, or composition of matter, (b) conduct or perform research, development work, or both, (c) supervise, direct, coordinate, or review University-financed or conducted research or development work, or both, or (d) act in a liaison capacity with agencies or individuals engaged in such research or development. This assignment, however, does not preclude the sharing of royalties or other payments with the employee in accordance with this policy.

In any case where the contribution of the University, as measured by the foregoing criteria, is *de minimis* and is insufficient to justify equitably the requirement of assignment to the University of the entire right, title, and interest, the University shall reserve an exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all University purposes.

The University claims no interest in the invention if University facilities, services, funds, or time have not been used. An example would be inventions resulting from pursuance of a hobby, not related to the employee's University activities, and conducted off campus.

b) Copyrights

In order to encourage creative efforts by the faculty and staff, the University will exercise its rights as an employer under the concept of "work-made-for-hire" only when: (1) the materials subject to copyright represents an assigned duty of a member of the faculty or staff of the University, and/or (2) substantial use of University facilities and resources is made in the production of the materials.

In any case where the contribution of the University, as measured by the foregoing criteria, is *de minimis* and is insufficient to justify equitably the requirement of assignment to the University of the entire right, title, and interest, the University shall reserve an exclusive, irrevocable, royalty-free license in the copyrightable work with the power to grant licenses for all University purposes.

9) Management and Exploitation of University Intellectual Property

If the University possesses a proprietary interest, the president shall determine the manner in which the intellectual property shall be managed and exploited. With the Board of Visitors' approval the rights to patentable or copyrightable materials may be assigned to the Christopher Newport University Foundation. Upon such assignment, the Foundation shall have all rights to use, promote, manage, market, sell, or in any other way dispose of such material, on such terms and conditions, or for such consideration, if any, as the Foundation shall determine. However, the inventor(s) or author(s) shall have the right to make recommendations to the president on such matters through the appropriate administrative channels.

10) Substantial Use of University Facilities

What constitutes "substantial use" of University facilities and resources must be answered on the basis of the facts and circumstances of each case. The University will not ordinarily construe the provision of office or laboratory space, access to the library, or the payment of employees' salary as significant use of University facilities and resources.

As a general guideline, the use of University resources (other than the library, the employee's office or laboratory, and salary) will be considered substantial if the value of those other resources used exceeds \$5,000 in any twelve consecutive month period. Examples of resources subject to the \$5,000 limitation include computer charges, laboratory assistant or technician salaries and wages, laboratory materials, and secretarial salary.

11) Royalty Provisions

Where the University has an equity position in an intellectual property, the inventor(s) or author(s) and the University will share equally in any income received by or on behalf of the University from royalties, front-end payments, or incentives, after any expenses incurred by or on behalf of the University to protect, market, or develop the intellectual property have been repaid to the University. In this context the "University" shall be understood to include all those units (departments, centers, etc.) which have contributed materially towards development of the intellectual property. The University's share of royalties or other income shall be divided commensurate with involvement of the University units during development. In usual practice, division of the University share shall follow recommendations of the Committee to the president and shall typically include an assignment to the employee's primary unit (e.g., departments, centers, etc.) equal to at least 25% of the total income as defined above. The remaining portion of the University share shall be used to maintain an environment supportive of employee activities in development of intellectual properties.

Payments received by the University or its agents for an intellectual property that is not yet protected by patent or copyright shall also be distributed in accordance with this policy.

12) Dispute Resolution

Should any issues develop as to the ownership of the intellectual property involved, the Committee on Intellectual Property shall make a finding as to ownership and shall report such findings to the president for final resolution. The parties involved shall be entitled to appear before the Committee and to present evidence with respect to the disputed ownership. The Committee's determination shall be made in writing and shall contain a statement of the basis for its decision. The Committee shall also serve as an advisory body to assist University personnel in establishing the equitable and legal distribution of ownership.

The president, on his/her own motion or at the request of any interested party, may review any determination of the Committee. The president may affirm, modify or reject any determination of the Committee.

13) Right of Appeal

The inventor(s) or author(s) of an intellectual property covered by this policy shall have the right to appeal application of the policy regarding ownership, equity, classification, sharing of royalties, disposition, management, or exploitation of any patent or copyright, or any procedure relating thereto made by the appropriate subcommittee, to the Committee on Intellectual Properties.

The Committee will formulate recommendations relative to each such appeal, and will forward both the appeal and its recommendations to the president in a timely manner. The president will determine the University's response to each appeal, and will so notify the inventor(s) or author(s) and the Committee.

14) Transfers of Intellectual Property

Except when the Governor's prior written approval is required, the Board of Visitors may transfer any intellectual property in which the University claims an interest.

The Governor's prior written approval is required for transfers of title to patents and copyrights that were:

- a) developed wholly or significantly through the use of state general funds, by an employee of the University acting within the scope of the employee's assigned duties; or
- b) developed wholly or significantly through the use of state general funds, and are to be transferred to an entity other than the following:
 - (1) the Innovative Technology Authority; or
 - (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit institutions; or
 - (3) an entity whose purpose is to benefit the transferring institution.

When prior written approval is required, the president will send a description of the intellectual property and the proposed transaction to the State Council of Higher Education. Within thirty days, the Council will recommend action to the Governor, including any conditions the Council thinks should be attached to the proposed transfer. The Governor also may attach conditions to the transfer.

Note that approval is not required for the grant of a license to use an intellectual property, but only when actual title is to be transferred. The statute also requires the Council to define the conditions under which a "Significant use of general funds" occurs, and the circumstances constituting an "assigned duty," for the purpose of reporting transfers. These definitions appear in the Definitions section, under "significant use of general funds," and "assigned duty."

The University need not claim an interest in all intellectual properties in which they might legally be able to assert an interest. The requirements for approval of transfers of intellectual properties, and the following commentary, refer to intellectual properties in which the University does claim an interest.

Most intellectual properties will be developed by employees, but not all of those will be developed within the scope of assigned duties. When employees create intellectual property on their own initiative, or as part of their general obligation of scholarship, the University may transfer title to the property without approval if the transfer is to one of the entities noted as exception in this section.

On the other hand, when the University specifically directs an employee to develop a particular intellectual property, the development becomes an assigned duty. If the development is done with significant use of state funds, the University must obtain the Governor's approval before transferring the property, whether or not the transferee is one of the entities listed as an exception in this section.

Note that an employment agreement (contract) allowing certain intellectual properties to be retained by an employee from the moment of their creation is not a "transfer" to the employee, and hence need not be reported. An intellectual property that is owned by the University and later transferred to an employee is a "transfer," however, and should be reported if it meets the requirement above. The requirement for approval of certain transfers refers to transfers by the University itself, not to later transfers made by anyone other than the institution.

15) Reporting Requirements

The General Assembly has directed the State Council of Higher Education, in cooperation with the Innovative Technology Authority, to collect and report certain information about intellectual property. So that the Council may comply with this requirement, each institution must annually collect and report the information for the preceding fiscal year. The chair of the Committee on Intellectual Properties is designated as the person responsible for compiling and submitting the report.

The Council will annually set a date by which reports on intellectual property are to be received by the Council. Each annual report should include the following information:

- a) The name of the University.
- b) The name of the chair of the Committee on Intellectual Property.
- c) The number of intellectual properties in which the University claims an interest under its intellectual property policy. The number should be divided into patentable subject matter and copyrightable subject matter.
- d) The name of all transferees to whom the institution has transferred any interests, including licenses, in intellectual properties. (The requirement to report the name of any transferee of intellectual property refers to transfers by the University itself, not to later transfers made by anyone other than the University.)
- e) If the University is not able publicly to identify the transferee of any intellectual property, the University should identify the particulars of the transfer as well as the reasons why such information should not be reported. The Council will determine whether to report the information to the legislature.
- f) The total royalties received by the University during the reporting period.

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SECTION III
Discrimination, Harassment and Sexual Misconduct Policy

A. **Statement of Policy**

Christopher Newport University (CNU) is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination in admission, employment, and education programs or activities based on race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, gender identity, marital status, military/veteran status, political affiliation, or any other status protected by law.

Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among everyone on campus. In pursuit of this goal, any question of impermissible discrimination and/or harassment on these bases will be addressed with efficiency and energy in accordance with this policy. This policy also addresses any reports of retaliation against individuals who under this policy have filed reports, have testified or otherwise participated in investigations or proceedings, or have intervened to prevent a violation of this policy.

CNU, an Equal Opportunity Employer, is fully committed to Access and Opportunity for all persons.

This policy prohibits specific forms of behavior as required by Title IX of the Education Amendments of 1972 (“Title IX”), the Americans with Disabilities Act of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Genetic Information Nondiscrimination Act of 2008; the Virginia Human Rights Act; and other applicable state and/or federal laws. This policy also includes certain obligations that CNU must fulfill under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”).

Prohibited Conduct includes the following behavior as defined in Section D: Discrimination, Harassment, Sexual Misconduct (Non-Title IX Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking), Complicity, and Retaliation.

B. **Statement of Purpose**

The purpose of this policy is to establish clearly and unequivocally that CNU prohibits discrimination, harassment, sexual misconduct, and retaliation by individuals subject to its control or supervision and to set forth procedures by which such allegations shall be reported, investigated, and adjudicated.

The purpose of the procedures is to provide a prompt, fair, and impartial resolution of reports of discrimination and/or harassment based on race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, gender identity, marital status, military/veteran status, political affiliation, or any other status protected by law. The procedures also address any reports of retaliation against individuals who under this policy have filed reports, have testified or otherwise participated in investigations or proceedings, or have intervened to prevent a violation of this policy.

This policy also provides for full and fair notice to anyone accused of conduct in violation of it, including all allegations, and evidence and a full and fair opportunity to respond to such allegations and evidence.

C. **Scope and Applicability**

This policy and related procedures apply to **on-campus** Prohibited Conduct involving all students, employees, and Third Parties (i.e. volunteers, visitors to campus including, but not limited to, students participating in camp programs, non-degree-seeking students, exchange students, and other individuals taking courses or participating in programs at CNU, and contractors working on campus who are not CNU employees).

This policy and related procedures apply to **off-campus** Prohibited Conduct at CNU-sponsored programs or activities involving all students, employees, and Third Parties. This policy and related procedures are also applicable to any conduct occurring off-campus if it may have continuing effects that create a hostile environment on-campus.

This policy contains two separate procedures:

1. **Process A** applies to reports of Title IX Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence, and Stalking) involving students and employees when the Prohibited Conduct:
 - a. Occurs within the United States; and
 - b. Occurs within CNU’s education program and activity meaning 1) locations, events, or circumstances over which CNU exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs and 2) any building owned or controlled by a student organization that is officially recognized by CNU); and
 - c. At the time of filing a Formal Complaint, a Complainant is participating in or attempting to participate in CNU’s education program or activity.
2. **Process B** applies to reports of (1) Sexual Assault, Dating Violence, Domestic Violence, and Stalking when jurisdiction does not fall within Process A, as determined by the Director, (2) Non-Title Sexual Harassment, and (3) all other reports of Prohibited Conduct.

Allegations of either on-campus or off-campus violations of this policy should be reported to the Director’s Office as stated in Section K. The Director will determine if the allegations are subject to resolution using the procedures in this policy.

Employees or students who violate this policy may face disciplinary actions up to and including termination or dismissal. Third Parties who violate this policy may be permanently barred from CNU property, from CNU programs, services or activities, or may be subject to other restrictions. CNU’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to CNU.

This policy applies to all reports of Prohibited Conduct received on or after the effective date of this policy. Where the date of the alleged incident precedes the effective date of this policy, the definitions used in the policy in existence at the time of the alleged incident(s) will be used. However, the procedures established under this policy will be used to address, investigate, and/or resolve all reports of Prohibited Conduct made on or after the effective date of this policy, regardless of when the incident(s) occurred.

Complainant refers to any individual who may have been a victim of a violation covered under this policy regardless of whether the Complainant makes a report or seeks action under this policy. **Respondent** refers to any individual who has been reported to be the perpetrator of conduct that could constitute a policy violation. **Parties** refers to the Complainant and the Respondent, collectively. **Report** refers to the process of giving a spoken or written account of a possible violation under this policy, either witnessed or experienced. **Formal Complaint** refers to a document filed or signed by a Complainant or signed by the Director alleging a violation of Title IX Sexual Harassment under this policy under Process A against a Respondent and requesting that CNU investigate the allegation(s). A Formal Complaint filed by a Complainant must contain a physical or digital signature or otherwise indicate that the Complainant is the person filing the Formal Complaint. **Student** refers

to any individual who has accepted an offer of admission; any individual registered or enrolled in courses through CNU; any individual not enrolled for a particular term but who has not officially separated from CNU; and any individual who is separated from CNU for academic or disciplinary reasons regardless of the duration of the separation. However, if an individual's enrollment lapses for more than twelve consecutive months, based on that individual's voluntary decision not to enroll, that individual will no longer be considered a Student for purposes of this policy.

D. Definitions of Prohibited Conduct

1. **Discrimination** is inequitable treatment based on an individual's protected characteristics or statuses (race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, gender identity, marital status, military/veteran status, political affiliation, or any other status protected by law) that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment, or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.
2. **Harassment** is a form of discrimination in which unwelcome verbal, nonverbal, or physical conduct is directed toward an individual on the basis of his or her protected characteristics or statuses (race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, gender identity, marital status, military/veteran status, political affiliation, or any other status protected by law). Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Harassment violates this policy (except for Title IX Sexual Harassment, as defined below) when it creates a hostile environment, as defined below.

Hostile Environment may be conduct in any medium (e.g. oral, written, graphic, or physical) that is sufficiently severe, persistent or pervasive and objectionably offensive that interferes with, limits or denies the ability of an individual to participate in or benefit from education programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered:

- a. The degree to which the conduct affected one or more individuals' education or employment;
 - b. The nature, scope, frequency, duration, and location of the incident(s);
 - c. The identity, number, and relationships of persons involved;
 - d. The perspective of a "reasonable person" in the same situation as the person subjected to the conduct; and
 - e. The nature of higher education.
3. **Non-Title IX Sexual Harassment** is a form of discrimination based on sex that does not fall within the definition and/or jurisdiction of Title IX Sexual Harassment (i.e., behavior that did not occur within the United States such as study abroad and/or within a CNU program or activity such as an off-campus residence). It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes.

This policy prohibits the following types of Non-Title IX Sexual Harassment:

- a. **Term or condition of employment or education**: This type of Non-Title IX Sexual Harassment (often referred to as "quid pro quo" harassment) occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a CNU activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a CNU program or activity.
 - b. **Hostile environment**: Acts that create a hostile environment, as defined above in Section D.2.
4. **Title IX Sexual Harassment**¹ is conduct on the basis of sex that satisfies one or more of the following:
- a. **Quid Pro Quo** is when an employee of CNU conditions the provision of an aid, benefit, or service of CNU on an individual's participation in unwelcome sexual contact. (Quid Pro Quo is when a student, not in an employee role, of CNU conditions the provision of an aid, benefit, or service of CNU on another student's participation in unwelcome sexual contact and shall be addressed under Process B.)
 - b. **Hostile Environment** is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to CNU's education program or activity.

Unwelcomeness is subjective. Severity, pervasiveness, and objective offensiveness are evaluated on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns.

- c. **Sexual Assault** is:
 - (1) **Forcible Sex Offenses**: Any sexual act directed against another person without the consent of the Complainant including instances where the Complainant is incapable of giving consent. A "sexual act" is specifically defined by federal regulations to include one or more of the following:
 1. **Rape**: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the Complainant.
 2. **Sodomy**: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 3. **Sexual Assault with an Object**: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensual) or not forcibly or against that person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 4. **Fondling**: The touching of the private body parts of another person (buttocks, groin, genitalia, breasts, or the clothing covering those areas) for the purposes of sexual gratification, forcibly and/or against that person's will (non-consensual) or not forcibly or against the person's will in

¹ 34 CFR 106

instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

(2) **Non-Forcible Sex Offenses:**

1. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the law of the Commonwealth of Virginia. (See Va. Code §18.2-366).
2. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent in the Commonwealth of Virginia, which is 17.

- d. **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

For purposes of this definition:

- (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.²
- (2) Dating violence does not include acts covered under the definition of domestic violence.

- e. **Domestic Violence** is a felony or misdemeanor crime of violence committed (1) by a current or former spouse or intimate partner of the Complainant; (2) by a person with whom the Complainant shares a child in common; (3) by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; (4) by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the Commonwealth of Virginia, and (5) by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Virginia.

The relationship between the Complainant and Respondent must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- f. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person’s safety; (2) the safety of others; or (3) suffer substantial emotional distress meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

A “course of conduct” means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

5. **Sexual Misconduct** includes Non-Title IX Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking.

² For example, emotional, economic, or psychological actions or threats of actions that influence another person including behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

6. **Sexual Violence** refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent including the criminal acts of rape, sexual assault, sexual battery, sexual abuse, and sexual coercion as found under Virginia Law (Article 4 of Chapter 4 of Title 18.2).
7. **Consent** is given by voluntary words or actions that communicate a willingness to engage in a specific sexual activity. The existence of consent will be inferred from all of the facts and circumstances. Consent may be withdrawn at any time. Silence, in and of itself, is not consent. Lack of protest or resistance is not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. A previous or current relationship does not imply consent to sexual activity. Past consent does not imply future consent. Consent cannot be obtained by the use of force to include physical violence, threats, intimidating behavior, and/or coercion.
 - a. **Physical Violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, strangulation, and brandishing or using any object as a weapon.
 - b. **Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.
 - c. **Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person’s size, alone, does not constitute intimidation; however, a person can use their size or physical power in a manner that constitutes intimidation (i.e., by blocking access to an exit.)
 - d. **Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear that they do not want to participate in a particular form of sexual contact or sexual intercourse, that they want to stop or that they do not want to go beyond a certain sexual activity, continued pressure may be coercive. In evaluating whether coercion was used, the frequency of the application of pressure, the intensity of the pressure, the degree of isolation of the person being pressured, and the duration of the pressure are all relevant factors.

Consent cannot be given by the following individuals:

- Individuals who are asleep or unconscious;
- Individuals who are incapacitated due to the influence of drugs, alcohol, medication, or other substances;
- Individuals who are unable to consent due to a mental or physical condition; and
- Individuals who are minors.

If an individual knows or reasonably should know someone is incapable of giving consent, it is a violation of this policy to engage in sexual activity with that person.

Incapacitation: An incapacitated person is incapable of giving consent. Incapacitation means that a person lacks the ability to make informed, reasonable judgments about whether or not to engage in sexual activity. An incapacitated person lacks the ability to understand the who, what, when, where, why, and/or how of the sexual interaction. A person is not necessarily incapacitated merely as a result of consuming alcohol, drugs, medications, and/or other substances. The impact of alcohol, drugs, medications, and/or other substances varies from person to person. Incapacitation is not synonymous with intoxication, impairment, blackout, and/or being drunk.

Alcohol, Medications, and Other Drugs: The use of alcohol, medications, and other drugs by the Respondent is not an excuse for being unable to assess if the Complainant gave consent.

8. **Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, when that behavior does not otherwise constitute Prohibited Conduct under this policy. Sexual exploitation includes, but is not limited to: prostituting another person, non-consensual recording or photographing sexual activity and/or a person's intimate body parts, non-consensual distribution of photos, other images, or recordings of an individual's sexual activity and/or intimate body parts, non-consensual voyeurism, knowingly transmitting HIV or an STD to another, causing or attempting to cause the incapacitation of another person for a sexual purpose, or exposing one's genitals to another in non-consensual circumstances.
9. **Complicity** is any act taken with the purpose of aiding, facilitating, promoting, or encouraging the commission of a violation of this policy by another person. Complicity is prohibited by this policy.
10. **Retaliation** is any adverse action taken or threatened against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this policy or law, or because the individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

Retaliation is a separate offense and may result in disciplinary or other action independent of the sanctions or supportive measures imposed in response to the underlying allegations of Prohibited Conduct.

Charging an individual for making a materially false statement in bad faith in the course of the Resolution Process under this policy does not constitute retaliation, provided that the determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct or the exercise of rights protected under the First Amendment.

11. **Online Misconduct** occurring completely outside of CNU's control (i.e. not on CNU's networks, websites, or between CNU email accounts) will only be subject to this policy when such online conduct causes a substantial effect on a student's or employee's participation in a CNU education program or activity or infringement on the rights of others. Otherwise, such communication is considered speech protected by the First Amendment.

E. Role of the Title IX Coordinator

The Director of Title IX and Equal Opportunity ("Director") is the Title IX Coordinator. The Director is charged with coordinating CNU's compliance with federal civil rights laws; overseeing the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent Prohibited Conduct in accordance with this policy; and ensuring appropriate education and training. The Director may delegate responsibilities under this policy to Deputy Title IX Coordinators and other appropriate trained administrators.

The Director acts with independence and authority free from bias and conflicts of interest. The members of the Director's Office are trained to ensure they are not biased for or against any party in a specific case, or for or

against Complainants and/or Respondents. The members of the Director’s Office do not serve as advocates for either the Complainant or the Respondent.

Allegations of Prohibited Conduct against the Director should be made to the President.

F. Supportive Measures

The Director will promptly offer and implement appropriate and reasonable supportive measures to either or both of the Parties upon receipt of a report of alleged Prohibited Conduct. Supportive measures are available regardless of whether resolution is pursued under this policy.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties in order to restore or preserve equal access to CNU’s education programs or activities, without unreasonably burdening the other party, including measures designed to protect the safety of all Parties or CNU’s educational environment, and/or to deter Prohibited Conduct.

The Director will consult with the Parties before taking supportive measures to the greatest degree possible. Both Parties will be notified in writing concerning the imposition of supportive measures that impact them.

CNU must maintain the privacy of supportive measures, provided that privacy does not impair CNU’s ability to provide the supportive measures to the Parties.

Supportive Measures are not intended to be permanent resolutions. They may be amended or withdrawn as additional information is obtained and upon final resolution of the report or Formal Complaint.

Supportive measures may include, but are not limited to:

1. Academic arrangements;
2. Housing and dining arrangements;
3. Work-related arrangements;
4. Limitation on extracurricular or athletic activities;
5. No-contact order (that serves as notice to one or both Parties that they must not have verbal, electronic, written, or third-party communication with one another);
6. Limitations on access to campus, CNU facilities, and CNU events;
7. Visa and immigration assistance;
8. Referral and coordination of counseling and health services;
9. Referral to the Employee Assistance Program (EAP);
10. Training for students, faculty, and/or staff;
11. Administrative leave with or without pay; and
12. Any other measures that may be arranged by CNU (to the extent reasonably available) to ensure the safety and well-being of the Parties.

Individuals are encouraged to report concerns about failure of a party to abide by any restriction imposed by a supportive measure. CNU will take immediate action to enforce a previously implemented supportive measure, and disciplinary action may be imposed for failing to abide by a supportive measure.

G. Expectations of the Parties

Under this policy, all Parties can expect:

1. Reasonably prompt and equitable resolution of allegations of Prohibited Conduct;

2. Written notice of an investigation, including the potential policy violation(s), nature of the allegation(s), the identities of the Parties involved, and the date, time and location of the incident (if known);
3. The opportunity to offer information, present evidence, and/or identify witnesses relevant to the allegation(s);
4. Reasonable notice of any meeting where the party's presence is requested;
5. The opportunity to have an Advisor of choice for matters involving Sexual Misconduct or when the allegation of Prohibited Conduct could result in suspension or dismissal, including the opportunity to have that Advisor attend any meetings where the party's presence is requested;
6. Appointment of an Advisor to conduct cross-examination during Process A if a party does not have an Advisor;
7. Timely and equal access to any information that will be used during the investigation, related meetings, and hearing (if applicable);
8. A reasonable length of time to prepare any response;
9. Written notice of any extension of time frames for good cause;
10. Privacy to every extent possible in accordance with this policy and legal requirements;
11. The opportunity to challenge a member of the Director's Office or the Decision-Maker for actual bias or conflict of interest;
12. Written notice of the outcome, imposition of any sanction(s), the rationale for each, appeal procedures, change to the finding and/or sanction, if any, after an appeal, and when the outcome and sanctions become final;
13. Reasonably available supportive measures;
14. Limited amnesty as stated in Section S;
15. No tolerance for false information as stated in Section T;
16. No unauthorized audio or video recording of any kind by the Director's Office, Party and/or witness during any meeting or interview where other employee's and/or student's information may be discussed, as it is not permitted. If the Director's Office decides to audio and/or video record any meeting or interview, all involved in the meeting or interview shall be made aware of the recording; and
17. Protection against retaliation.

H. Privacy and Confidentiality

CNU is committed to protecting the privacy of any individual involved in the resolution of a report under this policy. With respect to any report under this policy, CNU will make reasonable efforts to protect the privacy of participants while balancing the need to gather information to assess the matter, take steps to eliminate the reported conduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy means that information related to a report or Formal Complaint will be shared with a limited circle of CNU employees identified as needing to know in order to assist the assessment, investigation, and resolution of the matter. While not subject to a legal obligation of confidentiality, these individuals will respect the privacy of all individuals involved in the process and will not share information except as necessary to effectuate this policy.

The privacy of student education records will be protected in accordance with CNU's policy for compliance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act (HIPAA), except health records protected by FERPA and by Virginia's Health Records Privacy statute, Va. Code § 32.1-127.1:03. Access to an employee's personnel records in Virginia may be limited in accordance with the Virginia Freedom of Information Act, Va. Code § 2.2-3700, and, where applicable, Department of Human Resources Management (DHRM) Policy 6.05.

Confidentiality: Confidentiality exists in the context of laws that protect certain relationships, including licensed health-care professionals and employees providing administrative support for such licensed health-care professionals, mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Virginia law. These individuals cannot violate their obligation of confidentiality unless (i) given written consent to do so by the person who disclosed the information; (ii) there is a concern of serious physical harm to self or others; (iii) the conduct involves suspected abuse or neglect of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order.

Confidential Resources: The CNU Office of Counseling Services and the community resources listed in Section I are Confidential Resources. Confidential Resources will not disclose information about a report of a possible violation of this policy to CNU (including the Director’s Office or University Police) without the Complainant’s permission (subject to the exceptions listed above under Confidentiality).

Clery Act Reporting: Pursuant to the Clery Act, CNU includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about the individuals involved in the incident. The Clery Act also requires CNU to issue timely warnings to the CNU community about certain crimes that have been reported and may continue to pose a serious or continuing threat to the campus. Consistent with the Clery Act, CNU will ensure, to every extent possible, that personally identifying information of Reporting Parties is not included in timely warnings.

I. Confidential Resources and Procedures for Anyone Who Has Experienced Sexual Misconduct

1. In a supportive manner, CNU will assist anyone who has experienced Sexual Misconduct by implementing the procedures set out herein. Due to the potential seriousness and sensitivity of the investigations involved, it is important to undertake these investigations properly. Preserving the evidence is often a key step of successful investigation of alleged Sexual Misconduct.
2. **Recommended Steps:** For anyone who has experienced Sexual Misconduct, the following steps are recommended.
 - a. Go to a safe place.
 - b. **Confidential Resources (Medical Assistance):** For your safety and confidential care, report promptly to one or more of the following Confidential Resources:

(1) **On-Campus Confidential Resource**

<u>CNU Health and Wellness Services</u>	<ul style="list-style-type: none"> • (757) 594-7661 • Freeman Center 1st Floor • uhws@cnu.edu • http://cnu.edu/life/health/
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(2) **Off-Campus Confidential Resources**

<u>Riverside Regional Medical Center</u>	<ul style="list-style-type: none"> • 500 J. Clyde Morris Boulevard, Newport News, VA 23601 • (757) 594-2000 or Emergency-Trauma Center (757) 594-2050 • You may request a Sexual Assault Advocate if one is not provided. • You may receive a forensic sexual assault examination by a Sexual Assault Nurse Examiner (SANE Nurse). • Physical evidence may be usable if proper procedures are followed for evidence collection within 120 hours of the assault. • http://riversideonline.com/rmmc/
<u>Nearest Medical Facility or Emergency Room</u>	

c. **Confidential Resources (Support and Counseling):** For professional and confidential counseling support, the following on-campus and off-campus Confidential Resources may be contacted.

(1) **On-Campus Confidential Resource**

<u>CNU Office of Counseling Services</u>	<ul style="list-style-type: none"> • (757) 594-7047 • Freeman Center 2nd Floor • OCS@cnu.edu • http://cnu.edu/life/counseling/
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(2) **Off-Campus Confidential Resources**

<u>The Center for Sexual Assault Survivors (The Center)</u>	<ul style="list-style-type: none"> • (757) 599-9844 • Crisis Hotline (757) 236-5260 • 718 J Clyde Morris Boulevard, Newport News, VA 23601 • Provides individual and group counseling, outreach, and information for survivors, family, and friends • http://visitthecenter.org/
<u>Transitions</u>	<ul style="list-style-type: none"> • (757) 722-2261 • 24-Hour Hotline (757) 723-7774 • Provides comprehensive family violence services for Hampton, Newport News, and Poquoson, and a co-provider of services for York County • http://www.transitionsfvs.org/
<u>Newport News Victim Services Unit (Commonwealth Attorney’s Office)</u>	<ul style="list-style-type: none"> • (757) 926-7443 • 2501 Washington Avenue, 6th Floor, Newport News, VA 23607 • Victim advocate • http://www.nngov.com/477/Victim-Witness-Assistance-Program
<u>Virginia Family Violence and Sexual Assault 24-Hour Hotline</u>	<ul style="list-style-type: none"> • Call: (800) 838-8238 • Text: (804) 793-9999
<u>Virginia LGBTQ Partner Abuse and Sexual Assault 24-Hour Hotline</u>	<ul style="list-style-type: none"> • Call: (866) 356-6998

	<ul style="list-style-type: none"> • Text: (804) 793-9999
<u>LGBT Life Center of Hampton Roads</u>	<ul style="list-style-type: none"> • (757) 640-0929 • 248 W 24th Street, Norfolk, VA 23517 • Provides resources, advocacy, and counseling • https://lgbtlifecenter.org/
<u>Planned Parenthood</u>	<ul style="list-style-type: none"> • (757) 826-2079 • Hampton Health Center, 403 Yale Drive, Hampton, VA 23666 • Provides reproductive health care and education • http://www.plannedparenthood.org/
<u>AVALON</u>	<ul style="list-style-type: none"> • (757) 258-5022 • 24-hour Helpline (757) 258-5051 • Located in Williamsburg, VA • Provides prevention, education, shelter, and support services to survivors of domestic violence and sexual assault • http://www.avaloncenter.org/
<u>National Sexual Assault Hotline (RAINN)</u>	<ul style="list-style-type: none"> • 24-hour Hotline: (800) 656-HOPE (4673)
<u>Employee Assistance Program (EAP)</u>	<ul style="list-style-type: none"> • Counseling provided by all health plans offered to Commonwealth of Virginia employees and their dependents • COVA CARE and COVA HDHP Anthem (855-223-9277) • COVA HealthAware Aetna (888-238-6232) • Optima Health Vantage HMO Optima (800-899-8174) • Kaiser Permanente HMO Kaiser (866-517-7042) • http://www.dhrm.virginia.gov/employee_programs/employeeassistance

- d. Contact a trusted friend or family member.
- e. Preservation of Evidence: It is your right to have evidence collected and retained anonymously by law enforcement while you consider whether to pursue criminal charges. Pending a decision to report, it is strongly encouraged that you take immediate steps to preserve all evidence that might support a future report. Evidence preservation is enhanced in the following ways:
- (1) Do not wash your hands, bathe, or douche. Do not urinate, if possible.
 - (2) Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
 - (3) Keep the clothing worn when the incident took place. If you change clothing, place the worn clothing in a paper bag (evidence deteriorates in plastic).
 - (4) Obtain a forensic sexual assault examination by a Sexual Assault Nurse Examiner (SANE Nurse) within 120 hours of the incident. (Regardless of whether a forensic exam is obtained within the

- first 120 hours after the incident, individuals are encouraged to seek care to address any medical concerns.)
- (5) Do not destroy any physical evidence that may be found in the vicinity of the incident and do not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
 - (6) Tell someone all the details you remember and/or write them down as soon as possible.
 - (7) Maintain text messages, voice mails, pictures, online postings, video, and other documentary or electronic evidence that may corroborate a report.
3. There is no time limit for filing a report of Sexual Misconduct. However, Complainants should report as soon as possible to maximize CNU's ability to respond. Not reporting promptly may result in the loss of evidence and limit the investigation.
 4. The Complainant shall have the right to file a report with law enforcement and the option to be assisted by the Director's Office and other University authorities in notifying the proper law enforcement authorities of the alleged Sexual Misconduct.
 5. CNU officials (excluding University Police) receiving reports of a possible Sexual Misconduct will follow the procedures listed in this policy. University Police will follow departmental procedures in accordance with standard law enforcement policies.
 6. Resources for Anyone who has experienced Sexual Misconduct
 - a. Anyone who reports Sexual Misconduct to the Director's Office, the Office of Counseling Services, or University Police shall receive information, as those offices deem appropriate, outlining resources on and off campus and options.
 - b. Students and employees will be assisted with available options for supportive measures such as changing academic, transportation, parking, work, and/or living arrangements, after alleged Sexual Misconduct. Safety arrangements like no-contact orders may be made available as deemed necessary and reasonable.

J. Reporting to the Police

In an emergency, contact the University Police on campus at extension 4-7777 or from outside the CNU telephone system at (757) 594-7777 or contact 911. Someone may also walk into the University Police Headquarters at 12270 Warwick Boulevard (across from the Ferguson Center for the Arts) and speak directly to a CNU police officer.

The Director will make all Complainants aware of the right also to file a report with the University Police or local law enforcement. CNU will comply with all requests by the University Police or local law enforcement for cooperation in investigations. Such cooperation may require the Director to temporarily suspend the fact-finding aspect of an investigation detailed in the procedures below while the University Police or other law enforcement agency gathers evidence. If the investigation is suspended, any supportive measures remain in place and available. The Director's Office will promptly resume its investigation as soon as notified by the University Police or other law enforcement agency that it has completed the evidence gathering process. Otherwise, the investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

Some conduct in violation of this policy may also be a crime under Virginia law. Individuals are encouraged to report incidents of Sexual Misconduct to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Crimes dealing with minors must be reported to law enforcement.

A Protective Order may be available and enforced through the appropriate law enforcement agency. Protective Orders are legal documents issued by a judge or magistrate to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force, or threat that results in bodily injury or places that person in fear of death, sexual assault, or bodily injury.

K. Reporting to CNU

1. The Director and Deputy Title IX Coordinators are trained to help individuals find the resources they might need, explain all reporting options, and respond appropriately to the conduct of concern, including retaliation.
2. There is no time limit for filing a report under this policy. However, Complainants should report as soon as possible to maximize CNU’s ability to respond. Not reporting promptly may result in the loss of evidence and/or jurisdiction over the Respondent if they are no longer affiliated with CNU and therefore limit the Resolution Process.
3. Any reports of Prohibited Conduct may be made to the Director, a Deputy Title IX Coordinator, or a Responsible Employee.

Title IX Coordinator: The Director of Title IX and Equal Opportunity (Michelle L. Moody) is the Title IX Coordinator.

The members of the Director’s Office are listed below with contact information:

Michelle L. Moody, Esq.
Director of Title IX and Equal Opportunity / Title IX Coordinator
100 Newport Hall
(757) 594-8819 (Office)
mlmoody@cnu.edu

Matt Kelly
Deputy Title IX Coordinator / Assistant Director of Title IX and Equal Opportunity
100 Newport Hall
(757) 594-8245 (Office)
matt.kelly@cnu.edu

[Taylor Cobb](#)
[Deputy Title IX Coordinator / Investigator \(Title IX & EO\)](#)
[100 Newport Hall](#)
[\(757\) 594-8958](#)
taylor.cobb@cnu.edu

4. **Responsible Employee (Mandated Reporters of Sexual Misconduct)**: All CNU employees, including full-time, part-time, and students, are Responsible Employees for purposes of reporting Sexual Misconduct as defined in Section D. This does not include employees of contractors. Student employees are Responsible Employees when they receive information while acting in their capacity as a CNU employee.

Once in receipt of information regarding Sexual Misconduct, the Responsible Employee must directly report the information obtained regarding the alleged incident to the Director’s Office without delay and should otherwise respect the privacy of the individuals involved. No CNU employee shall undertake any independent efforts to determine whether or not the report has merit or can be substantiated before reporting it to the Director.

The report from the Responsible Employee must include all relevant details (obtained directly or indirectly) about an incident including the names of the Parties and witnesses (if known), and the date, time and location of the incident. The Responsible Employee may directly contact the Director’s Office or submit a report online by completing the [Sexual Misconduct Responsible Employee Reporting Form](#).

Before someone reveals this type of information to the Responsible Employee, the Responsible Employee should make every effort to ensure that the person understands the Responsible Employee’s obligation and that the person has the option to request confidentiality and share the information with a Confidential Resource either on campus or off campus as listed in Section I.

When a Responsible Employee fails to make a required report to the Director’s Office, CNU is unable to acquire the information necessary to stop, remedy, and prevent Sexual Misconduct. As a result, the employee may face disciplinary consequences up to and including termination of employment.

5. **Online Reporting:** Any reports of Prohibited Conduct can be submitted through CNU’s website for online reporting by completing the [Title IX and EO Community Reporting Form](#). This form also allows for anonymous reporting.
6. **Reports of Other Discrimination/Harassment Not Sexual Misconduct:** CNU administrators, supervisors, faculty, coaches, and assistant coaches should report other conduct in violation of this policy without undue delay after the incident. Any such report may be made orally or in writing, including electronic mail to the Director or completing the [Title IX and EO Community Reporting Form](#) online.

L. Reporting to External Agencies

Inquiries or complaints concerning discrimination/harassment on the basis of race, color, national origin, sex including Sexual Misconduct, age, disability, or retaliation may be directed to the United States Department of Education’s Office for Civil Rights (OCR).

<p><u>OCR National Headquarters</u></p>	<p>U. S. Department of Education Office of Civil Rights Lyndon Baines Johnson Building 400 Maryland Avenue, SW Washington, D.C. 20202-1100 (800) 421-3481 Email: OCR@ed.gov http://www2.ed.gov/about/offices/list/ocr/index.html</p>
<p><u>OCR Regional Headquarters</u></p>	<p>U.S. Department of Education Office of Civil Rights Lyndon Baines Johnson Building 400 Maryland Avenue, SW Washington, D.C. 20202-1475 (202) 453-6020 Email: OCR.DC@ed.gov</p>

Inquiries or complaints concerning discrimination and harassment of **employees** may also be directed to the following:

<u>EEOC National Headquarters</u>	U.S. Equal Employment Opportunity Commission 131 Main Street NE Washington, D.C. 20507 (800) 669-4000 Email: info@eoc.gov http://www.eoc.gov/
<u>EEOC Local Office</u>	U.S. Equal Employment Opportunity Commission 200 Granby Street Suite 739 Norfolk, VA 23510 (800) 669-4000 http://www.eoc.gov/field-office/norfolk/location
<u>Commonwealth of Virginia: Department of Human Resource Management Office of Workforce Engagement (Diversity, Equity and Inclusion Unit)</u>	101 North 14 th Street, 12 th Floor Richmond, VA 23219 (800) 533-1414 https://www.dhrm.virginia.gov/employee-relations/equity-diversity-and-inclusion
<u>Commonwealth of Virginia: Office of the Attorney General (Office of Civil Right)</u>	202 North 9 th Street Richmond, VA 23219 (804) 225-2292 CivilRights@oag.state.va.us https://www.oag.state.va.us/programs-initiatives/civil-rights

M. Timely Warning

CNU is required by federal law, the Clery Act, to issue timely warnings for reported incidents that pose a substantial threat or danger to members of the campus community. CNU will ensure, to every extent possible, that identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

N. Initial Assessment

Upon the receipt of a report, the Director will make an initial assessment of the reported information and respond to any immediate health or safety concerns. In this initial assessment, the Director will:

1. Inform the Complainant of the option to seek medical treatment, and explain the process and importance of obtaining and preserving evidence and provide the appropriate assistance if requested;
2. Inform the Complainant of the option to contact law enforcement and provide the appropriate assistance if requested;
3. Inform the Complainant about CNU resources (including supportive measures) and community resources;
4. Consider whether supportive measures and involvement of other CNU leadership is appropriate;
5. Explain CNU’s prohibition against retaliation;

6. Determine if the report alleges Prohibited Conduct, thereby conferring jurisdiction on the Director’s Office. If the Director determines that the Director’s Office does not have jurisdiction under the policy, the Director shall forward the report to the appropriate office and notify Parties about appropriate resources;
7. Seek to determine whether the Complainant wishes to seek resolution under the policy and procedures or request confidentiality;
8. Inform the Complainant that they may seek supportive measures, Informal Resolution, or Formal Resolution under this policy and procedures, and explain each option and the process for filing a Formal Complaint (if necessary);
9. Seek to determine if the Complainant prefers a response of only supportive measures, Informal Resolution, or Formal Resolution;
 - a. If only supportive measures are preferred, the Director works with the Complainant to identify what is sought, assess the request, and implement any reasonably appropriate supportive measures.
 - b. If Informal Resolution is preferred, the Director determines whether the Director’s Office has jurisdiction under the policy, whether the matter is suitable for Informal Resolution, and whether the alleged Prohibited Conduct falls within the scope of Process A or Process B.
 - c. If Formal Resolution is preferred, the Director determines whether the Director’s Office has jurisdiction under the policy and whether the alleged Prohibited Conduct falls within the scope of Process A or Process B; and
10. Communicate with appropriate CNU officials regarding possible Clery Act obligations.

The Director will ensure that the Complainant receives an explanation of available options and resources and is offered the opportunity to meet to discuss those options and resources. When a decision is made to take action under this policy and procedures that impacts a Respondent, the Director will ensure that the Respondent is notified, receives an explanation of available options and resources, and is offered the opportunity to meet to discuss those options and resources.

O. Request for Confidentiality and Anonymous Reporting

Any requests of confidentiality concerning matters of possible Sexual Violence will be handled as stated in Section P. All other requests of confidentiality will be handled as described below.

1. Request for Confidentiality or No Formal Action Be Taken: If the Complainant requests confidentiality or that the report not be pursued, CNU may be limited in the actions it is able to take and its ability to respond while respecting the request. The Director will seek confirmation from the Complainant regarding the desire for confidentiality or no formal action be taken, and the Director will take all reasonable steps to respond to the report consistent with the request. The Director will consider the reasons for the request along with CNU’s obligation to provide a safe and nondiscriminatory learning and work environment and to comply with state and federal laws and regulations. The ability to maintain or respect the request is expressly limited by the threat assessment required in Section P for reports of Sexual Violence. The Director may initiate consultation with appropriate CNU leadership concerning the request for confidentiality or no formal action be taken. The Director shall make the ultimate decision on whether to conduct an Informal Resolution or a Formal Resolution or to respond in another manner, including use of supportive measures as stated in Section F. If it is determined that a Formal Resolution must proceed, the Director will inform the Complainant prior to notifying the Respondent about the Formal Resolution, but in no event will the Complainant be required to participate in the Formal Resolution. By proceeding with a Formal Resolution, the Director does not become the Complainant or a party in the matter. The Complainant is the person who allegedly experienced the Prohibited Conduct and retains the option to participate or not to participate in the Formal Resolution.

For matters under Process A, the Director will sign a Formal Complaint to initiate the Resolution Process.

Confidential Resources: The CNU Office of Counseling Services and the community resources listed in Section I are Confidential Resources. Confidential Resources are not permitted to disclose information about a report of a possible violation of this policy to CNU (including the Director’s Office or University Police) without the Complainant’s permission (subject to the exceptions listed above under Confidentiality in Section H).

Reports or Complaints Involving Minors: If the Complainant is (or was at the time of the incident) a minor (under 18), the University Police shall be notified.

2. **Anonymous Report:** A report may be made anonymously through CNU’s website for online reporting by using the *Title IX and EO Community Reporting Form*. The Director’s Office may be limited in its ability to respond and investigate an anonymous report unless sufficient information is furnished to enable the Director’s Office to conduct a meaningful and fair investigation.

P. **Threat Assessment for Sexual Violence:** In addition to the steps taken during the initial assessment as stated in Section N, CNU shall submit every allegation of Sexual Violence that is alleged to have occurred (i) against any CNU student; or (ii) on campus, in or on a CNU building or property, or on public property that is within the campus or immediately adjacent to and accessible from campus to the Review Committee pursuant to Va. Code §23.1-806.

1. **Review Committee:** The Review Committee may include any and all members of CNU’s Threat Assessment Team established under Va. Code §23.1-805 and shall include, at a minimum: (1) the Director or designee, (2) a representative of the University Police, and (3) a representative from the Office of Student Affairs. The Review Committee may also include a representative from the Office of Human Resources or the Office of the Provost or others as needed, depending on the status of the Respondent and the circumstances of the report.

The Review Committee operates pursuant to Va. Code §23.1-805 and has access, under Virginia law, to certain otherwise confidential information, including law enforcement records and criminal history information, as provided in Va. Code §19.2-389 and §19.2-389.1; health records, as provided in Va. Code §32.1-127.1:03; University disciplinary, academic and/or personnel records; and prior reports of misconduct maintained by the Director. The Review Committee shall have access to all available facts and circumstances, including personally identifiable information, and may seek additional information about the reported incident through any other legally permissible means.

2. **Risk Factors:** The Review Committee shall consider the following factors to determine whether there is an increased risk of the Respondent committing additional acts of Sexual Misconduct or other violence, including, but not limited to:
 - a. Whether the Respondent has prior arrests, reports and/or complaints related to any form of conduct in violation of this policy or any history of violent behavior;
 - b. Whether the Respondent has a history of failing to comply with any CNU No-Contact Order, other CNU protective measures, and/or any legal Protective Order;
 - c. Whether the alleged conduct involved multiple Respondents;
 - d. Whether the alleged conduct involved physical violence;
 - e. Whether the allegation reveals a pattern of conduct in violation of this policy (i.e., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
 - f. Whether the alleged conduct was facilitated through the possible use of “date-rape” or similar drugs or intoxicants;
 - g. Whether the alleged conduct occurred while the Complainant was unconscious, physically helpless or unaware that the conduct in question was occurring;

- h. Whether the Complainant is (or was at the time of the alleged incident) under the age of 18; and/or
 - i. Whether any other aggravating circumstances or signs or predatory behavior are present.
3. **Review Committee Procedures and Determinations:** Upon the Director’s receipt of information of an alleged act of Sexual Violence, the Review Committee shall meet (in person, electronically, by telephone, or by videoconference) within seventy-two (72) hours to review the information and shall meet again as necessary as new information becomes available.

If the Review Committee determines that there is a significant and articulable threat to the health or safety of the Complainant or to any other member of the campus community and that disclosure of personally identifiable information is necessary in order to protect the health or safety of the Complainant or other members of the campus, the representative of University Police on the Review Committee shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the alleged act of Sexual Violence. This determination will be based on the totality of the known circumstances and Risk Factors listed above in Section P.2. If the Review Committee cannot reach a consensus, the representative of the University Police on the Review Committee shall make the determination. This disclosure shall be for the purposes of investigation and other actions by law enforcement. The Director shall immediately notify the Complainant if such a disclosure is made. The provisions of this paragraph shall not apply if the law enforcement agency responsible for investigating the alleged incident is located outside of the United States.

In cases in which the alleged act of Sexual Violence would constitute a felony violation under Virginia law (Article 7 of Chapter 4 of Title 18.2), the representative of the University Police on the Review Committee shall inform the other members and shall within twenty-four (24) hours consult with the appropriate Commonwealth Attorney and provide to him or her the information received by the Review Committee without disclosing personally identifiable information, unless such information was disclosed to a law enforcement agency pursuant to the paragraph above. If such consultation does not occur and any other Review Committee member individually concludes that the alleged act of Sexual Violence would constitute a felony violation under Virginia law, that member shall within twenty-four (24) hours consult the appropriate Commonwealth Attorney and provide to him or her the information received by the Review Committee without disclosing personally identifiable information, unless such information was already disclosed to the University Police as allowed above.

The Review Committee shall also consider and recommend other appropriate or necessary actions including supportive measures beyond any already in place.

4. **Actions Following Threat Assessment:** At the conclusion of the Threat Assessment, the Director and representative of the University Police shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review committee’s determination considerations, which shall be maintained under applicable state and federal law.

Q. Emergency Removal

CNU may remove a Respondent who is a student or student-employee, entirely or partially, from its education programs and activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual (including themselves, the Respondent, the Complainant, or any other individual) justifies removal. This risk analysis is performed by the Behavioral Intervention Team (“BIT”).

The Respondent shall be given notice and the opportunity to challenge the decision by the BIT either prior to such removal being imposed, or as soon thereafter as reasonably possible.³ The challenge shall be considered by three (3) members of the Threat Assessment Team as identified by the co-chairs of the Threat Assessment Team described in Section P of this policy. The Respondent shall provide a statement regarding why the removal should not be implemented or why it should be modified to the Director within twenty-four (24) hours of the decision by the BIT. If the Respondent does not submit this within twenty-four (24) hours, objections to the removal are considered waived. The Director shall provide Respondent’s statement to the Threat Assessment Team members as designated by the co-chairs as soon as reasonably possible once received.

The decision of the three (3) members of the Threat Assessment Committee is final.

This section applies to any restrictions a coach or athletic administrator may place on a student-athlete arising from allegations of Prohibited Conduct under Process A.

Violations of an emergency removal under this policy will be grounds for further disciplinary action, which may include dismissal.

Where the Respondent is an employee, existing provisions for interim action are applicable.

R. Academic Record Hold and Transcript Notation

For alleged violations of this policy when the Respondent is a CNU student, the Director upon the initiation of a Formal Resolution under Process B shall immediately notify the University Registrar who shall immediately place a “hold” on the student’s academic record to prevent registration or release of an academic transcript.

If the student requests an academic transcript during a Formal Resolution under Process B for an alleged violation of this policy, the University Registrar shall place a prominent notation on the student’s academic transcript reading “*Under Investigation - Sexual Misconduct*” and/or “*Under Investigation – Discrimination/Harassment*” depending on the charge(s) being investigated. It shall also be noted on the academic transcript that the inclusion of this language is not intended to indicate a finding of responsibility for the pending charge, but is included to comply with Va. Code §23.1-900.⁴

If the student leaves while a Formal Resolution is pending under Process A or Process B, the investigation may be suspended or may proceed at the direction of the Director, and a finding of responsibility and imposition of sanctions may occur without the participation of the student. If the Formal Resolution is suspended, the “hold” on the student’s academic record to prevent registration and the prominent notation on the student’s academic transcript reading “*Under Investigation – Sexual Misconduct*” and/or “*Under Investigation – Discrimination/Harassment*” will remain for Process B matters and both the “hold” and notation will be added for Process A matters.

If the Formal Resolution under Process B continues to its conclusion including any appeal and the student is found not responsible or if the sanction is other than a suspension or a dismissal, the Director shall notify the University Registrar to remove the “hold” and transcript notation.

If the sanction is suspension or dismissal from CNU under Process A or Process B, the Director shall notify the University Registrar who shall place a prominent notation on the Respondent’s academic transcript reading

³ The decision by the BIT remains in effect unless and until any appeal results in a different decision.

⁴ Pursuant to the U.S. Department of Education’s Title IX Regulations effective August 14, 2020, the academic hold and transcript notation of “*Under Investigation – Sexual Misconduct*” are not available for allegations falling under Process A.

“Suspended – Sexual Misconduct,” “Dismissed – Sexual Misconduct,” “Suspended – Discrimination/Harassment,” and/or *“Dismissed – Discrimination/Harassment”* depending on the violation.

- Such notation for a suspension of a dismissal shall be removed if the Respondent is subsequently found not to have committed the offense.
- Such notation will be removed for a suspension or dismissal pursuant to University Policy 9045 (Transcript Notation Policy).

If a Formal Resolution is pending at the time of anticipated degree conferral, the conferral of a student’s degree may be deferred until the completion of the investigation, applicable hearing, applicable appeals, and associated requirements pursuant to University Policy 9055 (Conduct Violation, Degree Conferral and Graduation Policy). Any such student may not participate in graduation-related activities or ceremonies.

S. Amnesty

CNU encourages the reporting of violations of this policy. Alcohol and/or drug violations should not be a deterrent to reporting or cooperating during the Resolution Process. CNU’s primary focus shall be on addressing any alleged Prohibited Conduct and not on alcohol and drug violations that may be discovered or disclosed. CNU does not condone underage drinking or illicit drug use; however, except in compelling circumstances, CNU will extend limited amnesty from consequences related to the personal consumption of drugs or alcohol to individuals who in good faith report alleged incidents of Prohibited Conduct and/or participate in an investigation. CNU may provide referrals to counseling and may require educational initiatives, rather than disciplinary sanctions, in such cases.

T. False Information

CNU is a community grounded in honor; our Honor Code serves as a guide to our university experience. It provides clarity on behavior expected of all members of the community. Engaging in Prohibited Conduct is a serious offense against an individual and the community. It requires every person’s efforts in order to address this unacceptable behavior. Those efforts are undermined by the presentation of false information.

Any individual who knowingly provides false information, who intentionally withholds information or who intentionally misleads individuals who are involved in the investigation or resolution of a report of Prohibited Conduct shall be subject to disciplinary action which can include dismissal or termination from CNU. However, that an allegation of Prohibited Conduct cannot be proven by a preponderance of the evidence is not evidence of a false report.

U. Violations of Law

Behavior that violates this policy also may constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, the Commonwealth of Virginia criminalizes and punishes sexual assault, dating/domestic violence, sexual exploitation, stalking, and physical assault. The criminal statutes that may apply in cases of Physical Assault and Dating/Domestic Violence are found in various sections of Chapter 4, Articles 1 (Homicide) and 4 (Assaults and Bodily Woundings), of Title 18.2 of the Code of Virginia. The criminal statutes relating to Sexual Assault are found in Sections 18.2-61 to 18.2-67.10 of the Code of Virginia. Section 18.2-60.3 of the Code of Virginia defines and identifies the penalty for criminal Stalking. Finally, Sections 18.2-386.1 and 18.2-386.2 of the Code of Virginia provide for criminal penalties in some cases of Sexual Exploitation.

This compilation of criminal statutes is not exhaustive but is offered to notify the CNU community that, in some cases, the alleged conduct may also constitute a crime under Virginia law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

V. Education and Awareness

1. For information about Prohibited Conduct including Sexual Misconduct and resources available on and off-campus, please visit the CNU Office of Title IX and Equal Opportunity website at <http://cnu.edu/titleix-eo/> and the CNU Sexual Assault and Violence Education (S.A.V.E.) website at <http://cnu.edu/save/>.
2. The Director together with other institutional leaders oversees education, training, and awareness programs on Prohibited Conduct for students and employees, including training on primary prevention, bystander intervention, risk reduction, consent, and other pertinent topics.
 - a. Incoming students and new employees shall participate in primary prevention and awareness programming as part of their orientation.
 - b. Returning students and employees shall have ongoing opportunities for additional training and education.
3. This policy shall be disseminated widely to the CNU community through electronic mail, publications, websites, new employee orientation, student orientation, and other appropriate channels of communication.

W. Academic Freedom and Free Speech

This policy does not allow curtailment or censorship of constitutionally protected expression. The fact that speech or a particular expression is offensive is not, standing alone, a sufficient basis to establish a violation of this policy. In addressing all complaints and reports of alleged violations of this policy, CNU will take all permissible actions to ensure the safety of students and employees while respecting the free speech rights of students and employees. This policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

This policy is maintained by the Office of Title IX and Equal Opportunity. The Director shall review it on an annual basis to capture evolving legal requirements, evaluate resources available to the Parties, and assess the effectiveness of the investigation and resolution process. Any suggestions and comments shall be sent to the Director through the year for consideration. Any proposed amendments shall be submitted to the appropriate administrative body for further review and approval. This policy shall be amended in any manner deemed necessary without the need for further approval from the CNU Board of Visitors.

Approval and Revisions:

Approved By: CNU Board of Visitors, June 19, 2015.

Revision 1: July 1, 2016

Revision 2: July 1, 2017

Revision 3: July 1, 2018

Revision 4: July 1, 2019

Revision 5: August 14, 2020

Revision 6: July 1, 2021

Revision 7: August 30, 2021

Revision 8: July 1, 2022

Appendix A: Process A Procedures

A. Scope

These procedures apply to reports of Title IX Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence, and Stalking) involving students and employees when the Prohibited Conduct:

1. Occurs within the United States; and
2. Occurs within CNU’s education program and activity meaning 1) locations, events, or circumstances over which CNU exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs and 2) any building owned or controlled by a student organization that is officially recognized by CNU); and
3. At the time of filing a Formal Complaint, a Complainant is participating in or attempting to participate in CNU’s education program or activity.

All other reports of Prohibited Conduct including Non-Title IX Sexual Harassment and reports of Sexual Assault, Dating Violence, Domestic Violence, and Stalking when jurisdiction does not fall within Process A, as determined by the Director, will be resolved under the procedures in Process B.

Process A may be used to address collateral Prohibited Conduct arising from the investigation of or occurring in conjunction with the alleged policy violation. All other allegations of misconduct unrelated to incidents of the alleged violation will be referred to the appropriate office.

B. Notice, Initial Assessment, and Formal Complaint

Upon receipt of a report of Title IX Sexual Harassment (including Sexual Assault, Dating Violence, Domestic Violence, and Stalking), the Director shall seek to meet with the Complainant within five (5) business days and engage in an initial assessment under Section N of the policy. The Director will seek to determine if the Complainant wishes to file a Formal Complaint (a document submitted/signed by a Complainant or signed by the Director alleging a violation of Title IX Sexual Harassment under the policy by a Respondent and requesting that CNU investigate the allegation), and will assist in doing so, if desired.

If the Complainant declines to file a Formal Complaint, the Director will decide if there is a need to initiate a Formal Complaint due to concerns about the continued safety of the Complainant and/or members of the CNU community or at the conclusion of the Threat Assessment in Section P of the policy, the Review Committee determined that the presence of one or more risk factors requires Formal Resolution regardless of the Complainant’s decision not to file a Formal Complaint.

C. Dismissals (Mandatory and Discretionary)

Once a Formal Complaint is filed, the Director shall review it at the filing and continuously assess throughout the investigation and hearing whether one or more of the following dismissals of the Formal Complaint is applicable.

1. Mandatory Dismissal

The Director shall dismiss a Formal Complaint or allegation therein, at any time during the investigation or hearing, if it is determined that:

- a. The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in the policy, even if proved; and/or
- b. The conduct did not occur in an education program or activity controlled by CNU (including buildings or property controlled by recognized student organizations), and/or CNU does not have control of the Respondent; and/or

- c. The conduct did not occur against a person in the United States; and/or
 - d. At the time of filing the Formal Complaint, the Complainant was not participating in or attempting to participate in CNU's education programs or activities.
2. **Discretionary Dismissal**
The Director may dismiss a Formal Complaint or any included allegation therein, at any time during the investigation or hearing if:
- a. A Complainant notifies the Director in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - b. The Respondent is no longer enrolled in or employed by CNU; and/or
 - c. Specific circumstances prevent CNU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

The Director will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Complainant and the Respondent.

The dismissal decision is appealable by the Complainant and/or the Respondent as described in Section I below. A Complainant who withdraws a Formal Complaint may later request to reinstate it or refile it.

Dismissal of a Formal Complaint does not automatically prohibit CNU from possibly addressing a report of alleged Prohibited Conduct under Process B of this policy or another appropriate CNU policy.

D. Resolution Process

There are two possible methods for resolution of a Formal Complaint alleging violations of this policy: 1) Informal Resolution and 2) Formal Resolution (Investigation and Hearing). The Director shall explain the Informal Resolution and Formal Resolution procedures to the Complainant and the Respondent, if known.

CNU will make every effort to avoid any actual bias or conflict of interest during the Resolution Process

Recording of Meetings/Interviews: No unauthorized audio or video recording of any kind is permitted during any meetings and/or interviews where other employee's and/or student's information may be discussed, as it is not permitted. If the Director's Office decides to audio and/or video record any meeting or interview, all involved in the meeting or interview shall be made aware of the recording.

E. Informal Resolution

Informal Resolution resolves a Formal Complaint by the Parties reaching a mutually agreed upon resolution that does not involve a full investigation and adjudication. Informal Resolution is voluntary by both Parties. Under Informal Resolution, there is no disciplinary action taken against the Respondent, and the resolution will not appear on the Respondent's disciplinary record. Methods of Informal Resolution may include, but are not limited to: conflict resolution, mediation, facilitated conversations, counseling, training, and/or educational projects.

- 1. **Eligibility:** The Director has the discretion to determine whether the nature of allegation of Prohibited Conduct is appropriate for Informal Resolution and the method of Informal Resolution that may be appropriate in a specific case. Informal Resolution must adequately address the concerns of the Complainant and the Respondent and the overall interest of CNU addressing, remedying, and preventing the Prohibited Conduct. Informal Resolution is not available to resolve allegations that an employee sexually harassed a student.

2. Initiation of Informal Resolution: To initiate Informal Resolution, a Complainant must submit a Formal Complaint and inform the Director that Informal Resolution is the preferred resolution option. If a Respondent wishes to initiate Informal Resolution, the Respondent should contact the Director.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Resolution. Any party participating in Informal Resolution may stop the process at any time before agreeing to a resolution and may begin or resume Formal Resolution.

3. Notice of Informal Resolution: Prior to beginning the Informal Process, the Director will provide the Parties with written notice disclosing: (1) the alleged Prohibited Conduct, (2) the requirements of the Informal Resolution including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegations, (3) the option of each Party to withdraw from the Informal Resolution and initiate or resume a Formal Resolution, and (4) any outcomes that may result from participating in Informal Resolution including information regarding any records that will be maintained or shared by CNU.

The Director will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not compel the Parties to participate in Informal Resolution. CNU will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of a Formal Complaint. Similarly, CNU will not require, encourage, or discourage the parties from participating in an Informal Resolution.

4. Time Frame: An Informal Resolution will typically be completed within thirty (30) business days after both Parties have agreed in writing to Informal Resolution. If an extension beyond thirty (30) business days is necessary, all parties will be notified in writing of the expected resolution time frame. If at any point during the Informal Resolution procedure, the Complainant, Respondent, or the Director wish to proceed with a Formal Resolution instead, such request shall be granted and every effort will be made to complete the Formal Resolution within ninety (90) business days of that decision.
5. Outcome: Any resolution of a Formal Complaint through the Informal Resolution must adequately address the concerns of the Complainant, as well as the interests of the Respondent and the responsibility of CNU to prevent, address, and remedy alleged violations of this policy. Any agreement reached during Informal Resolution must be acceptable to the Director, the Complainant, and the Respondent with both Parties receiving simultaneous written notification of the outcome.

Upon completion of Informal Resolution, the matter is considered resolved and closed. There shall be no right of appeal afforded to the Complainant or the Respondent following Informal Resolution.

Informal Investigation resolution remedies may include, but are not limited to, the following:

- i. Training;
- ii. Adjustments to work, academic, or housing arrangements;
- iii. Informal counseling with a Respondent whose conduct, if not ceased, could rise to the level of discrimination or harassment;
- iv. Advisory discussion with the Respondent's supervisor, professor, coach, etc.;
- v. No-contact order;
- vi. Written notice or written warning; and/or
- vii. Other actions as deemed appropriate.

If Informal Resolution does not produce an agreement acceptable to the Director, the Complainant, and the Respondent, and the Director determines that further action is necessary, Formal Resolution may be initiated.

If the Complainant or the Respondent withdraws from Informal Resolution or Informal Resolution is otherwise terminated for any reason, any statements or disclosures made by the Parties during the course of the Informal Resolution shall not be considered during the Formal Resolution without the written consent of the Parties.

If a Respondent fails to comply with the terms of the Informal Resolution, disciplinary action may be imposed and/or Formal Resolution may be initiated.

F. Formal Resolution (Investigation and Hearing)

1. Initiation of Formal Resolution: Formal Resolution is initiated when (1) a Complainant submits a Formal Complaint requesting that CNU investigate allegations of Prohibited Conduct or (2) the Director signs a Formal Complaint to initiate Formal Resolution based upon a determination that there is a risk to health and/or safety that requires CNU to pursue Formal Resolution to protect the CNU community.
2. Notice of Investigation and Allegation(s)
Upon receipt of a Formal Complaint that is not subject to dismissal, as described in Section C of this procedure, the Director will provide written notice of the investigation and allegation(s) (“NOIA”) to the Respondent upon commencement of Formal Resolution. The Complainant will receive a copy of the NOIA.

The NOIA will include:

- a. The identities of the Parties (if known);
- b. The specific section of the policy allegedly violated;
- c. The precise conduct allegedly constituting the potential violation;
- d. The date, or a reasonable approximate date, and location of the alleged incident (if known);
- e. A description of the applicable procedures including the Informal Resolution;
- f. A statement of the potential sanctions/remedies that could result;
- g. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Formal Resolution;
- h. A statement that Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- i. A statement that Parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the investigation;
- j. A statement that the policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process;
- k. A statement instructing the Parties to preserve and not destroy any potentially relevant evidence;
- l. A statement about CNU’s prohibition against retaliation; and
- m. Information on how a party may request disability accommodations during the interview process.

The Director may amend the NOIA as the investigation progresses and more information becomes available regarding the addition or dismissal of charges.

Notice will be made in writing and may be hand-delivered or emailed to the party’s email account. Once received in-person or emailed, notice is presumed delivered.

3. Resolution Timeline

CNU will make a good faith effort to complete the Formal Resolution within ninety (90) business days after the issuance of the NOIA, excluding any appeal. This can be extended as necessary for appropriate good cause by the Director, who will provide notice and rationale for any extensions or delays to the Parties and the expected time frame.

4. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process (including the Director, Investigator(s), and Decision-Maker) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

Formal Resolution consists of an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

5. Advisor

The Complainant and the Respondent may be accompanied by an Advisor of their choice at meetings, interviews, and the hearing within the Formal Resolution. The Advisor may be an attorney, advocate, support person, family member, friend, or any other individual a party chooses. An Advisor shall not be another party, witness, or otherwise have any role in the process that would create a conflict of interest.

Advisors are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by CNU.

A party may decide to change Advisors during the Formal Resolution. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be obtained.

Advisors are expected to make themselves available for meetings, interviews, and the hearing throughout the Resolution Process as reasonably scheduled by CNU.

- a. Meetings and Interviews: The Advisor may not speak on behalf of the party during, or participate in, meetings or interviews. The Advisor may be excluded if he or she fails to respect this limitation and may be prohibited from participating in future meetings and/or proceedings.
- b. Hearing: Cross-examination is required during the hearing and must be conducted by each Party's Advisor. The Parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for the hearing, the Director will appoint an Advisor for the limited purpose of conducting any cross-examination. A party may decline this appointment and choose their own Advisor. A party may not proceed in a hearing without an Advisor. If the party's Advisor will not conduct cross-examination, the Director will appoint an Advisor who will.

The Advisor may not speak on behalf of the party during the hearing other than to conduct the cross-examination. Otherwise, the Advisor may be excluded if he or she fails to respect this limitation and may be prohibited from participating in future meetings and/or proceedings. The Advisor will conduct cross-examination by asking questions of the other party and witnesses that have been provided by the party they are advising.

Parties are expected to inform the Director of the identity of their Advisor at least three (3) business days before the hearing if the Parties are going to use an Advisor of their choice.

If one party selects an Advisor who is an attorney, CNU is not obligated to provide an attorney for the other party.

6. Investigation

a. Investigation Process

The Director will designate one or more Investigators from the Director’s Office to conduct a prompt, thorough, reliable, and impartial investigation of the Formal Complaint. Only a trained member of the Director’s Office or a trained investigator assigned to the Director’s Office shall conduct the investigation. All investigations shall be overseen by the Director. If a member of the Director’s Office is found to have an actual bias or conflict of interest in the matter, that person will not be allowed to participate in the investigation.

Investigations involve interviews with all relevant Parties and witnesses and obtaining available, relevant evidence. The Director’s Office shall explain to the Parties that each has the opportunity to suggest witnesses and questions to be asked of the witnesses, to provide evidence and expert witnesses, and to fully review and respond to all of the evidence on the record.

When participation of a party is expected, that party will be notified in writing of the date, time, and location of the meeting. Written notification will be by hand-delivery or email to the party’s email account. Once received in-person or emailed, notice is presumed delivered.

The Director may temporarily delay the investigation for good cause, including but not limited to, the absence of a party and/or witness, concurrent law enforcement activity, the need for language assistance, and/or accommodations for disabilities.

b. Presumption of Non-Responsibility

The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible. This presumption may be overcome only where the Decision-Maker concludes that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the Respondent violated the policy.

c. Participation by Parties and Witnesses

No party or witness is required to participate in Formal Resolution, and the Investigator(s), Decision-Maker, and Appeal Officer will not base a finding of responsibility solely on a party’s decision not to participate. If either party or any witness declines to participate or limits the extent of their participation, it may limit the ability of CNU to thoroughly investigate and resolve the Formal Resolution. Neither the Complainant nor Respondent is required to participate in the investigation and/or hearing and no adverse inferences may be drawn from a decision by either party not to participate. However, the investigation and hearing may proceed and a finding of responsibility and imposition of sanctions may occur without the participation of the Complainant and/or the Respondent.

Parties and witnesses may not indefinitely delay Formal Resolution by refusing to cooperate. While CNU will attempt to accommodate the schedules of the Parties and witnesses, Formal Resolution may proceed to conclusion even in the absence of a party or witness.

d. Party and Witness Interviews

While in-person interviews for Parties and witnesses are ideal, circumstances may require individuals to be interviewed remotely. CNU will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

e. Investigation Evidentiary Considerations

The investigation does not consider: 1) incidents not directly related to the alleged policy violation unless they evidence a pattern of behavior; or 2) questions and evidence about the Complainant's sexual predispositions or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve other questions raised by the report or during the investigation. Prior sexual history shall not be used to prove character or reputation.

Within the boundaries stated above, the Investigator(s) can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

The Investigator(s) must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

f. Draft Investigation Report and Evidence Inspection and Review

Prior to the conclusion of the investigation, the Parties and their Advisors shall be provided a Draft Investigation Report that fairly summarizes the relevant evidence in a secured electronic format or a hard copy. The Parties will have an opportunity to review the Draft Investigation Report and all of the evidence obtained as part of the investigation that is directly related to the alleged policy violation(s), including evidence upon which CNU does not intend to rely in reaching a determination, for a ten (10) business day review and written comment period so that each party may meaningfully respond to the evidence by submitting additional comments and information; identifying any additional witnesses or evidence for the Investigator(s) to pursue; and identifying any further topics that they believe the Investigator(s) should address with the other party or any witness. The Parties may elect to waive the full ten (10) days. The Parties shall submit any response in writing to the Investigator(s) within ten (10) business days from receipt of the Draft Investigation Report and the file containing the evidence gathered.

The Parties and their Advisors will be provided with each party's written responses, in electronic format or hard copy.

Evidence that is reasonably available to the Parties that is not provided to the Investigator(s) at this point in the process shall not be considered at the hearing or on any appeal unless the Decision-Maker agrees to the admission of the evidence at the hearing.

g. Final Investigation Report

Upon receipt of the Parties' responses to the Draft Investigation Report, the Investigator(s) will identify any additional investigative steps requested by the Parties or identified by the Investigator(s), and determine the extent to which such steps are relevant and appropriate. Following the conclusion of any such additional investigative steps, the Investigator(s) will incorporate relevant elements of the Parties' written responses into the final Investigation Report, include any additional relevant evidence, make any necessary revisions, finalize the Investigation Report, and forward it to the Director. The Final Investigation Report will not include any findings regarding responsibility.

The Director shall provide the Final Investigation Report with all Parties and their Advisors through secure electronic format or hard copy at least ten (10) business days prior to the hearing and will also provide access to the information gathered during the investigation, the information submitted by the Parties to the Draft Investigation Report, and the information gathered during any additional investigative steps taken after the review of the Draft Investigation Report in order to prepare for the hearing.

The Parties may choose to provide a written response to the Final Investigation Report, which must be submitted to the Director at least five (5) business days prior to the start of the hearing. The Parties and their Advisors will be provided with the other party's written response if one is received and any response(s) received will be provided to the Decision-Maker prior to the start of the hearing.

7. Hearing

The hearing is an opportunity for the Parties to address the Decision-Maker about issues relevant to the determination of responsibility. Each party will have the opportunity to be heard (in opening and closings statements, and when subject to cross-examination), to respond to any questions of the Decision-Maker, and to have each party's Advisor cross-examine the other party and any witnesses. The Decision-Maker will objectively evaluate all relevant evidence gathered during the investigation and/or hearing to reach a determination regarding responsibility and, if applicable, in consultation with necessary CNU Administrators and the Director whether remedies and/or any sanctions are appropriate.

a. Hearing Referral

The Director shall refer the matter to a hearing once the Final Investigation Report is shared with the Parties provided that the Formal Complaint has not been dismissed or resolved through Informal Resolution.

The Director shall contact the Parties separately regarding the submission of the names of the witnesses that each party would like for the Director to contact and request their participation at the hearing for purposes of cross-examination.

The hearing shall be held no less than ten (10) business days from the time the Final Investigation Report is provided to the Parties and the Decision-Maker.

b. Decision-Maker

The Director shall designate a Decision-Maker for the hearing. The Decision-Maker must be an individual that has not previously been involved in the investigation, is impartial, and free from actual bias or conflict of interest. The Director shall not serve as the Decision-Maker but may serve as the administrative facilitator of the hearing.

Prior to the hearing, the Decision-Maker shall be provided with the Final Investigation Report, the evidence obtained as part of the investigation that is directly related to the alleged policy violation, including relevant evidence upon which CNU does not intend to rely in reaching a determination, and any written responses regarding the Final Investigation Report.

c. Hearing Evidentiary Considerations

The Decision-Maker does not consider: 1) incidents not directly related to the alleged policy violation unless they evidence a pattern of behavior; or 2) questions and evidence about the Complainant's sexual predispositions or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. In addition, prior sexual history may be relevant to explain the presence of a physical

injury or to help resolve other questions raised by the report or during the investigation. Prior sexual history shall not be used to prove character or reputation.

Within the boundaries stated above, the Decision-Maker may consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

The Decision-Maker shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

d. Notice of Hearing

The Director shall provide written notice no less than ten (10) business days prior of the hearing to the Parties by hand-delivery or email to the party's email account. Once received in-person or emailed, notice is presumed delivered.

The Notice of Hearing will include:

- (1) A description of the alleged policy violation(s) and the policy(s) allegedly violated;
- (2) The time, date, and location of the hearing;
- (3) The identity of the Decision-Maker and a statement that a party may object to the Decision-Maker on the basis of demonstrated bias by notifying the Director in writing detailing the rationale for the objection within three (3) business days prior to the hearing.
- (4) Notification that the Parties may have an Advisor at the hearing and shall be required to have one present for any cross-examination they want to conduct on the other party and/or witnesses. The party must notify the Director if they do not have an Advisor at least three (3) days prior to the hearing, and the Director will appoint one for that party for purposes of conducting cross-examination;
- (5) Any technology that will be utilized for the hearing;
- (6) Information about the option for the live hearing to occur with the Parties located in separate rooms using technology that allows the Decision-Maker and Parties to see and hear a party or witness answering questions. If a party wishes to request this option, the Director must be notified at least three (3) business days prior to the hearing;
- (7) Information on how the hearing will be recorded and on how the Parties may access the recording after the hearing;
- (8) A statement that if any party or witness does not appear at the hearing, the hearing may be held in their absence; and
- (9) Information on how a party may request disability accommodations, language assistance, and/or interpretation services during the hearing at least seven (7) business days prior to the hearing.

e. Pre-Hearing

The Director shall provide the Final Investigation Report with all Parties and their Advisors through secure electronic format or hard copy at least ten (10) business days prior to the hearing and will also provide access to the information gathered during the investigation, the information submitted by the Parties to the Draft Investigation Report, and the information gathered during any additional investigative steps taken after the review of the Draft Investigation Report in order to prepare for the hearing.

The Parties may choose to provide a written response to the Final Investigation Report, which must be submitted to the Director at least five (5) business days prior to the start of the hearing. The Parties and their Advisors will be provided with the other party's written response if one is received and any response(s) received will be provided to the Decision-Maker prior to the start of the hearing.

A party may object to the Decision-Maker on the basis of demonstrated bias by notifying the Director in writing detailing the rationale for the objection within three (3) business days prior to the hearing. Decision-Makers will only be removed if the Director concludes that their actual bias or conflict of interest precludes an impartial hearing.

f. Joint Hearings

Hearings that involve more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the Director may combine the hearings. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

g. Hearing Format

The Decision-Maker has absolute discretion with respect to administering the hearing, and may change the order of the hearing. A typical hearing may include brief opening statements by the Complainant and/or the Respondent; Investigator(s) summary of the Final Investigation Report; direct and/or cross-examination of the Investigator(s), the Parties, and any witnesses by the Decision-Maker; cross-examination of the Parties, the Investigator(s), and any witnesses by the Parties' Advisors; and brief closing statements by the Complainant and/or Respondent.

The Hearing Facilitator may oversee the following, but is not limited to, the logistics of rooms for the Parties and/or witnesses, the flow of Parties and/or witnesses to and from the hearing room, ensuring recording and/or virtual conferencing technology is working properly, etc. The Director's Office or another appropriate office may serve as the Hearing Facilitator.

h. Investigator(s) Presentation of Final Investigation Report

The Investigator(s) will present a summary of the Final Investigation Report and will be subject to questions by the Decision-Maker and the Parties through their Advisors. The Investigator(s) will be present during the entire hearing except for the deliberations of the Decision-Maker.

Neither the Parties nor the Decision-Maker should ask the Investigator(s) their opinion on credibility, recommended findings, or determinations, and the Investigator(s), Advisors, and Parties must refrain from discussion of or questions about these assessments. If such information is introduced, the Decision-Maker must direct that it will be disregarded.

i. Direct Examination

The Decision-Maker may ask questions of the Parties, witnesses, and/or the Investigator(s) to aid the Decision-Maker objectively evaluate all relevant evidence and to reach a determination regarding responsibility and, if applicable, in consultation with necessary CNU Administrators and the Director whether remedies and/or any sanctions are appropriate. The Parties and their Advisors may not engage in the Direct Examination of any individual at the Hearing.

j. Cross-Examination

The Parties may not question each other or any witness. Instead, cross-examination must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. The Decision-Maker shall permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions designed to test the veracity and accuracy of these individuals' statements, including those challenging credibility.

(1) Relevancy Determinations

All questions of Parties and witnesses are subject to a relevance determination by the Decision-Maker. The Advisor, who will remain seated during questioning, will offer the proposed question

orally, electronically, or in writing (orally is preferred, but other means may be permitted by the Decision-Maker upon request if agreed to by all Parties and the Decision-Maker). The proceeding will pause to allow the Decision-Maker to consider the proposed question, and the Decision-Maker will determine if the question is allowed, disallowed, or needs to be rephrased.

The Decision-Maker may, but is not required to, allow arguments regarding relevance with the Advisors. The Decision-Maker will state the decision about the question on the record and advise the party/witness to whom the question was directed. The Decision-Maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-Maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious, or abusive. The Decision-Maker's determination is final. The Decision-Maker will not hear arguments from an Advisor on relevance once the Decision-Maker has ruled on a question.

(2) Refusal to Submit to Cross-Examination and Inferences

Any party or witness may choose not to answer questions at the hearing, either because they do not attend the hearing or because they attend but decline to participate in some or all questioning. The Decision-Maker is entitled to rely on relevant evidence gathered during the investigation from any such non-participating party or witness. The Decision-Maker shall make the determination regarding responsibility based on all relevant evidence gathered during the investigation and/or hearing.

The Decision-Maker shall not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or other questions.

k. New Evidence Offered at Hearing

In the absence of good cause, information including the identification of witnesses that was discoverable through the exercise of due diligence, that was not provided to the Investigator(s) during the investigation, will not be considered during the Hearing. Unless the Decision-Maker agrees to the admission of new evidence offered at the Hearing, the Decision-Maker may delay the Hearing and instruct that the investigation needs to be re-opened to consider any new evidence.

In order to submit to Direct or Cross-Examination at the Hearing, any Party or witness must have first been interviewed during the Investigation.

l. Hearing Recording

The hearing (not including any deliberations by the Decision-Maker) are recorded by CNU for the purpose of review in the event of an appeal. The Parties shall not record the proceedings and no other unauthorized recordings are permitted.

The hearing recording will be available for inspection and review by the Decision-Maker, the Parties (and their Advisors), and appropriate CNU administration in a controlled environment determined by the Director. No person will be given or be allowed to make a copy of the recording without permission of the Director.

m. Standard of Evidence

At the conclusion of the hearing, the Decision-Maker shall determine whether a preponderance of the evidence substantiates that a violation of the policy occurred. A Respondent will not be found in violation of the policy absent a finding by a preponderance of the evidence that the violation occurred.

The “preponderance of the evidence” standard requires that the evidence, in totality, supports a finding that it is more likely than not that the alleged policy violation occurred.

n. Determination of Hearing and Sanctions

The Decision-Maker will deliberate in private to determine whether the Respondent is responsible or not responsible for the alleged policy violation(s) on the basis of the preponderance of the evidence.

The Decision-Maker will determine the appropriate sanction(s) in consultation with necessary CNU Administrators and the Director, as stated in Section G below.

The Decision-Maker will provide in writing to the Director the Decision-Maker’s Report detailing the determination, rationale, the evidence used in support of the determination, the evidence disregarded, credibility assessments, and any sanction recommendation(s) within ten (10) business days of the conclusion of the hearing. The Decision-Maker may request an extension. Such extension must be deemed necessary by the Director who will notify the Parties in writing of any extension and expected time frame.

o. Notice of Outcome

The Director will provide the Notice of Outcome in writing to the Parties simultaneously within five (5) business days of receiving the Decision-Maker’s Report by hand-delivery or email to the party’s email account. Once received in-person or emailed, notice is presumed delivered.

The Notice of Outcome will include:

- i. A description of the alleged policy violation(s) and the policy(s) allegedly violated;
- ii. A description of the procedural steps taken by CNU from the receipt of the report/Formal Complaint to the determination, including any and all notifications to the Parties, interviews with the Parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- iii. Finding of each alleged policy violation and the findings of fact that support the determination(s);
- iv. Conclusions regarding the application of the relevant policy to the facts at issue;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- vi. Any sanctions issued that CNU is permitted to share according to state or federal law;
- vii. Any remedies provided to the Complainant designed to ensure access to CNU’s educational or employment programs or activities to the extent CNU is permitted to share according to state or federal law. (This information is normally not shared with the Respondent unless the remedy directly relates to the Respondent.);
- viii. Information on when the Resolution Process is considered final; and
- ix. The procedure and permissible bases for any available appeal for either party.

G. Sanctions

Consequences for violating this policy will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, and any history of past misconduct. Sanctions may include penalties up to and including dismissal for students and termination for employees. In addition to sanctions that may be imposed on an individual found in violation of this policy, CNU will take any necessary steps to prevent the recurrence of any Prohibited Conduct and to remedy discriminatory effects on the Complainant and others, if appropriate. If it is determined that conduct in violation of this policy has occurred, sanctions will be determined as follows:

1. Students: Sanctions for students shall be determined by the Decision-Maker in consultation with the Dean of Students or designee and the Director. Sanctions may include, but are not limited to, disciplinary

penalties described in the Student Handbook which include, but are not limited to, verbal warning, letter of censure, restitution, fees/fines, parental notification, community service, educational experience, loss of privilege/delayed privilege, restriction, deferred sanction, disciplinary probation, removal from CNU housing, suspension, and/or dismissal.

Transcript Notation: If the sanction is suspension or dismissal from CNU for a violation(s) of this policy, the Director shall notify the University Registrar who shall place a prominent notation on the Respondent’s academic transcript reading “*Suspended – Sexual Misconduct*,” “*Dismissed – Sexual Misconduct*,” “*Suspended – Discrimination/Harassment*,” and/or “*Dismissed – Discrimination/Harassment*” depending on the violation.

- a. Such notation for a suspension or a dismissal shall be removed if the Respondent is subsequently found not to have committed the offense.
 - b. Such notation will be removed for a suspension or a dismissal pursuant to University Policy 9045 (Transcript Notation Policy).
2. Administrative/Professional Faculty: Sanctions for Administrative/Professional Faculty shall be determined by the Decision-Maker in consultation with the appropriate Vice President or designee, and the Director. Sanctions may include, but are not limited to, counseling, training, reassignment, admonition, written warning, suspension, or dismissal/termination of employment.
 3. Classified Employees: Sanctions for classified employees shall be determined by the Decision-Maker in consultation with the appropriate Director, the Director of Human Resources, and Director. Sanctions may include, but are not limited to, counseling, training, issuance of a written notice, suspension, or termination of employment.⁵
 4. Hourly Employees: Sanctions for hourly employees shall be determined by the Decision-Maker in consultation with the appropriate Director or designee, the Director of Human Resources, and the Director. Sanctions may include, but are not limited to, counseling, training, reassignment, suspension, or termination of employment.
 5. Instructional Faculty: Sanctions for Instructional Faculty shall be determined by the Decision-Maker in consultation with the Provost and the Director. Sanctions may include, but are not limited to, counseling, training, admonition, written warning, suspension, or termination.⁶
 6. Multiple Capacities: If the Respondent serves in multiple capacities at CNU (i.e., student and employee), the Decision-Maker may consult with more than one CNU authority and the Director.

Sanctions will be implemented either upon the outcome of any appeal or after the time to appeal has expired and no appeal was requested.

All Respondents are expected to comply with sanctions within the timeframe specified. Failure to abide by any sanction may result in additional sanctions/disciplinary actions including suspension, dismissal, and/or termination from CNU.

⁵ The federal regulations adopted for the enforcement of Title IX expressly preempt the Commonwealth of Virginia’s Standards of Conduct Policy and applicable Commonwealth of Virginia personnel procedures, effective August 14, 2020.

⁶ The federal regulations adopted for the enforcement of Title IX expressly preempt the University Handbook procedures regarding Instructional Faculty personnel procedures, effective August 14, 2020.

H. Remedies

Remedies may be provided in addition to any sanctions. The Decision-Maker shall consult with the Director regarding the implementation of remedies with respect to the Parties and/or campus community that are intended to stop the Prohibited Conduct, remedy its effects, and prevent its reoccurrence.

Remedies may include, but are not limited to:

1. Academic arrangements;
2. Housing and dining arrangements;
3. Work-related arrangements;
4. Limitations on extracurricular or athletic activities;
5. No-contact order;
6. Limitations on access to campus, CNU facilities, and CNU events;
7. Referral and coordination of counseling and health services;
8. Referral to the Employee Assistance Program (EAP);
9. Training for students, faculty, and/or staff;
10. Informal counseling with a Respondent whose conduct, if not ceased, could rise to the level of discrimination or harassment;
11. Advisory discussion with the Respondent's supervisor, professor, coach, etc;
12. Any other remedy that may be arranged by CNU (to the extent reasonably available) to ensure the safety and well-being of the Parties and the CNU community.

CNU will maintain the privacy of any remedies, provided privacy does not impair CNU's ability to provide these services.

All Respondents are expected to comply with remedies within the timeframe specified. Failure to abide by them may result in additional sanctions/disciplinary actions including suspension, dismissal, and/or termination from CNU.

When no policy violation is found, the Director may provide supportive measures and/or remedies to the Parties if deemed necessary and reasonable.

I. Appeals

Appeals under this procedure will be heard by an Appeals Officer. Appeals may be filed by either party at the following junctures during the process:

1. Upon the dismissal of a Formal Complaint or any allegation therein.
2. Upon receiving the Notice of Outcome of the hearing.

Once the Notice of Outcome has been provided, both Parties have seven (7) business days from the date notice is hand-delivered to the party or received into the party's email account to file an appeal.

An appeal is available only based on one or more of the following grounds:

1. Procedural irregularity that affected the outcome of the matter; and/or
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
3. The Director, Investigator(s), Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The sufficiency of the evidence and the severity of the sanction are not available as grounds for an appeal.

A request for an appeal must be submitted in writing to the Director and must set forth the grounds upon which the appeal is based and the evidence supporting the appeal. Except for the grounds of newly discovered evidence, an appealing party is prohibited from submitting evidence that was available but not previously submitted to the Investigator or Decision-Maker. If a party files a timely appeal, the Director will promptly notify the other party in writing and provide a copy of the appeal. The non-appealing party may, but is not required to, submit a written response to the Director regarding the appeal within five (5) business days from receipt of the copy of the appeal. At the expiration of the deadline for the non-appealing party's written response, the Director shall confirm that the appeal and written response, if any, is timely and shall forward it and any written response within three (3) business days to the Chief of Staff or designee who shall assign the appeal to the Appeals Officer within five (5) business days of receipt. If an extension beyond five (5) business days is necessary, all Parties will be notified in writing of the expected time frame. The Director will notify the Parties in writing of the date the appeal was assigned for review.

If adequate grounds for appeal have been stated, the Appeals Officer will consider the merits of the appeal. In considering the merits of the appeal, the Appeals Officer may review any pertinent materials in the record and meet with the Parties and witnesses as needed. Any information included in the appeal that does not support one of the above three reasons for fining an appeal shall not be considered in the appeal process.

The decision of the Appeals Officer shall be final. The decision and the rationale for the decision shall be provided in writing to the Director who will then forward it to both Parties simultaneously within twenty (20) business days from the Appeals Officer receiving the appeal. If an extension beyond twenty (20) business days is necessary, all Parties will be notified in writing of the expected time frame.

Notification will be made in writing and may be hand-delivered or emailed into the Parties' email account. Once received in-person or emailed, notice is presumed delivered.

If an appeal is not filed within the appeal period, the findings of the hearing become final and are not subject to further review.

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated. CNU may still place holds on official transcripts, course registration, and graduation (pursuant to University Policy 9055: Conduct Violation – Degree Conferral and Graduation Policy) pending the outcome of an appeal when the original sanctions included suspension or dismissal.

The decision of the Appeals Officer shall be final.

J. Withdrawal or Resignation Before Conclusion of Formal Resolution

If a party decides not to participate in the Formal Resolution, the process may proceed. A finding of responsibility and imposition of sanctions may occur without the participation of the Respondent.

If a student leaves while a Formal Resolution is pending, the investigation may be suspended or may proceed at the direction of the Director, and a finding of responsibility and imposition of sanctions may occur without the participation of the student. If the Formal Resolution is suspended, a "hold" shall be placed on the student's academic record to prevent registration and a prominent notation shall be placed on the student's academic transcript reading "*Under Investigation – Sexual Misconduct*" and/or "*Under Investigation – Discrimination/Harassment*".

If an employee leaves while a Formal Resolution is pending, the investigation may be suspended or may proceed at the direction of the Director, and a finding of responsibility and imposition of sanctions may occur without the participation of the employee.

K. Documentation and Recordkeeping

CNU will maintain for at least ten (10) years records of the following pertaining to matters handled under Process A:

1. Each Title IX Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal law;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to CNU's education programs or activities;
4. Any appeal and the result;
5. Any Informal Resolution and the result;
6. All materials used to train the Director, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution; and
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of Title IX Sexual Harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent;
 - b. Any measures designed to restore or preserve equal access to CNU's education programs and activities; and
 - c. If no supportive measures were provided to the Complainant, the reason(s) why such a response was not unreasonable in light of the known circumstances.

Appendix B: Process B Procedures

A. Scope

These procedures apply to reports of Prohibited Conduct not covered by Process A.

B. Resolution Process

There are two possible methods for resolution of a report alleging violations of this policy: 1) Informal Resolution and 2) Formal Resolution (Investigation). The Director shall explain the Informal Resolution and Formal Resolution procedures to the Complainant and the Respondent, if known.

CNU will make every effort to avoid any actual bias or conflict of interest during the Resolution Process.

Recording of Meetings/Interviews: No unauthorized audio or video recording of any kind is permitted during any meetings and/or interviews where other employee's and/or student's information may be discussed, as it is not permitted. If the Director's Office decides to audio and/or video record any meeting or interview, all involved in the meeting or interview shall be made aware of the recording.

1. Informal Resolution

- a. If the Complainant, Respondent, and the Director all agree that an Informal Resolution should be pursued, the Director shall attempt to facilitate a resolution that is agreeable to the Parties. Under this procedure, the Director will conduct a preliminary investigation only to the extent fact-finding is needed to resolve the conflict and to protect the interests of the Parties, CNU, and the campus community. Both Parties will be permitted to request witnesses to be interviewed by the Director and other evidence to be considered in the preliminary investigation. Typically, Informal Resolution will be completed within thirty (30) business days after both Parties have agreed to Informal Resolution. If an extension beyond thirty (30) business days is necessary, all Parties will be notified of the expected resolution time frame. If at any point during Informal Resolution, the Complainant, Respondent, or the Director wish to proceed with Formal Resolution instead such request shall be granted and every effort will be made to complete Formal Resolution within ninety (90) business days of that decision.

Under Informal Resolution, there is no disciplinary action taken against the Respondent, and the resolution will not appear on the Respondent's disciplinary record.

- b. Any resolution of a report through Informal Resolution must adequately address the concerns of the Complainant, as well as the interests of the Respondent and the responsibility of CNU to prevent, address, and remedy alleged violations of this policy.

Informal Resolution remedies may include the following:

- (1) Training;
- (2) Adjustments to work, academic, or housing arrangements;
- (3) Informal counseling with a Respondent whose conduct, if not ceased, could rise to the level of discrimination or harassment;
- (4) Advisory discussion with the Respondent's supervisor, professor, coach, etc.;
- (5) No-contact order;
- (6) Written notice or written warning; and
- (7) Other actions as deemed appropriate.

All Parties, supervisors, and other necessary parties will be provided written notification of the resolution of the report upon completion of Informal Resolution.

- c. Upon completion of Informal Resolution, the matter is considered resolved and closed. There shall be no right of appeal afforded to the Complainant or the Respondent following Informal Resolution.
- d. If Informal Resolution does not produce an agreement acceptable to the Director, the Complainant, and the Respondent, and the Director determines that further action is necessary, Formal Resolution may be initiated. If a Respondent fails to comply with the terms of Informal Resolution, disciplinary action may be imposed and/or Formal Resolution may be initiated.
- e. If the Complainant or the Respondent withdraws from Informal Resolution or Informal Resolution is otherwise terminated for any reason, any statements or disclosures made by the Parties during the course of the Informal Resolution shall not be considered during the Formal Resolution without the written consent of the Parties.

2. **Formal Resolution (Investigation)**

a. **Initiation of Formal Resolution**

Formal Resolution is commenced when one of the following occurs:

- (1) A Complainant verbally or in writing informs the Director’s Office that someone has engaged in Prohibited Conduct and wants to pursue a Formal Resolution.
- (2) Informal Resolution did not resolve a report of Prohibited Conduct and the Complainant or the Director decides that Formal Resolution is appropriate.
- (3) the Director initiates Formal Resolution based upon a determination that there is a risk to health and/or safety that requires CNU to pursue Formal Resolution to protect the CNU community regardless of the Complainant’s request that no investigation be pursued.

If a Complainant has requested Formal Resolution and the Director has determined that the information available does not provide a reasonable basis/cause for conducting an investigation under the policy or that the policy is not applicable, the Director will notify the Complainant.

- b. **Transcript Hold and Notation:** For alleged violations of this policy when the Respondent is a CNU student, the Director upon the initiation of Formal Resolution shall immediately notify the University Registrar who shall immediately place a “hold” on the student’s academic record to prevent registration or release of an academic transcript.

If the student requests an academic transcript while involved in a Formal Resolution, the University Registrar shall place a prominent notation on the student’s academic transcript reading “*Under Investigation – Sexual Misconduct*” and/or “*Under Investigation – Discrimination/Harassment*” depending on the charges being investigated. It shall also be noted on the academic transcript that the inclusion of this language is not intended to indicate a finding of responsibility for the pending charge but is included to comply with Va. Code §23.1-900.

- c. **Investigation Timeframe:** Every effort will be made to issue a finding and sanctions, if any, within ninety (90) business days after the issuance of the NOIA, excluding any appeal. If an extension beyond ninety (90) business days is necessary, all Parties will be notified in writing of the expected revised time frame.
- d. **Overview of Investigation:** The Director’s Office shall conduct a prompt, thorough, reliable, and impartial investigation of the report. The Director’s Office shall discuss the report with the Complainant and Respondent as appropriate and provide information about Formal Resolution and available resources. The report may be supplemented by additional supporting documents, evidence, or recommendations of witnesses to be interviewed during the course of the investigation. The

Complainant must also disclose if a formal complaint has been filed with another local, state, or federal entity for the same offense.

Notice of Investigation and Allegation(s) (“NOIA”): The Respondent will be provided written notice of the investigation and allegations upon commencement of the investigation. Such notice will be provided in advance of any interview of the Respondent with sufficient time to prepare for meaningful participation. The Complainant will receive a copy of the NOIA. Notice may be hand-delivered or emailed to the party’s email account. Once received in-person or emailed, notice is presumed delivered.

The NOIA will include:

- (1) The identities of the Parties involved (if known);
- (2) The specific section of the policy allegedly violated;
- (3) The precise conduct allegedly constituting the potential violation; and
- (4) The date, or a reasonable approximate date, and location of the alleged incident.

The Director may amend the NOIA as the investigation progresses and more information becomes available regarding the addition of charges.

The Director’s Office shall explain to the Parties that each has the opportunity to provide evidence and to suggest witnesses to be interviewed during the course of the investigation. The Director’s Office will notify and seek to meet separately with the Complainant, Respondent, and witnesses, and will gather other relevant evidence and information. Both the Complainant and Respondent shall have the same opportunity to review and respond to evidence obtained during the investigation. The Complainant and Respondent shall be presented with all of the evidence gathered during the investigation in separate meetings. During these meetings, the Parties will be allowed to respond at that time and shall have five (5) business days after the meeting to provide any further comments and/or information for consideration during the Formal Resolution.

Only the Director, a trained member of the Director’s Office, or a trained investigator assigned to the Director’s Office shall conduct the investigation. All investigations of reports alleging violations of this policy shall be overseen by the Director. If a member of the Director’s Office is found to have an actual bias or conflict of interest in the matter, that person will not be allowed to participate in the Formal Resolution.

Witnesses who are CNU employees are expected to cooperate with and participate in investigations. Failure to cooperate with and/or participate may warrant disciplinary action.

While in-person interviews for Parties and witnesses are ideal, circumstance may require individuals to be interviewed remotely. CNU will take appropriate steps to reasonably ensure the security/privacy or remote interviews.

- e. Presumption of Non-Responsibility and Participation by the Parties: The investigation is a neutral fact-finding process. The Respondent is presumed to be not responsible. This presumption may be overcome only where it is concluded during the investigation that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the Respondent violated the policy. Neither the Complainant nor Respondent is required to participate in the investigation and no adverse inferences may be drawn from a decision by either party not to participate. However, the investigation may proceed and a finding of responsibility and imposition of sanctions may occur without the participation of the Complainant and/or the Respondent.

- f. Acceptance of Responsibility: The Respondent may accept responsibility for the Prohibited Conduct.
- g. Advisor: For reports involving Sexual Misconduct or when the allegations of Prohibited Conduct could result in suspension or dismissal, the Complainant and Respondent may be accompanied by an Advisor or support person of their choice (who is not otherwise a party or a witness) to meetings and interviews at which he or she is present. The Advisor or support person may not speak on behalf of the individual during, or participate directly in, meetings or interviews. The Advisor may be excluded if he or she fails to respect this limitation. Advisors are expected to maintain the privacy of any records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by CNU.

A party may decide to change Advisors during the Formal Resolution. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be obtained.

Advisors are expected to make themselves available for meetings and interviews throughout the Formal Resolution as reasonably scheduled by CNU.

- h. Prior or Subsequent Conduct: Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar conduct. Evidence of a pattern of conduct by the Respondent, regardless of whether there has been a prior finding of a policy violation, may be deemed relevant to the determination of the Prohibited Conduct under investigation.
- i. Prior Sexual History: The sexual history or sexual character of a Complainant or Respondent will not be used to prove character or reputation. Where there is a current or ongoing relationship between the Complainant and Respondent, and the Respondent alleges consent, the prior sexual history between the Parties may be relevant to assess the manner and nature of the communications between the Parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve other questions raised by the report or during the investigation.
- j. Credibility: Discretion exists to assess and make findings that consider the credibility and truthfulness of the Parties and witnesses interviewed.
- k. Relevance: Discretion exists to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait will not be considered.
- l. Standard of Evidence: At the conclusion of the investigation, the Director shall determine whether a preponderance of the evidence substantiates that a violation of this policy occurred. A Respondent will not be found in violation of this policy absent a finding by a preponderance of the evidence that the violation occurred.

The “preponderance of the evidence” standard requires that the evidence, in totality, supports a finding that it is more likely than not that the alleged misconduct occurred.

In determining whether alleged conduct has created a hostile environment that interferes with, limits,

or denies the ability of an individual to participate in or benefit from educational programs, services, opportunities, or activities or the individual's employment access, benefits, or opportunities, the Director shall consider not only whether the conduct was unwelcome to the Complainant, but also whether the conduct was sufficiently severe, pervasive, or persistent and whether a reasonable person similarly situated to the Complainant would have perceived the conduct to be offensive.

- m. **Notification of Outcome and Sanctions:** The Director shall issue a written investigation report, which shall be provided to both the Complainant and the Respondent separately but concurrently with the sanctions, if any, and notification of the right to appeal as stated in Section E below. In most cases the written investigation report shall be provided to both Parties within ninety (90) business days after the issuance of the NOIA. If extension of the time frame for the Director to finalize the investigation report beyond ninety (90) business days is necessary, all Parties shall be notified in writing of the expected time frame for completion of the investigation report. Notice will be made in writing and may be hand-delivered or emailed to the party's email account. Once received in-person or emailed, notice is presumed delivered.
- i. **Finding of No Policy Violation:** If the Director does not find by a preponderance of the evidence that a violation of this policy occurred, the matter will be documented as closed for purposes of this policy, unless the Complainant or the Respondent submits an appeal as stated in Section E below.
- ii. **Finding of Policy Violation:** If the Director finds by a preponderance of the evidence that a violation of this policy did occur, the investigation report shall contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the Complainant and the campus community. The investigation report shall include a recommendation on sanctions. If supportive measures as stated in Section F of the policy are in place, the Director shall include a recommendation regarding continuation, suspension, or modification of any such supportive measures. The Director shall provide the investigation report to both the Complainant and Respondent including the steps the Director has recommended to eliminate a hostile environment, if one was found to exist, and to prevent its recurrence.

Notwithstanding any other provision of this policy, the Respondent shall not be provided information about the individual remedies offered or provided to the Complainant, but such information shall be provided to the Complainant.

The investigation report shall also be provided to the appropriate CNU authority for the determination and imposition of appropriate sanctions as stated in Section C below.

C. Sanctions

Consequences for violating this policy will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, and any history of past misconduct. Sanctions may include penalties up to and including dismissal for students and termination for employees. In addition to sanctions that may be imposed on an individual found in violation of this policy, CNU will take any necessary steps to prevent the recurrence of any Prohibited Conduct, including Sexual Misconduct, and to remedy discriminatory effects on the Complainant and others, if appropriate. If it is determined that conduct in violation of this policy has occurred, sanctions will be determined as follows:

1. **Students:** Sanctions for students shall be determined by the Dean of Students or designee in consultation with the Director. Sanctions may include, but are not limited to, disciplinary penalties described in the Student Handbook which include, but are not limited to, verbal warning, letter of censure, restitution,

fees/fines, parental notification, community service, educational experience, loss of privilege/delayed privilege, restriction, deferred sanction, disciplinary probation, removal from CNU housing, suspension, and/or dismissal.

Transcript Notation: If the sanction is suspension or dismissal from CNU for a violation(s) of this policy, the Director shall notify the University Registrar who shall place a prominent notation on the Respondent’s academic transcript reading “*Suspended – Sexual Misconduct*,” “*Dismissed – Sexual Misconduct*,” “*Suspended – Discrimination/Harassment*,” and/or “*Dismissed – Discrimination/Harassment*” depending on the violation.

- a. Such notation for a suspension or a dismissal shall be removed if the Respondent is subsequently found not to have committed the offense.
 - b. Such notation will be removed for a suspension or a dismissal pursuant to University Policy 9045 (Transcript Notation Policy).
2. Administrative/Professional Faculty: Sanctions for Administrative/Professional Faculty shall be determined by the appropriate Vice President or designee, in consultation with the Director. Sanctions may include, but are not limited to, counseling, training, reassignment, admonition, written warning, suspension, or dismissal/termination of employment.
 3. Classified Employees: Sanctions for classified employees shall be determined by the appropriate Director in consultation with the Director of Human Resources and Director in accordance with the Commonwealth of Virginia’s Standards of Conduct Policy and applicable Commonwealth of Virginia personnel procedures. Sanctions may include, but are not limited to, counseling, training, issuance of a written notice, suspension, or termination of employment.
 4. Hourly Employees: Sanctions for hourly employees shall be determined by the appropriate Director or designee, in consultation with the Director of Human Resources and the Director. Sanctions may include, but are not limited to, counseling, training, reassignment, suspension, or termination of employment.
 5. Instructional Faculty: Sanctions for Instructional Faculty or referral to a Faculty Dismissal Hearing Panel shall be determined by the Provost in consultation with the Director. Sanctions may include, but are not limited to, counseling, training, admonition, written warning, suspension, or initiation of termination proceedings according to procedures in the University Handbook.
 6. Contractors: Contractors shall assign for duty only employees acceptable to CNU. CNU reserves the right to require the Contractor to remove from campus any employee who violates this policy.
 7. Visitors: Visitors who violate this policy will be directed to immediately leave campus and may be subject to a permanent bar from campus.
 8. Multiple Capacities: If the Respondent serves in multiple capacities at CNU (i.e., student and employee), the Respondent may be sanctioned by more than one CNU authority.

The Respondent shall be informed in writing of any sanctions imposed for a violation of this policy at the same time the Respondent receives the investigation report and notice of the right to appeal. The Director shall be provided a copy of such written notification by the person imposing the sanctions. The Director shall disclose to the Complainant separately but concurrently to the notification provided to the Respondent, any sanctions that directly affect the Complainant as permitted by state and federal law including the Federal Educational Rights and Privacy Act (FERPA) and the Virginia Freedom of Information Act along with the investigation report and notice of the right to appeal. The Director also will disclose in writing to the Complainant separately but concurrently to the notification provided to the Respondent, the findings of any investigation involving

Sexual Misconduct, as permitted by state and federal law including FERPA and the Virginia Freedom of Information Act.

All Respondents are expected to comply with sanctions within the timeframe specified. Failure to abide by any sanction may result in additional sanctions/disciplinary actions including suspension, dismissal, and/or termination from CNU.

D. Remedies

Remedies may be provided in addition to any sanctions. The individual determining the sanctions shall consult with the Director regarding the implementation of remedies with respect to the Parties and/or campus community that are intended to stop the Prohibited Conduct, remedy its effects, and prevent its reoccurrence.

Remedies may include, but are not limited to:

1. Academic arrangements;
2. Housing and dining arrangements;
3. Work-related arrangements;
4. Limitations on extracurricular or athletic activities;
5. No-contact order;
6. Limitations on access to campus, CNU facilities, and CNU events;
7. Referral and coordination of counseling and health services;
8. Referral to the Employee Assistance Program (EAP);
9. Training for students, faculty, and/or staff;
10. Informal counseling with a Respondent whose conduct, if not ceased, could rise to the level of discrimination or harassment;
11. Advisory discussion with the Respondent's supervisor, professor, coach, etc;
12. Any other remedy that may be arranged by CNU (to the extent reasonably available) to ensure the safety and well-being of the Parties and the CNU community.

CNU will maintain the privacy of any remedies, provided privacy does not impair CNU's ability to provide these services.

All Respondents are expected to comply with remedies within the timeframe specified. Failure to abide by them may result in additional sanctions/disciplinary actions including suspension, dismissal, and/or termination from CNU.

When no policy violation is found, the Director may provide supportive measures and/or remedies to the Parties if deemed necessary and reasonable.

E. Appeal

Once written notification of the outcome of the Formal Resolution including the investigation and sanctions has been provided, the Complainant and the Respondent have seven (7) business days from the date notice is hand-delivered to the party or received into the party's email account to file an appeal. All appeals will be reviewed and decided by at least one Appeals Officer.

An appeal is available only based on one or more of the following grounds:

1. Procedural irregularity that affected the outcome of the matter; and/or
2. New evidence that was not reasonable available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or

3. The Director and/or Investigator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The sufficiency of the evidence and the severity of the sanction are not available as grounds for an appeal.

A request for an appeal must be submitted in writing to the Director and must set forth the grounds upon which the appeal is based and the evidence supporting the appeal. Except for the grounds of newly discovered evidence, an appealing party is prohibited from submitting evidence that was available but not previously submitted to the Investigator or Decision-Maker. If a party files a timely appeal, the Director will promptly notify the other party in writing and provide a copy of the appeal. The non-appealing party may, but is not required to, submit a written response to the Director regarding the appeal within five (5) business days from receipt of the copy of the appeal. At the expiration of the deadline for the non-appealing party's written response, the Director shall confirm that the appeal and written response, if any, is timely and shall forward it and any written response within three (3) business days of receipt to the Chief of Staff or designee who shall assign the appeal to an Appeals Officer within five (5) business days of receipt. If an extension beyond five (5) business days is necessary, all Parties will be notified in writing of the expected time frame. The Director will notify both Parties in writing of the date the appeal was assigned for review.

If adequate grounds for appeal have been stated, the Appeals Officer will consider the merits of the appeal. In considering the merits of the appeal, they may review any pertinent materials in the record and meet with the Parties and witnesses as needed. Any information included in the appeal that does not support one of the above three reasons for filing an appeal shall not be considered in the appeal process.

Disciplinary actions, sanctions, and/or supportive measures, if any, taken as a result of the original report may be implemented and enforced even while an appeal is pending. The Director may temporarily suspend the imposition of the sanction(s) and/or remedies while the appeal is pending.

The decision of the Appeals Officer shall be final. It shall be provided in writing to the party who filed the appeal and to the Director within ten (10) business days from the Appeals Officer receiving the appeal. If an extension beyond ten (10) business days is necessary, all Parties will be notified in writing of the expected time frame. The non-appealing party shall be notified separately but concurrently of the decision.

Notification will be made in writing and may be hand-delivered or emailed into the Parties' email account. Once received in-person or emailed, it is presumed delivered.

If an appeal is not filed within the appeal period, the findings of the investigation become final and are not subject to further review.

Exceptions to Appeal Process: This appeal process is not available in addition to, or in lieu of, the processes already provided for Instructional Faculty and Classified Employees who are found responsible for a violation of this policy.

F. Withdrawal or Resignation Before Conclusion of Formal Resolution

If a party decides not to participate in the Formal Resolution, the process may proceed. A finding of responsibility and imposition of sanctions may occur without the participation of the Respondent.

If a student leaves while a Formal Resolution is pending, the investigation may be suspended or may proceed at the direction of the Director, and a finding of responsibility and imposition of sanctions may occur without the participation of the student. If the Formal Resolution is suspended, a "hold" shall be placed on the student's

academic record to prevent registration and a prominent notation shall be placed on the student’s academic transcript reading “*Under Investigation – Sexual Misconduct*” and/or “*Under Investigation – Discrimination/Harassment*”.

If an employee leaves while a Formal Resolution is pending, the investigation may be suspended or may proceed at the direction of the Director, and a finding of responsibility and imposition of sanctions may occur without the participation of the employee.

G. Documentation and Record Keeping

The Director shall maintain, in a confidential manner, for at least ten (10) years, paper or electronic files of all complaints and reports, witness statements, documentary evidence, written investigation reports, resolutions, and appeals and associated documents.

SECTION IV
The Honor System

1. The Honor System

The reputation and credibility of an institution of higher education requires the commitment of every member of the community to uphold and to protect its academic and social integrity. As such, all members of the Christopher Newport University community uphold and enforce the following:

The Honor Code

“On my honor, I will maintain the highest standards of honesty, integrity and personal responsibility. This means I will not lie, cheat or steal, and as a member of this academic community, I am committed to creating an environment of respect and mutual trust.”

Under the Honor Code of Christopher Newport University, it is expected that all members of the University community will demonstrate honesty and integrity in their conduct. Intentional acts of lying, cheating, or stealing are violations of the Code that can result in sanctioning.

Each member of the University community is responsible for upholding and enforcing the Honor Code. The Honor System cannot function unless each member of the University community takes action when he or she believes any person may have violated the Honor Code. Members of this University community are obligated to report violations to appropriate University personnel in order to ensure the efficacy of the system.

2. Academic Integrity and the Honor System

The Christopher Newport University Honor System is a compact that binds together every member of the community; it is essential to the liberal arts education of the University. All students, faculty members, and staff are expected to uphold the Honor Code. Our Honor Code requires integrity in every facet of university life, which means community members are honorable in their academic and non-academic endeavors.

A central mission of any university is the student’s acquisition of knowledge. Led by committed faculty members, CNU’s academic standards are high. The awarding of a degree from Christopher Newport University means the student has met the demands placed upon him or her by faculty members and has done so with the highest standards of academic integrity as demanded by professors within the academy. When a student fails to meet the standards for academic integrity, he or she has committed a violation of the classroom expectations of the faculty member as well as the Honor Code of the University.

In situations involving the academic integrity of a student, faculty members and Student Honor Council members hold important but distinct roles in resolving the issue. Faculty members are experienced educators who have demonstrated proficiency in the academic standards of their chosen disciplines. CNU professors have learned and understand the proper scholarly procedures expected of educated people and impart these expectations to their students. Faculty members apply the appropriate scholarly standards in their assessment of a student’s academic work product. This application includes both the quality of the work and the student’s ability to meet the required principles of academic integrity. Thus, it is the faculty member’s responsibility to assess the scholarly integrity of the work submitted. It is also the faculty member’s obligation to issue the appropriate grade for the work in question. Just as it is the faculty member’s charge to issue a grade for the quality of work, it is also his or her responsibility to issue a grade when a student meets, or fails to meet, the expectations of scholarly integrity. When a student has failed to meet academic integrity standards, it is the faculty member’s duty to report this issue.

Our students are entrusted with the solemn responsibility of enforcing the Honor Code of Christopher Newport University. As members of the Student Honor Council, students must determine if a peer has violated the community trust by his or her actions. Using the definitions found in this section, students will decide if a peer’s

behavior in the classroom or outside the academic realm has breached the standards of honor by which all CNU students are expected to lead their lives. When the conduct in question is based in the academic work product of the student, the Student Honor Council will reach a decision independent of the conclusion drawn by the faculty member. While the decision of the faculty member regarding the scholarly integrity of the work and the decision of the Student Honor Council concerning the University's Honor Code are often in agreement, that need not be the case.

In the rare instances when there is not agreement between the faculty member's decision and the judgment of the Student Honor Council, the faculty member's judgment is not negated. It is the prerogative and obligation of the faculty member to grade any assignment received. That duty is a time-honored practice in higher education generally and at Christopher Newport University specifically. Grading responsibility does not fall to the Student Honor Council. Similarly, the faculty role does not include the adjudication of students for honor violations. That determination ultimately rests with the student members of the Student Honor Council.

3. Student Regulations

Learning takes place through individual effort; achievement can be evaluated only on the basis of the work a student produces independently. A student who seeks credit for work, words and ideas that are not the products of the student's own effort is dishonest. Such behavior infringes on the Honor System and can result in academic and university sanctions ranging from a reduced grade on the assignment to dismissal from the University.

Misunderstanding of the Honor System will not be accepted as an excuse for dishonest work. If a student is in doubt on some point with respect to the student's work in a course, he/she should consult the instructor before submitting the work in question.

A violation of any principle is considered cheating and any resulting work dishonest.

The application of these principles is not exclusive to the academic setting. They may also be applied to conduct occurring outside the classroom environment.

a. Infractions

- 1) Lying is the expression of an untruth made with the intent to mislead another or with reckless disregard for the truth of the matter asserted. Lying includes, but is not limited to, forgery, the use of false identification, and the omission of truthful statements.
- 2) Cheating is the act of wrongfully using or taking the ideas or work of another in order to gain an unfair advantage. It includes, but is not limited to: (1) the act of plagiarism*; (2) the acts of attempting to give or giving unauthorized aid to another student or attempting to receive or receiving unauthorized aid from another person on quizzes, tests, assignments, or examinations; (3) the acts of using or consulting unauthorized materials or using unauthorized equipment or devices on tests, assignments, quizzes or examinations; (4) the act of using any material portion of a paper or project to fulfill the requirements of more than one course unless the student has received prior permission to do so; or (5) the acts of intentionally commencing work or failing to terminate work on any examination, test, quiz, or assignment in violation of the time constraints imposed.
- 3) Stealing is the intentional taking or appropriating of the property of another without consent or permission and with the intent to keep or use the property without the owner's or the rightful possessor's permission. Although the prohibition against stealing includes property of whatever nature, it also covers theft of the academic work product of another.

- 4) Plagiarism occurs when a student, with intent to deceive or with reckless disregard for proper scholarly procedures, presents any information, ideas or phrasing of another as if they were his or her own and does not give appropriate credit to the original source.

Students are responsible for learning proper scholarly procedure. Proper scholarly procedures require that, at a minimum, all quoted material be identified by quotation marks or indentation on the page, and the source of information and ideas, if from another, must be identified and be attributed to that source. While any amount of improperly attributed or unattributed material may be sufficient to find plagiarism, a student may be presumed to have acted with intent to deceive or with reckless disregard for proper scholarly procedures when a significant amount of improperly attributed or unattributed material is presented as if it were the student's own work. The faculty member is responsible for drawing a conclusion regarding whether the amount of improperly attributed or unattributed material is so significant that intent may be presumed. When a faculty member has sufficient reason to believe that academic misconduct has occurred, an Honor Council may be convened to determine an appropriate university response to the student's actions. The university response will be in addition to the academic remedy determined by the faculty member.

b. Statement of Principles

1) Basic Policy

A student's name on any assignment is regarded as assurance that it is the result of the student's own thought and study, stated in the student's own words, and produced without assistance, except when quotation marks, references and footnotes acknowledge the use of other sources. In particular, the use of purchased term papers or research for submission as one's own work is expressly forbidden. Utilizing purchased work as one's own work will be considered an indicator of the student's intent to deceive his/her faculty member. In some instances, an instructor or department may authorize students to work jointly in completing assignments, but such efforts must be indicated as joint work on the assignment submitted. Unless permission is obtained in advance from the instructors of the courses involved, a student may not submit academic work for completion of assignments in more than one course. Students who perceive the possibility for an overlapping assignment in courses should consult with the instructors involved before presuming that a single effort will meet the requirements of both assignments.

2) Factual Work

In preparing papers or themes, a student often needs or is required to employ sources of information or opinion. All such sources used should be listed in the appropriate reference format. It is not necessary to reference specific facts that are common knowledge and obtain general agreement. However, facts, observations and opinions which are new discoveries or are debatable must be credited to the source with specific reference to edition and page even when the student restates the matter in his or her own words. Inclusion word-for-word of any part, even only a phrase or sentence, from the written or oral statement of someone else must be enclosed in quotation marks and the source cited. Paraphrasing or summarizing the contents of another's work is not dishonest if the source is clearly identified, but such work does not constitute independent work and may be rejected by the instructor.

3) Laboratory Work and Assignments

Notebooks, homework and reports of investigations or experiments must meet the same standard as all other written work. If any of the work is done jointly or if any part of the experiment or analysis is made by anyone other than the writer, acknowledgement of this fact must be made in the report submitted. It is dishonest for a student to falsify or invent data; doing so will be considered an intent to deceive the faculty member into accepting knowingly inaccurate work.

4) Imaginative Work

A piece of written work presented as the individual creation of the student is assumed to involve no assistance other than the incidental criticism from any other person. A student may not, with honesty, knowingly employ story material, wording or dialogue taken from published work, the Internet, motion pictures, radio, television, lecture or similar sources.

5) Quizzes and Tests

In examinations and quizzes the student is required to respond entirely on the basis of the student's own memory and capacity without any assistance whatsoever except as is specifically authorized by the instructor. It is not necessary under these circumstances to give source references appropriate to other written work unless required by the instructor.

6) Tampering with the Work of Others

Any student who intentionally tampers with the work of another student or a faculty member shall be subject to the same sanctions imposed for other violations of this Honor System. Such tampering includes, but is not limited to:

- a) contaminating the results of scientific experiments by interfering with the conduct of the experiments in any way;
- b) altering or in any way interfering with computer programs used by other students or faculty members in class preparation, simulation games, or otherwise;
- c) altering or attempting to alter any academic or other official records maintained by the University.

4. Academic Misconduct and the Honor Code

Academic misconduct is a serious offense that impacts the university in the following two distinct ways:

- a. It is a direct offense to the faculty member and to the members of the class in which the violation occurred.
- b. It is an affront to the institutional values and purpose of Christopher Newport University's Community of Honor.

Therefore, both the faculty member and the university will review the incident and issue appropriate remedies.

Faculty Response to Academic Misconduct

As stewards of the academic experience of Christopher Newport University students, faculty members are obligated to resolve any suspicions of academic dishonesty. The process undertaken for resolving an alleged academic misconduct issue will be as follows:

A faculty member who suspects that the Honor System has been violated is responsible for investigating the suspected violation in such a manner as to preserve the integrity of the Honor System and not unduly harm the reputation of the suspected violator. Therefore, faculty members will determine if academic misconduct has occurred. Faculty members will make a reasonable effort to resolve any suspicions of academic misconduct in a timely manner, typically within five (5) business days of discovery of the issue.

The faculty member should inform the department chair of a suspected incident of academic misconduct. The faculty member will attempt to confer personally with the student who is suspected of violating the academic standards; this meeting is held, typically within five (5) business days.

Using available evidence and his/her best judgment, the faculty member will draw a conclusion regarding whether or not the student's actions or his/her submitted work, or any portion thereof, constitute academic misconduct. In cases where the faculty member has sufficient reason to find academic misconduct has occurred, he/she will issue an appropriate academic remedy. Faculty members may use discretion in issuing academic remedies. Examples of academic remedies include, but are not limited to, the following:

- 1) The faculty member may assign a grade of *F* for the course to the student with a notation to the confidential University file of that student that the grade of *F* was for academic misconduct of the Honor Code. This determination requires a letter of notification to the department chair and the Center for Honor Enrichment & Community Standards signed by the professor stating the reason for the assigned grade of *F*. This letter will be placed in the student's permanent file.
- 2) The faculty member may assign a grade of *F* to the student for the work in question, which would be averaged into the student's other grades. A letter of notification indicating academic misconduct has occurred shall be signed by the professor and sent to the department chair and the Center for Honor Enrichment & Community Standards for placement in the student's permanent file.
- 3) The faculty member may reduce the grade he/she would otherwise assign to the work in question. A letter of notification indicating academic misconduct has occurred shall be signed by the professor and sent to the department chair and the Center for Honor Enrichment & Community Standards for placement in the student's permanent file.

If a faculty member determines misconduct occurred he/she will notify the student. Additionally, the faculty member must inform the Center for Honor Enrichment & Community Standards of the violation and report the academic remedy assigned. This notification shall be sent typically within five (5) business days of determination of responsibility.

Should a student be found responsible for academic misconduct by a faculty member and choose not to accept responsibility for the academic misconduct, the student's recourse for the academic remedy is to challenge the course grade at the end of the semester following the standard grade appeal process. The student may pursue the grade appeal process only when his/her final grade has been impacted. For specific information regarding the grade appeal procedure, please refer to Section VI, 10 of the University Handbook. In a parallel process, the Center for Honor Enrichment & Community Standards shall initiate a university review of the incident.

In the event no university sanctions are applied, the faculty member's determination of an academic violation and his/her subsequent academic remedy will be the final step in the process. The student may pursue the grade appeal process only when his/her final grade has been impacted. The decision of the grade appeal will be the final step in the process.

University Response to Academic Misconduct

When the Center for Honor Enrichment & Community Standards has been notified of an academic violation, it is the Center's responsibility to determine if a violation of the Honor Code occurred and if so, what, if any University sanctions apply.

The student has the option of accepting the sanction or having the Honor Council review the decision. When the Honor Council reviews the case, it will be responsible for determining if a violation of the Honor Code has occurred, and if so, it will recommend appropriate University remedies, in addition to the academic remedy issued by the faculty member. In addition to determining the student's continued enrollment status,

educational and reflective sanctions may be applied in an effort to ensure that future violations of the Honor Code do not occur.

In order for a student to be found responsible for a University Honor Code violation by the Honor Council, the panel must reach a unanimous decision. In the event a panel does not reach a unanimous decision no university violation will exist and no university sanctions will apply.

Students may only appeal the Honor Council's decision to the Vice President of Student Affairs/Dean of Students on the grounds that a due process violation occurred or new information exists that would have influenced the Honor Council's decision.

For specific information regarding Honor Council procedures, please refer to the Student Handbook at: http://cnu.edu/public/studenthandbook/_pdf/studenthandbook.pdf.

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SECTION V
Academic Catalog

The University Catalog may be obtained on the CNU website under *Catalogs and Handbooks*.

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SECTION VI
Academic Regulations and Information

The academic programs, procedures, and criteria described in this section apply only to matters that are generated from within the University's academic structure. This section does not apply to the actions of agencies or authorities outside the University that are empowered to establish requirements and initiate actions which may affect the University's programs, procedures, or criteria.

1. Roles

The instructional faculty, in collaboration with the provost, vice provost, **associate** provost for research and dean of graduate studies, **associate provost for assessment and accreditation** and academic deans, assume primary responsibility for the University's curriculum, as well as policies and procedures pertaining to the curricular process. Their roles in the curricular process are as follows (see also Section XIX on Academic Standing Committees for committee composition and responsibilities in addition to curriculum):

- a. Provost: The provost provides leadership for developing and implementing the University's academic vision. The provost or designee (1) liaises with the president and Board of Visitors regarding academic affairs, inclusive of curriculum; (2) receives and acts upon recommendations from the Undergraduate Academic Program Review Committee (PRC) in collaboration with the vice provost, **associate** provost for research and dean of graduate studies, **associate provost for assessment and accreditation**, academic deans and Faculty Senate; and (3) provides independent review of proposals approved by the Graduate Council and Undergraduate Curriculum Review Committee and maintains veto power over these.
- b. Graduate Council (GC): The GC includes graduate faculty and the **dean** of graduate studies. The GC reviews and makes decisions regarding proposals for curricular changes at the graduate level, and maintains all graduate-level curricular proposal forms. In conducting its reviews, the GC focuses primarily on resources, university policies and policies determined by external agencies, disciplinary best practices and department/program-level learning goals.
- c. Undergraduate Academic Program Review Committee (PRC): The PRC evaluates degree program offerings of the University for curriculum alignment and outcomes on a six-year cycle and makes recommendations to the Provost and Dean **on program continuation/discontinuation, program related resource (re)allocation, and curricular modification** within individual programs based on departmental, college and university missions.
- d. Undergraduate Curriculum Review Committee (CRC): The CRC includes instructional faculty from all four academic areas, the academic deans, the vice provost (non-voting) and the University registrar (non-voting). The CRC reviews and makes decisions and recommendations regarding proposals for curricular changes at the undergraduate level, oversees policies and procedures pertaining to the curricular process, and maintains all undergraduate-level curricular proposal forms. In conducting its reviews, the CRC focuses primarily on resources, university policies, policies determined by external agencies, and university-wide curricular coherence.
- e. Liberal Learning Council (LLC): The LLC provides oversight for the core, proposes changes to the core, and reviews course proposals for core inclusion. The LLC conducts cyclical reviews of the core with a focus on resources as well as academic content, prepares written recommendations for the CRC and annual reports to the Faculty Senate.
- f. University Writing Council (UWC): The UWC reviews new course proposals and recertifications for Writing Intensive courses with a focus on best practices for teaching writing, and makes recommendations regarding the writing curriculum (ENGL 123, 223; writing intensive courses).

- g. International Studies Advisory Committee (ISAC): ISAC reviews proposals for CNU-led study away courses, both foreign and domestic, with a focus on academic best practices for study abroad and practical issues related to travel and instruction outside the classroom; and reviews proposals that enhance the internationalization of the curriculum.
 - h. College Curriculum Committees: The college curriculum committees review proposals with a focus on college-level curricular coherency and resources.
 - i. Academic Departments: Academic departments develop proposals with a focus on disciplinary best practices and department/program-level learning goals and resources.
 - j. Interdisciplinary Minor and Major Program Directors, Non-degree-bearing Program Directors (Established Curricula and Programs Listed Separately in the *Undergraduate Catalog*): These directors develop proposals with a focus on academic best practices, program-level learning goals and resources.
 - k. Interdisciplinary (IDST) Major Program Director (Individualized Programs of Study): The director works in consultation with faculty from other disciplines, as needed, to guide students in developing academically sound individualized programs of study and to approve IDST courses other than those proposed by Interdisciplinary minor and major program directors or Task Forces.
 - l. Task Force: The provost and academic deans may create task forces to develop curricular proposals. A faculty member must chair the Task Force, and faculty members must hold the majority of seats on a task force.
2. Responsibilities
- a. Department Chair/Program Director: The director or chair schedules and leads meetings, and ensures compliance with policies and procedures.
 - 1) The director or chair assumes the duties of a secretary for reviewing bodies lacking secretaries.
 - b. Secretary: The secretary records meeting minutes, where applicable; responds to communications from all reviewing bodies and sends follow-up materials as appropriate; and communicates outcomes in writing, along with justifications, to all relevant reviewing bodies and the assistant to the provost.
 - c. Members of Reviewing Bodies: Members must discharge the duties assigned to the group, ensure that their constituents are fully informed of discussions and decisions, and afford their constituents the opportunity to provide feedback on discussions and decisions or bring issues to the attention of the group.
 - d. Faculty Sponsors: The faculty sponsor for a proposal attends meetings at which the proposal will be discussed to respond to questions and/or negotiate details, and helps facilitate communication between reviewing bodies and the sponsoring faculty group. Faculty sponsors can negotiate minor recommendations and provide clarifications at the CRC-level prior to voting.
3. Criteria Governing Major Changes to the Curriculum
- a. Establishing and Maintaining Curricula
 - 1) academic integrity;
 - 2) consistency with the University's mission;
 - 3) enrollment projections;
 - 4) needs of the University's service area;
 - 5) financial feasibility; and
 - 6) availability of instructional faculty personnel.
 - b. Reorganizing and Discontinuing Curricula

- 1) centrality to the mission of the University;
 - 2) community and student demand;
 - 3) program management;
 - 4) program quality; and
 - 5) financial viability.
4. Curricular Process and Procedures: Graduate Curriculum; Liberal Learning Core; Departmental and Interdisciplinary Undergraduate Major Programs, Minor Programs, and Courses
- a. Timeliness: Timeliness of action is required of all participants to ensure that external deadlines and the needs of the University are met.
 - b. Forms
 - 1) The GC maintains all curricular proposal forms for the graduate curriculum, makes them available through the GC website and updates them as needed.
 - 2) The CRC maintains all curricular proposal forms for the undergraduate curriculum, makes them available through the CRC website and updates them as needed.
 - 3) All proposal forms must include sections for outcomes with written justifications from all reviewing bodies as well as responses to outcomes from the sponsoring faculty group.
 - 4) All proposal forms must include a section where academic deans or the **dean** of graduate studies, as appropriate, can indicate that a consultation with the sponsoring faculty group took place prior to the initiation of the review process. Some proposals may require multiple signatures.
 - 5) The assistant to the provost for academic affairs ensures that proposal forms are electronically routed through the correct levels of review as delineated below, and grants access to the electronic workflow management system to all program directors, department chairs and reviewing bodies.
 - c. Record-Keeping
 - 1) Committee chairs or committee secretaries, as indicated above in *Responsibilities* record all outcomes with justifications on the proposal form.
 - 2) Program directors, academic department chairs and task force chairs record all responses to outcomes at the CRC level on the proposal form.
 - 3) The provost records vetoes of GC and CRC decisions with justifications on the proposal form.
 - 4) At the end of the process, the Assistant to the provost stores proposal forms indicating outcomes with justifications at each level of review, as well as all accompanying materials, in the Provost's Office.
 - d. Initiation of Process
 - 1) All proposals originate with the instructional faculty group that bears primary responsibility for the curriculum or course, inclusive of academic departments, interdisciplinary program directors, the LLC and task forces. This group is heretofore called the *sponsoring faculty group*.
 - 2) The sponsoring faculty group obtains the appropriate proposal form(s) from the GC or CRC website and completes the form(s) in full.
 - 3) The sponsoring faculty group submits the completed proposal form(s) electronically to the dean or graduate program director, as appropriate, and copies the assistant to the provost for academic affairs.
 - 4) The dean/director must sign the form within ten business days of its submission during the fall and spring semesters. The dean/director must sign forms submitted during the winter or summer break by the tenth business day of the next semester. The signature indicates that the dean/director has been notified of the proposed changes; it does not indicate support or non-support. If the proposal seeks to initiate or eliminate a degree program, the Dean/Director must submit a completed *Substantive Change Checklist Form* to the SACSCOC Liaison.
 - 5) The sponsoring faculty group submits the signed proposal(s) electronically to the assistant to the provost for academic affairs.
 - 6) The assistant to the provost for academic affairs uploads the proposal and all accompanying materials to the electronic workflow management system and submits it to the first level of reviewers.

- e. Levels of Review by Proposal Type: See the section below on *Levels of Review by Proposal Type*.
- f. Policies and Procedures Governing Reviewing Bodies
 - 1) All reviewing bodies, with the exception of the Graduate Council
 - a) The chair and, where applicable, secretary must be instructional faculty members who are elected by simple majority among all voting members.
 - b) Electronic attendance, e.g., via Skype, FaceTime, will be permitted.
 - c) All voting members may vote via proxy. Proxies must be committee members and must notify the committee chair that they intend to serve as a proxy prior to voting.
 - d) A quorum of 2/3 voting members is necessary for voting. The quorum must include representatives from each academic area as specified in the description of each reviewing body's membership. A quorum on the CRC must also include representation from the academic deans. Proxies do not count toward the 2/3 quorum.
 - e) Names will be recorded for votes.
 - 2) CRC only
 - a) The CRC must set its meeting schedule and proposal submission deadlines prior to graduation during the preceding academic year.
 - b) Proposals will be made available to the instructional faculty for review one week prior to each CRC meeting via the intranet. Comments may be directed to CRC members.
 - c) The Faculty Senate will break ties. Senators serving concurrently on the CRC may not vote on ties.
 - d) Thorough minutes will be kept.
 - e) The provost will receive copies of the minutes.
 - f) The CRC must meet at least once per month during the fall and spring semesters and finish its agenda by the end of the spring semester.
- g. Possible Review Outcomes at All Levels
 - 1) The potential outcomes of review at any level are:
 - a) approve;
 - b) approve with minor recommendations;
 - c) return to sponsoring faculty group for clarification and/or revision;
 - d) deny.
- h. Actions Taken Upon the Initial Review at All Levels Below CRC
 - 1) *Approve*: The proposal moves to the next level of review and the reviewing body notifies the sponsoring faculty group of the outcome.
 - 2) *Approve with Minor Recommendations*: The proposal moves to the next level of review. The reviewing body notifies the sponsoring faculty group of the outcome and provides a written justification for the recommendations.
 - 3) *Return to Sponsoring Faculty Group for Clarification and/or Revision*: The reviewing body returns the proposal to the sponsoring faculty group with a written explanation for the clarification and/or revision.
 - 4) *Deny*: The reviewing body returns the proposal to the sponsoring faculty group with a written justification for the denial.
- i. Responses by Sponsoring Faculty Groups to Initial Outcomes at All Levels Below CRC (see also below on *Communicating Responses*)
 - 1) *Approved*: The proposal moves to the next level of review. No response from the sponsoring faculty group is required.
 - 2) *Approved with minor recommendations*: The sponsoring faculty group receives notification of the outcome with a written justification, and the proposal moves to the next level of review. No response from the sponsoring faculty group is required at this stage in the process; the sponsoring faculty group

- will have an opportunity to respond at the CRC level.
- 3) *Returned to sponsoring faculty group for clarification and/or revision:*
 - a) If returned to the sponsoring faculty group for clarification only, the sponsoring faculty group will then decide whether to provide clarification and resubmit or withdraw the proposal.
 - b) If returned to the sponsoring faculty group for revision (with or without clarification), the sponsoring faculty group will then decide whether to submit a revised proposal, submit a written rebuttal to the proposed revisions, or withdraw the proposal.
 - 4) *Denied:* If denied, the proposal returns to the sponsoring faculty group with written justification. The sponsoring faculty group may choose to withdraw the proposal, revise the proposal and resubmit, or write a rebuttal to the denial and return the proposal to the body that issued the denial.
- j. Addressing Responses by Sponsoring Faculty Groups at All Levels Below CRC (*see also below on Communicating Responses*) If a proposal was returned to the sponsoring faculty group, the reviewing body acts as follows upon receipt of the sponsoring faculty group's decision:
- 1) *Withdrawal:* The process ends.
 - 2) *Clarification Provided:* The reviewing body approves, approves with minor recommendations, recommends revision, or denies, then proceeds accordingly.
 - 3) *Revisions Provided:* The reviewing body approves, approves with minor recommendations, or denies, then proceeds accordingly.
 - 4) *Rebuttal:* The reviewing body either approves (reversing its original decision) or denies, then moves the proposal to the next level of review.
- k. Actions Taken upon Initial Review at the CRC-Level
- 1) The CRC reviews all recommendations from the lower levels, reconciles differing outcomes and produces a final outcome:
 - a) *Approved:* The proposal moves to the Provost for final review and approval. No response from the sponsoring faculty group is required.
 - b) *Approved with minor recommendations:* The proposal sponsor may negotiate these at the CRC meeting during which the proposal is discussed. The sponsoring faculty group receives notification of the outcome with a written justification, and the proposal moves to Provost for final review and approval.
 - c) *Returned to sponsoring faculty group for clarification and/or revision:*
 - (1) If returned to the sponsoring faculty group for clarification only, the sponsoring faculty group will then decide whether to provide clarification and resubmit or withdraw the proposal.
 - (2) If returned to the sponsoring faculty group for revision (with or without clarification), the sponsoring faculty group will then decide whether to submit a revised proposal, submit a written rebuttal to the proposed revisions, or withdraw the proposal.
 - 2) *Denied:* If denied, the proposal returns to the sponsoring faculty group with written justification. The sponsoring faculty group may choose to accept or appeal the decision.
- l. Possible Responses by Sponsoring Faculty Groups to Outcomes at CRC-Level and CRC Final Decision (*see also below on "Communicating Responses"*)
- 1) *Denied:* The process ends, unless the sponsoring faculty group decides to pursue an appeal.
 - 2) *Approved with conditions:* The proposal returns to the sponsoring faculty group with written justification. The sponsoring faculty group will then decide whether to accept the conditions, submit a written rebuttal to the conditions, or withdraw the proposal. If the sponsoring faculty group accepts the conditions or submits a written rebuttal, the CRC reviews the response and makes a final decision either to approve or deny.
 - 3) *Return to sponsoring faculty group for clarification and/or revision:*
 - a) If returned to the sponsoring faculty group for clarification, the sponsoring faculty group will then decide whether to submit clarifications or withdraw the proposal. If the sponsoring faculty group submits clarifications, the CRC approves, recommends revision, or denies, then proceeds

- accordingly.
- b) If returned to the sponsoring faculty group for revision, the sponsoring faculty group will then decide whether to submit a revised proposal, submit a written rebuttal to the revisions, or withdraw the proposal. If the sponsoring faculty group submits a revised proposal or written rebuttal, the CRC reviews the response and makes a final decision either to approve or deny.
- 4) *Approved*: The proposal moves to the provost.
 - 5) *Tied Vote*: The Faculty Senate will break tied votes on the CRC. The voting options are approved or deny. If denied, justification is provided for the decision, the process ends, and all reviewing bodies are informed of the outcome. If approved, all reviewing bodies are informed of the outcome and the proposal moves to the provost.
- m. Appeal of a CRC Denial
- 1) In the instance that the CRC votes to reject a proposal, the minority may choose to request an appeal to the full CRC and Provost under specific circumstances:
 - a) A full college delegation (i.e. dean plus faculty members) who are members of the voting minority with the support of the sponsoring department may request an appeal; or
 - b) Five members of the voting minority with the support of the sponsoring department may request an appeal.
 - 2) In either of these circumstances, a representative of the minority requesting the appeal (hereafter the requesting party) informs the chair of the CRC within ten (10) business days of the original vote with the names of the minority requesting the appeal.
 - 3) The appeal process is as follows:
 - a) The requesting party writes a rebuttal to the CRC in conjunction with the sponsoring department.
 - b) The CRC and provost meet to hear the appeal of the requesting party. The requesting party along with appropriate faculty sponsors present the appeal for consideration.
 - c) The Provost determines the outcome of the appeal, providing one of the three options.
 - (1) Approve the proposal as contained in the appeal as presented by the requesting party.
 - (2) Approve the modified proposal contingent upon the conditions set by the.
 - (3) Deny the proposal contained in the appeal.
- n. Communicating Outcomes and Responses at All Levels Through CRC
- 1) Program directors, committee chairs or committee secretaries, as indicated above in *Responsibilities*, record all initial outcomes with justifications on the proposal form and return the form to the sponsoring faculty group.
 - 2) Program directors, academic department chairs and task force chairs communicate initial outcomes to the members of their sponsoring faculty group. For outcomes other than approve and approved with minor recommendations, program directors, academic department chairs and task force chairs discuss the outcome with the group, record the group's response to the outcome on the proposal form, and return the proposal form to the chair/secretary of the reviewing body.
 - 3) The chair/secretary of the reviewing body shares the sponsoring faculty group's response with the reviewing body, which then considers the amended proposal.
 - 4) The chair/secretary of the reviewing body shares the reviewing body's outcome, or in the case of the CRC the final decision, with all lower reviewing bodies and the sponsoring faculty group.
- o. Provost Review
- 1) The provost reviews only proposals approved by the GC and CRC.
 - 2) The provost reviews the completed proposal form and all accompanying materials in conjunction with the relevant GC or CRC meeting minutes.
 - 3) If any outcome other than approval appears warranted, the provost first consults with the GC or CRC and the proposal sponsor and then makes a final decision.
 - 4) The provost's decision and written justification are added to the proposal form, the provost or designee communicates the decision to all reviewing bodies and the sponsoring faculty group, and the process

ends.

5. Levels of Initiation and Subsequent Levels of Review by Proposal Type

a. Task Force

- 1) Task force (must initiate proposal)
- 2) Participating departments, each upon consultation with the appropriate college dean
- 3) Participating college curriculum committees
- 4) Relevant academic standing committees, as appropriate, in this order: ISAC, UWC, Honors, LLC
- 5) CRC
- 6) Provost (CRC-approved proposals only)
 - a) Initiating and eliminating degree programs must also be approved by the President, SCHEV and SACSCOC (see below under SCHEV and SACSCOC)

b. Graduate Curriculum

- 1) Change to Existing Courses
 - a) Graduate program (must initiate proposal)
 - b) Graduate program director
 - c) Applicable Dean(s)
 - d) **Dean** of Graduate Studies
 - e) Graduate Curriculum and Planning Committee
 - f) Graduate Council
 - g) Provost (GC-approved proposals only)
- 2) All other curriculum proposals
 - a) Graduate program (must initiate proposal)
 - b) Graduate program director, upon consultation with the **dean** of graduate studies
 - c) Graduate Curriculum and Planning Committee
 - d) Graduate Council
 - e) Provost (GC-approved proposals only)
 - 1) Initiating and eliminating degree programs must also be approved by the President, BOV, SCHEV and SACSCOC (see below under SCHEV and SACSCOC)

c. Departmental major, minor, courses

- 1) Department (must initiate proposal), upon consultation with the Dean
- 2) Department's college curriculum committee
- 3) Relevant academic standing committees, as appropriate, in this order: ISAC, UWC, Honors, LLC
- 4) CRC
- 5) Provost (CRC-approved proposals only)
 - a) Initiating and eliminating degree programs must also be approved by the president, BOV, SCHEV, and SACSCOC (see below under SCHEV and SACSCOC)

d. Program Modifications That Affect Multiple Colleges

- 1) Interdisciplinary program directors or department chairs (must initiate proposal)
- 2) Relevant affected departments, each upon consultation with the appropriate college dean
- 3) Relevant affected college curriculum committees
- 4) Relevant academic standing committees, as appropriate, in this order: ISAC, UWC, Honors, LLC
- 5) CRC
- 6) Provost (CRC-approved proposals only)

e. Interdisciplinary major degree requirements (Individualized Programs of Study)

- 1) Interdisciplinary major program director
- 2) Supervising faculty committee

f. Liberal Learning Core

- 1) Changes to the core requirements
 - a) LLC (must initiate proposal)
 - b) All academic departments
 - c) All college curriculum committees
 - d) CRC
 - e) Provost (CRC-approved proposals only)
 - f) Development of a new Liberal Learning Core curriculum requires approval by SACSCOC, as defined by the SACSCOC policy on Substantive Change for Accredited Institutions of the Commission on Colleges. Applicable SACSCOC forms and supporting documentation must be submitted in advance of implementation.
- 2) Addition/deletion of existing courses in the core and addition of new courses to the core
 - a) Sponsoring department (must initiate proposal)
 - b) Department's college curriculum committee
 - c) LLC
 - d) CRC
 - e) Provost (CRC-approved proposals only)

g. Honors Program

- 1) Courses
 - a) Honors **Faculty**
 - b) Provost or designee
- 2) Program
 - a) Honors **Faculty**
 - b) CRC
 - c) provost (CRC-approved proposals only)

h. Writing Intensives

- 1) The creation of new courses with a WI designation
 - a) Departmental Program
 - (1) department (must initiate proposal)
 - (2) department's college curriculum committee
 - (3) UWC
 - (4) CRC
 - (5) provost (CRC-approved proposals only)
 - b) IDST prefix
 - (1) interdisciplinary program directors (must initiate proposal)
 - (2) relevant affected departments
 - (3) relevant affected college curriculum committees
 - (4) UWC
 - (5) CRC
 - (6) provost (CRC-approved proposals only)
- 2) Recertifications and the addition and deletion of a WI designation for existing courses
 - a) Departmental program
 - (1) department (must initiate proposal)
 - (2) UWC
 - (3) CRC
 - (4) provost (CRC-approved proposals only)
 - b) IDST prefix
 - (1) interdisciplinary minor program directors (must initiate proposal)
 - (2) participating department(s)

- (3) UWC
 - (4) CRC
 - (5) provost (CRC-approved proposals only)
- i. Study Abroad: CNU Faculty-led Programs and Courses
 - 1) department(s) (must initiate proposal)
 - 2) **study abroad office**
 - 3) dean(s) of relevant college(s)
 - 4) ISAC
 - 5) provost (CRC-approved proposals only)
6. State Council of Higher Education for Virginia (SCHEV)
 - a. SCHEV must approve the addition of a degree program prior to implementation. SCHEV requires notification when degree programs are eliminated. Specified state forms and supporting documentation must be submitted in advance of implementation.
 7. Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)
 - a. SACSCOC must approve the addition of a degree program prior to implementation if it constitutes a significant departure from current programs, as defined by the SACSCOC policy on Substantive Change for Accredited Institutions of the Commission on Colleges. SACSCOC requires notification and approval prior to the elimination of any programs. Applicable SACSCOC forms and supporting documentation must be submitted in advance of implementation.
 8. Definition of credit hour, major, minor
 - a. Federal regulations define a credit hour as an amount of academic work that reflects intended learning outcomes and is verified by evidence of student achievement. The State Council of Higher Education (SCHEV) defines a credit hour as a unit representing an hour or 50 minutes, of instruction over a 15-week period in a semester system. In accordance with federal and state regulations, the institution has established the following definitions of a credit hour based on mode of instruction:
 - 1) Lecture course credits: One credit hour is assigned to a course that meets for a 50-minute period once a week for 14 weeks (700 contact minutes), plus a final exam period. A 3-credit course must meet for 2100 contact minutes. A MWF course during the regular term (14 weeks) would meet for 42 50-minute sessions. A TR course during the regular term would meet for 28 75-minute sessions. Any other configuration (such as during the summer terms) must preserve the 700 contact minutes per each credit awarded, plus a final exam period. The expectation is that students will do an average of two hours per week of homework and preparation outside of class for each contact hour.
 - 2) Laboratory course credits: One credit hour may be assigned to a laboratory that meets a minimum of two hours per week for 14 weeks (or the equivalent), provided that significant preparation outside of class (homework) is required. If no homework is required, the lab must meet four hours each week to earn one credit. Exceptions to this formula are rare and will be considered on a case-by-case basis.
 - 3) Other academic activities (Internships, practica, studio work, etc.) credits. One credit hour represents the equivalent amount of work as established in the above paragraphs.
 - 4) Distance Education credits. One credit hour represents not less than a reasonable equivalent of 50-minutes of faculty instruction and an expectation of a minimum of two hours of additional student work each week for 14 weeks, plus a final exam period. The equivalent amount of work is required for other online academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

Academic departments and colleges offering course credit are required to ensure compliance with federal and state regulations governing credit hours. In particular, the department head and the academic dean of the course offering subject will be accountable for all qualitative aspects of distance education offerings as well as assuring the standards for awarding credit are consistent for credit that must be met by all students in all instructional modalities.

b. Definition of a Major

A major must consist of a minimum of 30 semester hours and a maximum of 42 semester hours in the discipline. Introductory (100- and 200- level) courses need not be counted in the 42-hour maximum requirement, at the discretion of the department housing the major. Although a student may take more than 42 hours in the major field, a department may not require more than this number unless the University has approved an exception for the program as in instances where accreditation may require more hours.

c. Definition of a Minor

The minor must include from 15 to 21 credit hours of course work above the 100-level, as determined by the department of the minor field.

Approval Procedures for Undergraduate Curricular Changes

Steps in Procedure										
Change or addition	Department	College Curriculum Committee	ISAC/ UWC/ HONR/ LLC	CRC	Faculty Senate (for breaking ties only)	Provost	President	BOV	SCHEV	SACSCOC
Major Changes to Academic Program										
Initiate/Eliminate Academic Degree (Section 5.C)	1	2	3	4	5	6	7	8	9	10
Initiate or Eliminate Majors under Degrees with Multiple Majors: Initiate or Eliminate Concentration Under Major (Section 5.C)	1	2	3	4	5	6				
Change to Liberal Learning Core Requirements (Section 5.F)	2 (all depts)	3 (all colleges)	1 (LLC)	4	5	6				10 (see 5.f.6.)
Changes to Courses in Liberal Learning Foundation										
Creating/Deleting courses (5.F.ii)	1	2	3 (LLC)	4	5	6				
Non-Major Changes to Program										
Adding Courses, Establishing Minors (Section 5.C)	1	2	3	4	5	6				
Internal Adjustments to Degree Programs (majors, concentrations, minors) (Section 5.C) Other than major changes*	1	2	3	4	5	6				
Creating Writing Intensive Courses (Section 5.H.i.1)**	1	2	3 (UWC)	4	5	6				
Recertification and deletion or addition of WI designation for existing courses (Section 5.H.ii.1)***	1	2	3 (UWC)	4	5	6				
Other										
Honors Courses (Section 5.g.i)			1 Honors Council)			2 (or designee)				
Changes to Honors Program (Section 5.g.ii)			1 (Honors Council)	2		3 (CRC approved proposals only)				

*Changes to interdisciplinary major and minor degree requirements and IDST courses included in the major/minor (non-degree bearing programs) must be initiated by the relevant Interdisciplinary Program director.

**For Writing Intensive courses with an IDST prefix, see Section 5.H.i.2.

***For courses with an IDST prefix, see Section 5.H.ii.2.

9. Distribution and Core Courses

The undergraduate curriculum of the University is built upon a core of liberal studies defined by the Liberal Learning Foundation and Area of Inquiry requirements. This liberal arts core assures that each student is introduced to a broad base of general studies upon which one can specialize.

10. Grade Appeal Procedure

The purpose of this policy is to ensure students and instructional faculty members are afforded due process and fair treatment when a student wishes to appeal a final course grade.

a. Informal Discussion

The student discusses the course grade with the relevant instructor. Should resolution not be reached, the student moves to the Formal Appeal process outlined below.

b. Formal Appeal

- 1) The student files a formal, written appeal of the course grade with the chair of the relevant department. Students must file no later than the third week of classes of the fall semester to appeal spring and summer grades, no later than the third week of classes of the spring semester to appeal fall semester grades.
- 2) In cases where the instructor whose grade is being appealed is the department chair, the faculty member of the department (other than the department chair) who is senior in terms of years of membership on the University faculty assumes the duties of the department chair.
- 3) The student may obtain copies of the form "Student Appeal of a Course Grade" from the Registrar's Office.
- 4) Two copies of the completed appeal form and other evidence are submitted to the department chair, who sends one copy to the instructor within two academic days of its receipt. The student should keep a third copy of the completed form and submissions for the student's own records.
- 5) The evidence submitted by the student is offered to substantiate the claim that an incorrect grade has been registered by the instructor. Such evidence might include any or all of the following plus other material deemed appropriate and relevant by the student:
 - a) course syllabus and other written guidelines relevant to the course and assignments;
 - b) evaluated written assignments or tests;
 - c) written evaluation of the student's oral or skill performance.
- 6) The instructor, upon receipt of the copy of the "Student Appeal of a Course Grade" form and evidence, may submit any relevant documentation to substantiate the grade. A copy of this evidence is forwarded to the student within five (5) academic days of its receipt.
- 7) The student and department chair will discuss the case set forth by the student and the evidence supporting the grade appeal.
- 8) The department chair will discuss the appeal with the instructor. It is the student's responsibility to show that the student has earned a grade other than that submitted on the grade sheet to the Registrar's Office.
- 9) The department chair makes a decision based on all evidence and documentation and communicates that decision in writing to both instructor and student within three academic weeks of the date the *Appeal Form* is filed.
- 10) The decisions which can be made by the department chair are either to deny the appeal of the student or to forward the appeal to the appropriate academic dean with a recommendation that a three-member

departmental review panel* be appointed by the dean to review the challenge of the student as set forth on the form with accompanying evidence, and to render a written recommendation.

- 11) If the department chair denies the appeal, the student retains the right to request a departmental review panel*. A request for a review panel must be submitted, in writing, to the appropriate dean within ten academic days of receipt of notification of the department chair's decision.
- 12) Should the department chair fail to make a decision within the three-week period specified, the grade appeal will automatically go forward to the appropriate dean.

* The Review Panel will be composed of instructional faculty from the college/school of the instructor whose grade is challenged. Review Panels considering appeals of grades awarded in graduate courses shall be composed of members of the graduate faculty. The review panel will choose a chair and examine the data submitted by the student and the submissions of the instructor. The recommendation of the review panel will be forwarded to the dean for a final decision.

c. Exceptional Cases

If the professor whose grade is appealed is seriously ill, deceased, institutionalized, or no longer with the University, the relevant "department-as-a-whole" shall take the place of the instructor in this subsection and will make every effort to seek all relevant evidence. The department shall operate by majority vote, and is empowered to make a grade change in the name of the instructor on a timely basis.

11. Library Information

Library information is available at the main desk of the Tribble Library and on the CNU website.

12. Classroom Expression

In the classroom, subject to the responsibility of the instructor to maintain order and to monitor time limitations, the discussion and expression of all views relevant to the subject matter are permitted. In addition, the following shall apply:

- a. Student academic performance shall be evaluated solely on an academic basis.
- b. Students shall be free to take exception to the material or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study in which they are enrolled. This right to take exception does not permit the disruption of class or infringement on the rights of others to learn.
- c. Requirements of participation in classroom discussion and submission of written exercises are not inconsistent with this section.
- d. Information about student views, beliefs, and political associations acquired by faculty in the course of their work as instructors, advisers, and counselors, is confidential and is not to be disclosed to others unless under legal compulsion.
- e. Should a faculty member determine that a student is disrupting a class and ask the student to leave the classroom, the student shall do so immediately.

When a student believes that he/she has been unjustly treated in the classroom, either by the denial of freedom of expression or by improper evaluation, or on any other right enumerated above, the student should discuss the concern with the instructor. The student may appeal the faculty member's decision, in order, to the chair of the department, and to the appropriate academic dean.

For procedures to follow when *The Honor System* is violated, refer to Section III The Honor System.

13. Grading System and Quality Points

The CNU Catalog describes the grading system and quality points. The Catalog is available on the CNU website.

14. English as a Second Language Policy

English as a Second Language Policy is available through the Office of Admission and the CNU website.

15. Class Attendance

The class attendance policy is available in the CNU Catalog and the CNU website. The Faculty Senate recommended and the provost approved the following addition to the Catalog policy: Students who must miss class to represent the University must notify the class instructors in advance of those absences. Given prior notice, instructors will allow students to make up class work or to complete work in advance of class absence. In case of disagreement about whether an activity represents the University, the appropriate dean will make the determination. It is the policy of the University to provide reasonable accommodations for students' observations of religious holidays. Students have the responsibility to notify professors well in advance regarding any request for an accommodation.

16. Regulations Concerning Conduct of Classes

- a. Toward the beginning of each course, the instructor will provide each student with a syllabus which includes such information as course objectives, schedule of class assignments, grading criteria. The instructor must indicate, in writing, to students the relative weight or importance attached to each piece of required work in arriving at the final course grade. Minor changes in a course syllabus (e.g., due dates, slight alterations of the relative weights of various assignments) may be made as long as due notice is given to the affected students. Major changes in a course syllabus (e.g., additional major assignments, papers, tests, etc.) should be avoided except in the most extreme and unusual circumstances. It is the responsibility of each instructor to teach the assigned course in a manner consistent with the course description in the University Catalog. If there is evidence that a specific course is not being taught as described in the Catalog, the concerned party should bring the matter to the attention of the instructor for resolution. If the resolution of the matter is unsatisfactory, the concerned party should elicit resolution in turn from the department chair, the appropriate academic dean, and the provost. The final authority for resolving this issue rests with the provost.
- b. In the conduct of classes, several activities are required.
 - 1) Instructors are expected to meet their classes on time and for the full duration of each officially scheduled period.
 - 2) Each instructor must report discrepancies between the class roll, provided by the Office of the Registrar, and student attendance to assure the accuracy of student enrollment records.
 - 3) Smoking in classrooms is prohibited.
 - 4) Each instructor must evaluate the quality of each student's work, using the evidence of papers, tests, reports, projects, classroom performance, and examinations as appropriate.
 - 5) Toward the end of each course, instructors will administer an instructional evaluation in accordance with the procedures as specified by the provost.
 - 6) Each examination must be supervised by the instructor or a designated proctor.

- 7) Final Examination.
 - a) All courses (except those cited in b. or c.) must have a final comprehensive assessment or substantive culminating activity that is given or due in the exam period as scheduled by the Office of the Registrar. What constitutes a final comprehensive assessment shall be determined by the instructor's knowledge of disciplinary and pedagogical standards and expectations. The giving of final exams during the last week of classes is specifically prohibited.
 - b) Laboratory courses, applied music courses and ensembles, the first-year writing seminar, and capstone courses, as defined by each department, are exempted from requiring the final comprehensive assessment and culminating activity because of their unique pedagogical design.
 - c) Instructors of courses other than those listed in b.) may receive a course exemption from this policy if they obtain written approval from the appropriate academic dean prior to the start of the course.
 - d.) Students with more than two examinations scheduled on a single day may request to have any additional examination(s) rescheduled. Such requests must be directed to the instructor(s) before the final exam period begins; at their discretion, instructors may resolve such conflicts using the conflict resolution period (but not the University reading/study day) or by other arrangement, such as allowing the student to take the exam in another course section or re-scheduling the latest final on a given day. Students with other verifiable conflicts that would force a rescheduling in the exam time may request such a change but the request must be approved by the dean after student consultation with the instructor and/or department chair.
 - e.) A student may be excused from taking an examination at the scheduled time by prior approval of the instructor. The student may be excused on the grounds of illness when it is verified by a physician and received by the instructor or department chair. The instructor must be notified as soon as possible if illness or any other emergency causes a student to be absent from an examination. If the instructor cannot be notified because the student is physically unable to do so, the Office of the Registrar must be notified as soon as possible and the Office of the Registrar will contact the instructor. Verification is required.
 - f.) Final comprehensive assessments and examinations are not returned to the students but must be retained by instructors for one year, during which time students have the right to review such materials with the instructor.
 - 8) Associated with the conduct of classes, a file of course descriptions, syllabi, and sample examinations are kept in the office of the dean and is open to any faculty member who wishes to consult it. The maintenance of this file is a requirement of the Southern Association of Colleges and Schools Commission on Colleges and each instructor is responsible for forwarding an up-to-date syllabus for each class to the Dean's Office through the Office of the Department Chair.
- c. Exceptions to these required activities must be approved in advance by the dean.

17. Academic Regulations Pertaining to Students with Disabilities

Academic regulations pertaining to students with disabilities are published in the Student Handbook. Copies are available from the Office of the Vice President of Student Affairs and on the CNU website.

In order to receive reasonable accommodation in the classroom, students are responsible for notifying their faculty members of their documented and approved accommodations; faculty members must provide these documented and approved reasonable accommodations in order to ensure the student access to CNU's educational programs. It is recommended that a statement such as the following be included in each course syllabus, in order to inform students how to request accommodation of a disability.

If a student believes that they have a disability requiring accommodations, the student needs to make an appointment with the Student Disability Support Specialist, located in the Office of the Vice President of Student Affairs to discuss their needs. In order to receive an accommodation, the need must be documented, approved and on record in this office located in the David Student Union, Room 3127 (telephone: 757-594-7160).

Faculty members must not speculate about the existence of a disability or express a belief that a disability is or even might be responsible for any aspect of the student's performance or behavior. Decisions concerning accommodation of a students' disability are made only through the process managed in the Office of the Vice President of Student Affairs by the Student Disability Support Specialist.

18. Regulations Pertaining to the Scheduling of Classes

Regulations pertaining to the scheduling of classes are available from the Office of the Registrar and on the CNU website.

19. Intellectual Property

Information on regulations regarding intellectual property is located in the Board of Visitors section of the University Handbook and published on the CNU website.

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SECTION VII
Adjunct Faculty Handbook Personnel Regulations

A copy of the Adjunct Faculty Handbook may be obtained through the CNU website, see *Catalogs and Handbooks*.

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SECTION VIII
Administrative and Professional Faculty Personnel Regulations

1. Introduction

The administrative professional faculty of the University is the body of all persons holding administrative or professional appointments with faculty rank. Definitions for the administrative /professional faculty positions are given in the Governor's Consolidated Salary Authorization for Institutions of Higher Education. These definitions state:

- a. Administrative Faculty Positions: Administrative Faculty positions require the performance of work directly related to the management of the educational and general activities of the University, department or subdivision thereof. Incumbents in these positions exercise discretion and independent judgment and generally direct the work of others. The organization reporting relationship normally does not go lower than two levels below the president.
- b. Professional Faculty Positions: Professional faculty positions require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. Incumbents in these positions regularly exercise professional discretion and judgment and produce work that is intellectual and varied in character.

Changes in administrative and professional faculty personnel regulations and information are authorized by the president after consultation with the provost and the chief of staff or the appropriate vice president(s) and University constituencies.

Appointments which will include academic department affiliation must include participation of the academic department in the selection process and the concurrence of the appropriate academic dean and the provost prior to including academic department affiliation in the employment offer. Recommendation for appropriate academic rank must be processed through the provost prior to referral to the president.

- c. Each administrative appointee serves at the pleasure of a responsible official. Administrative and professional faculty are, in their administrative or professional faculty employment status, employees at will; accordingly, the University may terminate such appointments at any time, without notice, and without stating reasons.
- d. If the terminated individual holds rank in an academic department (i.e., holds concurrent membership on the instructional faculty) at the effective date of termination, the individual's employment status as a member of the instructional faculty does not necessarily terminate as well. As such, at the conclusion of the administrative appointment, the individual's salary will return to the original instructional faculty salary at the time of the appointment plus an amount equivalent to the average adjustment to faculty compensation that accrued during the administrative appointment. If at the conclusion of the administrative appointment, the faculty rank has changed, the salary shall reflect the newly earned rank. The provost may recommend a higher salary adjustment to the president for final approval. This instructional faculty employment status of the subject individual is governed by the applicable provisions of instructional faculty section of this *Handbook*.

2. Authorization of Positions

The chief of staff, with the approval of the president, authorizes all new and replacement full-time administrative and professional positions. The final approval of candidates to fill such position(s) is made by the president, provost, or chief of staff and reported to the Board of Visitors by the president.

a. Non-Discrimination and Equal Opportunity

Christopher Newport University, an equal opportunity employer, is fully committed to access and opportunity for all persons.

b. Procedures for Recruiting and Initial Appointment of Full-time Administrative/Professional Faculty

1) Establishment of Positions

Requests for new or replacement positions are initiated by the supervisor and are reviewed by the dean or department head. If the dean or department head concurs there is a need for a new or replacement position, the dean or department head forwards the request to the vice president/chief of staff/provost. If the vice president/chief of staff/provost agrees and if there are sufficient financial resources to support the position, the new or replacement position will be created.

2) Recruitment Phase

a) Initiation of Search Process

Once a position has been established, the department supervisor secures permission to recruit by moving the request through the “Modify Position for Recruitment” workflow in PeopleAdmin to establish appropriate documentation of necessary approvals. For administrative professional faculty the levels of review would include the following: director/supervisor, vice president/provost/chief of staff, and chief budget officer/academic budget analyst (if appropriate). The director of faculty recruitment will obtain approval in PeopleAdmin from the director of Title IX and equal opportunity prior to posting.

b) Appointment of Search Committee

The supervisor appoints a search committee of at least three. Committee membership must be finalized prior to the receipt of applications by the committee; new members should not be added after the committee has begun the process of reviewing applications. The chair of the search committee will communicate with the director of faculty recruitment to discuss the requirements of the position, to write the advertisement, and to discuss where the placement of the advertisement will be most effective. The director of faculty recruitment will place all advertisements; therefore, the search committee must make sure that any necessary contact information for any publication, website, etc. is brought to the director’s attention via the PeopleAdmin system.

c) Scope of Search

Unless there are exceptional circumstances, all searches will be national in scope. Searches may be limited to the local area with the prior express approval of the director/supervisor, vice president or chief of staff, provost, and the director of faculty recruitment. In exceptional circumstances, an appointment may be made without a search. The requestor must fill out the *Request to Modify Instructional and Administrative/Professional Faculty Search Process Form* and attach the following: a memorandum which provides a detailed explanation as to why the search process should be waived; a current cv/resume from the person to be appointed; and at least three reference checks and/or letters of recommendation for appointees who are not CNU Fellows or CNU employees. This form must then be approved and signed by the dean vice president, university counsel, and provost or chief of staff and chief financial officer.

d) Processing of Applications

All applications must be submitted via the PeopleAdmin electronic system, accessed by candidates via the website <https://jobs.cnu.edu>. Supplemental application materials will be accepted via email to facultyrecruitment@cnu.edu, but will only be attached to an existing applicant account already present within the PeopleAdmin system. As part of the online application, candidates are asked to voluntarily disclose EEO information. EEO data of each search will be maintained within the PeopleAdmin system. The director of Title IX and equal opportunity will have access to all EEO data none of which will be disclosed to the search committee.

3) Screening Phase

a) Review of Applications by the Search Committee

The director of faculty recruitment will release applicant materials to the search committee, by way of the PeopleAdmin system, on the following business day after the application deadline. An

Applicant Flow Log that lists all of the candidates alphabetically will also be shared with committee members. If an application is missing any materials, it is recommended that the search committee contact the candidate and ask them to forward the missing materials. The search committee should take caution and only talk to the candidates about the missing information and avoid any conversation that would take the form of an interview no matter how informal. Once the applications are received, all members of the search committee will individually review each one. The search committee will not at any time have direct knowledge of the race, gender, age, or disability status of any candidate. The search committee will then meet to discuss all applications. During this meeting, the search committee, by consensus if possible, will divide the applications into three categories as noted on the *Applicant Flow Log*: (1) initial non-selection (definite rejections), (2) additional consideration but not selected (possible interviews), and (3) selected for preliminary interview (telephone or virtual interviews).

b) Selecting Persons for a Preliminary Interview

If the number of preliminary interviews is at least three, then those persons are to be interviewed. If the number of preliminary interviews is less than three, the search committee will reevaluate the persons in the possible interviews category. Once the search committee is in agreement with the selections for each category, the appropriate column by each candidate will be checked on the *Applicant Flow Log*. The search chair is also responsible for updating the applicant workflow status within PeopleAdmin to match the *Applicant Flow Log*. All preliminary interviews should use the same channel for communication, e.g., telephone, Skype, Google Meet, Zoom, etc. The search committee will then conduct the interviews, using the guidelines provided by the director of faculty recruitment. Committees are encouraged to use a standardized set of interview questions, to be supplemented as appropriate with individualized additional questions.

c) Selecting Persons for a Campus Interview

Once the search committee has conducted all preliminary interviews, a minimum two candidates will be selected for campus interviews. After the search committee is in agreement with the selections for campus interviews, the appropriate column (selected for campus interview) will be checked on the *Applicant Flow Log* and PeopleAdmin will be updated to reflect the current status of each applicant. The search committee is responsible for making sure that the appropriate dean or department head are also scheduled to meet with each administrative/professional candidate that is being interviewed on campus.

d) Exceptions to the Preliminary Interviews

With proper authorization, the search committee may forgo the preliminary interviews. Express prior approval of the provost/appropriate vice president, and director of faculty recruitment is required.

4) Interviewing Phase

a) Search Committee Interviews

The search committee will then conduct the interviews, using the guidelines provided by the director of faculty recruitment. Committees are encouraged to use a standardized set of interview questions, to be supplemented as appropriate with individualized additional questions. After conducting the interviews, the search committee will then make a recommendation to the search committee chair, who is responsible to then contact at least three provided professional references for the final selected candidate. Once reference checks are completed and deemed to be supportive of the decision, the chair will initiate the Hiring Proposal for the selected applicant in PeopleAdmin. The director of faculty recruitment will meet with the director of Title IX and Equal Opportunity to review the search materials and confirm all items are in order. Once the search has been approved by EO, the director of faculty recruitment will oversee the Hiring Proposal workflow within PeopleAdmin to ensure all necessary approvals are received prior to extending the offer of employment to the candidate.

5) Offer and Appointment Phase

a) Extending the Offer

The director of faculty recruitment will extend the offer for employment to the administrative professional faculty. If the candidate selected by the search committee does not accept the employment offer, the search committee will be asked if it would like to make another recommendation from the persons that were interviewed. If a second candidate is selected, the Hiring Proposal process in PeopleAdmin and EO Review of the search will once again be conducted, following receipt of three completed reference checks from the search chair. The director of faculty recruitment will be responsible for sending the non-selected candidates an automated email via PeopleAdmin informing them that the position has been filled once a signed *Letter of Appointment* is received back from the selected candidate.

b) Appointment

The successful candidate will be offered a letter of appointment. The Board of Visitors has delegated to the president the authority to act on its behalf, as the final authority on the appointment of full-time, salaried members of the Administrative Professional faculty of the University. All actions taken under this authority shall be reported to the board of visitors.

c) Background Checks

All letters of appointment are contingent upon the completion of a satisfactory background check to be conducted by the University upon receipt of the candidate's authorization as outlined in the Christopher Newport University Criminal History Background Check Policy.

6) Non-Faculty Hiring

The recruiting and hiring procedures for classified and hourly positions are promulgated and governed by the Commonwealth of Virginia as set forth in the policies of the Department of Human Resources Management. Any questions regarding this hiring process should be directed to Christopher Newport University's Office of Human Resources.

3. Administrative and Professional Faculty Grievances

Administrative and professional faculty members who consider themselves to have suffered material professional detriment as a result of an action, decision, or recommendation of their administrative supervisor may seek recourse by:

- a. Requesting reconsideration by the official making the decision or recommendation or taking the action in question.
- b. Failing resolution in Step a), submitting a written request for reconsideration or reversal of the action, decision, or recommendation at successively higher administrative levels through the presidential level. Matters concerning compensation and termination are not grievable under this section.

The Board of Visitors, at its discretion, may hear appeals, of full-time administrative and professional faculty on decisions of the president on matters subject to discretionary review as established by Board policy. The Board's discretionary review must be sought in writing within five (5) working days of the presidential decision for which discretionary review is sought.

4. Types of Leave of Absence

a. Annual Leave

1) Introduction: Annual leave for twelve-month administrative and professional faculty is credited at the beginning of the fiscal year as though it were accrued **at the rate of eight hours each pay period (192 hours credited on July 10).**

The approval of annual leave shall be subject to such scheduling as to insure minimum disruption of the normal operation of the University. No more than ten days or 80 hours of unused leave may be carried forward into the next fiscal year, unless an exception has been granted by the president, chief of staff or chief financial officer. Additionally, no more than an additional 40 hours (or total of 120 hours) may be carried forward with an exception. Annual leave will be prorated during the approved leave of absence for partial pay for educational and research purposes (professional development). Annual leave will not accrue while on leave without pay.

2) Leave Payout:

Employees in the first year of **service with Christopher Newport University currently serving in an administrative or professional faculty employment** will not be paid for unused leave upon separation from the University. After the first year of **service with Christopher Newport University currently serving in an administrative or professional faculty employment**, employees will be paid for up to 80 hours of unused accrued leave upon separation, **after three years of service with Christopher Newport University currently serving in an administrative or professional faculty employment, employees will be paid for up to 160 hours of unused accrued leave upon separation** from full-time employment from CNU unless the employee is grant funded and grant funds are not available. **If an employee separates from the university prior to the end of their leave year, then the leave balance will be prorated and adjusted based on the number of pays completed.** The payment rate will be determined by converting the annual salary to an hourly rate. There is no leave payout when an AP employee accepts a classified or instructional faculty position at CNU.

b. Holidays

Officially designated holidays by the University will generally be observed with no deductions against leave accounts. However, an office or department may need to be open based on unique service needs as approved by the chief of staff or provost, or appropriate vice president. Annual leave may be granted during this period at the discretion of the supervisor.

c. Administrative Leave

Administrative leave may be granted with full pay for any absence necessary for serving on a jury, attending court as a witness under formal subpoena, or appearing before an administrative agency under subpoena. Leave with pay can be granted at the discretion of the chief of staff, provost, vice president, or president where the charging of annual leave would be unfair to the employee due to the nature of the absence.

d. Leave with Full or Partial Pay for Educational and Research Purposes (Professional Development)

1) **Introduction:** Leave of this kind is intended to permit administrative and professional faculty to devote their full energies to the development of knowledge and skills that will benefit the University. Such development will ordinarily take the form of pursuit of graduate study which will better-prepare the individual to be effective in his or her present position, which will prepare the individual for advancement in his or her present career path, and/or which will prepare the individual to serve the University effectively in a new career path. Leave of this kind requires that the recipient be engaged throughout the period of leave in fulltime study and professional development. In particular, individuals who are granted such leave are prohibited from engaging in any employment or other activity of a remunerative nature during the period of leave. Leave of this kind must be taken for all or part of one fiscal year and, once granted, cannot be granted again until the grantee has completed at least six consecutive years of active, full-time, post-leave service to University. Administrative and professional faculty considering this leave should consult with Human Resources concerning benefits during this leave status.

2) Selection and Timetable:

a) Administrative and professional faculty requesting such leave must prepare a statement (not to exceed 1,000 words) describing the activity to which the individual will commit if such leave is granted. The statement should begin with a clear, succinct, and cogent statement describing the

purpose of the leave and the benefits, which will accrue to the University if the leave is granted. Beginning and ending dates of the proposed leave must be specified. If the leave involves formal enrollment in graduate courses, the courses and the semester and institution of each enrollment must be specified. If the activity is intended to lead to a graduate degree, the name of the degree, the name of the institution to confer the degree, and the date of expected receipt of the degree must be specified. The applicant must specify the fraction of salary being requested and provide appropriate justification for support at this level. A current curriculum vita of the applicant must accompany the statement.

- b) No later than January 7 of each fiscal year, the Office of Human Resources will issue a timetable for the consideration of requests by administrative and professional faculty for leave of this kind in the next fiscal year. No later than February 7 of the same fiscal year, applicants must submit the materials described in the preceding section, together with statements of support or non-support from all members of the applicant's reporting line through the provost or vice presidential level, as appropriate. The statement of support or non-support from the applicant's immediate supervisor must include a plan and related costs for compensating for the applicant's absence should the requested leave be granted. The statement of support or non-support from the provost or appropriate vice president must assign a priority level (1, 2, 3, etc., with 1 being the highest priority) to each application from that office's jurisdiction.
 - c) No later than February 14 of the same fiscal year, the Office of Human Resources will refer the applications to the Administrative and professional faculty Peer Review Committee, which will judge the merits of each application, render a statement of support or non-support for each, and assign a priority number to each without regard to the vice presidential jurisdiction in which it originated. The administrative and professional faculty Peer Review Committee will report these results to the Office of Human Resources, together with all application materials, no later than March 7 of the same fiscal year.
 - d) No later than March 14 of the same fiscal year, the Office of Human Resources shall render a judgment of support or non-support for each application, assign his own priorities, and communicate his findings, together with the application documents and the findings of the administrative and professional faculty Peer Review Committee to the president of the University.
 - e) The president shall render a decision as to which applications shall be approved and shall have appropriate resolutions granting leave prepared for consideration of the Board of Visitors at its next meeting.
- 3) Obligations of the Recipient.
- a) Upon completion of a leave for educational/research purposes, the recipient shall, within 30 days, prepare a report on his or her accomplishments during the period of leave. The report shall take note of and explain any differences between actual accomplishments and those anticipated in the application for leave.
 - b) Any recipient of such leave shall be obliged to remain in the employ of the University for a period following the leave, which must include two complete fiscal years. Failure to satisfy this requirement can result in the employee being required to repay to the University all cost of salary and fringe benefits provided during the period of leave. This requirement shall be waived, however, if the individual leaves the employ of the University at the University's behest.
- e. Sabbatical Leave
Members of the administrative and professional faculty are also eligible for consideration for sabbatical leave. (See index: Sabbatical Leave)
- f. Sick Leave with Full or Partial Pay (Virginia Sickness and Disability Program Participants-VSDP)

The University grants sick leave with full or partial pay based on the type of plan selected by the administrative and professional faculty member. If the administrative and professional faculty member participates in the Virginia Sickness and Disability Program (VSDP), eligibility, program requirements and leave provisions are governed by the Commonwealth of Virginia. For more information, visit the Virginia Retirement System website at <http://www.varetire.org/members/disability/vsdp/index.asp>.

g. Sick Leave with Full or Partial Pay (Non Virginia Sickness and Disability Program Participants-VSDP)

1) Sick Leave with Pay Short-Term (Non VSDP)

It is the policy of CNU to pay administrative professional faculty members for sick leave when taking less than or equal to 5 continuous working days.

- a) Sick leave may be used for employee's illness or non-work related injury which renders the employee unable to attend work. A supervisor may request a health care provider's certification of the medical condition.
- b) Peer coverage for work is provided by co-workers while on sick leave.
- c) Benefits are provided in accordance with the Commonwealth of Virginia requirements.
- d) Supervisors are responsible for monitoring short-term sick leave.

2) Sick Leave with Pay Extended (Non VSDP).

It is the policy of CNU to pay administrative professional faculty members when taking six or more continuous working days of sick leave provided by the following schedule:

- a) For less than one year of CNU service (as defined in 2e), no extended sick leave is provided. (This is consistent with administrative and professional faculty members who participate in VSDP.) However, annual leave may be used.
- b) For between 1 year and less than 10 years of CNU service (as defined in 2e), 90 calendar days of paid extended sick leave.
- c) For between 10 years and less than 20 years of CNU service (as defined in 2e), 180 calendar days of paid extended sick leave.
- d) For 20 years and above of CNU service (as defined in 2e), 270 calendar days of paid extended sick leave.
- e) CNU service includes service in a *full-time* instructional faculty position, a *full-time* administrative and professional faculty position, or a *full-time* classified position.

In all circumstances, the following conditions apply:

- a) The University requires that a request for extended sick leave be supported by a health-care provider's certification of the medical condition of the person affected to include the date when the serious condition began and the probable duration of the condition from the licensed treating professional.
- b) Medical certification requires the completion of the U.S. Department of Labor Form WH-380. This form is located on the CNU Human Resources website at <https://interweb.cnu.edu/hr/forms/index.aspx>
- c) An intermittent leave or reduced schedule request necessitated by planned medical treatment must include the expected treatment dates and duration of treatment.
- d) An intermittent leave or reduced schedule request necessitated by an employee's own health condition must include a statement of the medical necessity for the leave and the expected duration.
- e) NOTE: When possible, the employee should provide certification in advance of, or at the commencement of, the requested leave. When that is not possible, certification must be provided reasonably soon after the leave begins.
- f) Requests for Second and Third Opinions:

- (1) The University may require, at its own expense, a second opinion from its designated or approved health-care providers. (This health-care provider cannot be one who is employed by the University on a regular basis).
- (2) When the second opinion differs from the first, the University may, at its own expense, require a third opinion from a health-care provider designated or approved jointly by the employee and the University. The opinion of the third health-care provider shall be considered final and binding upon the employer and the employee.
- (3) The University may require an employee to report periodically during the leave period on his or her leave status and intention to return to work, and to provide subsequent re-certifications on a reasonable basis.
- (4) Please note that a request for re-certification every four to six weeks is considered reasonable.

Work coverage for extended sick leave is usually provided by the supervisor. In these types of leave situations, temporary pay is rarely given. It is expected that the manager use existing resources to cover the absence. Employee benefits are provided in accordance with the Commonwealth of Virginia requirements. It is strongly recommended that the administrative professional faculty member purchase the University sponsored long-term disability package upon hire at the University.

- 3) **Sick Leave with Pay Extended and FMLA Eligible (Non VSDP)**
It is the policy of CNU that while an administrative and professional faculty member is out on extended sick leave with pay and is eligible for family and medical leave that the extended sick leave run concurrently with FMLA. Once the amount of extended sick leave provided by the University has been exhausted, the administrative and professional faculty member can supplement the amount of FMLA time remaining, if any, with existing accrued annual leave. Benefits are provided in accordance with the Commonwealth of Virginia requirements. The incumbent's position may be recruited and filled at University discretion when extended sick leave and FMLA have been exhausted.
- 4) **Leave without Pay – Family Medical Leave (Non VSDP)**
The University grants leave in compliance with the Family and Medical Leave Act (FMLA) that requires the University give eligible administrative and professional faculty up to twelve (12) weeks of unpaid, job-protected (for continuing positions), leave during any calendar year for; the birth, adoption, or foster care of a child; serious health condition of the employee; or the serious health condition of an immediate family member. Employees are eligible for FMLA if they have been employed with CNU for at least 12 months and have worked 1,250 hours during the prior 12-month period.

Administrative and professional faculty taking leave under the FMLA have a guaranteed right to return to their same or equivalent position and pay (based on position availability). Health benefits may continue during the leave at the same level and conditions as if the administrator had continued to work. The administrator must give 30 days advance notice to the provost or vice president of the need to take FMLA leave, unless emergencies or unforeseen events preclude such advance notice.

A request for leave due to a serious health condition must be supported by a certification from the health care provider. This requirement includes the administrator's or family member's health care provider. The certification for a family member should include a statement from the health care provider that the administrator is needed to care for the family member. Certification forms are available in the Office of Human Resources.

5. Performance Planning and Evaluation

This policy delineates the method for performance planning and annual evaluations of administrative and Professional Faculty. This policy applies to all administrative and professional faculty members and all those

who supervise administrative and professional faculty members. Each administrative and professional faculty member's performance will be formally evaluated annually. Policy requirements, processes, and timelines can be found on the CNU Human Resources website at <https://interweb.cnu.edu/hr/policyproced/index.aspx>. Required forms for both processes can be found at <https://interweb.cnu.edu/hr/forms/index.aspx>.

6. Promotions in Academic Rank

a. Introduction

The faculty is arranged in a hierarchical system of academic ranks, representing successively higher experience, accomplishments, expectations, and recognition.

For administrative and professional faculty members these ranks are: professor, associate professor, assistant professor and instructor. Position, degree of responsibility, level of relevant education, and experience are factors in establishing rank. Deficiencies in some respects may be balanced by unusual excellence in others. The standards and procedures given in this section apply only to administrative and professional faculty who do not hold their faculty rank in an academic department of the University. administrative or professional faculty holding rank in an academic department (i.e., holding concurrent instructional faculty appointments) must have candidacies for promotion in academic rank considered in accordance with the provisions of this *Handbook*. (See index: Academic Rank)

b. Academic Rank Promotional Procedures

A member of the administrative or professional faculty who wishes to be considered for promotion in academic rank should notify the appropriate, immediate administrative supervisor. The formal request for promotion should be accompanied by a file of materials (dossier) to support the candidacy. The dossier can include any supportive materials that the candidate deems appropriate, but it must contain both documentation that the minimum requirements for the rank sought have been satisfied, and information sufficient to permit those involved in the review of the candidacy to apply the "evaluation standards" specified for the rank sought. The provost or appropriate vice president is responsible for determining any additional procedures for candidates within that officer's jurisdiction.

The files of those candidates being recommended for promotion are submitted to the provost after the appropriate review in their division. Candidates for promotion must have a recommendation for or against promotion from their vice president, before their dossier is submitted to the provost. Within the Academic Affairs Division, the appropriate director must recommend for or against promotion prior to submission to the provost. The deadline for submission to the Office of the provost is established annually by the provost.

The provost will forward the dossier and recommendations to the administrative and professional faculty Peer Review Committee (APFPRC). This five-person campus-wide committee serves as an advisory committee to the provost. As such, members of the Committee, including the chair, are appointed by the provost on an annual basis.

The APFPRC submits recommendations and priorities to the provost who recommends to the president. Recommendations may be either for or against promotion. The names of those candidates that the president recommends for promotion will be submitted to the Board of Visitors for final action.

c. Academic Rank Promotional Standards

Academic rank is bestowed by the Board of Visitors, consistent with the following criteria:

1) Instructor

An instructor normally holds at least the master's degree. Evidence or promise of competence in service is expected of faculty at the rank of instructor.

2) Lecturer

A lecturer normally holds the terminal degree. Duties in addition to instruction are assigned by the department chair. These duties may include service and professional development.

3) Assistant Professor

a) An assistant professor must hold at least a master's degree and should have successfully completed at least 30 hours beyond the master's degree. In exceptional cases, evidence of equivalent experience appropriate to the position may be presented in lieu of the 30 hours. Such evidence will be reviewed by the APFPRC and its recommendation as to whether or not the minimum qualifications for promotion have been met will be included as part of its recommendation to the provost.

b) Evaluation Standards

A candidate for promotion to assistant professor will be judged according to:

- (1) evidence of exemplary performance in the candidate's position;
- (2) evidence of professional development including but not limited to the following activities: membership in professional organizations, attendance at professional meetings, professional presentations, professional publications, relevant research, grants development, etc.;
- (3) evidence of service to the University as appropriate for the position such as teaching and serving on committees;
- (4) evidence of service to the community in providing professional expertise in any way that promotes a positive image of the University; and
- (5) evidence of a history of predominantly positive evaluations.

4) Associate Professor

a) An associate professor should hold a terminal degree, or a functional equivalent as authorized by the provost, but must have:

- (1) at least 30 hours of graduate work beyond the master's degree;
- (2) at least four years of relevant university experience at the rank of assistant professor; and
- (3) a total of six years of relevant university experience.

b) Evaluation Standards

A candidate for promotion to associate professor will be judged according to:

- (1) evidence of exemplary performance as an assistant professor;
- (2) evidence of continuing professional development (see index: professional development);
- (3) evidence of outstanding service to the University (see index: service);
- (4) evidence of outstanding service to the community in providing professional expertise in any way that promotes a positive image of the University;
- (5) evidence of a history of predominately positive evaluations; and
- (6) extent to which minimal qualifications in 3)-a) are exceeded.

5) Professor

a) A professor must have:

- (1) at least a terminal degree (see index: terminal degree);
- (2) at least seven years of relevant university experience at the rank of associate professor; and
- (3) a total of twelve years of relevant university experience.

b) Evaluation Standards

A candidate for promotion to professor will be judged according to:

- (1) sustained evidence of successful compliance with the expectations of the rank of associate professor;
- (2) sustained evidence of truly outstanding professional effectiveness;
- (3) sustained evidence of widely respected professional development (see index: professional development).
- (4) sustained evidence of leadership and high achievement on academic and administrative service (see index: service);
- (5) sustained evidence of great stature as a member of the University and academic community;

- (6) evidence of outstanding service to the community in providing professional expertise in any way that promotes a positive image of the University;
- (7) evidence of a history of strongly positive evaluations; and
- (8) extent to which minimal qualifications in 4)-a) are exceeded.

7. Administrative Actions for Inappropriate Conduct on the Part of Administrative and Professional Faculty

a. Examples of Unsatisfactory Behavior

- 1) Failure to perform satisfactorily one's duties, follow instructions, comply with established written policy, or otherwise fail to maintain professional standards of conduct.
- 2) Acts of violence or harassment; unauthorized use of drugs or alcohol; unauthorized use of, misuse of, or willful or negligent damage to state or employee property, equipment or facilities.

b. Purposes

- 1) These sanctions are designed to protect the rights of administrative and professional faculty and to assure compliance with University rules and policy and public law.
- 2) The sanctions provide directors, deans, vice presidents, provost and the chief of staff with guidelines to follow when an administrator's conduct is inappropriate or in violation of the policies of the University.
- 3) This process also defines the measures, which are appropriate in relation to the offense.

c. Sanctions

1) Introduction

There are four types of sanctions. These sanctions are not progressive or sequential; rather, the seriousness of the offense(s) will determine the sanction which is initiated. Dismissal need not be preceded by any of these lesser sanctions.

2) Admonition

- a) An admonition is warranted when an administrator's behavior is of such a nature that it is likely to or does reflect unfavorably upon the office or the University or on the administrator's professional status.
- b) The director, dean, vice president, provost or chief of staff is responsible for orally admonishing the administrator and keeping a memorandum of the substance and date of the discussion.

3) Written Warning

- a) A written warning is issued when unacceptable behavior continues after admonishment or when an administrator's misbehavior is of a more serious nature to such a degree that a written warning is appropriate.
- b) The director, dean, vice president, provost or chief of staff is authorized to issue written warnings.
- c) An appeal, is permitted to the next higher level, but not beyond the appropriate vice president or the provost
- d) The written warning will include descriptions of the unacceptable behavior and those actions necessary to correct or eliminate the problem, a reasonable time within which those actions must be taken, and the consequences of failure to take those actions.

4) Suspension

- a) Suspension, with or without loss of pay, occurs when an administrator's misbehavior continues after written warnings, or when the misbehavior is of such a nature that immediate suspension is warranted.
- b) Only the appropriate vice president, provost, chief of staff or the president are authorized to impose this sanction.
- c) If a vice president, the provost or the chief of staff has taken the action an appeal, is permitted to the president.
- d) The president has the final authority.

5) Dismissal

8. Library Faculty

- a. Definition: Library faculty are a special category of administrative and professional faculty. The library faculty includes the University librarian (library director) and all other professional librarians who hold the MLS or equivalent degree and whose assigned responsibilities in the library require the attainment of the MLS degree or its equivalent. The university librarian is a member of the administrative faculty; all other members of the library faculty are members of the professional faculty.
- b. Precedence: Unless otherwise specified in the individual’s employment contract or letter of appointment, for library faculty the provisions of this subsection take precedence over those of all other subsections of Section VII with which they might differ. Otherwise, the regulations applicable to library faculty are those specified in Section VII for all administrative and professional faculty. All matters of interpretation involving this subsection shall be decided by the provost.
- c. Employment Status: Library faculty are employees by contract rather than employees at will. For full-time, salaried library faculty, contracts of employment normally extend from July 1 through June 30 of the following calendar year, with nonrenewal decisions requiring notification to the employee to that effect being given no later than the April 1 immediately preceding the expiration of the final contract. Contracts of employment which begin on a date other than July 1 will normally expire on the next June 30 and are not subject to the April 1 nonrenewal notification deadline. Library faculty serving on part-time, temporary, or other wage (as opposed to salaried) employment may be employed by contract for specified periods of time; such employment terminates automatically at the expiration of the applicable contract, with no notice of termination required.
- d. Relationship to the Instructional Faculty: Inasmuch as the University library is a unit in the budgetary program of “academic support” rather than the budgetary program of “instruction,” library faculty are not members of the instructional faculty and their positions are not tenure-eligible. However, because library faculty play a key professional role in support of the instructional program of the University, it is appropriate that Library Faculty participate in the governance of the University in a fashion consistent with this role. Accordingly, library faculty may serve as members of committees and other bodies of governance of the instructional faculty. The conditions of such membership, if and when it occurs, are determined by the provost, acting on the recommendation of the Faculty Senate.
- e. Academic Freedom: The provisions of the Board of Visitors’ policy on academic freedom are applicable to members of the library faculty.
- f. Participation in Academic Ceremony: Library faculty shall participate with the instructional faculty in all formal, academic University ceremonies and, when appropriate, shall do so in appropriate academic regalia.
- g. Emeritus Status: Library faculty shall be eligible for consideration for emeritus status, as that term is defined for the instructional faculty in Section XII. The process of consideration shall be as defined in Section XII, subsection 11, with the library faculty as a whole substituting for the academic department and with the University librarian substituting for the college dean.

9. **Emeritus Status for Administrative and Professional Faculty**: Upon retirement, an Administrative and Professional faculty member who has served with distinction and with at least ten (10) years of service at Christopher Newport University may be awarded emeritus status upon nomination and supporting statement of the administrative and professional faculty member’s division vice president, or, in the case of Academic Affairs, the Provost, the recommendation of the president, and the approval of the Board of Visitors.. Administrative and Professional Emeritus faculty enjoy many of the rights and privileges of full-time, salaried administrative/professional faculty. Administrative and Professional Emeritus faculty will be issued an *Emeritus CNU* identification card that will enable them to access

certain services available to full-time salaried administrative and professional faculty. These include faculty library privileges, access to the Freeman Center and Trieshmann Fitness Center, a new cost-free CNU emeritus email account, a one-course-per-semester tuition waiver, and standard employee discounts at the Captain’s Locker, Ferguson Center for the Arts, and athletic events, and a cost-free parking decal for on-campus parking.

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SECTION IX
Business Office Regulations

Financial policies and practices are governed by federal and state laws and policies. Contact the University Business Office for additional information.

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SECTION X
Classified Personnel Regulations

The Commonwealth of Virginia Department of Human Resources Policies and Procedures Manual provides relevant policies for classified employees. A copy of the manual is located on the Commonwealth of Virginia <http://www.dhrm.virginia.gov/hrpolicies>. For any questions regarding these policies, please call the Office of Human Resources.

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SECTION XI
Code of Student Rights, Responsibilities, and Conduct

For information concerning the University's judicial process, please see the Student Handbook at:
<http://cnu.edu/public/studenthandbook/pdf/studenthandbook.pdf>

1. Philosophy of University Policies for Student Life Rights

Christopher Newport University is maintained and governed by the following five values: (1) We will always put students first; (2) We will always offer outstanding teaching; (3) We will remain committed to liberal learning; (4) We will provide access and opportunity; (5) We will be actively engaged in shaping the economic, civic, and cultural life of this community. Additionally, we hold the ideal of Honor as an important element of the Christopher Newport University experience. Accordingly, the University has implemented policies that reinforce these values and ideals. As an educational institution, the University is concerned with the formal, in-class education of its students as well as their growth into mature men and women who conduct themselves as responsible, honorable citizens.

The uniqueness of the academic community requires particular sensitivity to the individual rights of students and the rights of the University community. Rules and regulations are imperative as a basis for the orderly conduct of University activities and for maintaining an environment conducive to study, recreation and personal growth. Regulations are intended to create sound living and learning conditions for all members of the campus community and to promote an atmosphere that encourages personal integrity.

Student Life policies are based upon the assumption that students and groups have the capacity to assume responsibility for their own behavior and that the University has the authority to establish an internal structure for enforcement of its policies and procedures which students have agreed to accept by enrolling at the University. Conversely, students have the right to expect the University to fulfill its educational responsibilities as effectively as its capacity and resources permit.

Since rights carry with them certain responsibilities, the following rights and responsibilities - institutional as well as student - are set forth.

2. Basic Rights

The following list of basic rights is not intended to deny or limit the rights of students in any way. Rather, it is intended to focus special attention on these rights because of their importance in the educational process. Christopher Newport University students may freely and openly exercise the following freedoms as long as their actions do not interfere with the regular operation of the University:

- a. Campus Expression - Free inquiry, expression, and assembly are guaranteed to all students subject to the limitations of this document and other University regulations and policies, which are consistent with the provisions of the Constitutions and laws of the Commonwealth of Virginia and the United States of America. Public statements and demonstrations by individual members of the University community or organizations shall be clearly identified as representative only of those individuals or organizations and not of the University. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.
- b. Pursuit of Goals - Students are free to pursue their educational goals; appropriate opportunities for learning shall be provided by the University.
- c. Equal Protection - CNU does not discriminate in admission, employment, or any other activity on the basis of race, color, religion, sex, national origin, age, disability, genetic information, gender identity, marital status, military/veteran status, political affiliation, or any other status protected by law.

3. Equal Opportunity Rights

CNU does not discriminate in admission, employment, or any other activity on the basis of race, color, religion, sex, national origin, age, disability, genetic information, gender identity, marital status, military/veteran status, political affiliation, or any other status protected by law.

All student requests for disability accommodations and assistance should be directed to the Student Affairs Office on the third floor of the David Student Union. Students who feel they have been discriminated against because of a disability should contact the vice president of student affairs/dean of students. .

Any student who believes that he/she has been unlawfully discriminated against or harassed may file a complaint with the director of Title IX and equal opportunity. The director serves as the University’s Title IX coordinator.

4. Student Records

Christopher Newport University complies with the Family Educational Rights and Privacy Act (<https://ed.gov/policy/gen/guid/fpco/ferpa/index.html>). Questions concerning this policy may be referred to the University registrar or the vice president for enrollment and student success.

5. Student Code of Conduct

Generally, University jurisdiction and discipline shall be limited to conduct that occurs on University premises, at any official University function or activity regardless of location, or such action that adversely affects the University community's pursuit of its education or other legitimate objectives. Engaging in activities that are inconsistent with values expressed in documents and/or the articulated expectation of student conduct, regardless of the location of the activity, may be addressed as potential violations of the Student Code of Conduct or Honor Code.

The following misconduct is subject to disciplinary action, including possible suspension or dismissal from the University.

a. Abusive, Disorderly or Obscene Conduct

1) Abusive Conduct

Any actions against one's self or others that causes physical injury, intimidates, harasses, threatens or otherwise interferes with another person's rightful actions. This includes but is not limited to, verbal abuse, abuse via electronic means (e.g. cyber bullying), and physical battery.

Abusive conduct as intimidation includes engaging in a course of conduct or committing acts that alarm another person and serve no legitimate purpose. This includes but is not limited to unlawful coercion, extortion or duress that places the recipient in fear.

Abusive conduct that is harassing is defined as any words, gestures or actions directed at an individual or group that may cause a reasonable person to experience fear or intimidation. Harassment of all kinds that is directed at an individual is reprehensible and will not be tolerated by the University.

2) Disorderly Conduct/Conduct Infringing on the Rights of Others

Any behavior that disrupts or interferes with the orderly functioning of the University or disturbs the peace and/or comfort of persons or interferes with the performance of the duties by University personnel.

3) Obscene Conduct

Any conduct or expression that is lewd or indecent that is not constitutionally protected speech.

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c. Drugs

Use, possession or distribution of narcotic or other controlled substances by Virginia law will not be tolerated.

Being in the presence of or under the influence of illicitly obtained or illegal controlled substances will not be tolerated. Similarly, inappropriate or abusive use of prescription, over-the-counter medication, or other items in order to produce a drug-like effect is unacceptable.

Additionally, possession of drug paraphernalia including but not limited to bong, bowls, hookah pipes, scales, and roach clips is prohibited.

Christopher Newport University supports and encourages a drug free educational experience. CNU fully complies with the narcotic and controlled substance regulations of the Commonwealth of Virginia.

d. Alcoholic Beverage Policy

Use, possession, consumption or distribution of alcoholic beverages by students, except as expressly permitted by Virginia law and University regulations, will not be tolerated.

Public intoxication that results in disorderly behavior that negatively impacts the University community and community at large will not be tolerated.

Students found in the presence of alcohol are also subject to disciplinary actions.

Christopher Newport University supports and encourages an alcohol-free residential experience. The University fully complies with the alcohol regulations of the Commonwealth of Virginia.

e. Weapons/Fireworks/Explosives/Hazardous Chemicals

Unauthorized possession or use of weapons, fireworks, or explosives is prohibited.

Unauthorized possession, storage, or control of weapons and firearms on University property is prohibited. This includes storage in vehicles on campus as well as in the residence halls. Firearms include any gun, rifle, pistol, or handgun designed to fire bullets, BB's, pellets, or shot regardless of the propellant used. Additionally, possession of ammunition that could be used with a prohibited item is forbidden. Other weapons include any instrument of combat, or any object not designed as an instrument of combat but carried for the purpose of inflicting or threatening bodily injury. Examples include, but are not limited to, knives with fixed blades or pocket knives with blades longer than four inches, razors, metal knuckles, blackjacks, hatchets, bows and arrows, nunchakas, foils, or explosives and incendiary devices.

Hazardous chemicals, which could pose a health risk, are also prohibited from the campus. This includes chemicals which, when combined with other substances, could be hazardous or present a danger to others.

f. Hazing

Hazing, which includes any act that causes humiliation, physical discomfort, bodily injury or ridicule, is a criminal offense in the Commonwealth of Virginia. For a more detailed explanation of this policy and a more comprehensive definition of hazing, please see Section VI-PART VII of the CNU Student Handbook.

g. Failure to Comply with a University Official

Failure to comply with a request of an authorized University official, including failure of a student to present his/her University identification card when requested by an authorized University official.

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h. Misuse of Identification Cards

Improper use of any identification card, including knowingly altering or mutilating a University identification card, is prohibited. Using or inappropriately possessing the identification of another or allowing one's own card to be used by another is a violation of university policy and may also be considered an Honor Code violation.

i. Failure to Observe Rules and Regulations

Failure to observe rules and regulations issued by the University, including all publications and notices pertaining to student life and student services.

j. Damage or Destruction

Attempted or actual damage to or destruction of University property or property of a member of the University community or other personal or public property while on University premises or at University sponsored functions. Attempts to damage, or actions that could damage, property will also not be tolerated.

k. Misuse of Fire-Fighting Equipment/Arson/Disregard of Fire Alarm/Tampering

Misuse of fire-fighting equipment, including tampering, removing or discharging a fire extinguisher or any other fire emergency equipment except when the need is real is prohibited.

Unauthorized burning of any material in any University building or on University property will not be tolerated.

The disregard of a fire alarm system or the refusal to vacate a building or section of a building when a fire alarm is sounding is prohibited.

Tampering with detection systems, including deliberately initiating a false alarm or creating conditions that result in a false alarm, or tampering which would cause a malfunction or non-function, is considered a violation.

l. Tampering with University Property

Tampering with any elevator, wiring, plumbing, or other University equipment/property without prior authority from the appropriate University official is prohibited.

m. Unauthorized Entry or Access

Unauthorized possession or use of keys to any University door or facility, or unauthorized entry to or use of those facilities is prohibited. Unauthorized use of an emergency exit door also will not be tolerated.

n. Involvement in a University Violation

Presence during any violation defined in the Code of Student Rights, Responsibilities and Conduct or the Honor System that condones, supports or encourages the violation. Students who anticipate or observe a violation of University policy are expected to remove themselves from the situation and are expected to report the violation to the proper authorities. Students are obligated to report Honor Code violations.

For information concerning the University's judicial process, please see the *Student Handbook* at

<http://cnu.edu/public/studenthandbook/pdf/studenthandbook.pdf>

SECTION XII
Information Technology Services

University communication and technology resources are intended to support and advance Christopher Newport University’s mission, purposes, and activities by authorized users. Use of these resources by students, faculty, employees, contractors, and visitors is conditional upon specific terms and policies that may be found on the University policy page (<http://cnu.edu/public/>) for specific Acceptable Use Policy terms and other IT-specific policies.

Additional information may be obtained through the Information Technology Services website (<https://my.cnu.edu/its/>).

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SECTION XIII
Instructional Faculty Personnel Regulations

Changes in regulations affecting the instructional faculty are recommended by the provost to the president after adequate consultation with the faculty and other appropriate constituencies of the University.

1. Authorization of Positions

The provost, with the approval of the president, authorizes all new and replacement full-time faculty positions and approves for each position. The final approval of candidates to fill such position(s) is made by the president and reported to the Board of Visitors.

2. Information on Appointments to the Faculty

a. Non-Discrimination and Equal Opportunity

Christopher Newport University, an equal opportunity employer, is fully committed to access and opportunity for all persons.

b. Types of Instructional Faculty Appointments

The University makes nine types of appointments to the instructional faculty. These are: adjunct; temporary; part-time; sponsored research; affiliated scholar; restricted; probationary; tenured; and terminal.

The minimum qualifications for all faculty, including adjuncts, who are appointed to the instructional faculty to teach undergraduate and/or graduate courses are:

Undergraduate courses – Faculty should hold an earned doctorate, other appropriate terminal degree, or master’s degree in the discipline taught. Faculty holding an advanced degree in another discipline should have completed at least 18 graduate hours in the discipline taught.

Graduate courses – Faculty should hold an earned doctorate or other appropriate terminal degree in the discipline taught.

Exceptions can be made for persons not meeting the minimum qualifications, but who are considered by the department to possess other demonstrated competencies and achievements that will contribute to effective teaching and student learning outcomes. Exceptions must be authorized by the provost.

Under the Affordable Care Act, part-time and adjunct faculty employment is limited to 75% of the teaching load of a full-time faculty member including time spent in the classroom, office hours and research. In no instance shall part-time or adjunct faculty member work more than 1500 hours in total from the May 1 – April 30 period to include any positions held at CNU. These positions do not include commonwealth of VA benefits.

1) Adjunct Appointments are made for one semester at a time to provide for specific defined projects not requiring a full- time appointment. A person holding an adjunct appointment normally teaches one or two courses during a semester. Adjunct appointments have no continuing status but may be renewed if the need exists. Adjunct appointments provide no fringe benefits, and do not carry academic rank.

2) Temporary Appointments are those made for periods not exceeding six months to provide for specific, defined projects, for peak workloads, and for short-term replacements of permanent employees on leave

of absence when a full-time appointment is not required. Temporary appointments have no continuing status and provide no fringe benefits.

- 3) Part-time Appointments are made for periods not exceeding one academic year to augment the strength or expertise of the faculty. Part-time appointments have no continuing status, but a new appointment may be made at the discretion of the University. Part-time appointments provide no fringe benefits.
- 4) Sponsored Research Appointments are made for specific research projects at a rank commensurate with experience. Individuals must possess the professional education, experience, and degrees appropriate or necessary for their duties; in addition, the length of the appointment and benefits, if any, are subject to the terms of the research contract. Sponsored research appointments must carry one of the following titles: Post-doctoral Fellow, Research Scientist, Research Assistant Professor, Research Associate Professor or Research Professor.
- 5) Affiliated Scholar Appointments are made for periods not exceeding one year to individuals who possess professional academic and research credentials for the purpose of allowing continuing professional development through research and scholarship in an academic environment. These individuals must have a terminal degree in their field and cannot be engaged or obligated in any other employment opportunity. Affiliate Scholar appointments have no continuing status, but a new appointment may be made at the discretion of the University. Appointment as an Affiliated Scholar does not constitute employment with the university; thus, it does not include salary, benefits, university duties, designated office space, or any other indicia of an employment relationship.
 - a) Appointment Procedure
 - (1) Recommendation for appointment must come from a member of the faculty of Christopher Newport University with the endorsement of the chair of the faculty member's department and the appropriate dean.
 - (2) Provost reviews recommendation, and if approved, issues letter of affiliation.
 - b) As a volunteer and with regard to any activity that involved Christopher Newport University, its faculty or its students, the Affiliated Scholar is bound by all laws, regulations and policies that apply to any other volunteer at Christopher Newport University.
 - c) Should grants be obtained that would support employment of the Affiliated Scholar, Christopher Newport University may consider employment of the individual and decide at that time whether or not to create an employment relationship.
- 6) Restricted Appointments
 - a) Term Length: Restricted appointments are term appointments of one, two, three, or five academic years in length.
 - b) Titles
 - (1) Restricted faculty on one-year appointments may hold the title instructor; visiting appointment at any rank; or lecturer.
 - (2) Restricted faculty on two-year appointments may hold the title visiting professor, associate professor or assistant professor.
 - (3) Restricted faculty on three-year appointments may hold the title instructor or lecturer.
 - (4) Restricted faculty on five-year appointments may hold the title senior lecturer or master lecturer.
 - c) Degree Qualifications by Title/Rank
 - (1) Instructor: Restricted faculty at the instructor rank generally do not hold terminal degrees.
 - (2) Visiting: The provost will determine the appropriate rank for visiting faculty; the designation "visiting" will be included in the title.

- (3) Lecturer: Appointments at the lecturer, senior lecturer or master lecturer rank shall be reserved for terminal degree-holding faculty who are hired in positions that are initially approved for this status or who have exceeded the two-year limit on a visiting appointment.
 - d) Reappointment
 - (1) Restricted appointments of one year have no continuing status.
 - (a) A new one-year appointment may be made by the provost upon successful performance review, recommendation of the dean and the department chair, and the continuing need of the University. These appointments are typically made to replace a faculty member on leave; to fill a position of doubtful permanency; to allow for an extended period of recruitment for a probationary appointment; to provide continuity in curricular programs in which probationary appointments are not currently feasible; or to employ visiting faculty and therefore are not normally indefinitely renewed.
 - (b) Restricted faculty holding the rank of instructor or lecturer who have taught full-time at the University for four consecutive semesters may apply for a three-year appointment in accordance with the procedures outlined in Section 2.d. (2.d. Procedures for Multi-Year Contracts: instructor, lecturer, senior lecturer, and master lecturer ranks) below. Up to one semester of leave during this consecutive term is allowable, but the faculty member's dossier must demonstrate a commensurate degree of excellence and promise. These appointments are typically made to fill disciplinary and curricular needs in the department and/or University.
 - (2) Visiting restricted appointments will not exceed two years
 - (3) Restricted appointments of three or five years have no continuing status, but a new three-year or five-year appointment may be made in accordance with the procedures outlined in Section 2.d. below. When the renewal of a three-year or five-year contract is not warranted, a one-year contract may be issued instead if appropriate.
 - e) Conversion of Position to Probationary Status
 - (1) Any position which has been filled by a restricted faculty member or members for any number of years may be reviewed for purposes of appointing a probationary faculty member to the position in accordance with the procedures outlined in Section 2.e. below. When a restricted position is to be converted to probationary status, the conversion will await the completion of the contract term, barring exceptional circumstances deemed by the provost.
 - f) Benefits: Restricted appointments provide fringe benefits.
- 7) Probationary Appointments are tenure track appointments that terminate automatically at their expiration date. New probationary appointments may be made by the University at its discretion for a total of not more than six (6) years until tenure is granted or denied. Exceptions may be made at the discretion of the Provost. The University is not obligated to show cause when no new appointment is made. Probationary appointments provide fringe benefits.
 - 8) Tenure Appointments entitle the holders of such appointments to be offered each academic year, employment for the succeeding academic year at an academic year salary and academic rank no less than the stipulated academic year salary and academic rank of the preceding academic year, subject to the contractual terms and conditions of employment which exist from period to period. Tenure appointments provide fringe benefits.
 - 9) Terminal Appointments are given to provide adequate notice of termination of employment. Terminal appointments are for no more than one year and are not renewable. Terminal appointments provide fringe benefits.

c. Procedures for Recruiting and Initial Appointment of Full-time Instructional Faculty

1) Establishment of Positions

Requests for new or replacement positions are initiated by the department chair and are reviewed by the dean of the college/school. If the dean concurs there is a need for a new or replacement position, the dean forwards the request to the provost. If the provost agrees and if there are sufficient financial resources to support the position, the new or replacement position will be created.

2) Recruitment Phase

e) Initiation of Search Process

Once a position has been established, the department chair secures permission to recruit by initiating the “Create New Faculty Posting” process within PeopleAdmin. This process involves creation of the job advertisement verbiage, selection of search committee members, identification of appropriate advertisement locations, and determination of requested application deadline. The request will follow a workflow that includes review and approval by the following individuals: department chair, dean, provost, chief budget officer/academic budget analyst, and director of Title IX and equal opportunity.

f) Appointment of Search Committee

The department chair recommends for approval of the Dean, a search committee of at least three members, one of whom must be from outside the department that is hiring the position. Committee membership must be finalized prior to the receipt of applications by the committee; new members should not be added after the committee has begun the application review process. The chair of the search committee will communicate with the director of faculty recruitment to discuss the requirements of the position, to review and approve the final version of the advertisement, and to discuss where the placement of the advertisement will be most effective. The director of faculty recruitment will place all advertisements; therefore, the search committee must make sure that any necessary contact information for any publication, website, etc. is brought to the director’s attention via the PeopleAdmin system.

g) Scope of Search

Unless there are exceptional circumstances, all searches will be national in scope. Searches may be limited to the local area with the prior express approval of the department chair, dean, provost, and director of faculty recruitment. In exceptional circumstances, an appointment may be made without a search. The requestor must fill out the *Request To Modify Instructional and Administrative/Professional Faculty Search Process Form* and attach the following: a memorandum which provides a detailed explanation as to why the search process should be waived; a current cv/resume from the person to be appointed; and at least three reference checks and/or letters of recommendation for appointees who are not CNU Fellows or CNU employees. This form must then be approved and signed by the dean, university counsel, and provost.

h) Processing of Applications

All applications must be submitted via the PeopleAdmin electronic system, accessed by candidates via the website jobs.cnu.edu. Supplemental application materials, (mainly confidential Letters of Recommendation) will be accepted via email to facultyrecruitment@cnu.edu, but will only be attached to an existing applicant account already present within the PeopleAdmin system. As part of the online application, candidates are asked to voluntarily disclose EEO information. EEO data of each search will be maintained within the PeopleAdmin system. The director of Title IX and equal opportunity will have access to all EEO data none of which will be disclosed to the search committee.

3) Screening Phase

a) Review of Applications by the Search Committee

The director of faculty recruitment will release applicant materials to the search committee, by way of the PeopleAdmin system, on the following business day after the application deadline. An

Applicant Flow Log that lists all of the candidates alphabetically will also be shared with committee members. If an application is missing any letters of recommendation or transcripts, it is recommended that the search committee contact the candidate and ask them to forward the missing materials. The search committee should take caution and only talk to the candidates about the missing information and avoid any conversation that would take the form of an interview no matter how informal. Once the applications are received, all members of the search committee will individually review each one. (Minimum qualifications for each academic rank are listed in Section XI.8.c.3). The search committee will not at any time have direct knowledge of the race, gender, age, or disability status of any candidate. The search committee will then meet to discuss all applications. During this meeting, the search committee, by consensus if possible, will divide the applications into three categories as noted on the *Applicant Flow Log*: (1) initial non-selection (definite rejections), (2) additional consideration but not selected (possible interviews), and (3) selected for telephone interview (preliminary interviews).

b) Selecting Persons for a Preliminary Interview

Once the search committee is in agreement with the selections for each category, the search committee chair will email the appropriate dean with the names of the candidates to be interviewed; the dean may recommend other candidates for consideration. The search chair will also update the Candidate status in PeopleAdmin by selecting them for “Preliminary Interview Approval” in the system. Once the dean has approved the selections, the appropriate column for each candidate will then be marked on the Applicant Flow Log, and the persons who were chosen may be contacted for a preliminary interview. All preliminary interviews should use the same channel for communication, e.g., telephone, Skype, Google Meet, Zoom, etc. The search committee will then conduct the interviews, using the guidelines provided by the director of faculty recruitment. Committees are encouraged to use a standardized set of interview question, to be supplemented as appropriate with individualized additional questions.

c) Selecting Persons for a Campus Interview

Once the search committee has conducted all preliminary interviews, the committee will rank the candidates (typically 4 – 6) for campus interviews and prepare a memo that lists the ranked candidates, along with the rationale for each ranking. The search committee chair will send the memo to the appropriate dean and the director of faculty recruitment. The search committee chair will also move forward the selected candidates to a “Campus Interview Approval” status in PeopleAdmin. The search committee chair will meet with the dean to discuss the rankings, and the dean will notify the search committee chair and the director of faculty recruitment once the candidates for campus visits are approved. The search committee chair will then arrange travel plans for the candidates, have the prior approval forms signed, and after receiving the signed priors finalize the arrangements. The chair will prepare a campus visit itinerary to include interviews with the search committee, the dean, and the provost; a meeting with human resources; an open teaching demonstration for students; and an open scholarly presentation for faculty (optional for restricted positions). The director for faculty recruitment may grant exceptions to the prescribed itinerary. The itineraries will be forwarded to the appropriate dean, provost, executive administrative assistant to the provost, and the director of faculty recruitment. The search committee chair will also forward a copy of the completed Applicant Flow Log to the director of faculty recruitment, noting the following when applicable: (1) dean/provost did not approve the candidate for interview; (2) candidate declined the interview offer; (3) candidate withdrew application. The search committee chair will also update PeopleAdmin to show the appropriate workflow state disposition for each candidate, so as to match the Applicant Flow Log documentation.

d) Exceptions to the Preliminary Interviews

With proper authorization, the search committee may forgo the preliminary interviews. Express prior approval of the provost, and director of faculty recruitment is required.

- 4) Interviewing Phase-Search Committee Interviews

The search committee will then conduct the interviews, using the guidelines provided by the director of faculty recruitment. Committees are encouraged to use a standardized set of interview questions, to be supplemented as appropriate with individualized additional questions. After conducting the interviews, the search committee chair will forward a hiring recommendation to the dean, provost, and director of faculty recruitment in the form of a memo that ranks the candidates and provides reasons for the rankings. The search committee chair will also update the applicant(s) in PeopleAdmin to the workflow status of “Recommend for Hire.” Selected applicants can be tiered as 1st choice, 2nd choice, etc. if multiple candidates are being recommended for employment. The director of faculty recruitment will initiate the Hiring Proposal within PeopleAdmin for the 1st choice candidate, and ensure it receives approvals from all necessary individuals (including Director of Title IX and Equal Opportunity) before alerting the provost that they may move forward with extending the offer of employment.
- 5) Offer and Appointment Phase
 - a) Extending the Offer

The provost or designee will extend the offer for employment. It will be the responsibility of the director of faculty recruitment to update PeopleAdmin based on the candidate’s final decision to accept or decline the offer. The director of faculty recruitment will be responsible for sending the non-selected candidates an automated email via PeopleAdmin informing them that the position has been filled once a signed contract is received back from the selected candidate.
 - b) Appointment as a Faculty Member

The successful candidate will be offered a contract. The Board of Visitors has delegated to the president the authority to act on its behalf, as the final authority on the appointment of full-time, salaried members of the teaching/research faculty of the University, regardless of type of appointment status. All actions taken under this authority shall be reported to the board of visitors.
 - c) Background Checks

All contracts are contingent upon the completion of a satisfactory background check to be conducted by the University upon receipt of the candidate’s authorization as outlined in the Christopher Newport University Criminal History Background Check Policy.
- d. Procedures for the Multi-Year Contracts: Instructor, Lecturer, Senior Lecturer and Master Lecturer Rank
 - 1) Eligibility: Faculty members employed on yearly, restricted-status contracts may initiate an administrative review for an initial three-year or five-year restricted-status contract or a renewal of a three-year or five-year restricted-status contract under these conditions.
 - a) The faculty member holds the rank of instructor, lecturer, senior lecturer or master lecturer.
 - b) Instructor: The rank of instructor is an initial appointment, typically for a fixed term of one year, which may be renewed at the sole discretion of the University. In the third consecutive year of annual appointments, an instructor may apply for a fixed term contract of three years. Evaluation for a three-year contract is based primarily on teaching; a willingness to accept service roles will also be weighed.
 - c) Lecturer: The rank of lecturer is an initial appointment, typically to a fixed term contract of one year, which may be renewed at the sole discretion of the University. In the third consecutive year of annual appointments, a lecturer may apply for a fixed term contract of three years. Evaluation for a three-year contract is based primarily on teaching; a willingness to accept service roles will also be weighed.
 - d) Senior lecturer: The rank of senior lecturer is awarded to a faculty member who has rendered no less than seven years of service to the University, and has demonstrated excellence in teaching and service, while maintaining a relevant basis of scholarly proficiency in their field. A faculty member holding the rank of lecturer may apply for the rank of senior lecturer and a fixed term contract of five years during the first year of their second three-year contract under the rank of lecturer.

- e) Master lecturer: The rank of master lecturer is awarded to a faculty member who has rendered no less than fourteen years of service to the University, and has demonstrated continued excellence in teaching and service, while maintaining a relevant basis for scholarly proficiency in their field. A faculty member holding the rank of senior lecturer may apply for the rank of master lecturer and a fixed term contract of five years during the second year of their second five-year contract under the rank of senior lecturer.
 - f) It is anticipated that the four consecutive semesters will have just been completed, but they must have been completed within the last three years—allowing room for a return upon a one-year hiatus of employment service.
 - g) Up to one semester of this consecutive term for FMLA leave is allowable, but the faculty member’s dossier must demonstrate a commensurate degree of excellence and promise.
- 2) Initiation
- a) The faculty member initiates the request for the administrative review in an application letter of about one page addressed to the chair and dean, copying the **dean** of graduate studies (when applicable) and the vice provost.
 - b) The administrative review assumes two major parts: one for instructional need, and one for performance evaluation.
- 3) Review One: Instructional Need
- a) Upon receiving the memo, the dean and chair will consult to determine whether each supports the review to continue.
 - (1) When the faculty member teaches at least 50% of his or her time in the teacher preparation or graduate program, the **dean** of graduate studies will participate in this consultation of chair and dean.
 - b) This decision rests on three primary criteria:
 - (1) There exists clear need for the disciplinary expertise of the faculty member so that the department can fulfill its obligations to its major(s) and/or to the broader curricula of the college and university.
 - (2) A multi-year contract serves the goals of staff-planning for the department and college.
 - (3) The chair, dean, and provost will stagger the number and terms of the multi-year contracts to ensure the flexibility the University needs.
 - c) While years of service and hence institutional loyalty are important considerations, the needs of the curriculum are paramount. The continuation of the multi-year contract plan will depend upon adherence to this principle. In no instance should needed curricular changes be deferred to recognize years of service.
 - d) The dean will notify the faculty member (copying the vice provost) of the result of this consultation. If the decision is negative, the review process stops for the current academic year. With continuing employment, the faculty member is eligible to renew the application each successive fall term.
 - e) The decision not to continue with the review does NOT have inherent implication for the short-term or long-term value of the faculty member.
- 4) Review Two: Performance
- a) When the dean and the chair consultation yield a positive result, the faculty performance evaluation process begins.
 - b) The dean specifies the materials necessary for a DRC review.
 - (1) These materials normally include:
 - (a) the application letter;
 - (b) a current *curriculum vitae*;
 - (c) all EVAL-6 and EVAL-AR forms (including IDEAs) extending to a six-year limit. Data collected for assessment purposes cannot be used for faculty review.

- (d) any optional documents, such as publications.
 - c) The department chair convenes a DRC, whose membership and chair are approved by the dean. The DRC chair may or may not be the department chair but must be a member of the department. The DRC membership consists of three to five members, all of whom have served the University continuously for six years. The DRC shall consist of:
 - (1) at least two faculty members in the department, one of whom is the DRC chair; and
 - (2) at least one faculty member from outside the department and within the college; and
 - (3) a maximum of two faculty members from outside the department.
 - (4) When the faculty member teaches at least 50% of his or her time for the teacher preparation or graduate program, the **dean** of Graduate Studies nominates a member of the Graduate Council to serve on the DRC (either as a regular member or an additional one).
 - (5) When this composition is not possible, the vice provost is consulted for resolving the problem.
 - d) Typically, the DRC will be able to consider the qualifications of the candidate in a single meeting, assuming the review materials are reviewed prior to the discussion.
 - (1) The DRC members vote on whether to recommend a multi-year contract and, when applicable, promotion to a higher lecturer rank based upon performance.
 - (a) The primary criterion for a positive review is demonstrated excellence in teaching; however, a willingness to accept service roles and evidence of the ability to maintain one's disciplinary expertise should also be weighed.
 - (b) The DRC chair records the vote and includes it with its recommendation to the dean, copying the department chair (if different) and the vice provost.
 - e) The recommendation, plus the candidate's review materials, are provided to the dean.
 - f) The dean forwards the review materials, the DRC recommendation, and his or her own recommendation to the provost.
- 5) **Provost Decision**
 - a) The provost completes the review process by writing a memo to the candidate, copying the vice provost, dean, and department chair, about his or her intention to offer or not offer the multi-year contract when reappointment letters are provided to faculty.

While this process is expected to guide the provost's decisions, he or she retains discretion and authority in faculty contracts, and must factor in the University's budgetary planning, which is in motion at this time.
- 6) **Renewal of multi-year contract.**
 - a) The faculty member may apply for a renewal of the multi-year contract in the designated semester as spelled out in Section 2.d.1 above.
 - b) A candidate requests the renewal of a multi-year contract by writing a memo (of no more than 5 pages) justifying the request based on the prior two- or four-years' work. The candidate should send the memo to the department chair and dean, copying the vice provost.
 - c) The department chair and dean will review the candidate's performance and consult about the staffing needs of the department.
 - d) The dean will notify the candidate of his/her decision on the multi-year contract. Decisions not to renew the multi-year contract may be appealed to the provost.
- 7) **Deadlines**
 - a) By the end of January, the provost publishes the EVAL-1 CALENDAR of deadlines for each step of this process, which is available on the provost's website. The provost establishes the evaluation schedule in consultation with the Faculty Senate by the end of the last week of classes of the Fall semester.

- e. Procedures for Conversion from Restricted to Tenure-Stream
Under most circumstances, the University will conduct a national search for a probationary position and thus, conversion is not a routine or expected outcome of a restricted appointment.
- 1) Eligibility
 - a) Conversion applications will be considered only after the candidate has completed one full year as a restricted-contract faculty member.
 - b) The candidate must have acquired her/his current restricted position at CNU through a national search, as determined by the director of faculty recruitment.
 - 2) Initiation
 - a) The conversion candidate initiates the process by making a written request, in an application letter of about one page addressed to her or his department chair, dean, and provost.
 - 3) Review One: Instructional Need
 - a) Upon receiving the request, the department chair, dean, and provost will consult to determine whether each supports the review to continue.
 - b) The decision rests on these criteria:
 - (1) the department’s curriculum justifies an additional tenure-track position;
 - (2) the department can manage the reduced course load of a tenure-track position; and
 - (3) one would reasonably predict a national search not to be effective in securing a more competent candidate than the incumbent.
 - c) The dean will communicate the result of this consultation to the department chair and faculty member, copying the vice provost. If the decision is negative, the review process stops for the current academic year. With continuing employment, the faculty member is eligible to renew the application each successive fall term.
 - d) The decision not to continue with the review does NOT have inherent implication for the short-term or long-term value of faculty member.
 - 4) Review Two: Performance
 - a) When the dean, chair, and provost consultation yield a positive result, the faculty performance evaluation process begins.
 - b) The department chair convenes a DRC consisting of at least 3 tenured faculty members in the department, plus one tenured faculty member in the college but outside of the department, and communicates DRC membership to the dean, copying the vice provost.
 - c) The DRC creates a job description using the same format employed for national search advertisements, in order to structure future probationary reviews and, upon approval from the dean, shares it with the candidate.
 - 5) The candidate provides the DRC with a cover letter describing his or her qualifications for the position; an updated *curriculum vitae*; all previous EVAL-6 and EVAL-AR forms (including IDEAs), extending to a six-year limit; and optional supporting documents such as publications. After reviewing these documents, the committee may interview the candidate. The DRC then determines the extent to which the qualifications of the incumbent candidate meet the needs of the University and department and whether a successful tenure application is a reasonable prediction.
 - 6) The DRC submits a report to the dean and provost that is similar in format to a hiring recommendation. The DRC may recommend one of the following three decisions: (1) conversion of the candidate to probationary status; (2) initiation of a national search for a probationary position, for which the candidate is welcome to apply; or (3) continuation of the candidate on a restricted contract. Supporting evidence for the committee’s recommendation should be provided.

- 7) The provost notifies the candidate and department chair of the final decision.
- 8) The conversion will be effective no sooner than the conclusion of the second consecutive year of teaching. Normally, a restricted-contract candidate converted into a probationary position will begin the tenure track review process without years credited toward the tenure clock.
- 9) By the end of January, the provost publishes the EVAL-1 CALENDAR of deadlines for each step of this process, which is available on the provost's website. The provost establishes the evaluation schedule in consultation with the Faculty Senate by the end of the last week of classes of the Fall Semester.

3. Regulatory Responsibilities and Privileges of Academic Rank

a. Responsibilities

- 1) Each faculty member is expected to meet the requirements of rank. (Minimum qualifications for each academic rank are listed in Section XIII.8.c.3).
- 2) While the major responsibility of each faculty member is teaching, and while it is expected that those faculty members who serve at the rank of instructor, lecturer, senior lecturer, master lecturer, and assistant professor will regard teaching as their overriding primary responsibility, promotion to the ranks of associate professor, professor, and distinguished professor, requires not only sustained excellence in teaching, but also increased involvement in the faculty member's academic discipline, department, college/school, the University, and the community, as outlined in the relevant Department EVAL-4 and University EVAL-4. It is the responsibility of each faculty member to demonstrate continued evidence of carrying out the expectations of the faculty member's rank.

b. Privileges

1) Released Time (Also see Workload and Faculty Workload)

Each academic year, the provost will stipulate the amount of release time available for activities such as research, teaching innovation, service, and program direction. Released time for all academic ranks is dependent upon the availability of funding.

Any faculty member (graduate or undergraduate) who has a proposal which advances the University's mission may request release time by submitting a proposal, in consultation with the department chair, to the appropriate academic dean. The dean will forward ranked recommendations to the provost.

2) Sabbatical Leave

a) Purpose

Christopher Newport University will offer sabbatical leaves so that faculty may extend teaching abilities and continue professional and intellectual growth. Projects in such areas as research, creative work, professional retraining, and advanced study may be proposed. These activities should result in (1) improved teaching effectiveness, (2) enhanced research and/or artistic activity, (3) new capacity for service to the University or community, and/or (4) an advanced degree or retraining that permits teaching in a new area.

b) Eligibility

Full-time tenured or tenure-track instructional faculty and full-time administrative faculty are eligible to apply during their sixth year of service at CNU, for a sabbatical to be taken in their seventh year. Faculty may reapply during the sixth year of service after the academic year in which the sabbatical was taken. The applicant must hold the rank of assistant professor or higher at the time of application. The terms of the sabbatical enable a recipient to elect to use one full academic year, nine months, at one-half salary, or one semester (fall or spring) at full salary. If the one-semester option is taken, the remaining semester of the year may not be applied to the accumulation of the six years of service required before becoming eligible for the next sabbatical.

In either option, subject to consistency with applicable state policy, the University continues to contribute its full share of all established fringe benefits.

c) Application and Selection

Applicants should submit proposals to their department chair **via the designated electronic workflow** no later than October 15 of the year preceding the academic year in which the leave is desired. The department chair **may** then write a statement of support and **shall** forward the application package **within the workflow** to the appropriate dean by November 1 of that year. (In the case of administrative faculty, they will submit their applications directly to their immediate administrative superiors no later than November 1). The application must be made **via the designated electronic workflow** and include both a detailed description of the proposed activities for the leave period and the manner in which these activities will contribute to the applicant's professional development and to the improvement of the University's academic program. Only those proposals received by the application deadline are eligible for consideration.

The dean (or, in the case of administrative faculty, another appropriate officer) shall rank the proposals from the college/school or unit that have been approved (where appropriate) by the chair, and shall furnish an explanation of what arrangements are contemplated for staffing and what budget adjustments will be required to maintain any affected program(s) during the applicant's absence. The ranked proposals must be forwarded to the Faculty Senate **via the electronic workflow** no later than November 15 of the year preceding the academic year in which the leaves are desired. If there is any proposal from a member of the administrative faculty, who is also a member of the instructional faculty, the provost shall appoint a member of the administrative faculty (not an applicant) to serve as a non-voting, *ex officio* member during the Faculty Senate's deliberations on all proposals under consideration at that time. Any member of the Faculty Senate who is a candidate for a sabbatical may not participate in any deliberations pertaining to either that member's own proposal or any other proposal under concurrent consideration.

By December 10 the Faculty Senate **via the electronic workflow** shall rank the proposals and indicate in writing which proposals should be approved and which should not. The Faculty Senate's recommendations are not subject to appeal, but the Faculty Senate shall maintain records of its deliberations and, upon written request of an applicant, provide a summary evaluation of the applicant's proposal after the announcement of leave recipients. Leaves will be awarded on the basis of the merit of the proposals. Subject to funding availability, at least ten leaves will be granted each academic year, if there are enough meritorious proposals. All of the awards for a single year may not be given to administrative faculty or to the faculty of a single college/school.

When considering proposals of equal merit, the following should be given additional weight: (1) Seniority; (2) length of time since last sabbatical; and (3) service for six or more consecutive years as a department chair or commensurate leadership role completed within two academic years of the application.

The provost shall act on the Faculty Senate's recommendations and forward the provost's recommendations to the president no later than January 10. The president shall forward the names of those applicants selected for leave approval to the Board of Visitors at its spring meeting.

d) Proposal Format

(1) Application for Sabbatical Leave Form

The application should be made on the approved form and include an abstract of the proposal.

- (2) Departmental Recommendation

Appropriate recommendation from the department chair after consultation with the department will accompany each application of the instructional faculty. In the case that a department chair is an applicant, the dean will consult with the department. Administrative faculty shall include a recommendation from the appropriate supervisor.
- (3) Narrative

The description of the project is the only demonstration that the Faculty Senate and others subsequently involved in the decision-making process will have of the substance and potential of the project. It is important that the proposer not presume extensive knowledge on the part of the reviewers. Therefore, since members of the review committee may not have a specialized knowledge of the proposer's field, the proposal must be sufficiently detailed to describe the project in plain, non-technical English. There is no required format for the narrative. The following points should be addressed when they are appropriate to the proposal. The narrative should not exceed 1250 words and must include subsections:

 - (a) Objectives

The proposal should state the objectives of the leave.
 - (b) Program of Study or Research

The proposal should clearly describe the applicant's specific program of study or research. It should explain the basic ideas, problems, or questions intended to be examined, and illustrate the planned approach or line of thought, to the extent that it has been worked out. The proposal should incorporate statements about the need for and the contribution of the project to teaching and scholarship in the particular field of study. It should include a concise review of the relevant literature or state of affairs.

The proposal should indicate the project's relation to long-range teaching and scholarly objectives and its specific relationship to the University's strategic plan. The proposal should specify the current status and feasibility of the project, and specify where the project will be conducted, and indicate the likelihood of access to archives, collections, or institutions, if pertinent. The proposal should describe the special skills needed for the project (e.g., foreign languages, computer literacy, etc.).
 - (c) Funding Sources

The proposal should identify all sources of funding in support of the sabbatical.
 - (d) Deliverables or Expected Activities

The proposal should state what scholarly activities might be expected at the end of the leave.

- (4) Professional Resume

The proposer shall provide an up-to-date outline of professional activities and accomplishments, including such items as:

 - (a) degrees earned and date of conferral;
 - (b) employment record;
 - (c) list of academic honors, awards, or fellowships received and dates;
 - (d) list of publications and important academic or professional presentations; and
 - (e) other pertinent experiences and current activities.

- e) Criteria

The Faculty Senate will make recommendations on the basis of the following criteria:

- (1) the concept and organization of the project;
- (2) the enhancement the project will have on the teaching effectiveness and professional development of the applicant;
- (3) the quality or the promise of quality of the applicant's work as a teacher and scholar;
- (4) commitment by the applicant to work full-time on the project to completion;
- (5) the length and quality of the applicant's service to the University; and
- (6) the potential of the project to benefit the University.

f) Governing Policies

- (1) Competition is limited to full-time tenured or tenure track instructional faculty and full-time administrative faculty who have completed six years of service at CNU. The six years must be completed before an initial sabbatical leave award and between successive awards of sabbatical leaves.
- (2) Proposals should be written in a clear, coherent and concise manner.
- (3) Final choices will be based upon recommendations by the Faculty Senate as to the relative merit of each proposal.
- (4) Receiving a sabbatical will not preclude eligibility for a faculty development grant for purposes of supporting the sabbatical project.
- (5) All proposals become the property of the University and will not be returned to the proposer.

g) Terms of Leave

A recipient of a sabbatical leave is expected to return to the service of the University for at least two full academic years after the leave is completed. Failure to meet the requirement may, at the discretion of the University, result in the recipient being required to repay all or part of salary, fringe benefits, and other costs borne by the University in support of the leave.

h) Reports and Acknowledgments

A written report summarizing what was accomplished during the sabbatical must be submitted to the provost, copying the **associate provost for research**, and, where applicable, to the faculty member's dean and the department chair within three months of the end of the leave.

In addition to a detailed summary of activities, the report should comment on the extent to which the experiences contributed to the faculty member's teaching effectiveness and professional development.

This report will constitute a major portion of the faculty member's evaluation for the academic year of the sabbatical. After completing the sabbatical leave, the faculty member is encouraged to present all or part of the results of the leave activities to the University community.

Any publication or exhibition resulting from activity assisted by these sabbatical leaves shall carry the following acknowledgment: "This work was supported by a grant from Christopher Newport University, Newport News, Virginia."

3) Educational Leave Other Than Sabbatical Leave

- a) A full-time faculty member may apply for educational leave, with full or partial salary, according to State regulations and the availability of funds. Educational leave may be granted for the purpose of academic research, study or publication; an exchange professorship; or any other like activity which will enhance the faculty member's academic expertise, experience, and contribution to the institution. One semester of educational leave may be granted to faculty members holding the rank of associate professor after four years of full-time service to the University. Two semesters of leave may be granted to faculty members holding the rank of professor or distinguished professor after

each six years of full-time service to the University. Exceptions to these requirements (on rank and time of service) may be made, based on the discretion of and recommendation by the dean and department chair. Application for educational leave is made to the provost through the appropriate department chair and academic dean at least one calendar year before the beginning of the requested leave period. In the application letter the faculty member should state:

- (1) the date of the leave;
 - (2) the purpose(s);
 - (3) a detailed description of the activity to be pursued during this period;
 - (4) the worth of this activity to the member, the academic department, and the University; and
 - (5) the amount of salary requested.
- b) Other relevant data should be attached to the application letter. The provost may request data from the appropriate dean and chair concerning the impact of granting such leave. The provost recommends action on the application to the president. The decision to authorize educational leave is made by the Board of Visitors upon the recommendation of the president. When accepting full or partial salary from the University during an educational leave, the faculty member will fulfill the faculty member's teaching role at the University at the end of the leave for a period at least two full academic years. Failure to meet the requirement may, at the discretion of the University, result in the recipient being required to repay all or part of salary, fringe benefits, and other costs borne by the University in support of the leave. The designated salary and time commitment will be included in the contract for the educational leave period.
- c) Upon the completion of the leave, the faculty member will file a written report with the provost, copying the **associate provost for research and dean of graduate studies** for inclusion in the faculty member's file with copies to the chair and dean concerning the faculty member's accomplishments during the leave.
- d) A full-time faculty member may apply for educational leave without salary under the same guidelines and requirements as listed above. Such application will ordinarily be made by the beginning of the semester previous to the requested leave.
- 4) Leaves of Absence for Other Than Educational Purpose
Leaves of absence without pay may be granted to a faculty member for other than educational purposes. Such leaves unrelated to teaching responsibilities may not count for purposes of promotion or tenure. Leaves of absence of this type must be approved by the provost, and all terms and conditions of the leave must be stated in writing in advance of the leave.
- 5) Part-time Status of Regular Faculty
From time to time, for reasons of health or leave of absence, regular faculty members may wish to change their full-time workload to part-time status. A number of State personnel guidelines apply to such changes, and faculty members contemplating a change of status should discuss their plans with the appropriate academic dean and the personnel officer. Changes in status, including all terms and conditions of reduced status, must be approved by the provost in advance of the change.
- 6) Information on Faculty Development Grants
The objectives of the faculty development program are to improve instructional effectiveness and promote the professional development of faculty members.
- a) Faculty members may apply for faculty development grants (one year in length).
 - b) Development Categories

- (1) Professional Development
Activities to be supported in this category are those designed to expand the academic expertise of full-time faculty. This category includes such activities as: research and/or creative activity, preparation of a product of this research and/or creative activity, the presentation of this research and/or creative activity, writing, delivering academic papers, additional training, retraining to serve the University in a new area, supplemental funds for academic activities, and support of course reductions from the University to allow for research and/or creative activity time.
 - (2) Instructional Development
Activities to be supported in this category are those designed to increase teaching effectiveness and improve course content. This category includes such activities as innovations in pedagogy, application of Information Technology to course content, and activities directed at improving course content.
 - (3) Dissertation Grants
Grants may be awarded to help offset the expenses incurred in preparing doctoral dissertations.
- c) Grant Priorities
Grants will be considered first taking into account the following priorities:
- (1) professional development;
 - (2) instructional development; and
 - (3) dissertation grants.
- d) Guidelines for Levels of Support
- (1) The level of support for faculty development grants will be determined by:
 - (a) the financial sources allocated to this activity for the relevant budget period; and
 - (b) the substance of the application.
- e) Procedures
- (1) The Faculty Senate is responsible for initial **university-wide** review of faculty development grants. The **associate provost for research and dean of graduate studies** will supply the Faculty Senate with a list of faculty who are not eligible for grants due to non-compliance with (6) below.
 - (2) Applications for grant support are made **via the designated electronic workflow**.
 - (3) Normally, the Faculty Senate will schedule fall and spring application periods.
 - (4) The faculty member submits the application to the department chair, who will complete the appropriate section and forward the application package electronically to the college dean. The college dean will complete the appropriate section and forward the application package electronically to the Faculty Senate. The Faculty Senate will review all application materials, prepare funding recommendations, and forward all submitted application materials electronically to the **associate provost for research and dean of graduate studies** who **reviews the recommendations and ranks them for the provost's final approval. The Provost has the final discretionary authority over the disposition of applications and award amounts.**
 - (5) Dissertation grant awards may be subject to further requirements.
 - (6) Each recipient of a Faculty Development Grant is required to submit a written report on the progress of the project or research within 30 days of the grant period to the **associate provost for research and dean of graduate studies** with copies to the academic department chair, the appropriate college/school dean, the provost and the Faculty Senate president. Future grant applications will not be considered from faculty members who fail to file a report regarding a previous grant. **Any extensions beyond the grant period must be approved by the associate provost for research and dean of graduate studies.**

7) Other Support

Traveling to Potential Sponsors (Deadlines: submit at any time) Meeting sponsors face to face can provide valuable insights into the goals, focus and interpretation of program announcements for potential Principal Investigators. CNU recognizes the importance of these meetings and will provide travel assistance to potential Principal Investigators. Working with the Office of Sponsored Programs, faculty may request funding to meet with a program officer once a relationship has been defined. There are limited funds available for this opportunity.

8) Retraining of Faculty

a) Rationale

During a period in which the University must undergo curricular change to meet student needs within the context of limited resources, a plan must be implemented by which personnel, as well as material resources, may be reallocated. This reallocation must be affected in an academically sound and efficient manner and should take cognizance of the unique relationship which exists in higher education between a tenured faculty member and an institution.

b) Overall Objective of Retraining

Retraining utilizes the services of full-time faculty members to the best advantage of the students, institution, and the individual.

c) Specific Objectives

- (1) To prepare a faculty member to teach a course(s) in another academic department when the faculty member's own department is overstaffed and the latter department is understaffed.
- (2) To prepare a faculty member to make a permanent change to another department, part-time or full-time.
- (3) To prepare a faculty member to assume an administrative faculty position within University.

d) Guidelines

- (1) Retraining is implemented only when one academic department is overstaffed with tenured faculty, or when another academic department is understaffed, or both.
- (2) The concept of retraining encompasses activities ranging from a relatively informal process to an academic degree program.
- (3) Academic integrity is of overriding importance.
- (4) The expertise of the retrained faculty member must be appropriate to the new duties to be assumed as determined by the academic dean; or, in the case of inter-college/school retraining, by the provost; or in the case of retraining for administrative faculty duties, by the appropriate vice president, chief of staff or president.
- (5) During the decision-making process relative to retraining, the participation of the following constituencies is to be solicited:
 - (a) the faculty member;
 - (b) the department whose member is a candidate for retraining, the overstaffed department;
 - (c) the department, either academic or administrative, which will utilize services of the retrainee, the receiving department;
 - (d) appropriate dean(s); and
 - (e) appropriate vice president(s) provost or chief of staff.

e) Retraining begins only after a "retraining statement" has been approved by the appropriate vice president(s) after consultation with all concerned parties. This statement stipulates the following:

- (1) person to be retrained, present affiliation, reason for retraining;
- (2) specific competencies and level of skill attainment to be reached, particularly when an applied

- skill, as well as knowledge, is involved;
- (3) specific retraining tasks to be performed include formal courses, degrees to be earned, informal learning, apprenticeships;
- (4) a time schedule;
- (5) location(s) of the retraining;
- (6) compensation mode for the retraining process; i.e., payment of tuition, textbooks, relevant fees, services, or retainers;
- (7) the financial obligation of the retrainee to CNU;
- (8) released time and/or compensation to the retrainee during the period of the retraining; (In turn, the statement specifies the obligation of the receiving department, subject to the retrainee's completion of the required retraining.)
- (9) the general duties for which the retrainee will be responsible in post-retraining assignment; and;
- (10) the status of the retrainee in the receiving department upon completion of the requirements of their training will be specified, i.e., joint appointment, full-time, or less than full-time appointment.

f) Documentation

To ensure academic integrity or professional qualification, the retrainee is responsible for documenting formal retraining and expertise to the satisfaction of the appropriate vice president or provost.

4. Academic Freedom

Since a vital role of a college or university is to examine intelligently and carefully ideologies and institutions, it is essential that faculty members be able to express their views without fear of unlawful censorship or penalty. This statement is embodied in the Board Policy on Academic Freedom and Responsibility.

5. Faculty Workload Responsibilities

a. General Requirements

The workload of full-time instructional faculty requires teaching, an ongoing program of professional development, student advising, and service to the department, college, university and professional and civic communities. The full-time teaching load for probationary and tenured faculty may consist of twelve (12) lecture hours or the equivalent per week in either the fall or spring term, and nine (9) lecture hours or the equivalent per week in the remaining semester, for a total of twenty-one (21) lecture hours per academic year. For restricted faculty, the full-time teaching load may consist of twelve (12) lecture hours or the equivalent per week, for a total of twenty-four (24) lecture hours per academic year. Teaching loads may be adjusted, however, when circumstances warrant including during the retirement year.

b. Specific Requirements

In the fulfillment of their duties faculty members must participate in a number of activities:

1) Meeting of Classes

- a) Each faculty member's teaching assignment is determined by the academic dean upon the recommendation of the appropriate department chair(s).
- b) Faculty members are required to meet their assigned classes at the times and places designated by the academic dean. Changes in established schedules must be approved by the department chair and the appropriate academic dean. If an emergency should prevent a member of the faculty from teaching a class, the faculty member must notify, at the earliest possible time, the department chair or the appropriate academic dean and must make every effort to arrange for a colleague to meet the class. In the case of a prolonged illness, the department chair is responsible for preserving the continuity of the class. Temporary adjustments may be made by the instructor with the knowledge and agreement of the class, so long as the department chair is informed.

2) Program Accessibility for Qualified Disabled Students

Program accessibility for qualified disabled students is described herein, the *University Handbook*, the *Student Handbook*, and on the CNU website. The *Student Handbook* is available through the Office of Student Life.

3) Residence During the Academic Calendar

The provost sets the date which faculty report to campus in late summer. The regular academic year concludes with spring commencement. Faculty members are in residence during the academic calendar of orientation, registration, classes, and examinations. They are, therefore, to be available to students and colleagues during this period.

The beginning and end of each semester are especially critical times when student advising, registration, grade reporting, and decisions on academic or degree status may necessitate the ready availability of a faculty member. Requests for absences from required activities are made to the provost.

4) Office Hours

It is required that each member of the faculty be regularly available to students for consultation during the academic calendar of registration, classes, and examinations. As a convenience to students and colleagues, specific office hours will be posted by each faculty member on the door of the office. A copy of these office hours must be submitted each semester prior to the first day of classes to the department chair and the dean of the appropriate college/school.

5) Submission of Grades: Third-Week, Mid-Term and Final Grades

All grades must be submitted by the deadlines established by the Provost and communicated by the Office of the Registrar. Third-Week grades must be submitted for all students with a freshman class standing as well as students who are new first-time freshmen as indicated on the class roster. Mid-term grades must be submitted for all students with a freshman class standing as well as students who are new first-time freshmen as indicated on the class roster in all classes. Mid-term grades must be submitted for all other students who have a course grade of *D+* or below at the time of submission. Final grades must be submitted for all students.

6) IDEA Student Ratings of Instruction (IDEA)

Faculty members are required to administer the *IDEA Student Ratings of Instruction* instrument to class sections, and according to procedures, as specified by the provost.

7) Overload Teaching

a) Overload teaching is a means of meeting student needs, serving the professional development of faculty, and supplementing faculty salaries. As such it is an important element in the academic scheduling and program development at Christopher Newport University. The possibility of some negative results from excessive hours of teaching must, however, be carefully guarded against. Teaching "burn-out" and inability because of lack of time or energy to meet daily responsibilities such as office hours and committee work are only the most obvious potential problems.

b) The following policy guidelines will be observed by the academic deans in approving requests for approval of overload teaching.

- (1) No instructional faculty member will be assigned more than four lecture hour equivalents (LHE) of overload courses per semester at Christopher Newport University.
- (2) In addition, one course per academic year at another institution may be approved if the kind of teaching opportunity is not available at CNU (e.g., doctoral level courses, distinctive subject areas), or meets a need for a subject matter expert at that institution and is viewed by the dean of the college/school as being in the University's best interest to provide the instructor. This

kind of possibility must be demonstrated to be a means of professional development. The chair of the department in which the faculty member is a member will also submit a report of the impact of such an overload on the department and on the individual faculty member.

- (3) In no case shall overload teaching be considered to relieve a faculty member of involvement in areas other than teaching. Professional development in one's discipline, departmental and University responsibilities, and community service remain important in the evaluation process.
- (4) In semesters when a full-time, salaried member of the instructional faculty has a regular-load teaching assignment of fewer than 12 LHE's (i.e., a teaching assignment of fewer than 12 LHE's under the faculty member's contract of salaried employment), overload teaching for additional compensation for that faculty member is prohibited. Exceptions may be granted only by the provost and only when they serve pressing University needs.
- (5) Faculty members may teach an approved one-credit-hour study abroad course during spring break, supplemental to their normal spring semester teaching load, subject to the four-credit hour equivalent in item 1.

8) Commencement Ceremonies

The University holds commencement ceremonies in the course of the academic year. Full-time faculty members are required to attend each of these ceremonies unless their absence has been authorized in advance by the provost. Academic regalia is prescribed for the occasion. The Office of the Provost assists the faculty with the purchase, loan, or rental of academic regalia.

c. Regulations Pertaining to Professional Activity

1) Consultation, Research, and Public Service Requiring University Facilities, Services, or Personnel

- a) Faculty members wishing to use University facilities, services, or personnel to provide consultation, conduct research or to sponsor public service conferences must have the approval of the appropriate dean.
- b) Participating faculty members have the right to publish and copyright the results of these studies. Reference to the University, including names of faculty members, for commercial advertising purposes is prohibited unless approved in advance by the dean; reference made in research publications is allowed.

2) Grants, Contracts, and Fellowships

a) Philosophy

Faculty members are encouraged to seek support for professional development, research or public service projects from sources outside the University; federal agencies; state and local governmental agencies; nonprofit foundations and agencies; businesses and industries. The Office of Sponsored Programs assists faculty in these efforts and provides guidance in the preparation, submission, negotiation, and administration of proposals and awards.

b) Definitions

Grants are a type of financial assistance awarded to an organization for the conduct of research or other program as specified in an approved proposal. A grant, as opposed to a cooperative agreement, is used whenever the awarding office anticipates no substantial programmatic involvement with the recipient during the performance of the activities.

Contracts are a mechanism for procurement of a product or service with specific obligations for both sponsor and recipient.

Fellowships are a mechanism that provide faculty support for scholarship aligned with the focus of a sponsoring agency. Most Fellowships are distributed in one of two ways: (1) directly to the faculty member, or (2) to the institution for distribution. Regardless of how the funds are distributed,

fellowships provide support for wages, travel, lodging, etc. Fellowships may be sought to augment a sabbatical or as an independent proposal.

c) Institutional Approval and Certification

All proposals for grants, contracts, or fellowships require institutional approval prior to submission to the sponsor. The Office of Sponsored Programs (OSP) assists with this process using the Electronic Proposal Summary Form (ePSF). The ePSF contains an abstract of the proposed project, budget, information regarding compliance, cost sharing, release time and Conflict of Interest. The Electronic Proposal Summary form is located at the bottom of the Sponsored Programs website page.

Faculty members may be released for externally sponsored activities otherwise approved by the University for up to 50% of their time as a normally acceptable limit. Faculty members desiring to be released from their regularly assigned university duties for over 50% of their total time for engagement in externally sponsored activities must specifically justify in writing the benefits of released time of over 50% on the ePSF.

Prior to completing the ePSF, faculty should obtain an OSP approved budget and complete the Proposal Certification. Both forms need to be uploaded into the ePSF in order to submit. Once completed and the submit button is clicked the following approvals will be obtained: 1) Faculty member/s; 2) OSP; 3) Chair/s; 4) Dean/s; 5) **Associate** Provost for Research; and if necessary 6) the Provost. These electronic approvals indicate the proposed project is feasible and can be carried out within the scope of the University's mission and the faculty member's responsibilities.

d) Responsibilities

The project director is responsible for any duplicating and postage required for delivery of proposals to the sponsor. Once the project is funded, the director is responsible for performing the proposed activity within the guidelines of the award, - including adhering the approved budget. The principal investigator is to meet with the Office of Sponsored Programs at the outset of the approved projects, for a Principal Investigator Orientation.

The Office of Sponsored Programs assists the principal investigator in the preparation of forms required by the Commonwealth of Virginia; the Business Office prepares reports of expenditures and requests for funds to the funding agency. The Office of Sponsored Programs will assist, to the best of its ability, with any Post-Award activity.

e) Fiscal Management

Grants and contracts awarded to the University are usually made on a cost reimbursement basis. Expenditures charged to grant accounts are disbursed from the Business Office. Any salary and accompanying fringe benefits to be paid from such awards are included in the grant or contract budget and must be paid through routine University procedures. With the exception of summer salary, grants may pay a percentage of a faculty member's academic-year salary, equivalent to the effort that is applied to the funded project. The principal investigator (PI) is assigned a Banner grant number for each award. It is the responsibility of the PI to fiscally administer their grant using CNU Live. Resources have been developed by OSP to aid faculty in tracking their award and provide these resources during the PI Orientation.

f) Indirect Cost Recovery, Fund 0303

(1) Indirect cost Recovery Funds, Fund 0303, are generated by the University's collection of 70 percent of indirect costs for grants programmed under Program 110-04, Sponsored Research.

- (2) The State mandates 100 percent recovery of indirect costs for grants awarded to the University. Prior to the transfer of funds to Fund 0303, the State collects a 30 percent share of indirect costs, as support to Educational and General Services.
- (3) During the current biennium, institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grants and contract levels in excess of actual recoveries in the second year of the previous biennium. This provision is included as an additional incentive for increasing externally funded research activities.
- (4) Revenues to Fund 0303 are allocated to the following expenditure budgets:
 - (a) Grant Administration (20 percent)

Funds are used to support the work of the Office of Sponsored Programs. Requests for expenditures from this category are initiated by the director of sponsored programs with fund availability certified in accordance with University procedures.
 - (b) Departmental Research (25 percent)

Funds are used to support departmentally sponsored research. Requests for expenditures from this category are initiated by the department chair. The department chair will verify availability of funds in Banner (16XXX) and forward a recommendation to the appropriate dean. The dean will approve or disapprove the request. The budget office will certify fund availability within the allocation percentages above.
 - (c) Faculty Development (30 percent)

Funds are used to support faculty research and development. The provost determines the allocation of monies included in this category. The majority of funds will be used to support research and scholarship in accordance with criteria established by the University. The provost will consult with the Budget Office to determine available budget allocation for this purpose. Fund availability will be certified prior to grant award.
 - (d) Administrative Overhead (15 percent)

The University's administrative offices are responsible for the receipting, disbursing, accounting and financial reporting for all University sponsored programs. Offices providing administrative support include, but are not limited to, the Comptroller's Office, Human Resources, Office of Planning and Budget, and the Office of Materiel Management. This allocation assists in defraying the costs to process Sponsored program related transactions and the audit of these funds, as required by CFR Title 2: Grants and Agreements Part 200. All expenditures will be approved by the vice president for finance and planning or comptroller.
 - (e) Principal Investigator Research (10 percent)

Funds are used to support research and developmental-research activities of the principal investigator. Requests for expenditures from this category are initiated by the principal investigator with fund availability certified in accordance with University procedures.
- (5) Budget Allocation Procedures

Unexpended budget balances within the percentage allocations reflected above shall carry forward at the end of each fiscal year. On July 1, of each year the revenue collected during the previous fiscal year will be allocated in accordance with established percentages and added to each carry forward balance. The comptroller will notify the budget director of the revenue allocation each fiscal year and the expenditure budgets will be adjusted accordingly. When the combined total of the beginning fund balances and revenues to Fund 0303 exceed the appropriated expenditure plan, a request for an additional appropriation and allotment will be processed through the Office of Planning and Budget.
- g) Conflict of Interest Policy

Some federal agencies require grantees employing more than fifty persons to maintain an appropriate written and enforced policy on conflict of interest. The University's conflict of interest

policy is the State and Local Government Conflict of Interest Act of the *Virginia Code*. Questions concerning this policy should be forwarded to the provost, who will refer them to the University counsel.

3) Research Involving Human Subjects

The University safeguards the rights and welfare of subjects at risk in research activities conducted through the University. Where research involving human subjects is to be supported by a grant or contract, the Institutional Review Board for the Protection of Human Subjects (IRB) reviews, approves, and certifies that research benefits clearly outweigh risks to subjects and legal risks to the University, that the rights and welfare of subjects are adequately protected, and that the proposed project is in full compliance with all applicable laws. In undertaking this process, the Review Board for the Protection of Human Subjects will consult with the University counsel regarding legal issues and potential liability to the University.

To submit a request for approval of research proposals, surveys, etc. please follow these described procedures:

- a) Follow submission procedures described on the IRB webpage; submission is electronic.
- b) Write a proposal that includes the following:
 - (1) Name of faculty member sponsoring the research.
 - (2) Name of department and departmental approval of research proposal.
- c) Proposal also should explicitly address the IRB principles:
 - (1) Respect for subjects.
 - (2) Protection of subjects from danger.
 - (3) Research has some beneficial prospect.
 - (4) Researcher is just and impartial.
- d) Proposal should also describe how the specific research proposal meets the 7 RBPHS requirements:
 - (1) Fair selection of subjects
 - (2) Informed consent
 - (3) Confidentiality & Anonymity
 - (4) No coercion or exploitation
 - (5) Protection from physical & mental stress
 - (6) Project benefits
 - (7) Post research debriefing

4) Research Involving Animal Subjects

The University safeguards the humane use and treatment of animal subjects in teaching and research activities conducted through the University. The Institutional Animal Care and Use Committee (IACUC) is charged with the specific responsibility of regulating the humane use and treatment of animals used in teaching and research by the University as mandated by the Animal Welfare Act (AWA, 1966, and as subsequently amended 1970, 1976, 1985, 1990), and other relevant federal, state, and local authorities. and other relevant authorities. Where research involving animal subjects is to be supported by a grant or contract, the IACUC reviews, approves, and certifies that the treatment of the animal subjects is in accordance with the mandates of the AWA.

To submit a request for approval of research proposals using animal subjects, please contact the IACUC chair or the associate provost.

5) Misconduct in Research

Christopher Newport University is committed to actions and policies that support the responsible conduct of research, that provide for prompt and fair investigations of alleged misconduct, and that appropriately protect the work and reputations of any faculty, staff, or students involved in such

allegations or investigations. The policy for allegations of misconduct in research is located in the *Office of Sponsored Programs Handbook* located on the OSP website.

6. Administrative Leaves and Reduced Loads for Non-Academic Reasons

a. Sick Leave with Full Pay and Benefits

- 1) Sick Leave Generally – The University, upon approval of the provost, grants Sick Leave with Full Pay and Benefits when this becomes necessary during the period covered by the faculty member’s contract. Prior to approving such a request, the provost may require the submission of medical records and/or a physical examination by a physician mutually agreed upon by the University and the faculty member. The maximum period of such leave is the remainder of the current semester and one additional semester during a seven-year period. It is the policy of CNU, if a faculty member meets the criteria for Sick Leave with Full Pay and Benefits and for FMLA leave, these leave types will be applied concurrently. Please note, FMLA leave will not exceed 12 weeks. When a faculty member takes sick leave with full pay and benefits, please contact the Human Resources Office for additional information on benefit provisions for leave without pay status.

NOTE: When possible, the faculty member should provide certification in advance of the requested leave. When that is not possible, certification must be provided reasonably soon after the leave begins. The faculty member is responsible for completing all necessary paperwork and obtaining approvals from the department and the Office of the Provost prior to sending paperwork to the Office of Human Resources for processing. The request for Sick Leave with Full Pay and Benefits should be sent and approved by the provost and the FMLA paperwork should be received and approved in Human Resources.

- 2) Reduced Load when Returning from Sick Leave - A full-time faculty member who returns from sick leave *may* be given a one-course reduction in teaching load, while still maintaining full-time employment status (and therefore, in particular, full benefits), either for one full academic year or for one semester. Such reduction, if awarded, must commence in the semester immediately following the leave.

Such reduction must be approved by the provost upon the recommendation of the appropriate dean. Prior to approving such a request, the provost may require the submission of medical records and/or a physical examination by a physician mutually agreed upon by the University and the faculty member.

No faculty member shall be granted more than four full semesters of reduced load when returning from sick leave in a lifetime, regardless of the number of years the person is in the employ of Christopher Newport University.

b. Family and Medical Leave

- 1) The University, in accordance with the federal Family and Medical Leave Act, grants Family and Medical Leave to eligible full-time faculty members for up to 12 weeks in the period from August 1 to July 31. Although federal law does not require that the University provide full pay and benefits, the University may choose to grant full pay and benefits during the period of Family and Medical Leave. Pursuant to federal law, Family and Medical Leave is used for the birth of a child or placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, or because the employee’s own serious health condition makes him or her unable to do his or her job. It is the policy of CNU, if a faculty member meets the criteria for Sick Leave with Full Pay and Benefits, and FMLA leave, these leave types will be applied concurrently. The use of Family and Medical Leave has no effect on retention, promotion, or completion of the probationary period of service except as provided in (2) below.

- 2) A faculty member requesting Family and Medical Leave submits such a request to the provost at the earliest possible time and provides such documentation as may be required by the University. The faculty member may include in the request that the probationary period of service be extended by a year and that a new review schedule to be set. Such arrangements must be determined by the provost, who will normally seek input from the faculty member's chair and dean. Mandatory tenure review may not be delayed by the faculty member for more than two years under this policy. If approved by the provost, the appropriate academic dean then creates contingency plans to assure that all assigned classes and other pertinent responsibilities of the requesting faculty member are met as scheduled and forwards this information to the provost.
- c. Leave without Pay and Benefits
A full or partial leave of absence for illness, disability, family, or educational and/or research purposes without pay may be granted by the provost on request. Please contact the Human Resources Office for additional information on benefit provisions for leave without pay status. Please visit the Office of Human Resources website at <https://my.cnu.edu/hr/benefits/>.
- d. Parental Leave
- 1) Purpose: CNU faculty are expected to provide high quality teaching and produce high quality scholarship in the same years that they may be or wish to be starting families. Professional success as a CNU faculty member, however, is not expected to be at the expense of family life. Indeed, CNU is a community that celebrates and supports family. Consistent with that overarching value, this policy is adopted to support faculty parents as they adjust to the arrival of new children into their families, whether by birth or adoption, by providing them with paid leave for that purpose.
 - 2) Eligibility
 - (a) This policy applies to all full-time faculty members who have been employed by the university for at least one year, who have a contract for the academic year in which the leave will be taken, and who are assuming substantial and sustained responsibility for the care of a newborn or newly adopted child.
 - (b) To use this policy a faculty member must be the sole caregiver of the newborn or newly adopted child for at least twenty hours during the work-week between the hours of 8 a.m. and 7 p.m., Monday through Friday. This policy is not intended for parents whose newborn or newly adopted child is cared for more than half time by either a spouse/partner and/or a childcare provider.
 - (c) In the event both parents are members of the CNU faculty, and subject to the eligibility criteria outlined in (a) and (b), both parents shall be eligible to receive parental leave in sequential semesters for the same birth or adoption.
 - 3) Terms of Leave
 - (a) An eligible faculty member is entitled to paid relief (parental leave) from all teaching, research and administrative responsibilities during one semester. Any change in externally funded research responsibilities should be negotiated with the appropriate sponsor through the office of sponsored programs.
 - (b) Parental leave will normally be taken during the semester of the birth or adoption, or the semester immediately following (see Sec. 4 - Process, below).
 - (c) A faculty member taking parental leave under this policy is entitled to an automatic one-year extension of his or her current contract. Ordinarily, if an appointment is extended by a year due to leave under this policy, any promotion review will be automatically postponed by a year as well. However, if leave is taken pursuant to this policy after a review is already underway, the review will not be postponed. A review also will not be postponed if a postponement would move the review into the final year of an appointment.

- 4) Process
 - (a) Parental leave will normally be taken during the semester of the birth or adoption. For expected delivery or adoption dates after November 1 or after April 1, parental leave may be taken during the following semester. For expected delivery or adoption dates during the summer parental leave will normally be taken during the following fall semester.
 - (b) To enable planning for parental leave, it is essential that sufficient notice be provided to the department chair to allow for teaching duties to be covered. Therefore, a faculty member who intends to take parental leave must provide notice of that intent at least 3 months in advance of the semester during which the leave will begin.
 - (c) The federal Family & Medical Leave Act provides for up to 12 weeks of unpaid job protected leave (to be taken and completed during a 12-month period) to care for a child within 12 months of birth, adoption or the initiation of foster care. For the purposes of this parental leave policy, the period of FMLA will run concurrently with the semester in which paid parental leave is taken.
 - (d) An individual faculty member is limited to two semesters of semester-long paid parental leave during any six-year period. Note that FMLA (non-paid) leave may be taken for additional births or adoptions.

7. Administrative Actions for Inappropriate Conduct on the Part of Instructional Faculty Members
 - a. Purposes
 - 1) These sanctions are designed to protect the rights of faculty members and to assure compliance with University rules and policy and public law.
 - 2) The sanctions provide chair, deans, and the provost with a process to follow when it is deemed that a faculty member's conduct is inappropriate or in violation of the policies of the University.
 - 3) This process also defines the measures which are appropriate in relation to the offense.

 - b. Sanctions
 - 1) Introduction

There are four types of sanctions short of dismissal. These do not represent a process wherein one must always begin with an admonition. The seriousness of the offense(s) will determine the sanction, which is initiated. Dismissal, furthermore, need not be preceded by any of these sanctions.
 - 2) Examples of Unsatisfactory Behavior
 - a) Excessive tardiness to required activities to include assigned classes;
 - b) Repeated absence from class, repeated failure to meet classes at assigned times, or repeated early release of classes;
 - c) Unauthorized use of University/State equipment or facilities; and
 - d) Failing to comply with established policy.
 - 3) Admonition
 - a) An admonition is warranted when a faculty member's behavior is of such a nature that is likely to or does reflect unfavorably upon the department or the University or on the faculty member's professional status.
 - b) The departmental chairman, dean or provost is responsible for orally admonishing the faculty member and keeping a memorandum of the substance and date of the discussion.
 - 4) Written Warning
 - a) A written warning is issued when unacceptable behavior continues after admonition or when a faculty member's misbehavior is of a more serious nature to such a degree that a written warning is appropriate.
 - b) The chair, dean, or provost is authorized to issue written warnings.
 - c) An appeal is permitted to the next higher level.

- d) The written warning will include descriptions of the unacceptable behavior and those actions necessary to correct or eliminate the problem, a reasonable time within which those actions must be taken, and the consequences of failure to take those actions.
- 5) Suspension
- a) Suspension, with or without loss of pay, occurs when a faculty member's misconduct continues after written warnings or when the conduct is of such a nature that immediate suspension is warranted to protect the interests of the University, the faculty members, students, or other members of the University community.
 - b) The dean or provost is authorized to impose this sanction.
 - c) An appeal is permitted to the next higher level.
 - d) The president has the final authority.
 - e) Suspension with loss of pay is a sanction that may be imposed only with the approval of the president. No loss of pay will be incurred until the faculty member has had an opportunity for a hearing.
8. Evaluation, Process for Promotion, Tenure and Reappointment of Probationary Faculty, and for Unscheduled and Annual Reviews
- a. Introduction
- 1) The University requires review of faculty performance for the purposes of granting promotion, awarding tenure, reappointing probationary faculty, and determining merit salary increases. The University considers promotion, tenure, and reappointment to be privileges to be sought by the evaluatee. Reviews are of the following types:
 - a) annual,
 - b) unscheduled,
 - c) reappointment of probationary faculty,
 - d) tenure, and
 - e) promotion.
- Promotion, tenure, and reappointment of probationary faculty reviews determine an individual's contractual relationship with the University. Annual reviews evaluate a year's worth of work for the primary purpose of determining merit pay. Unscheduled reviews of tenured faculty occur following unsatisfactory annual review scores in any two of three consecutive years as outlined in Section XII.8.c. The unscheduled review is designed to be a helpful process aimed at faculty development and improvement, although this review also has the potential to lead to sanctions. All reviews are intended to provide evidence of sustained commitment to and ability to support the University's fundamental mission.
- 2) The University adheres to the principle that peers have first-hand familiarity with a candidate's record, performance, and potential. Peer review is thus an integral part of the administrative decision in cases of promotion, tenure, reappointment of probationary faculty, and when necessary, unscheduled reviews in the years following tenure.
 - 3) An annual evaluation of all full-time faculty members will be conducted by their respective chair and their dean. This annual evaluation may lead to a full-scale peer review (called an unscheduled review) in the case of a tenured faculty member when the faculty member's performance is considered to be unsatisfactory as defined in Section XIII.8.c. in any two of three consecutive years.
 - 4) The general process for all reviews is department-based, college-based, and provost-based. Promotion and tenure decisions require approval of the president and the Board of Visitors. All reviews excluding the annual review utilize the peer review process. The annual review is an administrative review.
 - 5) It is a condition of the evaluative process that the recommendations or decisions of DRCs, committees, and administrative officers be accepted by the evaluatee unless the evaluatee can demonstrate that the recommendation or decision has been rendered in a fashion that violates applicable policy, regulations,

or law. Candidates have the right to respond in writing to each level of peer review recommendations and to have that response included in the record prior to the next level of review. Annual Review assessments may be appealed as described in section XIII.8.b.1.

6) Evaluation Criteria and Procedures

a) The general criteria for all reviews are effectiveness in teaching, professional development, and service. At Christopher Newport University the first, teaching, is of paramount importance, and poor teaching cannot be redeemed by superiority in the other two areas. The University standard for weights of the three activities may be found on the provost's website: <https://interweb.cnu.edu/facultyresources/>. The weighting formula may be adjusted to recognize specialized roles, e.g. department chair, program director, or grant principal investigator. Such reweighing must be completed prior to the start of the review year, with the approval of the department chair, college dean, and provost; it must be done in writing and signed by the faculty member. While the opportunity for reweighing is intended primarily for tenured faculty, the weighting formula may also be adjusted for probationary faculty in special circumstances. Weights of restricted faculty activities are to be determined in advance by the department and the college.

b) University promotion qualifications and evaluative standards may be found at XIII.8.f.3); tenure qualifications and evaluative standards may be found at XIII.8.e.2). The University Eval-4 available on the Office of the Provost webpage, <https://interweb.cnu.edu/facultyresources/> provides evaluative standards for all reviews. The Departmental EVAL-4 provides additional guidance.

Consistent with the general standards described in XIII.8.e.2) and XIII.8.f.3) and in the University EVAL-4, each department delineates the specific criteria and procedures it will use in evaluating its members. The criteria are submitted to the appropriate dean for review of the initial statement or amendments thereto. In the absence of departmental action, the dean writes the departmental criteria. Such departmental criteria supplements the evaluation criteria contained in this *University Handbook* or in the University EVAL-4.

7) By the end of January, the provost publishes the EVAL-1 PEER REVIEW AND ANNUAL EVALUATION CALENDARS of deadlines for each step of the peer review and annual evaluation process. All evaluation forms, including this calendar, are available on the provost's website.

8) Except as required elsewhere in this section, evaluation of faculty members holding restricted or part-time appointments is conducted entirely within the department by a committee appointed by the chair, or, if circumstances prevent this, by a committee appointed by the appropriate dean. Such evaluation provides information for the chair or the dean for future decisions; it does not constitute an intention to renew these restricted or part-time appointments.

b. The Annual Review

The Annual Review is required of all continuing full-time faculty members. Its annual activities report, the EVAL-6, prepared by the evaluatee, provides the foundation for other reviews. The EVAL-AR records the assessments of the department chair and the dean; the provost renders a judgment on appeals of these assessments by the date specified on the EVAL-1AR Calendar. The primary purpose of the EVAL-AR is to determine any merit salary increases; **a secondary purpose is to assess performance. It then becomes part of the faculty member's personnel record.** An unscheduled review is initiated when in any two of three consecutive years, a faculty member receives one or more of the following (see Section XIII.8.c): (1) an unsatisfactory rating in the area of teaching for the year under review; (2) unsatisfactory ratings in any two areas for the year under review; and (3) an overall unsatisfactory rating for the year under review. Distinguished professors and faculty who will retire at the end of the evaluation period may elect to waive the Annual Review by so indicating in writing on an annual basis to their department chair, dean, and provost.

- 1) Step-by-Step Procedure for Annual Evaluation of Faculty Members and Evidence to be Considered
By the end of January, the **vice** provost publishes the PEER REVIEW AND ANNUAL EVALUATION CALENDAR with deadlines for each step of the evaluation process.
 - a) Each faculty member shall **generate an annual activities report (EVAL-6) by entering their annual activities into the scholarly activity database. The EVAL-6 shall be submitted through the designated electronic workflow by the faculty to the department chair.** Copies of the IDEA Student Ratings of Instruction for the past year shall be **reviewed** with the EVAL-6.
 - b) **The department chair’s evaluation is recorded on the EVAL-AR via the designated electronic workflow and is forwarded to the dean.**
 - c) **The dean reviews the chair’s recommendation and supporting materials, rendering their evaluation on the EVAL-AR via the designated electronic workflow. At this point in the electronic workflow process the faculty will be notified via email through the electronic workflow that their annual review is complete and available for their acknowledgement.**
 - d) Faculty members may appeal their assessments by the dean and/or department chair by submitting an appeal in writing to the provost by the deadline specified on the EVAL-1 calendar. The provost’s decision will include consideration of any appeal materials submitted. The provost’s decision on the appeal is final.
 - e) If the faculty member fails to submit the evidence referenced in a) above, the department chair and dean will complete the EVAL-AR on the basis of such information as is available to them.
 - 2) Possible Results of the Evaluation Process include:
 - (a) Judgments of satisfactory performance **as indicated by the rating scale**, and
 - (b) Judgments of unsatisfactory performance
 - (c) Judgments of unsatisfactory performance for any two of three consecutive years may place tenured faculty into an unscheduled peer evaluation track, as explained in Section XIII.8.c, “The Unscheduled Review.”
 - 3) Evaluation Standards
The University EVAL-4 and Department EVAL-4 provide a list of activities to be considered in this review.
- c. The Unscheduled Review
An unscheduled review is initiated when in any two of three consecutive years a faculty member receives one or more of the following: (1) an unsatisfactory rating in the area of Teaching for the year under review; (2) unsatisfactory ratings in any two areas for the year under review; and (3) an overall unsatisfactory rating for the year under review. This process is a performance review process conducted in the peer group format according to the applicable parts of section XIII.8.g.; it is not a dismissal process. The unscheduled review process has the potential to lead to sanctions but it is designed to be a helpful process aimed at improvement. The process will not impinge upon academic freedom. The outcome of the first phase of this process will be a judgment of satisfactory or unsatisfactory offered by a peer group and will include a summary statement explaining its judgment. Subsequent judgments will be rendered by the dean, the Faculty Review Committee, the provost, and the president. If the final judgment is unsatisfactory, administrative sanctions may follow, possibly including initiating the dismissal process.

- 1) Evaluation under the peer group format required as a result of an unsatisfactory Annual Evaluation will take place in the next (spring) evaluation cycle immediately following the Annual Evaluation. What follows outlines the procedures and general schedule leading to and including an unscheduled review. The EVAL-1-U UNSCHEDULED PEER REVIEW EVALUATION CALENDAR prepared by the provost's office indicates the schedule for these reviews.
 - a) Tenured faculty receiving unsatisfactory ratings as described in XIII.8.c. above will precipitate a recommendation on the EVAL-AR from the dean to the provost to begin an unscheduled review. The dean will include specific reasons for this recommendation. The provost may choose against an unscheduled review. If the provost decides that an unscheduled review is appropriate, the dean and Faculty Review Committee are notified and an unscheduled review takes place the following spring semester according to the steps of section XIII.8.g. and the timetable for the spring peer evaluation cycle specified on form EVAL-1-U. In addition to the other materials specified in step XII.8.h.2), the dossier must include a draft performance improvement plan prepared by the evaluatee.
 - b) The Departmental Review Committee (DRC) for the unscheduled spring review will judge the faculty member's performance as either satisfactory or unsatisfactory and will provide a summary statement on form EVAL-7 explaining its judgment. Judgments by the dean, the Faculty Review Committee, the provost and the president are subsequently rendered on the appropriate EVAL-8 form.
 - c) If the final judgment on the performance review is "satisfactory," the unscheduled peer review process ends.
 - d) If the final judgment on the performance review is "unsatisfactory," the unscheduled review process continues into the next academic year and the DRC remains intact. The intention is that this peer group will retain the same membership throughout this process although individual members may find it necessary to leave the peer group. If that occurs, replacements will be named by the same procedures that established the original peer group.
 - e) Following the spring performance review (during the latter part of the spring semester), a Faculty Development Committee (FDC) will be constituted and will meet with the evaluatee to review the DRC's findings and the evaluatee's draft performance improvement plan. Ideally, the FDC shall consist of the evaluatee's department chair, one tenured department member of equal or higher rank than the evaluatee selected by the evaluatee, and one tenured member of the evaluatee's college of equal or higher rank selected by the provost in consultation with the appropriate college dean. When the evaluatee is the department chair, the appropriate college dean shall serve on the FDC. Working with the evaluatee, the FDC will create a two-year plan for professional growth and improvement. This plan shall include specific goals designed to address identifiable problems, specific recommendations for improvement, and mechanisms for measuring success. The plan will be submitted to the college dean (or the provost, if the dean served on the FDC) for evaluation in accordance with the performance expectations of the college and University. The dean (or provost) should sign the plan to acknowledge receipt and return it to the evaluatee along with any comments.
 - f) The faculty member will next undergo an annual review as usual the following fall semester. The faculty member will submit an EVAL-6 with the standard documentation and the performance improvement plan created by the FDC in step d), carrying the dean's acknowledgement. Progress made on the performance improvement plan in the interim may be indicated on the EVAL-6. The EVAL-AR that the faculty member receives as a result of this review serves as interim feedback.

- g) The unscheduled review process continues into the fall semester review cycle of the next academic year. At that time, the faculty member is required to undergo a peer evaluation in the fall cycle according to the steps in section XIII.8.g. with his/her DRC. The review dossier should include the performance improvement plan created in step d) and an explanation of how well the goals of the plan have been met, with reference to specific indicators of success.
 - h) The DRC will judge the faculty member's performance as either satisfactory or unsatisfactory, and will provide a summary statement explaining its judgment. Subsequent judgments will be rendered by the dean, the Faculty Review Committee, the provost and the president.
 - i) A final judgment of unsatisfactory or satisfactory will end the unscheduled peer review process. However, a final judgment of unsatisfactory may lead to administrative sanctions, possibly including initiating the dismissal process.
- 2) Evaluation Standards
The University EVAL-4 and Departmental EVAL-4 provide a list of activities to be considered in this review.
- d. Reappointment Reviews of Probationary Faculty
- 1) Evaluation Schedule
- a) Probationary faculty receive an initial appointment letter that provides employment through their third year and specifies that a review for reappointment will be scheduled in the second year. In the spring of the first year, and during the fall or spring of the third- and fifth-years probationary faculty meet with the department chair to receive verbal formative assessment and share any concerns. Chairs assign probationary faculty members a faculty peer mentor during the first year.
 - b) Probationary faculty are evaluated in the peer group format in the fall of their second year for reappointment to a new three-year probationary contract for years three, four, and five starting in the fall of the third year (the third year of the first probationary appointment is thus superseded). Possible outcomes of this peer review include:
 - (1) recommendation to reappoint to a third, fourth and fifth year, and
 - (2) recommendation not to reappoint to a fourth year.
 - c) Probationary faculty members are evaluated in the peer group format in the fall of their fourth year for reappointment to a new three-year probationary contract for years five, six and seven starting in the fall of the fifth year (the fifth year of the second probationary appointment is thus superseded). Possible outcomes of this peer review include:
 - (1) recommendation to reappoint to a fifth, sixth, and seventh year, and
 - (2) recommendation not to reappoint to a sixth year.
 - d) Probationary faculty are evaluated in the peer group format in the fall of their sixth year for promotion (if applicable) and reappointment with tenure. Possible outcomes of this peer review include:
 - (1) recommendation to reappoint with tenure and promote (if applicable), effective the following fall term, and
 - (2) recommendation to offer a terminal contract in year seven.
- 2) Evaluation Standards
The University EVAL-4 provides evaluative standards for this review. Each department also delineates the specific criteria in its Departmental EVAL-4 that it will use in evaluating its members. Such departmental criteria supplement but do not supersede evaluation criteria contained in this *University*

Handbook or in the University EVAL-4. The University EVAL-4 is available on the Office of the Provost website: <https://interweb.cnu.edu/facultyresources/>

e. Tenure Decisions

1) Introduction

- a) Christopher Newport University accepts the principle of tenure as stated in the Policies of the Board of Visitors. No reference to other documents is intended or implied. An appointment with tenure may be terminated by the University as provided by Board policy and university regulations.
- b) An appointment with tenure is granted to a faculty member only after the grantee has demonstrated excellence of professional performance during a probationary period and only upon clear and compelling demonstration of a continuing need by the University for the faculty member's services. For assistant professors, the tenure and promotion review will occur at the same time and as part of a single process. These reviews are conducted in the peer group format.

2) Standards for Awarding Tenure

a) Minimum Qualifications

(1) Type of Service

Tenure is granted only to full-time faculty who hold rank in an academic department. Part-time positions and T&R administrative positions do not, in themselves, qualify the holder for tenure. However, a faculty member who earns tenure in an academic department does not relinquish tenure because of the acceptance of an administrative position on a part- or full-time basis. Faculty on restricted, term, visiting or research contracts are not eligible for tenure consideration.

(2) Years of Service

- (a) The normal probationary period at CNU is six years, and can be extended for exceptional circumstances only by the provost.

Service at one or more other academic institutions will ordinarily be counted as satisfying no more than two years of the CNU probationary period. If such credit is granted to assistant professors, the tenure and promotion reviews will occur simultaneously. Faculty joining CNU with two years credit will undergo the fourth-year review in their second year with the tenure review scheduled in their fourth year. When one year of credit is given or when faculty begin their contracts in the spring term, the faculty member will undergo evaluation in the second and third years, with the tenure evaluation scheduled in the fifth year. Faculty hired on a probationary basis at the rank of associate or full professor are normally reviewed for tenure in their third year of a four-year contract. Exceptions to this schedule can be approved only by the provost. Tenure of an associate professor does not assume promotion in rank.

- (b) One-year leaves of absence delay the tenure decision by one year; one-semester leaves do not pause the tenure clock. Exceptions to this practice are arranged in writing with the provost, who will seek advice and recommendations from the department chair and the dean.
- (3) Candidates for tenure are normally required to hold the terminal degree in their field. Exceptions must be justified on the basis of the standards in XIII.8.e.2)b) and XIII.8.f.2).

b) Evaluation Standards

A decision on tenure is based on two judgments: the long-range needs of the department and the University, and the overall performance of the candidate as determined by fulfillment of evaluation standards set forth in the University EVAL-4 and the Departmental EVAL-4, departmental criteria supplement but do not supersede evaluation criteria contained in this *University Handbook* or in the University EVAL-4. These judgments of long-range need and overall performance are independent and tenure is awarded only if both judgments are positive. Since a tenure decision carries long-range implications for all concerned, this decision is made with great care. The DRC, dean, FRC, and provost consider all previous recommendations and supporting evidence, as well as information for the current year. Particular attention is given to the long-term needs of the department, college/school, and University, and to the need for the candidate in fulfilling the mission of the University.

f. Promotion Decisions

1) Academic Rank

The faculty is arranged in a hierarchical system of academic ranks, representing successively higher experience, accomplishments, expectations and recognition. For faculty members holding other than adjunct appointment, these ranks in ascending order are: instructor, lecturer, senior lecturer, master lecturer, assistant professor, associate professor, professor and distinguished professor. Within each rank are listed first the minimum qualifications that a person in that rank must possess and second (where appropriate) the evaluation standards that must be satisfied before promotion to that rank will be considered. The University EVAL-4 available on the Office of the provost website, along with the Departmental EVAL-4s, provides amplification of the evaluation standards listed in this section. Promotion reviews are conducted in the peer group format.

2) Terminal Degree

The expression "terminal degree" is defined to mean an earned doctorate other than a first professional degree that is acceptable to the University as being suitable for the position held by the holder of the degree. Examples of terminal degrees are Ph.D., Ed.D., D.B.A., D.A., Sc.D., D.S.W.; examples of doctorates that are not terminal are J.D., M.D., D.D.S., D.M.D., V.M.D. Non-terminal doctorates may be considered terminal if held in conjunction with certain master's degrees. Such exceptions must be individually authorized by the provost.

3) Rank Qualification and Evaluation Standards for Retention and Promotion

These standards apply to rank qualification, retention and promotion only, not annual review for the purpose of merit pay. Academic rank is bestowed by the Board of Visitors, consistent with the following requirements:

a) Instructor

(1) Minimum Qualifications

An instructor normally holds at least the master's degree with a minimum of 18 hours of graduate level work in the academic discipline in which service is rendered, preferably having completed work toward the accepted terminal degree in this discipline.

(2) Evaluative Standards

A university instructor will be evaluated according to standards found in the University EVAL-4 and Departmental EVAL-4 which include relevant activities recognized by the University as indicative of exemplary performance. Faculty should demonstrate achievement with evidence of valued, highly valued, and highest valued activities. Instructors are evaluated first as teachers where they must show competence and promise. Scholarship and service are expected of faculty at the rank of instructor.

- b) Lecturer
 - (1) Minimum Qualifications

A lecturer normally holds the terminal degree in the academic discipline in which service is rendered.
 - (2) Evaluative Standards

A University Lecturer will be evaluated according to standards found in the University EVAL-4 and Departmental EVAL-4 which include relevant activities recognized by the University as indicative of exemplary performance. Faculty should demonstrate achievement with evidence of valued, highly valued, and highest valued activities. Lecturers are evaluated first as teachers where they must show competence and promise. Scholarship and service are expected of faculty at the rank of lecturer.

- c) Senior Lecturer
 - (1) Minimum Qualifications

A senior lecturer normally holds the terminal degree in the academic discipline in which service is rendered, and has rendered no less than seven years of service to the University.
 - (2) Evaluation Standards

A senior lecturer will be evaluated according to standards found in the University EVAL-4 and Departmental EVAL-4 that include relevant activities recognized by the University as indicative of exemplary performance. Faculty should demonstrate achievement with evidence of valued, highly valued, and highest valued activities. Senior lecturers should have demonstrated excellence in teaching and service, while maintaining a relevant basis of scholarly proficiency in their field.

- d) Master Lecturer
 - (1) Minimum Qualifications

A master lecturer normally holds the terminal degree in the academic discipline in which service is rendered, and has rendered no less than fourteen years of service to the University.
 - (2) Evaluation Standards

A master lecturer will be evaluated according to standards found in the University EVAL-4 and Departmental EVAL-4 that include relevant activities recognized by the University as indicative of exemplary performance. Faculty should demonstrate achievement with evidence of valued, highly valued, and highest valued activities. Master lecturers should have demonstrated excellence in teaching and service, while maintaining a relevant basis of scholarly proficiency in their field.

- e) Assistant Professor
 - (1) Minimum Qualifications

An assistant professor normally holds the terminal degree in the appropriate field of expertise.
 - (2) Evaluative Standards

A candidacy for appointment to assistant professor will be judged according to:

 - (a) evidence of or clear promise for exemplary performance in teaching;
 - (b) evidence of or clear promise for professional development;
 - (c) evidence of or clear promise for academic service;
 - (d) evidence of or clear promise for a history of predominantly positive evaluations;
 - (e) educational level;
 - (f) length of relevant professional experience, both academic and non-academic; and
 - (g) length of service to CNU.

f) Associate Professor

(1) Minimum Qualifications

An associate professor must have:

- (a) a terminal degree in the appropriate field of expertise, or the functional equivalent authorized by the provost;
- (b) at least four years of college/university teaching and/or relevant research/creative activity experience at the rank of assistant professor;
- (c) at least two years of service at CNU; and
- (d) a total of five years college or university teaching and/or relevant experience.

(2) Evaluation Standards

A candidacy for promotion to associate professor will be evaluated according to standards found in the University EVAL-4 and Departmental EVAL-4 which include relevant activities recognized by the University as indicative of exemplary performance. Faculty should demonstrate achievement by showing evidence of valued, highly valued, and highest valued activities spread across the three areas of teaching, professional development, and service in accordance with weights established by the University provost. The University understands the above evaluation standards as minimal qualifications for promotion with the understanding that candidates should expect to exceed these benchmarks in one or more areas:

- (a) evidence of successful compliance with the expectations of the rank of assistant professor;
- (b) evidence of exemplary performance in teaching;
- (c) evidence of continuing professional development;
- (d) evidence of outstanding academic service;
- (e) history and promise of being a strongly contributing member of the department, college or school, university and academic discipline; and
- (f) evidence of a history of predominantly positive evaluations.

g) Professor

(1) Minimum Qualifications

To earn the rank of Professor, faculty members will have attained exemplary and enduring achievement as teacher-scholars in addition to making major contributions to the University community.

- (a) the terminal degree in the appropriate field of expertise;
- (b) at least seven years of teaching and/or relevant research experience at the rank of associate professor;
- (c) at least twelve years of teaching and/or relevant research experience; and
- (d) at least four years of service to Christopher Newport University;
- (e) faculty members holding administrative-professional positions are eligible candidates.

(2) Evaluation Standards

A candidacy for promotion to professor will be evaluated according to standards found in the University EVAL-4 and Departmental EVAL-4 which include relevant activities recognized by the University as indicative of exemplary performance. Faculty should demonstrate achievement by showing evidence of valued, highly valued, and highest valued activities spread across the three areas of teaching, professional development, and service in accordance with weights established by the University provost:

- (a) evidence of successful compliance with the expectations of the rank of associate professor;
- (b) evidence of consistently outstanding teaching effectiveness;
- (c) evidence of a continuing program of professional development leading to widely respected peer reviewed products of scholarship;

- (d) evidence of continuing leadership and high achievement in academic service;
 - (e) evidence of great stature as a member of the department, college/school, university, and academic discipline; and
 - (f) the extent to which minimum qualifications are exceeded.
- h) Distinguished Professor –The provost publishes the Eval-1-D Distinguished Professor Calendar by the end of January.
- (1) Criteria and Eligibility

The academic rank of distinguished professor is an extraordinary honor that may be accorded only those few teacher-scholars who have attained the rank of professor and who have excelled to an exceptional degree in the areas of teaching, scholarship/creative activity and service. In exceptional circumstances, extraordinary administrative service may be considered as a criterion for award of this rank. It is the intent of the University that promotion to the rank of distinguished professor will be a rare event and that it will be a capstone of recognition for a highly distinguished academic career. Specific criteria for this rank include a record characterized by:

 - (a) superior teaching skills of recognized breadth and depth in the discipline;
 - (b) creative and extensive scholarly publication or creative activity, establishing the nominee as a scholar of exemplary national or international reputation; and
 - (c) distinguished public service, typically, but not exclusively, exemplified by the application of scholarship and/or creative and artistic endeavors in addressing the needs of the University, local, regional, or national communities.
 - (2) Only full-time, salaried members of the faculty holding rank in one of the University’s academic departments may hold the rank of distinguished professor. No more than three percent of such faculty may hold the rank of distinguished professor at any given time. No more than one member of any department may hold the rank of distinguished professor at any given time. Because the professional record of a distinguished professor must be one of extraordinary achievement sustained over time, any person recommended to hold this rank shall have first held the rank of professor for at least seven years at CNU.
 - (3) Review Procedures and Protocols
 - (a) Initiation and Departmental Action
 - i.* The person initiating a nomination for promotion to the rank of distinguished professor will inform the nominee and submit to the department chair of the nominee’s department a letter of nomination accompanied by the nominee’s current *vita*. The department chair will share the nomination, in confidence, with all full-time, salaried members of the department. Self-nominations will not be considered.
 - ii.* The department will review the letter of nomination and the *vita*, and will request supporting materials from the nominee. The nominee shall compile these materials into an orderly, organized dossier.
 - iii.* If the department supports the nomination, the department chair will write a letter of support and forward this along with the nominee’s dossier to the Faculty Senate. The Faculty Senate may establish and promulgate deadlines each academic year for receipt of all nominations to be considered in that academic year.
 - iv.* If the nominee is the department chair, then the dean of the nominee’s college or school replaces the department chair in the processes described in this section.
 - (b) Peer Committee Action
 - i.* The Faculty Senate will form a peer committee and designate its chair. This committee will be composed of five sitting distinguished professors. If insufficient numbers of

- distinguished professors are available, individuals holding the rank of professor will complete the committee.
- ii. The peer committee will meet and consider the merits of the nomination. In the course of this consideration, the peer committee will seek written commentary from the nominee's dean and from the Faculty Senate. The peer committee shall make such commentary a part of the dossier.
 - iii. If the peer committee affirms that the rank of distinguished professor should be awarded, it will forward that recommendation, with the dossier, to the provost. Each academic year, any such recommendation must be received in the office of the provost no later than March 1, so as to make possible action by the Board of Visitors at its April meeting. Recommendations received after this deadline will be considered in the following academic year.

(c) **Administrative and Board of Visitors Action**

The provost will consult as he or she might deem appropriate and make a recommendation to the president. The president, in turn, will make his or her recommendation to the Board of Visitors. If approved, the promotion becomes effective at the date specified by the Board of Visitors.

When extraordinary University administrative service serves as a criterion for appointment, the process begins with the Office of the President or the Board of Visitors and involves consultation with the department chair, college dean, Faculty Senate Executive Committee, provost and president (modified if any member of the process is the candidate).

If at any point (department, DRC, provost, or president) the action of the reviewing body or office is not supportive of promotion, then the review process will cease, and the nominee and those who have previously reviewed the candidacy will be so notified. In such an event, the nominee may not be considered again for promotion to the rank of distinguished professor until at least two complete (August to May) academic years have passed.

g. Step-by-Step Procedure for a Peer Review for Probationary and Tenured Faculty

All questions of interpretation or consistency that may arise concerning these procedures are decided by the provost. The vice provost has responsibility for guiding the peer review process as described in this section. Faculty members with concerns about the process should contact the vice provost immediately upon their recognition.

The provost publishes the EVAL-1-R PEER REVIEW EVALUATION CALENDAR for the next academic year by the end of January, with deadlines for each step.

Step 1

The vice provost generates and provides to the deans the initial EVAL-2 FACULTY PEER REVIEW LIST and notifies candidates, chairs, and deans of upcoming review.

Step 2

The department chair requests the names of eligible faculty wishing to be considered for promotion to full professor. The department chair submits to the dean a list of faculty requesting consideration for promotion along with any other changes to the EVAL-2.

Step 3

The dean notifies the vice provost of any changes to the EVAL-2. The vice provost prepares and distributes the final EVAL-2 list of candidates for peer review to the FRC and the deans; deans distribute the final EVAL-2 to chairs by department. The vice provost notifies all faculty scheduled for peer review.

Step 4

The department chair (or, in the event that the evaluatee is a department chair, the dean) in consultation with the vice provost organizes the Department Review Committee (DRC). The DRC should be composed of at least four and no more than seven members. The department chair submits the appropriately completed EVAL-5 CONSTITUTION OF DEPARTMENT REVIEW COMMITTEE FOR INSTRUCTIONAL FACULTY EVALUATION to the vice provost for review, who may consult with the dean. General guidelines regarding DRC formation:

- a) The department chair is a member of the DRC (except the chair's own), and acts as chair of the DRC or appoints a chair. The chair of the DRC for the department chair is appointed by the vice provost. When the requirements, provisions, or restrictions of this paragraph (Steps 4 b – g) conflict with the requirement or provision that the department chair serve as a member or chair of the DRC, the requirement for the department chair membership on the DRC or service as DRC chair always takes precedence.
- b) For tenure and promotion decisions and any decisions involving tenured members of the faculty, all DRC members are tenured; for promotion decisions, DRC members are also of the same or higher rank as that sought by the evaluatee. For reappointment decisions, ideally all DRC members are members of the tenured faculty. For unscheduled reviews of tenured faculty, all members are tenured and ideally of the same or higher rank as the evaluatee.
- c) When the number of tenured faculty in a department is four or fewer, it is expected that all such members will serve on the DRC. When the number is greater than four, the chair will work with the vice provost to determine the DRC membership. When the number is fewer than three, additional DRC members will be selected according to the procedure outlined in paragraph d), below.
- d) The DRC will include one member from outside the department, selected as follows: The evaluatee generates a list of at least four tenured faculty members who are in the evaluatee's college but not in the evaluatee's department. The evaluatee may not approach colleagues to serve on **their** DRC. The department chair consults with the vice provost to prioritize this list of nominees; consensus is to be sought but the vice provost's decision carries forward. The vice provost contacts the nominees in the order of approved preference. While non-departmental DRC members ideally are chosen from within the department's academic college/school, the vice provost can approve a faculty member outside the college/school when circumstances warrant and with the permission of the evaluatee. In the event that no members of the evaluatee's generated list are able or willing to serve, the evaluatee will be asked to generate more nominees until a DRC member is appointed (thus identification of outside members must always begin with the evaluatee's nomination).
- e) Departments may approach the review process in a number of ways. For example, they can create a review committee that is expected to follow the candidate through the tenure/promotion reviews, or they can create a standing DRC for all reviews that year in the department.

Each member of the DRC must be a full-time member of the instructional faculty serving in an instructional capacity at the time of the formation of, and throughout the life of, the DRC.

Step 5

The provost reviews the EVAL-5 for consistency with university-wide requirements, effects any necessary changes (including appointing the non-departmental member as described in d) above), certifies the membership, and forwards copies of the completed EVAL-5 to the evaluatee, the dean, the FRC chair, and all DRC members. The final membership of each DRC must be certified by the provost before any subsequent steps occur.

Step 6

The DRC holds its first (organizational) meeting and establishes timetables and procedures for the conduct of its business.

Step 7

The evaluatee submits his or her required EVAL-6 PROFESSIONAL ACTIVITIES REPORT and updated dossier to the DRC chair **via the designated electronic workflow and according to the directions outlined in the EVAL-10.**

- a) The DRC will use the University EVAL-4 and the Department EVAL-a4 guidelines for evaluation.
- b) Consistent with University and departmental standards and procedures, the DRC may solicit and accept for consideration written, signed, dated information from the academic dean and other sources, including DRC members' firsthand knowledge about the evaluatee and any information from other members of the department not serving on the DRC. Such information may be added to the dossier as long as the faculty member has, at the same time, the opportunity to include a written response to the new information prior to the next step in the review process period. Examples of information to be considered are classroom visitation reports, discussions with students and colleagues, and information from chairs of committees on which the evaluatee has served. In the special case of information from a source requesting anonymity, the evaluatee may request verification of the source, without revealing the identity, by a third party mutually acceptable to the evaluatee and the DRC. If agreement cannot be reached, the third party is selected by the FRC. The DRC may recommend to the evaluatee the inclusion of additional information or clarification concerning any submissions.
- c) In its deliberations the DRC may call upon other members of the academic community to contribute written statements concerning the evaluatee and/or to participate in part or all of the deliberations. However, the decisions are those of the DRC.
- d) The DRC meets to combine the individual findings of each member. **Using the designated electronic workflow**, the DRC reports its recommendation, along with an accompanying statement justifying that decision.
- e) Each member **electronically certifies** that the decision of the committee as a whole has been accurately conveyed. Members dissenting from the EVAL-7 recommendation of the committee or the summary statement may attach minority reports **within the designated workflow**.

Step 8

On behalf of the DRC, the chair electronically submits the signed EVAL-7 PEER GROUP RECOMMENDATION AND SUMMARY STATEMENT to the evaluatee for review and acknowledgment.

- a) The recommendations are **provided electronically** to the evaluatee for **acknowledgement. The evaluatee must confirm that they have read the recommendations by indicating such in the electronic workflow.**
- b) If in disagreement with the recommendation or with any minority statement, the evaluatee may **submit an electronic** statement concerning the areas of disagreement.

Step 9

The DRC **chair electronically forwards the** completed EVAL-7, **including** the evaluatee's acknowledgment; the EVAL-6; and the dossier **to the FRC and the respective dean to begin their reviews.**

The vice provost acts as custodian of the dossier **once it leaves the DRC chair.** Thus, any materials added to the dossier **from that moment forward** must have the authorization of the vice provost, who will consult with the DRC chair. **It may be necessary these approved additions and responses outside the established electronic workflow because of limitations of the electronic workflow system. The vice provost will transmit the approved new materials to the candidate and/or the relevant reviewers via e-mail attachment at the earliest possible opportunity.** The vice provost will ensure that the faculty member has the opportunity to respond to such additions, that any such written response is included with the new information, and that the written response is available to subsequent reviewers in the process.

Step 10

The FRC and deans shall **conduct separate, independent evaluations using** the University EVAL-4 and the Departmental EVAL-4 as guidelines. Completed EVAL-8 forms will include 1) a recommendation and 2) brief comments as appropriate; a written explanation is required when the dean's and/or FRC's recommendation differs from the DRC's. In case of questions during the review, the FRC chair and the dean may consult with the **vice provost, DRC chair, department chair** and authors of any minority report. No other DRC or FRC committee members are authorized to consult or to be consulted. Members of the FRC shall not participate in any review of a member of their own academic department or of any faculty members on whose DRC peer evaluation group they have served during that academic year. FRC members are obliged not to participate in any review in which they have a conflict of interest (see index: Faculty Review Committee).

Step 11

The EVAL-8/FRC and the EVAL-8/Dean **will be made available** to the candidate **via the electronic workflow.** Candidates may submit written responses to the provost **using the electronic workflow,** within the timeframe specified on the EVAL-1. **The electronic workflow stops at this point with the provost's review.**

Step 12

The provost reviews the dossier and associated documents, including comments submitted regarding FRC and dean recommendations. The provost will use the University EVAL-4 and the Departmental EVAL-4 as guidelines for evaluation. The provost forms a final recommendation, **and** completes the appropriate section of the EVAL-8/provost. In case of questions, the provost may consult with the vice and associate provosts, the deans, the **FRC chair, the DRC chair, the department chair,** and authors of any minority report. Should there be any failure to act in Steps 1-15 in any required peer review, the dean, upon the request of the faculty member(s) to be reviewed, proceeds to develop a file and a recommendation for timely presentation to the provost.

Step 13

The provost makes available to the president the completed EVAL-8 forms.

Step 14

The president makes the University decision by completing the EVAL-8/President.

Step 15

The Office of the Provost will **send** to the candidate, in a confidential envelope, a copy of the completed EVAL-8/provost and EVAL-8/president, without any attending letter or comment. The provost may also present these copies directly to the evaluatee during a scheduled meeting. The completed EVAL-6, EVAL-7 and EVAL-8 **become part of** the evaluatee's official file. Copies of the EVAL-8 are **made available** to the department chair (who will share the results with the DRC chair, when different) and the dean. A copy of the EVAL-8 will be shared with the FRC chair as part of a permanent **record** for the FRC that the Office of the Provost maintains.

Step 16

The Board of Visitors acts on the resolution in Step 15.

Step 17

The University EVAL-4 for the following academic year is approved by **the** Faculty Senate and provost.

Step 18

Each department chair submits for the review of the appropriate dean a completed EVAL-4 DEPARTMENTAL STANDARDS AND PROCEDURES FOR FACULTY EVALUATIONS for the following academic year. Departments shall base their EVAL-4 criteria in teaching, professional development, and service on the broad values articulated in the University EVAL-4 and on expectations appropriate to the discipline.

Step 19

The deans and chairs work together to **ensure** that Department EVAL-4s are consistent with University wide standards and procedures, resolve outstanding questions and issues and notify the department of any changes.

h. Evidence to be Considered in Promotion, Tenure, Reappointment, and Unscheduled Reviews

1) Annual Activities Report (EVAL-6)

Each probationary and tenured faculty member prepares an annual activities report for the preceding academic year highlighting activities for the three major areas of evaluation--teaching, professional development and service. The report should provide guidance for the DRC and the chair to areas the member considers of primary importance. It provides the starting point for the evaluation at the departmental level for those members being evaluated that year and provides information from each member for the Departmental Annual Report.

2) Dossier

Those charged with rendering judgments on faculty candidacies undertaken in the course of the University peer evaluation process (DRC, dean, FRC, provost, and president) must rely heavily on the dossier offered in support of such a candidacy for information used in rendering those judgments. It is therefore essential that dossiers have a uniform organization.

Each dossier submitted in support of such a candidacy must have a label on its spine identifying the candidate and must be arranged in the order given below with appropriately-labeled tabs as dividers

between sections. The evaluatee and the DRC chair must verify that the following *required* items are in the dossier in the order indicated.

Those who review the dossier are responsible for preserving this organization before sending it on to the next level of consideration.

- (a) Current form EVAL-7 (including DRC summary statement) and EVAL-6 (in that order). These items are to be either clipped to the inside front cover of the dossier or placed in the pocket of the inside front cover. When form EVAL-8 is completed by the dean, it is to be placed on top of the form EVAL-7 in the same location.
- (b) The dossier checklist (form EVAL-10, available on the Office of the Provost website) of dossier contents, as the very first page of the dossier. This document must be executed by both the evaluatee and the DRC chair, certifying that all required components of the dossier are present and in the proper order.
- (c) A current *curriculum vitae* for the candidate.
- (d) All previous annual activities reports (form EVAL-6) from the candidate's entire evaluation history at CNU (not to exceed six years, although candidates for professor or distinguished professor may choose to do so), arranged in descending order by year (most recent year first).
- (e) Copies of *all* summary statements, recommendations and decisions generated by previous evaluations (forms EVAL-7 and EVAL-8). These materials are to be grouped together *by academic year*, with EVAL-8 preceding EVAL-7 for each year, and then arranged in descending order by academic year (most recent year first).
- (f) For tenured faculty, all IDEA reports, including student comments gathered as part of the IDEA survey, *for individual class sections* for the period of the *six most recent complete academic years and preceding summer sessions* prior to the evaluation. (For example, an evaluation taking place in 2008-2009 would require these reports for all classes in which IDEA was administered in the 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008 academic years.)

For non-tenured faculty, all IDEA reports, including student comments gathered as part of the IDEA survey, *for individual class sections* generated since the date of initial appointment. These reports are to be arranged in reverse chronological order (most recent first).

- (g) Documentation related to *teaching*, such as course syllabi and examinations, for the same period and in the same order as in item (f). Data collected for assessment purposes cannot be used for faculty review.
- (h) Documentation related to *professional development*. Tenured faculty are to include such materials for the most recent six years, and may also include materials from the period since the last successful evaluation. All other faculty are to include such material for the period since their initial appointment. Preprints or reprints of published papers, papers presented at academic meetings, copies of manuscripts in progress, or other evidence of scholarly activity (e.g., jury reports on exhibitions or performances) *must be included* if the activity is claimed on a form EVAL-6 or any other relevant document present in the dossier.

- (i) Appropriate documentation pertaining to the nature and quality of *service* for the same period as in (h). "Service," as the term is used here, pertains to service to the University, to the profession, to the candidate's discipline, or to the region, the Commonwealth, or the nation. Service that is external to the University should be of such a nature as to clearly be related to one's status as a professional in the faculty member's discipline and/or one's status as a member of the faculty of the University.
- (j) Other materials may be included, but they should be grouped separately *and not integrated into the materials referenced above*. If other materials are included, their role in supporting the candidacy should be clearly identified and their bulk should be kept to a minimum.

3) Departmental Enrollment Patterns and Projections

For decisions involving retention of a faculty member or the award of tenure to a faculty member, the recommendation or decision which is made at each level (DRC, dean, FRC, provost, president) of consideration must take cognizance of the continuing need that the University will have for the evaluatee's services. Recommendations for retention or tenure must be compatible with the long-term instructional needs of the University.

i. Evaluation Areas

The evaluatee supports the statements in the EVAL-6 Annual Activities Report through inclusion of relevant materials in the dossier. These relate to the three major areas of evaluation, which the peer group considers in reaching its recommendation.

1) Teaching Effectiveness

Teaching effectiveness is the most important element in the evaluation process. Consistent with the University EVAL-4, teaching effectiveness includes meeting classes regularly and keeping posted office hours. Materials included should provide evidence of course planning, selection of course materials, and other indicators of effectiveness as a teacher. Documentation may include examples of course syllabi, tests, handouts, self-description of teaching methods, statement of colleagues following class visitation, or other statements by colleagues. IDEA Reports for class sections rated using the *Student Rating of Instruction* are included in this section of the dossier. Data collected for assessment purposes cannot be used for faculty review.

2) Professional Development

Professional development includes participation in professional societies, including presentations; formal and informal interaction with university peers in professional matters; participation in short courses and additional course work in professionally related areas; completion of additional degrees; research in progress and publications; attainment of honors and awards.

Faculty members serving on probationary appointments are expected to either already hold a terminal degree acceptable to the University for the position held or else to be making satisfactory progress toward the completion of such a degree according to a timetable that can realistically (in the judgment of the University) result in the actual conferring of such a degree upon the faculty member in advance of tenure considerations, if any.

The professional development of every faculty member is expected to include contributions to the fund of knowledge in the appropriate discipline. Such contributions will ordinarily take the form of scholarly publications in the refereed literature of the faculty member's discipline but may, in certain disciplines (for example, the visual or performing arts), take the form of exhibitions, performances, etc. that are subject to critical and scholarly review. This area of evaluation will be given special emphasis in evaluations of members of the graduate faculty.

Documentation includes copies of transcripts, certificates, or diplomas; copies of research proposals and awards of research grants; preprints or reprints of scholarly publications; reports of referees or reviewers; and summaries of citations of the faculty member's scholarly work. A current vita is included in this section of the dossier.

3) Service

Service includes service in the department, including advising, carrying out departmental assignments, meeting deadlines, and interpersonal effectiveness with colleagues; to the University, including attendance at faculty meetings, performance on committees, cooperation with university policies and meeting deadlines; and to the community in providing professional expertise in any way that makes the community aware of the presence and concern of the University. Documentation of the above may be in the form of statements by department chair, administrative personnel, community people or a self-report.

4) Other Considerations

In addition to evaluating a faculty member's performance, the DRC considers those departmental trends which are likely to change the expectation of a continuing need for the member's service. These trends are enrollment patterns, especially within the faculty member's areas of specialization, and projections of need for services.

j. Student Rating of Instruction

1) Student Rating of Instruction serves two distinct functions: providing data to help evaluate teaching effectiveness and providing guidance for improving instruction. The former function is served by the IDEA Student Ratings of Instruction survey, which is administered University-wide in each class section as directed by the provost. Note that, the IDEA is not the sole instrument for evaluating faculty teaching effectiveness.

2) IDEA Student Rating of Instruction are carried out by each department at a time specified by the provost, during the last two weeks of instruction each semester (excluding days the University is closed and final exam period). Other evaluations of teaching will be carried out by the departments at a time specified by the provost. IDEA Student Comments are returned to the instructor with the IDEA reports.

3) IDEA Survey Review Procedures

Step 1:

A faculty member who wishes to challenge the accuracy of any part of an IDEA report shall file a written request for review with the chair of the Faculty Review Committee. Any such request should state with reasonable specificity the nature of the alleged discrepancy. All such requests must be received by the committee chair within thirty days of the first day of classes of the next regular semester. No action need be taken on requests filed after that date.

Step 2:

The chair of the Faculty Review Committee shall within seven days of the deadline prescribed in item Step 1 above:

- a) notify the appropriate department chair, the appropriate academic dean, and the provost that the challenged IDEA survey results should not be used as a basis for any action or decision concerning that faculty member's welfare until notification has been received regarding the disposition of the challenge; and
- b) appoint three (3) members of the committee to serve as a review team for the particular request. The members of the review team appointed by the chair shall be selected from departments other than the department of the requester; and

- c) acknowledge in writing to the faculty member concerned of the receipt of the request; and advise the faculty member of the membership of the review committee. Notice sent by campus mail to the requester shall be sufficient for this purpose.

In no event shall the requester serve on the committee appointed to review the request.

Step 3:

The review team shall schedule a meeting date with the requester to review any alleged discrepancies within fourteen (14) days of its appointment. At least ten (10) days advance notice shall be given the requester of the meeting date. Notice sent to the requester by campus mail shall be sufficient for this purpose. At the meeting so scheduled, the review team shall be available to answer any questions regarding the formulation of the report.

Step 4:

It will then be the responsibility of the review team to investigate the accuracy of the IDEA report. Should any discrepancy be discovered it shall be the responsibility of the review team to determine the effect, if any, that said discrepancy has or might have upon the requester's report.

Step 5:

It shall be the responsibility of the review team to prepare and submit to the chair of the Faculty Review Committee, within fourteen (14) days of the review meeting, a statement of the finding and any recommended action to be taken. A copy of this report shall be sent simultaneously to the requester. If the opinion of the review team states that a discrepancy does exist, the team's findings shall include therein a statement regarding the effect that said discrepancy has or might have upon the particular evaluation together with the recommended action to be taken.

Step 6:

The Faculty Review Committee shall, by majority vote, either accept or reject the team's findings no sooner than seven (7) days and no later than fourteen (14) days after its submission to the chair. A copy of the committee's decision shall be sent to the requester, the appropriate department chair and dean, and the provost. Should the committee conclude that a discrepancy does exist, it shall specify in its decision the means by which to correct said discrepancy.

Step 7:

Should the requester be dissatisfied with the decision of the Faculty Review Committee, the faculty member may file a written appeal, to the provost. Should an appeal reach this stage, it will be with the understanding that in no event shall the requester have access to any original data. The provost will act on any such appeal within thirty (30) days of its receipt.

Step 8:

Should the FRC, its chair, and/or Review Team fail to meet the responsibilities detailed above, the provost shall, by such means as the provost deems most appropriate to the circumstances, decide and rule upon all aspects of the challenge in question - such decision to be rendered within ninety (90) days of the date on which the provost determines in writing that the responsibility has not been met.

- 4) The IDEA Student Ratings of Instruction report and the original electronic comments of participating students shall be kept for five years by the Office of the Provost as they have potential relevance to an appeals process:

- Step 1. Written challenge initiated by faculty member. *
- Step 2. The chair of FRC appoints review team with seven days. Requester notified by the chair of FRC of membership of Review teams. *
- Step 3. Review Team schedules meeting with requester within fourteen days, with ten days' notice of meeting. *
- Step 4. Review Team investigates accuracy of report.
- Step 5. Review Team reports to the chair of FRC within fourteen days. *
- Step 6. FRC votes by majority on acceptance or rejection of Review Team's Report no sooner than seven days and no later than fourteen days of its submission to the chair. *
- Step 7. Written Appeal to the provost is initiated by requester.

*Dated copy sent at same time to (1) chair of the Faculty Review Committee and (2) provost.

k. Policy for Adjunct Observation and Evaluation

Adjunct faculty are reviewed by department chairs or graduate program directors (GPDs) at least once per academic year using the following procedure, **and in consultation with the college's dean.**

- 1) Each adjunct faculty member who is the instructor of record for a CNU course must undergo **an evaluation of teaching** annually. Such **evaluation** must take place during the first semester of employment, and then annually thereafter.
- 2) **The annual evaluation of teaching must involve a review of the faculty member's IDEA report(s) if available, and may also include other instructional materials, such as syllabi, assignments, and/or other items as requested by the chair or GPD.**
- 3) **Each adjunct faculty member must also undergo a peer observation of at least one class session no less than once every three years. Such an observation must take place during the first semester of employment, and then in intervals of no less than once every three years.**
- 4) The department chair or GPD may elect to conduct the peer observation or appoint a departmental colleague. Ideally the peer observer would be a long-term faculty member. **Because** expertise and instructional skill is of paramount importance, **an untenured** faculty member may conduct peer observations **only if that person is in a full-time teaching line (tenure track or restricted) and** has five years of teaching experience, at least two of which have been served at CNU.
- 5) The peer observer and the adjunct faculty member must agree upon the date of the classroom visit in advance. **Prior to the date of the classroom visit, the adjunct faculty member must provide a syllabus and description of the day's activities.**
- 6) Following the visit, the observer **completes** the *Adjunct Classroom Evaluation Form* maintained by the relevant college or, for a graduate program, by the **dean** of graduate studies (facultyresources.cnu.edu). The observer submits the form to the department chair or GPD.
- 7) **The department chair or GPD composes a brief (one- or two-paragraph) evaluation of the adjunct's overall work based upon the results of the IDEA student survey and any other metrics outlined in point 2 above. The chair or GPD also considers the completed *Adjunct Classroom Evaluation Form* when obtained. The department retains a copy of the evaluation and sends a copy to the Dean's or Graduate Studies Office by the first week of the following semester.**
- 8) The dean's or graduate studies' office will be the main repository for purposes of audit. Upon request, deans may be required to provide such forms to the Provost's Office for SACSCOC reaccreditation reports.
- 9) The chair or GPD **must communicate feedback, which may be formative, resulting from the review** with the adjunct faculty member, who may be continuing with the University.
- 10) While preparing an adjunct contract in subsequent semesters, the academic dean or **dean** of graduate studies will review the employee's file and notify the chair or GPD if a review is needed during the contract period.

9. Evaluation of Sponsored Research Appointment Faculty

a. Introduction

Sponsored research faculty do not have tenure, and their appointments depend on research opportunities and available funds. However, these faculty who are in continuing appointments or whose appointments are to be renewed shall undergo annual evaluations, as required by our regional accreditor, SACSCOC.

b. The Annual Review

The Annual Review is required of all continuing sponsored research faculty members. A self-evaluation report prepared by the evaluatee provides the foundation for this review. This self-evaluation shall include progress on relevant goals, aims, and general scope of work articulated in grant and identification of any scholarly contribution to the discipline. The self-evaluation is to be submitted to, and reviewed by, the sponsored research faculty member's supervisor, i.e. principal investigator. If the sponsored research faculty member is the principal investigator, the review will be conducted by the chair of the department. When the evaluation is conducted by the principal investigator, the evaluation must be submitted to the chair of the department. All evaluations shall be forwarded by chairs to the dean. The dean reviews the chair's recommendation and supporting materials, rendering their evaluation, and sends a copy to the individual and the provost's office. Sponsored Research Faculty may appeal their assessments by the dean and/or department chair by submitting in writing an appeal to the Office of the Provost two weeks after a decision is made by the dean. Possible outcomes of the evaluation include judgements of (1) satisfactory performance or (2) unsatisfactory performance. *Should a judgement of unsatisfactory be rendered, the University may consider termination pursuant to the terms and conditions of the grant/contract agreement and will proceed according to its terms.* The annual review process must be completed prior to the issuance of contracts for these faculty members.

10. Termination of Appointments

a. Tenured Faculty Appointments

The employment of a faculty member with a tenured appointment may be terminated at any time as a consequence of:

- 1) retirement;
- 2) resignation;
- 3) failure of the faculty member to execute and return a new employment contract within the time period specified by the University, such failure to be deemed a voluntary resignation;
- 4) physical or mental incapacity;
- 5) financial exigency as declared by the Board of Visitors;
- 6) non-continuance of positions compensated by wages;
- 7) elimination or reduction of a program, department, or college/school;
- 8) declaration of an emergency, as made by specified Board resolution;
- 9) dismissal for one or more of the following causes:
 - a) incompetence in one or more areas of assigned responsibilities;
 - b) continuing neglect of duty in one or more areas of assigned job responsibilities;
 - c) academic misconduct in one or more areas of teaching, research, public service, or administration;
 - d) physical or mental incapacity in one or more areas of assigned job responsibilities;
 - e) fraud or falsification of official documents, credentials, or experience;
 - f) violation of Board policies;
 - g) violation of the terms of the employment contract;
 - h) violation of the rights and freedom of students, Board members, or employees of the University; and
 - i) conviction of a felony after initial employment.

b. Non-Tenured Faculty Appointments

1) General

There are seven (7) types of instructional faculty appointments other than tenured appointments:

- a) part-time;
- b) temporary;
- c) restricted;
- d) probationary;
- e) terminal;
- f) adjunct; and
- g) sponsored research.

Each of these instructional faculty appointments is for the term specified in the employment contract and terminates automatically at its expiration date, subject to the right of tenured faculty members only to be offered new employment contracts for the succeeding academic year and the right of faculty members holding probationary appointment to receive reasonable notice in the event they are not to be offered new employment contracts. The University is not obligated to show cause when a nontenured faculty member is not offered a new employment contract.

2) Probationary Faculty Appointments- Reasonable Notice

Although a new appointment may be made for probationary faculty members in writing at the University's discretion, the University is not obliged to show cause or state reasons when no new appointment is made. When hired at the assistant professor rank, all probationary faculty are offered three-year contracts that include a terminal year in case of non-reappointment. When hired at the associate or professor rank, probationary faculty are offered a single four-year contract, with the tenure review scheduled in the third year. The fourth year serves as a terminal year in a negative tenure decision; a positive decision voids the fourth year as the faculty member begins tenured status in the fourth year.

3) Termination within a term of employment

Employment of a faculty member with a nontenured faculty appointment may be terminated at any time as a consequence of the circumstances under which a tenured faculty member may be terminated at any time (see index: termination of non-tenured appointments).

c. Procedures for Termination Due to Financial Exigency and Elimination or Reduction of a Program, Department, or College/School

For faculty members with tenured faculty appointments and for faculty members with other than faculty tenured appointments within the term of their contract, terminations may be made as a result of financial exigency or elimination or reduction of a program, department, or college/school. For such terminations the following procedures are to be followed whenever reasonably possible and with reasonable timetables established for steps (1) through (7) as determined by the provost. In the event a step is not completed on schedule, that step is omitted and the next step is begun.

- 1) The Faculty Hearing Committee (FHC) is notified by the president or the president's designee that one or more terminations are being considered in accordance with the provisions of this subsection.
- 2) Within two calendar weeks of the date of the presidential notification, the provost presents to and discusses with the FHC all information pertinent to the possible termination(s).
- 3) The FHC considers the information, formulates written recommendations concerning the proposed termination(s), and forwards its recommendations to the provost within four calendar weeks of the presidential notification. In formulating its recommendations, the FHC may request additional relevant information and call upon other members of the University for advice.

- 4) If, after reviewing the FHC's recommendation, the provost decides to continue the termination process, then the provost notifies, in writing, within seven calendar weeks of the presidential notification, those individuals immediately affected, specifying the reason(s) for the termination. A copy of the FHC's written recommendations accompanies this notification. Should the provost decide not to continue the termination process, those individuals who would have been affected are notified and the process terminates at this point.
- 5) Following receipt of the provost's recommendation, the president decides whether the termination(s) being considered will be carried out. If the president's decision is not to recommend termination to the Board of Visitors, the termination procedure ends. If the decision is to proceed with the termination(s), the president prepares a resolution of termination for presentation to the Board of Visitors. Termination results from passage of the resolution by the Board and becomes operative on the date specified in the resolution. Notification by certified mail is made by the president or the president's designee to the last known address of the terminated faculty member.
- 6) The Board of Visitors, at its discretion, may hold a hearing upon the written request of the affected faculty member(s). A request for a hearing must be filed within ten (10) calendar days of the certified mailing date of the president's notification of intent to present a resolution of termination to the Board. Absent such written request, all hearing rights are waived.
- 7) The University's grievance procedures do not apply to decisions concerning or resulting in termination under this section.
- 8) Order of Consideration of Positions
 - a) The order in which positions are normally considered for termination is:
 - (1) part-time;
 - (2) temporary;
 - (3) terminal;
 - (4) restricted in order of rank: instructor, lecturer, senior lecturer, master lecturer;
 - (5) probationary; and
 - (6) tenured.

However, in all cases, the order of termination must be consistent with the academic needs of the department(s) in which reduction is made as determined by the provost, with the approval of the president.

- b) If a decision involves more faculty members holding like appointment that are to be considered for termination, discrimination among such members is based upon the results of the evaluations of these members for the past six years and other relevant documented evidence.
- d. Procedures for Termination Due to Physical or Mental Incapacity
Termination for physical incapacity under section XII.9.a.4) or section XII.9.a.9)d) is based upon evidence that the faculty member will be unable to meet the faculty member's responsibilities for a period exceeding that covered by existing university regulations on leaves of absence for illness or other disability. Appropriate evidence of physical or mental incapacity is required. In considering termination of a faculty member under this subsection, the University will comply with applicable law(s) protecting the employment interests of handicapped individuals. If medical evidence establishes that the incapacity is likely to be temporary in nature, the University, as an alternative to termination, may, at its discretion, extend the leave period, with or without pay, for a reasonable period of time beyond its normal expiration. If the University initiates termination proceedings for physical or mental incapacity, the faculty member has access to the procedures for dismissal due to termination for cause set forth herein.

e. Procedures for Termination due to Dismissal for Cause

1) Preliminary Proceedings

When reason arises to question the fitness of a tenured faculty member or one whose nontenured appointment has not expired, the provost of the University, in consultation with the faculty member's dean, decides whether formal dismissal proceedings shall be initiated or whether some lesser sanction shall be imposed. If the provost concludes that formal dismissal proceedings are appropriate, the provost shall prepare and communicate to the faculty member a statement of charges, with reasonable particulars. This communication shall also advise the faculty member that, if the faculty member so requests, a hearing shall be conducted by a faculty committee. If within seven (7) calendar days of receipt of the statement of charges, the faculty member does not so request in writing to the provost or the provost's designee, the hearing is waived.

If the faculty member does wish a hearing, the faculty member's written response to the provost's notification should include an answer to the charges upon which the hearing will proceed. The hearing shall be conducted in accordance with the procedure outlined in Sec. XII. 9.e.2.b-f. If the faculty member waives a hearing, the provost shall forward a recommendation to the president that the faculty member be dismissed. The faculty member may submit objections to this recommendation within five (5) calendar days. The president shall decide whether dismissal is appropriate in accordance with the Sec. XII. 9.e.2.f.

(Note: In this and all other steps in the formal dismissal procedure, if the day on which an act is to be done falls on a Saturday, Sunday, or University holiday, the next regular business day becomes the operative date.)

2) Formal Dismissal Procedures and Information

a) Faculty Dismissal Hearing Panel (DHP)

The Faculty Dismissal Hearing Panel (DHP) hears dismissal cases and advises the president on dismissals. The DHP consists of five (5) members of the Faculty Hearing Committee not previously concerned with the case who are selected by lot by the FHC chair. The provost and the faculty member are each allowed one peremptory challenge to the resulting membership on the DHP, and each is allowed one additional challenge for cause. Rulings on challenges for cause are made by the unchallenged members of the DHP, a majority being required to sustain a challenge for cause. Replacement of any member of the DHP excluded from service is by lot from among the remaining members of the FHC. If this process does not yield five (5) members eligible to serve on the DHP, the remaining places on the panel shall be filled by tenured faculty members not previously concerned with the case selected randomly from the roster of full-time instructional faculty. Once empaneled, the DHP elects one of its members as chair.

b) Notice of Hearing

If the faculty member has made a timely request for a hearing, the DHP, within three (3) working days of being empaneled, establishes a time, date, and place for the hearing and so notifies the faculty member, the president, and the provost at least ten (10) calendar days before the hearing date.

c) Pre-Hearing Conferences

The DHP chair may initiate pre-hearing conferences with the DHP, the provost, and the faculty member for the purpose(s) of:

- (1) establishing relevant facts which are not in dispute;
- (2) exchanging and providing to the DHP copies of documentary or other evidence;
- (3) clarifying the grounds upon which dismissal is being sought and the responsive answer of the faculty member; and

(4) achieving such other objectives as will make the hearing fair, effective, and expeditious.

d) Hearing

- (1) The formal hearing shall commence within twenty (20) calendar days from the date the DHP is empaneled. However, this period may be extended for a reasonable additional time at the discretion of the president if, in the president's judgment, commencing the hearing within this period would create undue hardship for a party to the proceeding or a member of the DHP or unreasonably interfere with the ordinary operation of the University.
- (2) The faculty member has the right to be present at the hearing to present arguments and evidence against the charges and/or may submit written documentation in the faculty member's defense. During the hearing procedures, the faculty member and the provost will be permitted to have an academic adviser and/or counsel present.
- (3) At the request of either party, one representative of each of one or more educational/professional associations may attend the proceedings as observers.
- (4) A record of the hearing will be made and a copy made available to the faculty member at no charge.
- (5) The recommendation of the DHP will be limited to addressing the charges which have been brought against the faculty member and will be based upon evidence presented.
- (6) The faculty member and the provost (including their counsels and advisers) have the right to confront and cross-examine all witnesses present. If a witness cannot or will not appear, the DHP may consider a written, notarized statement for whatever probative value it might have in the absence of an opportunity for cross-examination. The DHP chair will assure in general that witnesses are treated with an order of respect appropriate to an academic hearing and will assure, in particular, that witnesses are not subjected to intimidation through hostile questioning or other means.
- (7) The University administration will cooperate to the extent reasonable under the circumstances with the available documentary and other evidence. Although all witnesses and evidence should be available at the time set for the hearing, in extraordinary circumstances, the chair of the DHP may grant brief and reasonable adjournments, not to exceed two (2) working days, to prevent substantial prejudice to either party.
- (8) In a hearing on charges of incompetence, the testimony may include that of qualified faculty members from this or other institutions of higher learning.
- (9) The DHP is not bound by strict legal rules of evidence, discovery, or procedure and may consider any evidence, which is of probative value in formulating its recommendation concerning the dismissal. Deviation from these procedures is not grounds for reconsideration or reversal of the DHP's recommendation so long as the faculty member has received a fundamentally fair hearing and neither the faculty member nor the University has been unduly prejudiced as a result of technical error in the proceedings.
- (10) The chair of the DHP rules on all questions of procedure and is responsible for conducting the hearing as expeditiously as possible without undue prejudice to the parties.

- (11) When the DHP has heard the testimony and received the evidence on the dismissal charges, the hearing terminates. Deliberations of the DHP after the close of the hearing are in private conference.
- e) Recommendation of the DHP
- (1) The DHP submits its judgment on each specific charge and its recommendation of dismissal or no dismissal to the president within thirty (30) days of being empaneled, unless the president, at the president's discretion, extends the time period for good cause. For the recommendation of the DHP to be considered by the president, it must be submitted within the authorized time. The DHP is dissolved at the end of the time or at the end of submission of its recommendation, whichever comes first. The hearing record and all evidence are forwarded to the president.
- (2) The recommendation of the DHP must be supported by a majority of its members. Any member of the DHP who disagrees with the majority recommendation may prepare a minority report, which will be attached to the DHP recommendation submitted to the president.
- (3) The president sends a copy of the DHP's recommendation and minority report, if any, to the faculty member and to the provost. Any claim that the DHP recommendation or any previous aspect of the dismissal proceedings has been affected by prejudicial impropriety or unlawful discrimination must be presented in writing with specificity for the president's consideration within five (5) calendar days of receipt from the president of a copy of the DHP recommendation.
- f) Decision by the President
If the president decides that dismissal is appropriate, the president prepares a letter of dismissal and notifies the faculty member or the faculty member's representative of the president's decision by sending this letter by certified mail to the last known address. This letter will advise the dismissed faculty member of the faculty member's right to appeal, the dismissal by requesting of the president, in writing within thirty (30) days of the date of posting of the president's letter of dismissal, a hearing by the Board of Visitors. If no timely request for a Board hearing is made, the hearing right is waived.
- g) Appeal to the Board of Visitors
In the event that a timely request for a Board hearing is made, the president shall so notify the rector of the board; and the rector will establish the time, date, and place for the hearing and will notify the appropriate parties accordingly. The Board may proceed in whatever manner it deems appropriate to provide the dismissed faculty member a reasonable review of the dismissal action.
- h) Status of the Faculty Member During Dismissal Proceedings
During dismissal proceedings a faculty member may be suspended or assigned other duties in lieu of suspension at the discretion of the president. Such suspension or reassignment may occur at any time after reason has arisen to question the fitness of the faculty member. If, in the opinion of the president, the presence of a suspended faculty member on campus would present a threat to property or persons or disrupt any of the University's operations, the president may bar the faculty member from all or part of the University buildings and grounds. Any person so barred may request permission to return to campus to retrieve personal property while accompanied by a University official designated by the president. Salary continues during the period of suspension; however, no salary will be paid for periods of time during which a suspended faculty member is employed elsewhere or is self-employed in a substantially full-time capacity.

- i) Confidentiality
Dismissal proceedings are considered confidential, and publicity or public statements are avoided unless authorized by the Dismissal Hearing Panel in order to gather information before or during its hearing.
- j) Discontinuance of Compensation
The compensation of any faculty member, tenured or non-tenured, who is dismissed under this section will be discontinued as of the date of posting of the president's letter of dismissal. If the faculty member timely requests a Board hearing, and as a result of such hearing the dismissal decision is reversed, the faculty member will be compensated for the time period between posting of the president's letter of dismissal and any subsequent reversal of the dismissal decision.
- k) Suspension of Notice of Termination/Employment Schedules
The schedules for notice of termination or intent to offer new employment contracts are not applicable to the affected faculty member during dismissal proceedings.

If, during the course of dismissal proceedings, an operative notification date passes without the University's offering an employment contract or giving notice that no employment contract will be offered for the following academic year, the affected faculty member does not thereby automatically become entitled to be offered further employment or compensation.

If the proceedings result in a decision not to dismiss, the faculty member will be entitled to whatever employment considerations the faculty member would have received in the absence of the dismissal proceedings.

- l) Caveat to Nontenured Faculty Members
The procedural due process described in this section applies only to tenured faculty members and to non-tenured faculty members whose dismissal is sought for stated cause during the term of a non-tenured appointment. The existence of these procedures should not be construed by non-tenured faculty members as limitation on the University's right to decline, without stating reasons, to offer new employment beyond the expiration of the non-tenured appointment.
- m) The grievance procedures provided below are neither applicable to the dismissal process nor available to faculty who have been dismissed.

11. Faculty Grievance Procedures

A grievance is an allegation by a faculty member that the faculty member has suffered direct material or professional injury as a result of a decision or action by an administrative officer of the University or a colleague that either misinterprets or misapplies existing policy, regulation, or law. The redress sought must be of a nature the University has the authority to provide. The grievance process is not intended to provide a means for challenging the merits of a lawfully promulgated policy or regulation or for reviewing the merits of a decision or action without substantial evidence that applicable policy, regulation, or law has been violated to the detriment of the grievant. For a grievance to be properly considered, therefore, the grievant must clearly identify: 1) the decision or action in question; 2) the policy, regulation, or law allegedly misinterpreted or misapplied; 3) the facts supporting the allegation; and 4) the redress sought.

Termination of appointments and questions concerning salary, wages or other compensation are not grievable matters under this section (Faculty Grievances Procedures).

a. Informal Grievance Procedures

The grievant presents to the person who made the decision or took the action in question a written request for reconsideration in light of the criteria for a proper grievance as set forth above. This request must be made within fifteen (15) calendar days of notification of the decision or action.

b. Formal Grievance Procedures

- 1) If the grievance has not been resolved through the informal procedures to the satisfaction of the grievant, the grievant may petition the Faculty Grievance and Hearing Committee for consideration of the grievance. If a petition is not filed with the Faculty Grievance and Hearing Committee (FGHC) within fifteen (15) calendar days after notification of failure of the grievance to be resolved informally, the grievance is terminated without recourse. The petition is directed to the chair of the FGHC and must clearly identify, in writing: 1) the decision or action in question and the person against whom the grievance is being filed; 2) the policy, regulation, or law allegedly misinterpreted or misapplied; 3) the facts supporting the allegation; and 4) the redress sought.
- 2) The chair of the FGHC acknowledges in writing to the grievant and the person against whom the grievance has been filed receipt of the petition within three (3) working days of receipt.
- 3) The chair of the FGHC may then call upon other members of the FGHC or the University community to assure that the petition has been timely filed and contains grievable matters and that the Informal Grievance Procedures have been completed.

Only if these requirements are met is a grievance properly before the FGHC. The chair of the FGHC notifies the petitioner of the acceptance or rejection of the petition; this determination should normally be determined within one week. If the grievance petition is rejected, the reason for rejection is stated in the notification, which is also reported to the Committee members at that time.

- 4) If the grievance is properly before the FGHC and remains unresolved, the chair selects, by lot from among the membership of the FGHC, a Faculty Grievance Panel (FGP) consisting of three members. If any member of the FGP is a member of the department of the faculty member filing the grievance or if the FGP member feels that he or she has a conflict of interest, that member must state that and be removed from the panel and another committee member will be chosen by lot. The party defending against the grievance and the grievant are, in turn, allowed one (1) peremptory challenge to the membership of the panel, and each party is allowed one (1) additional challenge for cause. Challenges for cause are decided by the unchallenged members of the FGHC, and replacement of any member excluded from the panel is by lot from among the remaining members of the FGHC. The FGP elects one of its empaneled members to chair the panel.
- 5) The chair of the FGP arranges with the concerned parties the time(s), date(s), and place(s) of meetings(s) to consider the matters alleged in the grievance. The panel seeks initially, through informal discussions, to assist the parties in reaching a resolution. If, however, resolution cannot be reached through informal discussions, the panel may examine written statements and documents submitted by both parties and interview individuals that may possess information relevant to the grievance. If at any time during its consideration of the grievance a majority of the panel concludes that the petition does not meet the requirement for proper consideration by the FGHC, the panel may recommend to the full FGHC and its chair that acceptance be revoked. Alternatively, the FGP may state such conclusion in its final report.
- 6) The FGP shall complete its operations within thirty (30) calendar days of the date the grievance petition was filed with the FGHC unless the time period is extended under the provisions of subsection 7) below. Within this time period, the FGP submits its signed report and recommendations to the grievant and the party against whom the grievance is directed. The FGP report is also transmitted to the administrative officer immediately above that against whom the grievance was directed or, in the case of a grievance against the president, to the Board of Visitors. The officer receiving the recommendation (or the Board, as appropriate) takes final action and notifies all concerned of that action. Failure by the FGP to transmit

its report within the 30-day limit (or extended time period if applicable) dissolves the FGP and refers the case to the president for disposition.

- 7) The time periods set forth in the informal and formal grievance procedures may be extended at the discretion of the president in extraordinary circumstances where adequate consideration of the grievance would be impaired if limited to the time periods established in this section.
- 8) Independent of these grievance procedures, the Board of Visitors may hear appeals, of full-time faculty on decisions of the president on matters of initial employment, promotions, tenure, or terminations other than dismissal at its discretion. In order to request a discretionary Board hearing, a written petition containing the particulars of the grievance and the grounds for seeking reversal of the president's decision must be delivered to the president not later than five (5) working days from the date of notification of the president's decision. The president will promptly transmit the petition to the Board.
- 9) The grievance procedures described in this section are available to a faculty member with regard to a particular decision, action, or recommendation only once. Once the opportunity for recourse through these procedures has passed, or once the processes of this section have been initiated, they cannot be initiated again relative to the same decision, action, or recommendation. Further decisions, actions, or recommendations taken under the provisions of this section are not themselves grievable in any fashion.

12. Emeritus Status

Upon retirement, a faculty member who has served with distinction and with at least ten (10) years of service at Christopher Newport University (or seven years at Christopher Newport University if the faculty member has at least 20 years of teaching/research service to academe or professional service and has attained the academic rank of professor) may be awarded the rank of professor emeritus upon nomination and supporting statement of the faculty member's department and dean, the recommendation of the Faculty Senate, the recommendation of the provost and the president, and the approval of the Board of Visitors. Emeritus faculty enjoy many of the rights and privileges of full-time, salaried instructional faculty. Emeritus faculty will be issued an *Emeritus Faculty* CNU identification card that will enable them to access certain services available to full-time salaried faculty. These include faculty library privileges, access to the Freeman Center and Triesmann Fitness Center, a cost-free CNU email account, a one-course-per-semester tuition waiver, and standard faculty discounts at the Captain's Locker, Ferguson Center for the Arts, and athletic events, and a cost-free parking decal for on-campus parking.

13. Personnel File

Every faculty member has the right to access and review his or her permanent personnel file during normal business hours. If any document is placed in this file that has the potential to do harm to the faculty member's personal or professional reputation, including but not limited to letters of complaint, reprimand or admonition, the faculty member will be notified in writing. The faculty member has the right to respond in writing and have the response placed in the personnel file. Unsubstantiated complaints or accusations will be removed.

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SECTION XIV
Library Information

Information on the CNU Library may be obtained through the University librarian or the CNU website.

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SECTION XV
General Personnel Information

1. Introduction

- a. Changes in general personnel policies and practices are authorized by the president after adequate consultation with the provost or the appropriate vice president(s) and constituencies of the University, and are communicated to all affected parties at the earliest reasonable time.
- b. The basic policies for administration of university personnel matters are established by state law and regulation.

2. Equal Employment Opportunity Policy

Christopher Newport University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, gender identity, marital status, military/veteran status, political affiliation, or any other status protected by law.

Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among everyone on campus. In pursuit of this goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy in accordance with this policy. Complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in the enforcement of this policy are also addressed under this policy.

Christopher Newport University does not discriminate in admission, employment, or any other activity on the basis of race, color, religion, sex, national origin, age, disability, genetic information, gender identity, marital status, military/veteran status, political affiliation, or any other status protected by law.

Christopher Newport University, an equal opportunity employer, is fully committed to access and opportunity for all persons.

3. Substance Abuse Policy for Employees

Christopher Newport University is committed to protecting the health, safety, and welfare of the citizens it serves by assuring that a drug-free workplace is maintained and that employees perform their duties unimpaired by the effects of drugs or alcohol. In compliance with this commitment and federal law, Christopher Newport University established a Substance Abuse Policy for Employees.

The unlawful manufacture, possession, use or distribution of illicit drugs and controlled substances and the unlawful possession, use, or distribution of alcohol on Christopher Newport University property is prohibited. Violations of the policy will be handled according to existing personnel policies and procedures governing the conduct of administrators, faculty and staff. Please contact the Office of Human Resources for additional information.

4. Freedom of Information/Privacy Act The University complies with the Virginia Freedom of Information Act and the federal Family Educational Rights and Privacy Act. Because these laws and their implementing regulations are ambiguous and constantly changing, it is difficult to definitely state what is and is not covered. Nevertheless, members of the University community are advised that as a general matter, it is illegal to disclose information concerning a student's academic performance to anyone other than the student including the student's parents. Similarly, it is illegal to disclose the specific details of an employee's personnel file. Of course, this specific information is available to the student concerned and to the individual employee. However, the University

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community should also know that certain general information must be disclosed. Any questions or concerns about these laws should be directed to the University Counsel. Faculty members should not release any information about students to persons other than the student without first consulting with the University Counsel.

5. Conflict of Interest (Nepotism)
Christopher Newport University adheres to the State and Local Government Conflict of Interest Act. Questions concerning this policy should be directed to the Director of Human Resources.
6. University Name, Official Seal, and Tax Payer Identification Number
The name, address, phone number, and official seal of the University may be used only when conducting authorized University business. Under no circumstances may individuals represent to others that they are acting on behalf of the University when conducting personal business. In addition, official University accounts are authorized by the president or the president's designee and are the only accounts that may use the aforementioned information and the University's taxpayer identification number. Questions concerning this policy should be directed to the vice president for finance and planning.
7. Telephone Usage
University telephones are intended for the business needs of the University. Personal use of University telephones is to be kept to a minimum. Personal long-distance calls are prohibited. When answering and/or conversing on a University phone, employees are expected to use a telephone manner that reflects the dignity of the University.
8. University Equipment and Facilities
University communication and computing resources are intended to support the educational, research, and public service missions of the University. The acceptable use of these resources must be in accord with the policies and regulations established by the Information Technology Services and the University Library, and relevant local, state, federal, and international laws and regulations. When using electronic communications tools and social media, users should follow all applicable Commonwealth policies. Users may not violate any provision of this policy, any supplemental policy adopted by agencies, or any other policy, regulation, law or guideline as set forth by local, State or Federal law. This may include but is not limited to copyright laws, trademark laws, and other legislated requirements. Unauthorized personal use that conflicts with state policy of any University equipment or facilities is therefore prohibited, including the disallowed access of "Sexually explicit content" as defined in the Code of Virginia §2.2-2827.
9. Gifts, Gratuities or Rewards
State employees are in a position of public trust and cannot accept gifts, gratuities, favors or rewards for any service performed in connection with State employment. In addition, it is unlawful to solicit, offer or accept money or anything of value in exchange for appointment, promotion, or special privilege with the State agency in which employed or with any other State agency. Questions concerning this policy should be directed to the Director of Human Resources
10. Fringe Benefits
The Commonwealth of Virginia provides a number of statewide fringe benefits for full-time employees. Although listed here, state benefits are subject to change by the Commonwealth without University consultation or approval. Additionally, the University provides several local benefits for full-time employees. HR provides detailed benefits information at the time of hire. A yearly Benefits Fair, printed information and individual consultations are available anytime thereafter. This section is not meant to provide details for understanding or using programs, but is only designed to enhance awareness of program availability. Additional details may be obtained from the Office of Human Resources (HR) by visiting, calling 594-7145 or referring to the website at cnu.edu/hr/benefits.

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a. State Sponsored or Arranged Benefits

1) Retirement

As a condition of employment, faculty members are provided a choice of the Virginia Retirement System (VRS) Plan 1, Plan 2, Hybrid Retirement Plan, or Optional Retirement Plan (ORP) Plan 1, Plan 2 depending on eligibility requirements.

2) Group Life Insurance

As a condition of employment, group life insurance is provided at no cost to the employee.

3) Optional Group Life Insurance

The optional group life insurance program is administered through the Virginia Retirement System. As an employee, you may choose to purchase additional life insurance through payroll deduction. The employee is responsible for payment of the premiums.

4) Health Insurance

A variety of health care plans are provided. The type of coverage determines costs.

5) Flexible Benefits Program

This program allows employees the opportunity to save tax dollars by contributing to medical and/or dependent care reimbursement accounts.

6) Virginia Sickness and Disability Plan (VSDP)

If you are a University employee who has selected the Virginia Retirement System (VRS) as your retirement plan, you will automatically be enrolled in the Virginia Sickness and Disability Plan (VSDP). After one year of employment, VSDP covers you with short-term and long-term disability. More information can be found at Varetire.org.

7) Long Term Care

The Virginia Retirement System administers this Voluntary Group Long Term Care Insurance Program to assist with everyday life tasks because of a prolonged health problem or following a major illness, injury or surgery. The employee is responsible for payment of the premiums.

8) Tax Sheltered Annuity

Christopher Newport is a qualified employer under Section 403 (b) of the Internal Revenue Service code **and offers the option of a tax-sheltered annuity for faculty and staff.**

9) Deferred Compensation Plan

This option provides an opportunity for a supplemental retirement plan under Section 457 of the Internal Revenue Service Code.

10) Workers' Compensation and Injury on the Job

An employee injured on the job is eligible to apply for benefits under the Virginia Workers' Compensation Act. The injured employee must first notify their supervisor and then the Office of Human Resources within 48 hours. *Failure to notify the appropriate authorities may jeopardize the claim.* For additional requirements, please call the Office of Human Resources at 757-594-7145.

11) Unemployment Compensation

University employees who leave the employ of the University, are eligible to apply for unemployment compensation from the Virginia Employment Commission (VEC). The VEC makes eligibility determinations.

- 12) Cash Match Program
Consistent with Commonwealth guidelines, eligible University employees may enroll in this program that provides money to match approved employee retirement savings plans.
- 13) U.S. Savings Bonds
EE and I bonds may be purchased through a direct deposit allocation with Treasury Direct.
- 14) Liability Insurance
The Office of Risk Management of the Commonwealth of Virginia maintains liability insurance for full-time salaried employees of CNU. Individuals may wish to obtain supplemental insurance coverage through private carriers.
- 15) Leave
For information on leave policies, classified employees should refer to the Employee Handbook at <https://www.dhrm.virginia.gov/stateemployeeresources>.

Administrative/Professional and instructional faculty should refer to Sections VII and XII of the University Handbook for leave policy information.

- 16) Holiday Leave Schedule
New Year's Day – January 1
Martin Luther King Day – third Monday in January
Memorial Day – last Monday in May
Juneteenth – third Friday in June
Independence Day
Labor Day – first Monday in September
Thanksgiving Day – fourth Thursday in November
The day after Thanksgiving
Christmas Day – December 25

Non-Exempt Employees - To be eligible to receive holiday pay and/or compensatory leave non-exempt employees must:

- be present at work or on paid leave on their last scheduled work day before the holiday; AND
 - be present at work or on paid leave on their first scheduled work day after the holiday.
- Employees who do not have leave to cover this period of time will not be eligible to receive pay for the holiday(s).

Exempt Employees - FLSA exempt employees are eligible for holiday pay unless they are on extended leave without pay and unavailable for work on the entire last scheduled workday before the holiday and first scheduled workday after the holiday

In order to be paid for the holiday, the employee must work or be on paid leave the day before and after the holiday. The following holidays are utilized by all employees at CNU during the December break: George Washington Day, Columbus Day/Yorktown Victory Day, Election Day, and Veterans Day.

b. Local CNU Provided or Arranged Benefits

- 1) Long Term Disability
This voluntary, employee paid program is designed to provide income protection when one cannot work due to disability.

- 2) Captain’s Locker Discounts:
The Captain’s Locker provides 10% discounts at time of purchase to CNU faculty and staff.
- 3) Captains Cash Discounts in Dining Services:
The Commons and Regattas dining halls provide 30% discounts to CNU faculty and staff who use Captains Cash to purchase their meals in these campus dining facilities. Retail dining locations provide 10% discounts to CNU faculty and staff who use Captains Cash to make purchases at campus retail dining locations including Chick-fil-A, Discovery Pizzeria, Discover Grill, and Discovery Bistro in the David Student Union, as well as Einstein’s in the Tribble Library.
- 4) Credit Union Membership
Employees may elect to join the Virginia Educator's Credit Union and/or the Virginia Credit Union. Credit union membership policies apply.
- 5) Tuition Waiver Policy
All full-time classified, instructional (including Military Science faculty currently teaching at the University) and administrative and professional faculty may receive a tuition waiver for (1) course, four (4) credit hours or less, during each regular semester.
- 6) Tuition Reimbursement Policy
All full-time classified and salaried administrative and professional faculty, who have been employed continuously in a full-time salaried position for at least one year, prior to the start of the requested class, at Christopher Newport University, may be eligible for tuition reimbursement for graduate-level courses successfully completed at other accredited institutions of higher education. Reimbursement to eligible employees is limited to four (4) credit hours per academic semester (spring, summer, fall), not to exceed \$5,250 per calendar year, for the combination of tuition waiver and tuition reimbursement. To receive tuition reimbursement, employees must complete a Request for Tuition Reimbursement form and should submit the form to their supervisor 30 days prior to the start of the class and earn a grade of “B” or better in the course(s) or a grade of P in pass/fail courses. Pass/Fail courses must be required and not offered as a normal letter grade.
- 7) Prepaid Legal Services
This voluntary, employee paid program is designed to offer assistance in provided legal services. Call the Office of Human Resources for additional information concerning eligibility, services and cost.
- 8) Counseling and Referral
The Office Counseling Services and Office of Human Resources provide support guidelines and counseling to employees and referral to resources off campus as needed.
- 9) Exedra
The university will commemorate faculty and staff who have been employed at Christopher Newport for **10** or more years and who have retired from the university in good standing, by engraving their name on the exedra listing located on campus near the Bell Rower.
- 10) Miscellaneous Benefits
Other miscellaneous benefits can be found on the Human Resource Office website:
<https://my.cnu.edu/hr/benefits/>.

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11. Outside Employment

- a. The primary obligation of full-time employees is to fulfill the duties of their positions with the University. Limited extra employment, including consulting, may be undertaken so long as it does not conflict with the individual's responsibility to the University, affect the employee's performance of University duties, reflect adversely on the University, or create a conflict of interest. Individuals must inform their supervisor in writing if so employed. Because of the community relations benefits, consulting services by Faculty and staff members are encouraged so long as the foregoing limitations are observed.
- b. Because of their special expertise, salaried Faculty members (both instructional and administrative) are likely to be sought after for outside employment. To avoid demands on faculty members that might interfere with the performance of University duties, all administrative and professional faculty must seek prior approval from the provost, chief of staff or division vice president for outside employment, if compensation for that employment exceeds \$1,000 per semester. Any compensated work that would involve missing classes must also be approved by the provost. Such approval, once given, expires automatically at the end of each contract period. For non-teaching administrative positions, the approval expires at the end of each fiscal year.

12. Political Activity

State employees, within limitations, may take part in the political activities conducted on their own time. Employees who wish to use annual leave to participate in political activities must obtain prior approval from their supervisors for time off. Contingent upon workloads and schedules, time off should be permitted except in cases of a work emergency where schedules cannot be adjusted.

- a. The Federal Hatch Act places restrictions on employees whose salary is federally funded in part or in whole. CNU employees are encouraged to read this Act carefully and seek competent counsel for the interpretations and applicability of this or any other federal requirements.
- b. Concerning state law and regulations, employees are advised to seek competent counsel for interpretations and applicability of various Virginia codes and regulations.

13. Attire

Personal attire should be appropriate for the activity of the department, office or activity in which the individual is engaged.

14. Training

It is the policy of Christopher Newport University to provide training for its personnel which will benefit both the employee and the agency. The training program will be created, facilitated and managed through the Office of Human Resources. Employees will provide input as to training and development needs.

15. Resignation

If an employee chooses to separate employment from the University, at least a two-week notice is expected. This notice should include the reason for leaving. The employee must contact the Office of Human Resources to resolve matters relating to benefits and other related issues. Full time employees who are terminating will be furnished information relative to their employment concerning payment for accrued leave, withdrawal of contributions for retirement, conversions of their group life insurance, and other benefits to which they may be entitled.

16. Educational Qualifications

Christopher Newport University reserves exclusively to itself the right to establish criteria for minimum educational qualifications for any individual position of employment at the University or for categories of such positions. In so doing, the University reserves to itself the sole discretionary authority to determine (by awarding institution, by name of degree, by the nature of the academic program that led to the degree, or by any other criterion or criteria it deems appropriate) those earned degrees or other indicators of educational achievement that are acceptable in meeting these qualifications. When the University establishes new criteria for minimum educational qualifications for any position or category of positions, it reserves to itself the sole discretionary authority to determine the future employment status, if any, of the incumbent or incumbents in such position or category of positions.

17. Workplace Violence Policy

Christopher Newport University does not tolerate acts of workplace violence/hostility committed by or against employees. The University strictly prohibits employees from making threats or engaging in violent or hostile acts. This is a zero-tolerance policy, meaning that the University disciplines or terminates every employee found to have violated this policy. Additional details or questions about this policy may be obtained from the Office of Human Resources or University Police.

18. Code of Conduct and Ethics Policy

The Code of Conduct and Ethics Policy establishes guidelines for professional conduct by those acting on behalf of the University including executive officers, faculty, staff, and other individuals employed by the University, using University resources or facilities, and volunteers and representatives acting as agents of the University. Integrity, credibility, ethical leadership and management of the highest order are the principles Christopher Newport University has achieved and strives to maintain among all its employees and representatives. The University assumes personal responsibility and accountability in complying with all relevant laws and regulations that govern its activities, standards of fairness, honesty and respect for the rights of others. The policy may be found on the University website, under Finance and Business Policies, at cnu.edu/public/policies/. Any questions about this policy should be directed to the Business Office.

SECTION XVI
Schedule of Classes

The Schedule of Classes is available on the CNU website under the Office of the Registrar.

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SECTION XVII
Student Handbook

The *Student Handbook* may be obtained through the dean of students or the CNU website.

http://cnu.edu/public/studenthandbook/_pdf/studenthandbook.pdf

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SECTION XVIII
University Administration

The University's Administrative Organizational Chart

See last page of this section.

Description of Administrative Positions

1. Executive Office of the President

a. President

The president of the University is the chief executive officer of the University, appointed by the Board of Visitors, and serving at its pleasure. The president is responsible for the total operation of the University, with all official actions of the University under the president's authority, which authority may be specifically delegated to constituencies of the University at the president's discretion. The president is the official channel of communication between the Board and all University constituencies, and is the final institutional authority on all matters of policies and procedures, subject to Board review.

1) Executive Assistant to the President

The executive assistant to the president is responsible for assisting the president in carrying out the president's duties by performing such tasks as the president directs. The executive assistant is selected by, reports to, and serves at the pleasure of the president.

2) Special Assistant to the President

The special assistant to the president is responsible for special assignments and projects as directed by the president. The special assistant to the president is selected by, reports to, and serves at the pleasure of the president.

3) Director of Internal Audit

The director of internal audit is responsible to the Board of Visitors for ensuring that adequate internal controls are practiced in the financial and operational management of the institution and provides assistance and advice to the University president on a continuing and routine basis. The director is selected by and reports to the Board of Visitors.

4) University Counsel

The university counsel is the attorney for the University and all persons acting on behalf of the University. University counsel is responsible for the development and implementation of legal policy and for ensuring that the University's activities conform to all applicable laws. University counsel is appointed by the Board of Visitors and the Attorney General of the Commonwealth of Virginia, in consultation with the president, and serves at their pleasure. University Counsel reports to the Attorney General of the Commonwealth of Virginia on matters of legal advice and representation and to the Board of Visitors on matters involving the implementation of legal policy.

5) Director of Title IX and Equal Opportunity

The director of Title IX and equal opportunity is responsible for the oversight of compliance efforts, design and delivery of educational materials and training, investigation and disposition of complaints, development, implementation, monitoring, maintenance and communication of the University's Equal Employment Opportunity and Title IX policies, programs and staffing and resource initiatives. The director serves as the University's Title IX Coordinator and collaborates with other university offices to support the University's compliance with Title IX. The director is selected by, reports to, and serves at the pleasure of the president.

6) Assistant to the President for Equity and Engagement

The assistant to the president for equity and engagement is responsible for the oversight of diversity, equity and inclusion initiatives and implementation of the university's Strategic Plan for Diversity and Inclusion. The assistant to the president serves as the university's chief diversity, equity and inclusion officer and provides direction and oversight to the Community Captains program. The assistant to the president for equity and engagement is selected by, reports to, and serves at the pleasure of the president.

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7) Executive Director of University Events and Special Projects

The executive director of university events and special projects provides direction, coordination and oversight of presidential initiatives, special projects and events. The executive director provides direction and oversight to the office of university events and serves as the chief commencement officer. The executive director of university events and special projects is selected by, reports to, and serves at the pleasure of the president.

8) Senior Counselor to the President

The senior counselor to the president supports the president in strategic and tactical issues affecting the administration and direction of the university and advises the president on organizational, personnel and fiscal issues. The senior counselor to the president is selected by, reports to, and serves at the pleasure of the president.

b. Chief of Staff

The chief of staff represents the president to external and internal constituencies, and handles routine operations of the President's Office. The chief of staff is responsible for and has delegated authority over all administrative affairs of the University. The chief of staff also serves on the Board of Trustees for the University's Educational and Real Estate Foundations. The chief of staff acts for the president in the president's absence on non-academic issues. The chief of staff has signature authority for the provost in the provost's absence on matters where the provost is empowered to act for the president. The chief of staff is selected by, reports to, and serves at the pleasure of the president.

The following individuals report to the Chief of Staff:

1) Dean of Admission

The dean of admission is responsible for the **strategic, operational, and personnel functions** of the Office of Admission. The dean **provides expertise and knowledge of best practices and leadership in guiding the development, implementation, and assessment of new student marketing, recruitment, admission, and enrollment strategies to meet the University's freshman class goals and objectives. In consultation with the Office of the President, the dean of admission collaborates with University and external stakeholders to implement strategies that enhance new student recruitment opportunities.** The dean is selected by, reports to, and serves at the pleasure of the chief of staff.

2) Executive Director of the Ferguson Center for the Arts

The executive director of the Ferguson Center for the Arts is responsible for the coordinated and operational leadership/management for the Center including booking performances and events. The executive director of the Ferguson Center for the Arts is selected by, reports to and serves at the pleasure of the chief of staff.

3) Executive Director of the Fine Arts Center

The executive director of the Fine Arts Center is responsible for the coordinated and operational leadership/management for the Center including booking exhibits and events. The executive director of the Fine Arts Center is selected by, reports to and serves at the pleasure of the chief of staff.

4) Director of Intercollegiate Athletics

The director of athletics is responsible for all policies and practices of the department of athletics, including intercollegiate sports, their support, facilities, and resources. In addition, the director is responsible for the office of recreational services which includes the intramural sports program and the sports clubs, which are registered student organizations. The director is selected by, reports to and serves at the pleasure of the chief of staff.

5) Director of LifeLong Learning

The director of LifeLong Learning Society (LLS) coordinates the activities of the LifeLong Learning Society including: the selection and scheduling of classes, recruitment of faculty, financial and database management and organizing special events. The director staffs the LifeLong Learning Steering Committee and supervises office staff and member volunteers. The director is selected by, reports to and serves at the pleasure of the chief of staff.

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2. Division of Academic Affairs

Provost

The provost is the chief academic officer (CAO) of the University. The provost is the head of the division and supervises its administrative staff. The provost is responsible for and has delegated authority over all academic affairs of the University, including the academic management and organization of the institution, over academic centers, over the development and approval of the University's curriculum, and over the participation of the faculty in matters of university governance. The provost has oversight over the budgets of academic affairs, hires and reviews the faculty, resolves faculty issues, and establishes the faculty's responsibilities in the areas of teaching, research, and service. The provost is the ranking member of the faculty, and an *ex officio* member of all committees which report to the instructional faculty. The provost acts for the president, on academic matters, in the president's absence. The provost is selected by, reports to and serves at the pleasure of the president.

The following individuals report to the provost:

a. **Vice Provost**

The vice provost assists the provost with curriculum development, faculty communications, faculty recruitment, faculty evaluation, and the development of a **long-term** academic plan. In addition, the vice provost performs other tasks as designated by the provost. In the absence of the provost, the vice provost will act for the provost. The vice provost is selected by, reports to and serves at the pleasure of the provost.

b. **Associate Provost for Research and Dean of Graduate Studies**

The **associate provost for research and dean of graduate studies** assists the provost with **sponsored research, undergraduate research and creative activities, and** graduate studies. In addition, the **associate provost** performs other tasks as designated by the provost. In the absence of the provost, the **associate** provost will act for the provost. The **associate** provost is selected by, reports to and serves at the pleasure of the provost.

c. **Associate Provost for Assessment and Accreditation**

The **associate provost for assessment and accreditation** assists the provost with **academic and administrative assessment. The associate provost is the University liaison to SACS.** The **associate** provost is selected by, reports to and serves at the pleasure of the provost.

d. Dean of the College of Arts and Humanities

The dean of the College of Arts and Humanities is responsible for the overall organization, administration, and fiscal management of the college. The dean is responsible for the coordination of the academic programs and instructional activities of the college. The dean is selected by, reports to and serves at the pleasure of the provost.

e. Dean of the College of Natural and Behavioral Sciences

The dean of College of Natural and Behavioral Sciences is responsible for the overall organization, administration, and fiscal management of the College. The dean is responsible for the coordination of the academic programs and instructional activities of the College. The dean is selected by, reports to and serves at the pleasure of the provost.

f. Dean of the College of Social Sciences

The dean of College of Social Sciences is responsible for the overall organization, administration, and fiscal management of the college. The dean is responsible for the coordination of the academic programs and instructional activities of the college. The dean is selected by, reports to and serves at the pleasure of the provost.

g. Dean of the Luter School of Business

The dean of the Luter School of Business is responsible for the overall organization, administration, and fiscal management of the school. The dean is responsible for the coordination of the academic programs and instructional activities of the school. The dean is selected by, reports to and serves at the pleasure of the provost.

h. University Librarian

The university librarian is responsible for the development of the library collection; for all library services (including instructional media services); and for the administration, organization, and fiscal management of the library. The university librarian is selected by, reports to and serves at the pleasure of the provost.

i. Executive Director of the Wason Center for Civic Leadership and Legislative Liaison

The Executive director of the Wason Center for Civic Leadership provides leadership for the administrative and organizational functions of the Center that strengthens the impact and reach of the Center through program development and fundraising. The executive director is selected by and serves at the pleasure of the provost and vice president for finance and planning/CFO. On Center matters, the executive director reports to the provost.

j. Director of Finance and Administration for Academic Affairs

The director of finance and administration for academic affairs assist the provost with the development and management of the academic affairs operating and capital budget. The director also serves as the administrative liaison for academic affairs to the business office, information technology services, procurement and human resources. The director is selected by, reports to and serves at the pleasure of the provost.

k. Director of Curriculum Management and Course Evaluations

The director of curriculum management and course evaluations assists the provost managing the curriculum approval process through SCHEV. The director also coordinates faculty course evaluation surveys and produces the annual undergraduate catalog. The director is selected by, reports to and serves at the pleasure of the provost.

l. Director of Faculty Recruitment

The director of faculty recruitment is responsible for the administration of the instructional and administrative and professional faculty recruitment process to include consulting and advising search committees. In addition, the director provides VISA assistance in hiring international faculty. The director is selected by and serves at the pleasure of the provost and chief of staff. On administrative and professional faculty matters, the director reports to the chief of staff. On faculty recruitment matters, the director reports to the provost.

3. Division of Administration and Auxiliary Services

Vice President for Administration and Auxiliary Services

The vice president for administrative and auxiliary services is responsible for administrative services and auxiliary services, including capital outlay management, facilities management, grounds maintenance, materiel management, environmental health and safety, and auxiliary services. The vice president for administration and auxiliary services acts for the president on non-academic issues in the absence of the president, the chief of staff, and the vice president for finance and planning. The vice president for administration and auxiliary services is selected by, reports to, and serves at the pleasure of the president.

The responsibilities of those individuals reporting to the vice president for administration and auxiliary services are as follows:

a. Associate Vice President for Auxiliary Services

The associate vice president for auxiliary services is responsible for providing coordinated fiscal and operational leadership/management to a variety of auxiliary services for the University, including: Dining Services, Residential Housing Services, Building Management Services for the David Student Union, the Freeman Center, the Ferguson Center, the Klich Alumni House, the Pope Chapel, and the Yoder Barn, Catering Services, Scheduling, Events, and Conference Services, **Parking Services**, Captains Card Services, DSU Welcome Desk, and Student Mail Services. In addition, the associate vice president for auxiliary services is responsible for a variety of outsourced auxiliary services including the Captains Locker (CNU Bookstore), campus-wide beverage vending, campus-wide snack vending, and laundry vending in student housing facilities. The associate vice president is selected by, reports to, and serves at the pleasure of the vice president for administration and auxiliary services.

b. Director of Procurement Services

The director of material management provides oversight and guidance to material management functions including purchasing, central warehouse, receiving and postal services. The director serves as the chief procurement officer. The director is selected by, reports to, and serves at the pleasure of the vice president for administration and auxiliary services.

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c. Director of Capital Outlay Management

The director of capital outlay management administers all campus construction-related projects to include both capital outlay and in-house projects, provides technical consultation working with consulting architects and engineers and assists the vice president for administration and auxiliary services and vice president for finance and planning in the development of recommendations to the governing board and the president on long range capital development issues. The director of capital outlay management is selected by, reports to and serves at the pleasure of the vice president for administration and auxiliary services.

d. Director of Facilities Management

The director of facilities management is responsible for the management of maintenance operations and activities for academic and administrative facilities including electrical, trades utility, carpentry, HVAC & plumbing and housekeeping. The director coordinates renovation projects and assists the director of capital outlay management with capital projects. The director of facilities management is selected by, reports to and serves at the pleasure of the vice president for administration and auxiliary services.

e. Director of Grounds

The director of grounds provides leadership and guidance to maintain university grounds including turf, trees, shrubs, flowers and gardens. The director designs and coordinates campus landscaping projects and is responsible for preparing the grounds for special events and weather emergencies. The director of grounds is selected by, reports to and serves at the pleasure of the vice president for administration and auxiliary services.

f. **Director of Environmental Health and Safety**

The environmental health and safety manager is responsible for the development, implementation of safety, health, and environmental programs and training to promote a safe and healthy campus environment and to ensure compliance with federal and state laws and regulations. The manager is selected by, reports to and serves as the pleasure of the vice president for administration and auxiliary services.

4. Division of Finance and Planning

Vice President for Finance and Planning

The vice president for finance and planning is the chief financial officer of the university and is responsible for the overall financial management of the institution. The vice president provides leadership and direction to achieve initiatives consistent with the vision and goals of the university. The vice president also serves on the Board of Trustees for the University's Educational and Real Estate Foundations. The vice president provides guidance on issues affecting personnel, finance, budget, **legislative affairs, information** technology, enrollment and institutional performance, and emergency management. The vice president for finance and planning acts for the president on non-academic issues in the absence of the president and the chief of staff. The vice president is selected by, reports to, and serves at the pleasure of the president.

The following positions report to the vice president for finance and planning:

a. Assistant Vice President for Finance and Planning

The assistant vice president for finance and planning is responsible for supporting the vice president for finance and planning/chief financial officer with the day-to-day oversight of the Finance and Planning division. The division includes the following departments: Planning and Budget, Institutional Research, Human Resources, Information Technology, Business Officer, Legislative Affairs, and Emergency Management. The assistant vice president is selected, reports to, and serves at the pleasure of the vice president for finance and planning.

b. Director of Planning and Budget

The director of planning and budget is responsible for the preparation, monitoring and reconciliation of the annual operating budget of the University, and the recommendation for reallocation of resources as required. The director is responsible for monitoring the appropriation and allotment status of all funds for the University, the development of annual revenue projections, and the development of tuition and fees recommendations for review by executive management and approval by the Board of Visitors. The director is selected by, reports to, and serves at the pleasure of the vice president for finance and planning.

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c. Director of Human Resources

The director of human resources is responsible for recruitment, hiring, compensation, employee benefits, employee relations, and training of University employees. The director is selected by, reports to, and serves at the pleasure of the vice president for finance and planning.

d. Director of Institutional Research

The director of institutional research is responsible for providing access to reliable, useful, and quality data, conducting needed research and analysis of the characteristics and performance of the University. The director coordinates data collections supporting internal, external, state, and federally mandated reporting as well as supporting compliance with other governing and accrediting agencies. The director also facilitates institutional improvement and university progress by providing information to support decision-making and planning for the administration. The director is selected by, reports to, and serves at the pleasure of the vice president for finance and planning.

e. Chief Information Officer

The chief information officer is responsible for providing academic and administrative information technology services, including computing support, to the University's community and is responsible, in particular, for computer systems analysis and systems management. The chief information officer is selected by, reports to, and serves at the pleasure of the vice president for finance and planning.

f. University Comptroller

The university comptroller directs and manages the financial operations of the university and serves as the chief accounting officer. The university comptroller manages accounts receivable and cash services, accounts payable, general accounting, financial accounting and reporting, financial systems, capital outlay and fixed assets accounts, and research grant accounting. The university comptroller is responsible for preparing the annual financial statements and coordinating all financial and compliance audits. The university comptroller is selected by, reports to and serves at the pleasure of the vice president for finance and planning.

g. Director of Emergency Management

The director of emergency management provides strategic, university-wide leadership and coordination in crisis and emergency preparedness and serves as principal advisor to the president and senior leadership in the event of an emergency situation or disaster. The director is responsible for developing and implementing an all hazard approach to emergency management and for management of the Emergency Notification System. The director is selected by, reports to, and serves at the pleasure of the vice president for finance and planning.

5. Division of University Advancement

Vice President for University Advancement

The vice president for university advancement is responsible for oversight and implementation of the University's fundraising activities and oversight of alumni relations. The vice president is selected by, reports to, and serves at the pleasure of the president.

The following individuals report to the vice president for university advancement:

a. Senior Director of Advancement for the Arts

The senior director of advancement for the arts is responsible for planning, organizing and soliciting gifts in support of the Ferguson Center for the Arts and the Fine Arts Center, in coordination with the Ferguson Center and Fine Arts Center administration, as well as for the academic programs in the fine and performing arts at the University. The senior director also provides staff support for the Friends of Music and the Theatre Guild programs. The senior director is selected by, reports to and serves at the pleasure of the vice president for university advancement.

b. Senior Director for Alumni Engagement

The senior director of alumni engagement is responsible for the cultivation of lifelong engagement between alumni and the university. The director provides leadership and vision for the office of alumni relations, develops and executes an annual plan, in consultation with the Alumni Society, to create and foster relationships among and between alumni

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locally, regionally, nationally and internationally and develops current and long-term departmental initiatives that result in greater alumni involvement and attendance at alumni and university events. The director is selected by, reports to, and serves at the pleasure of the vice president for university advancement.

c. Senior Director for Foundation, Corporate and Special Giving Programs and Faculty Staff Liaison

The senior director for foundation, corporate and special giving programs and faculty staff liaison identifies private foundation and corporate giving opportunities, prepares grant requests and proposals, plans and organizes special gifts programs, and serves as the primary contact for faculty and all academic programs including academic centers. The senior director is selected by, reports to and serves at the pleasure of the vice president for university advancement.

d. Director of Advancement Services

The director of advancement services is responsible for gift processing, advancement policy, data management, and advancement systems. The director is selected by, reports to, and serves at the pleasure of the vice president for university advancement.

e. Director of Prospect Management and Research

The director of prospect management and research is responsible for the development and implementation of a comprehensive and strategic program to sustain the individual, corporate and foundation fundraising programs and to facilitate moving prospects and established donors along the giving continuum. The director identifies new prospects, develops prospect/donor profiles, analyzes data that defines, implements, and manages the process for assigning and rating donors and donor prospects and oversees tactical plans for major gift prospect cultivation, solicitation and prioritization. The director is selected by, reports to and serves at the pleasure of the vice president for university advancement.

6. Division of Student Affairs

Vice President of Student Affairs/Dean of Students

The vice president of student affairs is the senior student affairs officer of the University. The vice president of student affairs provides leadership on improving the quality of student life at the University working closely with departments across campus to support the academic mission and enhance the overall educational experience. The vice president of student affairs is responsible for services and activities focused on campus life, leadership and student development as well as support for students with disabilities. The vice president is selected by, reports to, and serves at the pleasure of the president.

The following positions report to the vice president of student affairs/dean of students:

a. Associate Dean of Students for Campus Life

The associate dean of students for campus life is responsible for the offices of residence life, student activities, student engagement/orientation, and the Center for Honor Enrichment & Community Standards. The associate dean of students acts in the absence of the vice president of student affairs. The associate dean of students is selected by, reports to, and serves at the pleasure of the vice president of student affairs.

b. Associate Dean of Students for Leadership and Student Development

The associate dean of students for leadership and student development is responsible for the offices of the president's leadership program, the Dr. James C. Windsor Center for Health and Counseling Services, and oversees work with students with disabilities. The associate dean of students acts in the absence of the vice president for student affairs. The associate dean of students is selected by, reports to, and serves at the pleasure of the vice president of student affairs.

c. Chief of University Police

The chief of university police is responsible for campus safety, security and property protection, including law enforcement activities and traffic control. The chief of university police is responsible for maintaining a well-structured database for the Campus Security Act (Clery Act) reports, state police reports (IBR), police logs and other reporting responsibilities. The chief of university police manages the University's emergency communication center and works closely with various constituencies regarding safety and emergency response and management. The chief of university police is selected by, reports to, and serves at the pleasure of the vice president of student affairs.

d. Special Assistant to the Vice President of Student Affairs for Diversity and Inclusion

The special assistant to the vice president of student affairs for diversity and inclusion is responsible for strategic initiatives within the division of student affairs related to diversity and inclusion including trainings, support for diverse populations, targeted programming, and strategic planning and assessment. The special assistant is selected by, reports to, and serves at the pleasure of the vice president of student affairs

7. Division of Enrollment and Student Success

Vice President for Enrollment and Student Success

The vice president for enrollment and student success provides overall strategic leadership for the development, delivery and coordination of university-wide student support services in alignment with the University's mission, values and strategic plan. The vice president promotes a student-centered culture that encourages access, sustains educational excellence, fosters student development and supports high levels of student achievement and success. The vice president is selected by, reports to, and serves at the pleasure of the president.

The following positions report to the vice president for enrollment and student success:

a. Assistant Vice President for Enrollment Services and University Registrar

The assistant vice president for enrollment services and university registrar is responsible for implementation of the academic policies of the University, maintenance and oversight of all education records, administration of the veterans' educational benefits program, collaboration with academic deans to develop course offerings, monitoring degree progress, oversight of student registration and interpreting state and federal regulations related to enrollment and completion. The assistant vice president is responsible for the student financial aid program and its compliance with federal and state statutes, university policies, guidelines, donor agreements and participation agreements. The assistant vice president serves as the Family Educational Rights and Privacy Act of 1974 (FERPA) Official and serves as a Designated School Official (DSO) for admission and enrollment of international students. The assistant vice president is selected by, reports to, and serves at the pleasure of the vice president for enrollment and student success.

b. Director of Academic Success Services

The director of academic success services develops, implements and oversees support programs to increase the retention, persistence and graduation rates of students. The director oversees programming, student support services, contact efforts and academic success resources for all students utilizing the staff, subject area tutors, study hall monitors, student assistants, athletic mentors, peer mentors and writing associates located within the center. The director is selected by, reports to, and serves at the pleasure of the vice president for enrollment and student success.

c. Director of Career Planning

The director of career planning serves as the senior career development officer with responsibility for leading the Center for Career Planning as well as the portfolio of career services available to students including career counseling, major exploration, career developments and graduate school preparation. The director is selected by, reports to, and serves at the pleasure of the vice president for enrollment and student success.

d. Director of Student Information Systems

The director of student information systems is responsible for the application, direction and maintenance of the student, admission, and financial aid modules of the Ellucian Banner information system, document management/workflow system, constituent relationship management (CRM) system, other third-party systems and corresponding resources assigned to the division of enrollment and student success. The director is selected by, reports to, and serves at the pleasure of the vice president for enrollment and student success.

e. Director of Transfer Admission and Enrollment

The director of transfer admission and enrollment is responsible for management, coordination, and supervision of the daily processes related to awarding transfer and other credit, domiciliary issues, recruiting and admitting transfer students to include transient, non-degree, and readmitted students, developing articulation agreements and guaranteed admission agreements, serving as Primary Designated School Official for admission of international students, reporting to the Department of Homeland Security and the Department of State regarding international enrollment and counseling

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potential students on admission requirements. The director is selected by, reports to, and serves at the pleasure of the vice president for enrollment and student success.

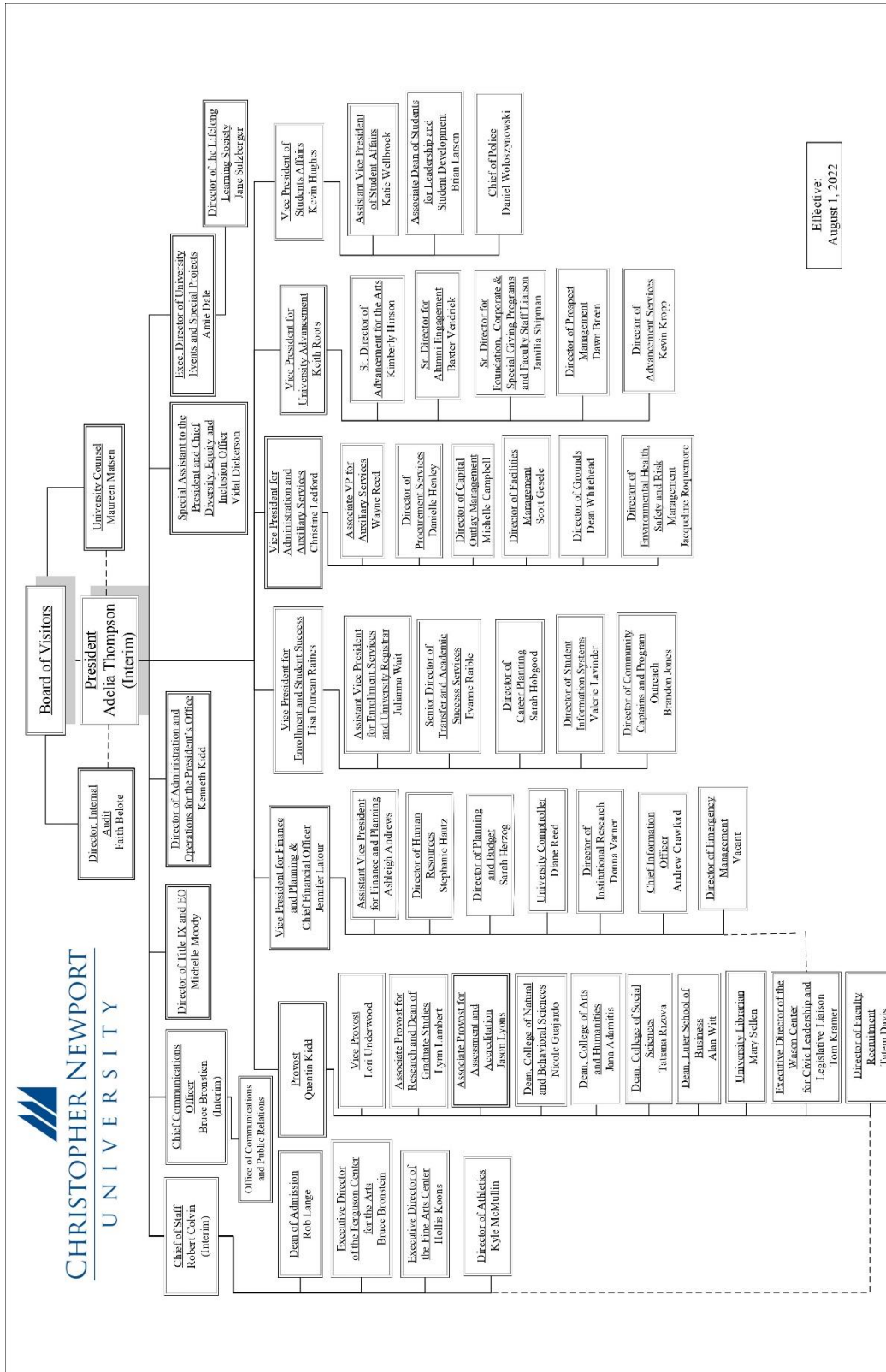
8. Division of Communications

Chief Communications Officer

The chief communications officer is responsible for developing and implementing a communications strategy that increases the University's profile while fostering and educating the community on University objectives. The chief communications officer leads the branding, public relations and communications functions, collaborating with internal and external partners and supports an array of University activities including admission, fundraising, alumni relations, student life, and academic affairs. The chief communications officer is selected by, reports to, and serves at the pleasure of the president.

9. Additional Positions

Additional administrative positions may be created as needed. Existing positions may be left vacant or eliminated, consistent with the needs of the University.



SECTION XIX
University Governance

The provisions of this section have been formulated through the process of shared governance. They do not, however, abrogate or supplement the overall authority of the Board of Visitors concerning the University's mission, oversight of educational programs, appointment of members of the administration, faculty, and staff, preservation and maintenance of the physical plant, and direction and control of financial assets. Subject to the reserve power of the Board of Visitors and the president, the following constituencies may participate in the University's governance through recommendations to the appropriate University officials.

1. The Faculty of the University

a. Definitions

- 1) The faculty of the University is composed of both instructional faculty and administrative and professional faculty who hold appointments with academic rank.
- 2) The instructional faculty of the University is the body of all persons holding teaching appointments as distinguished professor, professor, associate professor, assistant professor, lecturer, or instructor in an academic department. The president, the provost, the vice provost, **associate provosts** and the academic deans are *ex officio* members of this body.
- 3) The administrative and professional faculty of the University is the body of all persons holding administrative and professional appointments with faculty rank.

b. Responsibilities

- 1) The instructional faculty shall have the reasonable opportunity to participate in the formulation, development, review, and alteration of regulations and procedures affecting academics and the instructional faculty of the University. These regulatory and procedural areas shall include:
 - a) curriculum and transfer credit;
 - b) grading system, examinations, and appeals;
 - c) faculty development;
 - d) standards for retention, promotion, tenure, and the recognition of merit;
 - e) faculty personnel matters such as fringe benefits, outside employment, leaves of absence, and other working conditions; and
 - f) long and short range institutional academic and fiscal planning.
- 2) Regarding all matters within its jurisdiction, the instructional faculty makes the results of its deliberations known in the form of written recommendations to the provost. These written recommendations are transmitted to the provost by the chair of the instructional faculty.
- 3) The provost shall inform the instructional faculty, not later than thirty (30) days following receipt of the secretary's transmission, of the disposition of any recommendations thus made. Failing such notification, the instructional faculty may then forward the recommendation in question directly to the president.
- 4) The instructional faculty may delegate certain of its responsibilities to other bodies in a fashion approved by the president. These bodies include the graduate faculty (for all matters pertaining to the conduct of the graduate program), certain committees of the University (e.g., the Academic Status Committee), and the Faculty Senate.

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c. Officers of the Instructional Faculty

- 1) The officers of the instructional faculty shall be a chair, a vice chair, and a secretary. The president of the Faculty Senate shall hold the office of chair and the vice president of the Faculty Senate shall hold the office of vice chair. The secretary of the Faculty Senate shall hold the office of secretary of the instructional faculty.
- 2) The chair or, in the chair's absence or at the chair's direction, the vice chair, shall preside at meetings of the instructional faculty. In the absence of both, the instructional faculty may elect a temporary presiding officer.
- 3) The secretary shall record the minutes of each meeting and distribute electronic copies of these to the members of the instructional faculty within one month. In addition, the secretary shall maintain a publicly accessible electronic archive of these minutes.

d. Meetings of the Instructional Faculty

- 1) Two regular meetings of the instructional faculty shall be held during each academic year, one in November and one in April. The chair will schedule these meetings and the secretary of the instructional faculty will publish an agenda for each at least one week in advance of the meeting date. In the absence of the chair, the vice chair of the instructional faculty shall preside at these meetings.
- 2) Certification of graduates occurs at the November and April meeting. At each of these meetings any other business appropriate to the body may be conducted.
- 3) Special meetings of the instructional faculty may be called by the president of the University, the provost, or the president of the Faculty Senate. Notice of such meetings shall be given at least three days in advance of the meeting date.
- 4) Special meetings of the instructional faculty may also be called upon the written request of a standing committee of the University which reports to the Instructional Faculty, or of twenty percent of the membership of the instructional faculty. The petition shall be presented to the president of the Faculty Senate. This procedure failing, a copy of the petition shall be presented to the vice president of the Faculty Senate; this failing, to the provost; this failing, to any academic dean. The meeting shall then be called within seventy-two (72) hours.
- 5) Referral of Faculty Senate Actions to the Instructional Faculty
Upon petition of at least twenty-five percent of the members of the instructional faculty to the president of the Senate, any action of the Faculty Senate shall be submitted within thirty days for deliberation by the instructional faculty. Any action of the Faculty Senate may be overturned by a 2/3 vote of the members of the instructional faculty present and voting at a meeting of the instructional faculty.
- 6) A simple majority of the voting members of the instructional faculty shall constitute a quorum at any meeting.
- 7) No motion or resolution concerning the educational policies of the University shall be voted upon in a meeting unless it shall have been submitted in writing to the chair of the instructional faculty and copies thereof sent by the chair to all members of the instructional faculty in sufficient time to be included on the agenda. In emergency situations, this provision may be waived only by the unanimous consent of the members present.

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- 8) Except as otherwise provided for in this section, meetings shall be conducted in accordance with *Robert's Rules of Order*. At the request of any member of the instructional faculty, a secret paper ballot shall be taken on any motion before the body. The chair of the instructional faculty shall appoint a parliamentarian to advise him/her on matters dealing with the conduct of the business of the instructional faculty. Questions of interpretation will be decided by the chair of the instructional faculty in consultation with the Parliamentarian.
- e. The Graduate Faculty
- 1) Purpose
The Graduate Faculty of the University exercises all faculty jurisdiction over graduate courses and programs; requirements for admission to, continuation in, and graduation from all graduate programs; **and** policies and plans for future development of graduate programs.
 - 2) Membership
 - a) General
The Graduate Faculty comprises **three** kinds of members, namely regular members, associate members, and *ex officio* members. *Ex officio* members are the president of the University, the provost, the **vice** provost, **the associate provosts**, the academic deans, and the University registrar. Associate members are appointed to six-year terms of service by the **dean of graduate studies**.
 - b) Eligibility and Responsibilities
 - (1) General
Per SACS requirements (2006) faculty members with terminal degrees are eligible to teach at the graduate level.
 - (2) Regular Membership
All CNU full-time faculty members with terminal degrees, including restricted positions at the visiting professor, associate professor, assistant professor, and lecturer ranks, are appointed as part of the Regular Graduate Faculty upon employment.
 - (3) Associate Membership
Associate graduate status may be granted to adjunct faculty, restricted faculty at the instructor level, or other faculty without the terminal degree who have exceptional experience. There must be a demonstrated need for an instructor that cannot be fulfilled by a regular Graduate Faculty member. Appointment to this position must be approved by the department chair, program director and the **dean of graduate studies**. The appointment is for six years, renewable.

2. The Faculty Senate

Revised October 2015

THE FACULTY SENATE: CONSTITUTION AND BY-LAWS

CONSTITUTION

a. Name

The name of this body shall be the Faculty Senate of Christopher Newport University.

b. Purpose

The faculty of the University, by virtue of their particular competence and the principle of collegiality, are essential participants in the development and implementation of academic policy. The Faculty Senate is a representative body of the faculty, deriving its authority from the instructional faculty. As such, it shall exercise the authority of the instructional faculty with respect to policy on academic matters and the professional affairs of faculty, and perform such other functions as are delegated to it by the instructional faculty in recommending policies to the president and to other appropriate individuals and bodies on academic requirements; credit; faculty development; personnel policies, standards for retention, promotion, tenure, and merit; institutional planning; and all other concerns which affect the welfare of the University.

c. Membership

- 1) All full-time members of the instructional faculty are eligible to serve in the Faculty Senate.
- 2) The Faculty Senate shall consist of members from four academic areas of the University: The College of Arts and Humanities (Departments of English; Fine Art and Art History; History; Music; Modern and Classical Languages and Literatures; Philosophy and Religious Studies; and Theater and Dance); College of Natural and Behavioral Sciences (Departments of Molecular Biology and Chemistry; Organismal and Environmental Biology; Mathematics; Physics, Computer Science & Engineering; and Psychology); College of Social Sciences (Communication Studies; Government; Leadership and American Studies; Sociology, Anthropology and Social Work; and Economics), and the Luter School of Business. The Luter School of Business shall be combined with the College of Social Sciences for the purpose of the University governance.

Membership shall consist of five at-large members from each college. One seat in the College of Social Sciences must be dedicated to the Luter School of Business and may be either tenured or non-tenured. Members shall be nominated and elected by the faculty of their respective colleges. All full-time instructional faculty members are eligible to vote for Senate members. Of the five senators from each college, four must be from different departments. Four of the five members in the College of Arts and Humanities and the College of Natural and Behavioral Sciences must be tenured and any non-tenured member may be either probationary or restricted. Three of the five members in the College of Social Sciences must be tenured and any non-tenured may be either probationary or restricted; of the two non-tenured members, one may be from the Luter School of Business and the other may be from any other department in the College.

- 3) The term of the office of Faculty Senators shall be two years beginning immediately after spring commencement. A faculty member is eligible for election to the Faculty Senate for no more than two consecutive terms.

- 4) Elections shall be held each spring by March 31. Seven members shall be elected in odd-numbered years and eight in even-numbered years, the respective terms for the initial election to be determined by lot. The president of the Faculty Senate notifies the voting body of the election and appoints a Senator to conduct the election. A quorum (51%) of the eligible voters in the voting body must participate in the balloting in order for the election to be official. Balloting may be conducted using paper or electronic ballots. Eligible voters are full-time instructional faculty.
 - a) In the event the odd/even year election cycle is disrupted, the Faculty Senate is authorized to designate special one-year terms to resolve the disruption. If multiple seats are up for election in a college in this circumstance, the one-year seats will be determined by lot.

Voting Process:

- b) A slate of candidates can be determined before the meeting by the Nominating Committee, but additional names may be shared via email by members of the instructional faculty at any time prior to the deadline for submitting ballots. Write-in votes will also be permitted in all elections.
 - c) Senatorial ballots will indicate the slate of eligible nominees and the number of seats available for that college. A faculty member may cast votes equal to the number of open seats in his or her college. Each vote should be cast for a different individual. Votes may also be cast for write-in candidates. Those receiving the highest number of votes will be elected to the available senatorial seats. Thus, if there are three seats available, the top three vote getters will be elected to those seats provided that no eligibility rules (such as number of senators per department, balance of tenured and non-tenured per college) are violated. In the event of a conflict on eligibility grounds with the set of highest vote getters, the Faculty Senate will take measures to resolve the conflict which may in some instances include re-balloting for some of the open seats.
- 5) Vacancies shall be filled by the second regularly scheduled Senate meeting from the date which the vacancy occurred through election by the constituency from which the vacancy occurred. Should a vacancy occur when the University is not in regular session, the election shall be held by the second regularly scheduled Senate meeting of the following semester. The newly elected senator shall serve the remainder of the term of the departing senator. If this remainder is an academic year or less, the remainder shall not count to the two consecutive term limit.
- d. Officers and Duties
- 1) The officers of the Faculty Senate shall be the president, the vice president, the secretary, the parliamentarian, the *Handbook* liaison, and such other officers as the Faculty Senate deems necessary, to be elected annually by the Faculty Senate from among its membership at a meeting held prior to spring commencement. All officers shall be regular voting members of the body.
 - 2) The president of the Faculty Senate shall hold the office of chair of the Faculty, shall preside at all meetings of the Faculty Senate, shall represent the Faculty Senate and the instructional faculty to all constituencies of the University community, and shall coordinate the collection and publication in the appropriate University publications all reports to the instructional faculty.
 - 3) The vice president of the Faculty Senate shall perform the duties of the president in the president's absence and shall preside over faculty elections.
 - 4) The secretary shall prepare and distribute to the Faculty Senate and to the instructional faculty the agenda and minutes of all meetings of the Faculty Senate in electronic format. Additionally, the Secretary shall maintain a publicly accessible electronic archive of these agendas and minutes. The Faculty Senate secretary will circulate the Senate minutes as follows:

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- a) The secretary will send out a draft of the minutes to all senators within one week of the Faculty Senate meeting and create a ballot to register votes as they are received.
 - b) Senators are to “reply all” for any changes they wish to request.
 - c) Senators have one week from the receipt of the draft minutes to request changes and vote. The Secretary will log and make requested changes.
 - d) Upon receipt of a simple majority (eight votes), the secretary will email all senators that a simple majority has been received and urge them to review and vote as soon as possible. An updated copy of the minutes as revised thus far will also be sent to the senators at this time.
 - e) Upon receipt of a larger majority (ten votes), the minutes will stand approved. If ten votes are not received, the minutes will be approved at the next regular Faculty Senate meeting.
- 5) The parliamentarian shall ensure that meetings of the Faculty Senate are conducted in accordance with *Robert’s Rules of Order*, except where otherwise indicated.
- 6) The *Handbook* liaison shall present proposed *Handbook* changes to the Faculty Senate, record Faculty Senate comments to the proposed changes, record the Faculty Senate vote on each proposed change, and relay the Faculty Senate’s comments to the University Handbook Committee.
- 7) The Executive Committee of the Faculty Senate shall consist of the president, the vice president, the secretary, and the parliamentarian, and the *Handbook* liaison. In addition, the immediate past president of the Faculty Senate, whether re-elected or not, will be invited to serve as an *ex officio*, non-voting member of the Executive Committee. The Executive Committee shall prepare the agenda for all Faculty Senate meetings, maintain liaison with the Administration, and perform such other duties as assigned to it by the Faculty Senate. In addition, the members of the Executive Committee, or in cases of their absence, alternates as designated by the Senate, shall represent the Faculty Senate and the instructional faculty on all appropriate matters at all times when the University is not in regular session and when a quorum of the Faculty Senate cannot be obtained, all decisions to be by a majority of the members of the Executive Committee. All alternates shall be members of the Faculty Senate. All deliberations and decisions of the Executive Committee shall be reported to the Faculty Senate at its regular meeting.
- e. Meetings
- 1) Meetings of the Faculty Senate shall be held at least four times during each semester and, in addition, at the call of twenty percent of the members of the Faculty Senate to the president of the body.
 - 2) Meetings of the Faculty Senate shall be conducted by *Robert’s Rules of Order*, except where otherwise indicated. Since *Robert’s Rules of Order* strongly recommends against proxy or absentee voting, these types of votes will be prohibited in Faculty Senate meetings.
 - 3) All members of the University community have the right to observe Faculty Senate meetings. The Faculty Senate may invite members off the University community to participate in its meetings as non-voting guests.
- f. Liaison Representatives to the Board of Visitors
The Faculty Senate shall appoint faculty members to annually act as faculty liaison representatives to the standing committees of the Board of Visitors.
- g. Relationship to General Faculty Committees
instructional faculty committees as provided for in the *University Handbook* report to the Faculty Senate for action on their deliberations and recommendations, as appropriate to the purview of the Senate. The Faculty Senate elects faculty members to at-large positions on the standing committees of the University on which there is not already a senator serving as a duly elected or appointed member. The Faculty Senate shall have the right to establish its own committees.

h. Faculty Senate Review

At the end of the fourth complete academic semester of regular functioning by the Faculty Senate and every five years thereafter, there shall be constituted a Faculty Senate Review Committee. It shall be composed of three faculty senators elected by that body and three members elected by the instructional faculty. This committee shall review the working and effectiveness of the Faculty Senate and shall make any recommendations it deems necessary regarding it to the Senate and to the instructional faculty for their deliberation and action.

i. Amendments

This constitution may be amended by a majority vote of the members of the instructional faculty, providing the proposed amendment is made available to the members of the Instructional Faculty in writing at least two weeks prior to the voting. Amendments may be proposed by 2/3 vote of the Faculty Senate or by petition of ten percent of the Instructional Faculty to become the subject of a vote conducted by the Faculty Senate.

BY-LAWS

j. Election of Officers

Each spring, after the election of new members of the Faculty Senate and prior to spring commencement, the incumbent senate president shall convene the membership of the following year's Faculty Senate for the purpose of electing officers. The incumbent officers shall officiate at this meeting and shall distribute notices of the meeting and minutes as for regular meetings. Only the members of the following year's Faculty Senate are eligible to vote in this meeting.

k. Instructional Faculty Committees and the Faculty Senate

1) Recommendations of the standing committees of the instructional faculty and of ad hoc committees of the Faculty Senate are to be presented to the Faculty Senate for its approval except when such committees have been specifically empowered by the Faculty Senate to act without such approval.

2) Recommendations of committees to the Faculty Senate shall be electronically submitted motions to the Senate for its consideration, which include rationales for the specific recommendations made.

3) Each standing committee shall have at least one Faculty Senate member among its membership.

4) General Responsibilities

a) Committee chairpersons shall have the responsibility for keeping the secretary of the Faculty Senate informed of the current work of the committee.

b) The Faculty Senate reserves the right to require electronic copies of agendas and accurate minutes of any committee meeting and hearings, as appropriate to the purview of the Senate, to be filed with the secretary of the Faculty Senate.

c) When a committee is ready to bring a resolution to the Faculty Senate, the committee chairpersons will inform the Secretary of the Faculty Senate and submit an electronic copy of the resolution, with rationale, for consideration by the Faculty Senate. Resolutions and rationales shall accompany the agenda for the meeting at which the resolution is scheduled for action by the Faculty Senate.

l. Resolutions

All members of the academic community may submit matters for consideration to the Faculty Senate. All resolutions, petitions, suggestions, or other matters shall be submitted electronically to the Senate through the president of the Faculty Senate.

- m. **Voting**
Voting on all motions will be conducted in accordance with *Robert's Rules of Order* with the following modification. When a motion comes to a vote, that motion will pass only if the majority of senators present (not simply the majority of those voting) vote yes.
 - n. **Attendance**
Because absentee and proxy voting are not allowed in the Faculty Senate, attendance by senators is crucial. When a senator is unable to attend three or more regularly scheduled meetings in an academic year, that senator will be strongly encouraged by the Senate Executive Committee to consider vacating his or her seat.
 - o. **Student Liaison**
One student liaison, appointed by the Student Assembly in a manner established by that body, and in accordance with the election schedule of the Faculty Senate, may represent the Student Assembly at Faculty Senate Meetings.
 - p. **Amendment**
These by-laws may be amended at any meeting of the Faculty Senate by a 2/3 vote of the members present, provided the amendment has been submitted in writing and read at the previous regularly scheduled meeting.
 - q. **Senate Standing Subcommittees**
 - a) **Sabbatical Committee:** The Sabbatical Committee shall consist of three senate members appointed by the president of the Faculty Senate. These three members will be appointed from each of the three academic areas of the University: College of Arts and Humanities, College of Natural and Behavioral Sciences and College of Social Sciences. This subcommittee will prioritize requests for sabbaticals and make these recommendations to the Faculty Senate for further recommendation to the provost. Applications and criteria may be found at <http://provost.cnu.edu/devgrant.htm>.
 - b) **Faculty Development Grant Committee:** The Faculty Development Grant Committee shall consist of three senate members appointed by the president of the Faculty Senate. These three members will be appointed from each of the three academic areas of the University: College of Arts and Humanities, College of Natural and Behavioral Sciences and College of Social Sciences. This subcommittee will prioritize requests for faculty development grants and make these recommendations to the Senate for further recommendation to the provost.
 - r. **Faculty Senate Budget**
It shall be the obligation of the Faculty Senate President and SEC to prepare an annual budget and submit it to the Provost's Office by September of each academic year.
 - s. **Recognition of Faculty Senate Executive Board Members**
In recognition of their significant service to the University, faculty members serving as president and secretary of the Faculty Senate will receive a reduction of three LHE's per semester in their respective teaching loads.
3. **Standing Committees of the University**
- a. **Introduction:** This introduction pertains to the Academic Affairs Committees (following).
 - 1) **Membership:** All members of the instructional faculty are eligible for membership on these committees, with the following exceptions:
 - a) The Luter School of Business shall be combined with the College of Social Sciences for the purpose of representation on university committees. One member of the College of Social Sciences on the Faculty Review Committee and the Undergraduate Curriculum Review Committee shall be dedicated to the Luter School of Business.

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- b) no member may serve on more than one of the following standing committees at the same time: any college curriculum committee, Undergraduate Curriculum Review Committee, Undergraduate Degrees Committee, or Liberal Learning Council;
 - c) no member may serve on both of the following standing committees at the same time: Faculty Grievance and Hearing and Faculty Review;
 - d) no more than one member of each academic department may serve on any committee with elected membership at the same time.
 - e) In each case where there is no Faculty Senate member elected or appointed to an academic affairs committee, a member of the Faculty Senate shall be appointed by the president of the Faculty Senate to serve a one-year term as an *ex officio* member of that committee to assure liaison between the two bodies.
- 2) Term of Office: The typical term of office for elected and appointed committee members shall be two years, with a limit of two consecutive terms, unless indicated otherwise by the committee charge.
 - 3) Elections: The deadline for elections to all standing committees shall be March 31st, with each term of office beginning immediately after commencement. Prior to commencement the outgoing officer(s) of each committee with elected membership shall convene the membership of the following year's committee for the purpose of electing (an) officer(s). The outgoing officer(s) shall officiate this meeting and shall distribute notices of the meeting and minutes as for regular meetings. Only the members of the following year's committee are eligible to vote in this meeting.
 - 4) Appointments: All appointments shall be made prior to the end of classes during the spring term. Prior to commencement the outgoing officer(s) of each committee with appointed membership shall convene the membership of the following year's committee for the purpose of electing (an) officer(s). The outgoing officer(s) shall officiate this meeting and shall distribute notices of the meeting and minutes as for regular meetings. Only the members of the following year's committee are eligible to vote in this meeting.
 - 5) Mid-Term Replacements
 - a) Faculty who temporarily vacate a committee seat due to sabbatical, FMLA or other types of leave will be replaced for the period of absence either through election or appointment, as appropriate to the committee. Such elections and appointments should be completed within 30 business days of the notice of intent to vacate.
 - b) Faculty who permanently vacate a committee seat before their terms expire will be replaced for the duration of their terms either through election or appointment, as appropriate to the committee. Such elections and appointments should be completed within 30 business days of the notice of intent to vacate.
 - 3) Upon request, the chairs of appointed committees will provide to the official(s) who has (have) appointed the committee and/or the Faculty Senate copies of each agenda in advance of all meetings and a report of the results of the meeting. Upon request all Academic and Faculty Affairs Committees with elected membership will provide the provost and/or Faculty Senate with a copy of the agenda in advance of the meeting and a report of the results of the meeting. All copies and reports must be in electronic format.
 - 4) Voting Eligibility
 - a) All elected and appointed instructional faculty are voting members unless specified otherwise.
 - b) All *ex officio* members of academic standing committees and their designees are non-voting unless specified otherwise. *Ex officio* members include but are not limited to: provost, vice provost, associate provosts, vice presidents, deans, directors, associate directors, coordinators, University librarian, University registrar, chief information officer, and the Faculty Senate liaisons.
 - c) All appointed community members are non-voting unless specified otherwise.

d) All student representatives are non-voting members unless specified otherwise.

b. Academic Affairs Committees

1) The Academic Technology Advisory Committee (ATAC) shall consist of six faculty members (two from Arts and Humanities, two from Natural and Behavioral Sciences and two from Social Sciences and/or Luter School of Business) elected by the faculty of each area; the University librarian (non-voting); one student representative appointed by the vice president of student affairs or the vice president's designee (non-voting); the chief information officer (non-voting); and at-will representatives from academic computing (non-voting).

The committee:

- a) Works with the chief information officer and his or her associates in a consultative and advisory capacity regarding:
 - (1) all academic technology services, usage and support policies, and needs;
 - (2) the technological impacts of changes in academic requirements;
 - (3) the academic impact of changes in technologies and support;
 - (4) the development of long-range and strategic academic technology and support plans; and
 - (5) prioritization and allocation of resources, including budgets, for providing academic technologies and support.
- b) Serves as that body within the University with responsibility for reviewing and recommending academic policies regarding technology usage and support to the provost prior to implementation;
- c) Monitors and suggests the development and implementation of academic technology policies, initiatives and support;
- d) Serves as a liaison among faculty, Information Technology Services, and students; and,
- e) Reports administratively to the provost, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate.

2) The Administrative and Professional Faculty Peer Review Committee (APFPRC) shall consist of five voting members of the Administrative and Professional Faculty of the University appointed by the provost. The committee:

- a) reports administratively to the vice president for enrollment and student success, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
- b) recommends to the provost standards, criteria, and procedures for matters pertaining to academic rank for the administrative and professional faculty; and
- c) reviews recommendations from the various administrative jurisdictions of the University concerning candidacies for promotion in academic rank on the part of Administrative and Professional Faculty, and makes recommendations to the provost as to the disposition of such candidacies.

3) The Center for Effective Teaching Advisory Board (CET) shall consist of six faculty members (two from Arts and Humanities, two from Natural and Behavioral Sciences, two from Social Sciences and/or Luter School of Business) appointed by the Faculty Senate in consultation with the CET director. Committee members may serve for up to two consecutive two-year terms. The advisory board:

- a) reports administratively to the CET director and to the Faculty Senate regarding policies and procedures and other issues as appropriate;
- b) works with the CET director to develop the CET's strategic plan and achieve the CET's mission;
- c) develops and evaluates CET programming and reviews procedures for providing formative feedback to faculty;
- d) serves as a liaison between the CET and the faculty by promoting CET events, identifying faculty who can assist with CET programming, communicating faculty input to the CET director and other appropriate mechanisms.

- 4) The Council on Health Professions Preparation (CHPP) shall consist of the director of pre-health programs (voting), faculty members from varied disciplines appointed by the dean of natural and behavioral sciences, the dean of admission or designee (voting), the director of career planning or designee (voting), and at least two health practitioners (voting). There are no term limits for faculty serving on this committee. The council members:
 - a) act as liaisons between pre-health students and the director of pre-health programs (DPP);
 - b) provide advice and guidance to the DPP with respect to the pre-med & pre-health program;
 - c) participate in the evaluation of all pre-med/pre-health students who request a “Committee Letter” for their application to professional schools or programs; and
 - d) establish the criteria for selection and continuation in all health-career related programs at CNU, such as the Pre-med Scholars Program (PSP), the Riverside Scholars Program, and the BS-MD CNU-EVMS Joint Program.
 - e) reports administratively to the dean of the College of Natural and Behavioral Sciences, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate.

- 5) The Committee for IDEA Survey Support (CISS) The Committee for IDEA Survey Support (CISS) shall consist of at least six faculty (two from Arts and Humanities, two from Natural and Behavioral Sciences and two from Social Sciences and/or Luter School of Business) with one from each college appointed by the provost and one from each college appointed by the Faculty Senate. *Ex officio* members (all non-voting) shall include: the vice provost, one college dean, the assistant to the provost for scheduling and facilities resources, the associate director of Information Technology Services for academic computing, and one student member recommended by the Student Assembly and appointed by the vice president of student affairs or the vice president’s designee. The committee:
 - a) reports administratively to the vice provost, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) works with the assistant to the provost to facilitate the administration of IDEA surveys;
 - c) addresses faculty concerns regarding response rate, reliability, and related issues to ensure a fair student survey process;
 - d) studies the potential of the IDEA survey for faculty development and curricular enhancement, including attending IDEA conferences when budgets permit;
 - e) offers announcements, presentations, workshops, and other meetings to educate faculty and students on the use and interpretation of IDEA reports; and
 - f) maintains communication with the IDEA Center and/or other relevant experts to promote best practices of student course evaluation.

- 6) The Council of University Chairs (CUC) shall consist of the University’s department chairs and any academic program directors who wish to serve. All members of the CUC are voting members. The committee:
 - a) reports to the Faculty Senate;
 - b) chair is elected by the members of the committee. Each spring, after new chair appointments have been made, the incumbent chair of the CUC shall convene the membership of the following year’s CUC for the purpose of electing the chair. Any member of the CUC is eligible to be chair with the exception of any chair who is concurrently serving on the Faculty Senate;
 - c) chair will liaise with the academic deans on matters of mutual interest to the CUC and the administration;
 - d) meets at least three times during each semester or whenever at least 50% of the CUC members call for a meeting;
 - e) reviews matters of academic policy and academic life at the University; and
 - f) makes recommendations to the Faculty Senate regarding academic policy and, as appropriate, the academic deans or provost on matters of academic policy and academic life at the University.

- 7) The Faculty Grievance and Hearing Committee (FGHC) shall consist of ten tenured faculty members: three elected from Arts and Humanities, three elected from Natural and Behavioral Sciences, three elected from Social Sciences and/or Luter School of Business, and one faculty member selected by the Faculty Senate. A faculty member serving on the Faculty Grievance and Hearing Committee may not serve on the Faculty Review Committee (FRC). Faculty members may not serve on faculty grievance panels and/or dismissal hearing panels that concern that same faculty member and/or case. The FGHC
 - a) reports administratively to the provost, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) serves as the source of members for all Faculty Grievance Panels (FGP) and Dismissal Hearing Panels (DHP); and
 - c) advises the provost and the president on termination matters.

- 8) The Faculty Mentoring Committee (FMC) shall consist of three members: one from Arts and Humanities, one from Natural and Behavioral Sciences, one from Social Sciences elected by the faculty of each college.
The committee:
 - a) administers the Faculty Mentorship Program (FMP);
 - b) establishes mentor-mentee partnerships; and
 - c) develops and implement an assessment of these mentorship partnerships; and reports administratively to the vice provost, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate.

- 9) The Faculty Review Committee (FRC) shall consist of nine elected tenured faculty members (three from each college) and one at-large member appointed by the provost. One seat in the College Social Sciences must be dedicated to the Luter School of Business. At least three members of the committee must be full professors from different colleges/school. A faculty member serving on the Faculty Review Committee (FRC) may not serve on the Faculty Grievance and Hearing Committee (FGHC)). The committee:
 - a) consults with the provost on faculty personnel issues, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) reviews recommendations from the academic departments and the academic deans on standards for evaluation;
 - c) makes recommendations to the provost on matters of retention, promotion and tenure; the FRC will conduct reviews according to steps outlined in the *University Handbook* Section XII, 8, g. Step-by-Step Procedure for a Peer Review noting particularly step 10 which establishes the proper procedure for a review conducted simultaneously but independently of the appropriate dean of the candidate's college.

NOTE: Members of the FRC shall not participate in any review of a member of their own academic departments or of any faculty members on whose DRC peer evaluation group they have served during that academic year. FRC members are obliged not to participate in any review in which they have a conflict of interest.

- 10) Graduate Council and Graduate Committees
The Graduate Faculty of the University participates in the governance of the graduate program through a Graduate Council. The Graduate Council consists of the **Dean of Graduate Studies** (chair), the academic deans, the University registrar, **the Graduate Studies educational support specialist, two graduate students appointed by the chair of the Graduate Council**, the graduate program directors (voting), and six regular members of the Graduate Faculty—elected to staggered two-year terms by the regular members of the graduate faculty. The Graduate Council makes the results of its deliberations known in the form of written recommendations to the provost. These recommendations are transmitted

to the provost by the **Dean of Graduate Studies** along with a written recommendation as to the disposition of each. Descriptions of the Graduate Committees follow.

The Dean of Graduate Studies votes on curricular proposals only. The deans of each college and school vote only on curricular proposals that impact the College or School to which they belong. The educational support specialist and graduate students do not vote. All other members vote on all proposals.

- a) Graduate Assessment and Program Review Committee shall consist of three faculty members (one being a member of the Graduate Council) elected by the Graduate Council. The committee:
 - (1) plans and oversees evaluations of all graduate programs **following policies detailed in The Assessment and Program Review Committee Statement of Criteria and Policy on the Graduate Council website;**
 - (2) conducts studies and systematic reviews of all graduate program offerings;
 - (3) makes recommendations to the Graduate Council and the provost regarding continuation or discontinuation of graduate programs, related resource allocations, and curricular modifications.
- b) Graduate Curriculum and Planning Committee shall consist of three faculty members (one being a member of the Graduate Council) elected by the Graduate Council. The committee:
 - (1) reviews all graduate courses and recommends to the Graduate Council their acceptance or rejection;
 - (2) reviews all proposed graduate programs and recommends to the Graduate Council their acceptance or rejection;
 - (3) conducts long-range planning regarding new graduate courses and programs and reports periodically to the Graduate Council.
- c) Graduate Council Governance and Administration Committee shall consist of three faculty members (one being a member of the Graduate Council) elected by the Graduate Council. The committee:
 - (1) revises the Graduate Faculty Membership and Governance document as directed by the Graduate Council;
 - (2) appoints, if it wills, a subcommittee to review and write descriptions for positions of graduate study administration, any recommendations forthcoming being brought before the Graduate Council; **and** reviews **periodically** the committee structure of the Graduate Council to ensure that all responsibilities are delegated and that the structure continues to meet the needs of the graduate program.
- d) Graduate Admission, Graduate Assistantships, and Degrees Committee shall consist of three faculty members (one being a member of the Graduate Council) elected by the Graduate Council.
 - (1) Recommend to the Graduate Council standards for graduate admission.
 - (2) Reviews appeals to denial of graduate admission and make appropriate recommendations to the **Dean** of Graduate Studies.
 - (3) Recommend to the Graduate Council policies with regard to terms, criteria, and procedures for graduate assistantships.
 - (4) Consider petitions of graduate students who have been denied course transfer or substitution credit. The **Dean of Graduate Studies** will render a final decision on the appeal based upon this recommendation.
- e) Graduate Council Nominations Committee shall consist of Graduate Council members whose terms are completed at the end of the academic year. The committee:

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- (1) provides a slate of nominations for vacant seats or for seats of members whose terms are expiring on the Graduate Council and Graduate Council Committees;
 - (2) presents the slate at the February meeting of the Graduate Council; and
 - (3) submits the slate of nominations for seats on the Graduate Council to the secretary of the Faculty Senate to be voted on in the spring faculty elections.
- 11) The Institutional Animal Care and Use Committee (IACUC) shall consist of seven voting members appointed by the **associate** provost for research in consultation with the Faculty Senate: (1) a committee chair, (2) a doctor of veterinary medicine, (3) a member of the community not affiliated with the University, (4) a faculty member who is a practiced scientist with experience in research involving animal subjects, (5) a faculty member whose primary concerns are non-scientific, and (7) members from areas not represented on the committee. Committee members may serve for up to three consecutive two-year terms. In conducting its business, the IACUC will consult with the University counsel regarding legal issues and potential liability to the University. The Committee:
 - a) reports administratively to the **associate** provost for research, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) reviews and approves research involving animal subjects;
 - c) safeguards the humane use and treatment of animal subjects in teaching and research activities conducted through the University in accordance with the mandates of the Animal Welfare Act (AWA 1966, and as subsequently amended 1970, 1976, 1985, 1990), and other relevant federal, state, and local authorities. The committee:
 - (1) performs semiannual inspections of existing animal facilities and provides a report of findings to the provost or his designee;
 - (2) produces and submits to the **associate** provost an annual report on the maintenance of animal care and use protocols reviewed and approved by the committee as well as a summary of other committee activities during the year; and
 - (3) files an inspection certification report as applicable, in accordance with AWA guidelines.
- 12) The International Studies Advisory Committee (ISAC) shall consist of six faculty (two from Arts and Humanities, two from Natural and Behavioral Science, and two from Social Sciences and/or Luter School of Business) appointed by the Faculty Senate. All appointed members must have prior experience leading study abroad trips. *Ex officio* members (all non-voting) shall include: the vice provost, the coordinator for study abroad and international programs, and the registrar or designee. In addition, the immediate past chair of ISAC will be invited to serve as an *ex officio*, non-voting member. In conducting its business, the ISAC will consult with university counsel regarding legal issues and potential liability to the University. The Committee:
 - a) reports administratively to the provost, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) reviews and approves study abroad and domestic study away programs that are recommended by the appropriate dean and forwards the program proposal to the provost for final approval;
 - c) adopts policies of best practices for international study programs led by CNU faculty;
 - d) provides oversight for study abroad and international student orientation; and
 - e) reviews and approves proposals that enhance the internationalization of the curriculum and forwards proposals to the provost for final approval.
- 13) The Honors Faculty, recommended by the Director and appointed by the vice provost with the approval of the provost, assists in overseeing the Honors Program. Academic deans, the Director, and the Faculty Senate may recommend faculty for Honors Faculty status. There are no term limits for faculty serving on this committee. The Faculty or committees thereof, meet regularly to sustain the academic integrity of the program by:
 - a) developing and reviewing the goals and expectations of the program;
 - b) reviewing and approving proposed Honors seminars;

- c) selecting winners of the annual Honors Program scholarships evaluating proposals for Honors Summer Research Stipends;
 - d) planning and participating in the extra-curricular activities of the program, such as lectures, presentations of study research, and ceremonies to recognize student achievement;
 - e) evaluating portfolios submitted for HONR 484 contributing evaluative narratives to Honors student portfolios; and
 - f) implementing the Honors Program assessment plan.
- 14) The Liberal Learning Council (LLC) shall consist of a representative elected from and by each academic department; and one student recommended by the Student Assembly and appointed by the vice president of student affairs or the vice president's designee (non-voting). The vice provost is an *ex officio* (non-voting) member of the council. Members of the committee may not also serve on any college curriculum committee, the Undergraduate Curriculum Review Committee or the Undergraduate Degrees Committee. The chair of the council shall be a tenured faculty member. The council:
- a) reports administratively to the vice provost, to the UCC, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) recommends changes in the Liberal Learning Core requirements;
 - c) considers courses for inclusion in the Liberal Learning Core; and
 - d) works with the **a representative from the Office of Assessment and Accreditation** in assessing and evaluating the Liberal Learning Core.
- 15) The Library Advisory Committee (LAC) shall consist of six faculty members (two from Arts and Humanities, two from Natural and Behavioral Sciences, two from Social Sciences and/or Luter School of Business) and one other appointed by the Faculty Senate upon consultation with the deans; two students recommended by the Student Assembly and appointed by the vice president of student affairs or the vice president's designee (non-voting); and university librarian (non-voting). The committee:
- a) reports administratively to the University librarian, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) advises the University librarian on the library budget allotted for academic departments' use;
 - c) provides a liaison among the library and the faculty and the student body; and
 - d) is kept informed by the University librarian on matters of equipment, facilities, collection, services, and library policies affecting academic programs and advises the University librarian regarding such matters.
- 16) The Phi Beta Kappa Committee (PBK) shall consist of all faculty and staff members who are members of the Phi Beta Kappa Society. The vice provost is an *ex officio* member. Additional faculty and staff may be invited to liaise with the committee or support its work as necessary. An elected executive committee shall provide leadership to guide the committee's endeavors. The committee's work shall include:
- a) organization of activities designed to support student involvement with the liberal arts and to expand the understanding of Phi Beta Kappa and its mission;
 - b) organization of activities that facilitate open dialogue and debate on the liberal arts on campus and in the community;
 - c) preparation of an application for a Phi Beta Kappa chapter, in conjunction with the relevant administrative offices;
 - d) collection of data necessary to support an application for a Phi Beta Kappa chapter;
 - e) maintenance of a chapter of Phi Beta Kappa should a future application be successful.
- 17) The Prestigious Scholarships Committee (PSC) shall consist of the CNU Fellowships coordinator (voting) who is appointed by the vice provost, and the faculty members serving as advisors for the major post baccalaureate scholarships and fellowships (voting). These include, but are not limited to, the Marshall, the Fulbright, the Rhodes, the Jack Kent Cooke, the Jacob Javits, the Barry M. Goldwater, the

- Harry S. Truman, the Morris K. Udall, the Hertz and the David Boren, the Gates Cambridge, the Mitchell, and the James Madison Scholarship and Fellowship Programs. Advisors will be contacted at the beginning of each academic year by the Fellowships coordinator. There are no term limits for faculty serving on this committee. The committee:
- a) reports administratively to the vice provost, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) selects and mentors students to compete for prestigious scholarships and fellowships; and
 - c) makes recommendations concerning scholarships and fellowships to the provost.
- 18) The Institutional Review Board for the Protection of Human Subjects (IRB) shall consist of the following voting members: six faculty members (one from Arts and Humanities, one from Natural and Behavioral Sciences, one from Social Sciences, three other) appointed by the **associate** provost for research, in consultation with the Faculty Senate; and one non-affiliated member of the community appointed by the **associate** provost for research. Committee members may serve for up to three consecutive two-year terms. The director of the office of sponsored programs is an *ex officio* member (non-voting). In conducting its business, the IRB will consult with the University counsel regarding legal issues and potential liability to the University. The Board:
- a) reports administratively to the **associate** provost for research and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) reviews and approves research activities which involve human subjects; and
 - c) safeguards the rights and welfare of subjects at risk in activities supported under grants and contracts.
- 19) The Teacher Preparation Council (TPC) shall consist of the director of the Teacher Preparation Program (chair, voting), the associate director of the Program (voting), two staff members from the Newport News Public Schools appointed by the superintendent of Newport News Public Schools (voting), one faculty member from each academic department teaching in the graduate MAT program (voting), the presidents of each of the three student education associations: SVEA, S-VATE, and NAFME (voting); the dean of the College of Arts and Humanities; the dean of the College of Social Sciences; the dean of the College of Natural and Behavioral Sciences; and the **dean** of Graduate Studies. The deans and director are non-voting members. Faculty members are appointed by the dean in consultation with the department chairs and the **dean** of Graduate Studies. The committee:
- a) reports to the **dean** of Graduate Studies;
 - b) recruits students to the Teacher Preparation Program, internally and externally;
 - c) recommends scheduling of classes and awarding of scholarships for the Program;
 - d) recommends standards of admission to the Program and recommends candidates for admission;
 - e) recommends, implements and monitors Program changes;
 - f) assesses the Program on an annual basis; and
 - g) ensures compliance with Virginia Board of Education licensure requirements.
- 20) The Undergraduate Academic Program Review Committee (PRC) shall consist of nine faculty members (three from Arts and Humanities, three Natural and Behavior Sciences, three from Social Sciences) two from each college appointed by the provost and one from each college appointed by the Faculty Senate; and a **representative from the Office of Assessment and Accreditation** (non-voting). The chair shall be a faculty member who has served on the PRC for at least one year. The committee:
- a) reports administratively to the **associate provost for assessment and accreditation**, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - b) evaluates degree program offerings of the University for curriculum alignment and outcomes in a six-year cycle; and
 - c) makes recommendations to the provost and dean **on program continuation/discontinuation, program related resource (re)allocation, and curricular modification** within individual programs based on departmental, college, and university missions.

- 21) The Undergraduate Academic Status Committee (UASC) shall consist of six faculty members (two from Arts and Humanities, two from Natural and Behavioral Sciences, two from Social Sciences and/or Luter School of Business) elected by the faculty of each area; the director of academic success services (non-voting); the faculty director of student success (non-voting); the University registrar (non-voting). The committee:
- recommends to the Faculty Senate standards for undergraduate student retention, dismissal, placement on probation, reinstatement, and for all other matters relating to undergraduate academic performance;
 - considers all appeals, pertaining to the academic status of undergraduate students and makes appropriate recommendations to the provost or the vice president for enrollment and student success as the provost's designee;
 - considers the requests of undergraduate students for exceptions to specific university catalog policies and makes appropriate recommendations to the provost or the vice president for enrollment and student success as the provost's designee; and
 - considers the requests of undergraduate students who wish to carry overload courses and makes appropriate recommendations to the provost or the vice president for enrollment and student success as the provost's designee;
 - reports administratively to the vice president for enrollment and student success, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate.
- 22) The Undergraduate Admission Committee (UADC) shall consist of six faculty members (two from Arts and Humanities, two from Natural and Behavioral Sciences, two from Social Sciences and/or Luter School of Business) elected by the faculty of each area; one faculty member appointed by the Senate; one student recommended by the Student Assembly and appointed by the vice president of student affairs or the vice president's designee (non-voting); the provost (non-voting); the vice president for enrollment and student success (non-voting); and the dean of admission (non-voting). The committee:
- reviews all current and proposed changes to admission standards and makes recommendation to the Faculty Senate, on standards for undergraduate admission;
 - reviews a detailed annual report on the applications of admitted and denied students and makes appropriate recommendations to the provost;
 - reviews current recruitment strategies and policies and recommends to the Faculty Senate new policies guiding student recruitment; and
 - reports administratively to the vice president for enrollment and student success, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate.
- 23) The Undergraduate Curriculum Review Committee (CRC) shall consist of ten tenured, senior lecturer, and/or master lecturer faculty members (three from Arts and Humanities, three from Natural and Behavioral Sciences, three from Social Sciences, and one from the Luter School of Business) elected by the faculty of each area, the academic deans, the vice provost (non-voting), the University registrar (non-voting) and the University librarian or designee (non-voting). Members of the committee may not also serve on the University Degrees Committee, the Liberal Learning Council, or any college curriculum committee. Committee members may serve for up to two consecutive two-year terms. The chair of the committee shall be a tenured faculty member. The committee:
- reports administratively to the provost, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - reviews and makes decisions and recommendations regarding proposals for curricular changes at the undergraduate level in accordance with the process outlined in Section VI of this *Handbook*;
 - oversees policies and procedures pertaining to the curricular process;
 - recommends priorities for the development of the undergraduate curriculum;
 - makes recommendations concerning the adoption and termination of undergraduate degree programs; and

- f) maintains all undergraduate-level curricular proposal forms.
- 24) The Undergraduate Degrees Committee (UDC) shall consist of six members (two from Arts and Humanities, two from Natural and Behavioral Sciences, two from Social Sciences and/or Luter School of Business) elected by the faculty of each area; one faculty member appointed by Senate; the University registrar (non-voting); the director of academic success services (non-voting); and the faculty director of student success (non-voting). The committee:
- reports administratively to the vice president for enrollment and student success, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - reports to the instructional faculty its determination as to which students have completed the requirements for earned undergraduate degrees and recommends their names for certification by the instructional faculty;
 - reviews students' appeals concerning undergraduate degree requirements and makes recommendations thereon to the vice president for enrollment and student success who will consult the Provost as needed regarding committee recommendations; and
 - makes recommendations to the provost concerning undergraduate degree requirements.
- 25) The Undergraduate Research Council (URC) coordinates with and advises the Office of Undergraduate Research and Creative Activity (OURCA) on operations and initiatives. Its charge is to integrate best practices in undergraduate research and creative activity at CNU. The URC shall consist of 13 members: 7 faculty members (two from Arts and Humanities, two from Natural and Behavioral Sciences, two from Social Sciences and one from Luter School of Business) elected by the faculty of each area; two faculty members (not from the same area) appointed by the Faculty Senate; one student liaison (either a Sophomore or a Junior who has participated in at least one OURCA – sponsored program) recommended by the Student Assembly for consultation to the committee as needed (non-voting); the university librarian or designee (non-voting); the academic director of OURCA (non-voting); and the director of undergraduate research and creative activity (non-voting). The URC shall elect co-chairs from different areas of the University. The URC:
- reports administratively to the **associate** provost for research,, and to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - works to advocate, develop, and foster a strong culture of undergraduate research and creative activity at the institution;
 - advises the director of OURCA regarding the development of undergraduate research programs, ensuring that undergraduate research and creative activity opportunities are available throughout the students' entire academic endeavors;
 - performs and facilitates peer review processes for awarding funds to students via OURCA-sponsored programs; and
 - provides logistical support, moderates sessions, and actively participates in Paideia and other OURCA-sponsored events.
- 26) The University Assessment Committee (UAC) shall consist of the following members: **a representative from the Office of Assessment and Accreditation**, one representative of the student affairs staff appointed by the chief of staff, four administrative representatives appointed by the **associate** provost for assessment **and accreditation**, and eight faculty members (two from Arts and Humanities, two from Natural and Behavioral Sciences, two from Social Sciences and/or Luter School of Business, and two at large) with one from each college and one at-large appointment made by the provost and one from each college and one at-large appointment made by the Faculty Senate. The UAC:
- reports administratively to the **associate provost for assessment and accreditation**, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate);
 - monitors the overall operation of the University's assessment activities;
 - makes recommendations concerning changes to the University's assessment activities; and
 - evaluates academic and administrative departments' assessment records.

- 27) The University Writing Council (UWC) shall consist of the University writing center director (chair), the University librarian (or designee), and six faculty members (two from Arts and Humanities, two from Natural and Behavior Sciences, two from Social Sciences and/or Luter School of Business) appointed by the Faculty Senate (all voting members). Committee members may serve for up to three consecutive two-year terms. The UWC:
- reports administratively to the vice provost, and reports to the Faculty Senate regarding policies and procedures and other issues as appropriate;
 - promotes a university culture that fosters excellence in undergraduate writing;
 - oversees the Writing Program Awards for students and faculty members;
 - reviews policies and procedures regarding undergraduate writing and makes recommendations to the administration and to appropriate faculty members or committees;
 - reviews Writing Intensive (WI) course certifications and recertifications, makes recommendations for revisions if necessary, and makes recommendations to the UCC or other committees as appropriate.
 - conducts assessment activities across Christopher Newport's writing curricula and provides reports to the assessment director and other administrators and committees as appropriate;
 - advises the provost on resources required to support undergraduate writing at the University.
- c. Administrative Committees
- 1) The Budget Advisory Committee (BAC) shall consist of the provost, the dean of the College of Arts and Humanities, the dean of the College Social Sciences, dean of the College of Natural and Behavioral Sciences, dean of the Luter School of Business, the chief of staff, the vice president for finance and planning, the vice president of student affairs, the director of planning and budget, and six members of the instructional faculty nominated by the Faculty Senate, appointed by the president. Faculty members serve six-year terms. One member of the instructional faculty shall be appointed by the president to chair the committee. The committee advises the president on matters pertaining to the operating budget of the University.
 - 2) The Committee on Intellectual Property (CIP) shall consist of three faculty members with primary responsibility for copyrights, three additional faculty members with primary responsibility for patents, the chair of the Department of Physics, Computer Science and Engineering, the academic deans, the and the provost (chair). The six appointed faculty members shall be appointed by the president, upon nomination by the Faculty Senate, for three-year terms. In conducting its business, the CIP will consult with the University counsel regarding legal issues and potential liability to the University. The committee shall report to the president and shall function and be organized into subcommittees consistent with applicable Board policy (ownership).
 - 3) The Council on Diversity and Inclusion (CDI) shall consist of two members of the Board of Visitors, appointed by the rector, and a representative group of students, faculty, staff and friends of the University, appointed by the president. Members will serve two-year terms and may be reappointed by the president to serve a second term. Members may be reappointed after being off the Council for two years. One member of the Board of Visitors shall be appointed by the president to chair the council. The chair will serve a term of two years and may be reappointed by the president. The council advises the president on matters pertaining to diversity and inclusion.
 - 4) The Emergency Policy Group (EPG) shall consist of the chief of staff, provost, vice president of student affairs, vice president for finance and planning, vice president of administration and auxiliary services, chief of university police, chief information officer, the director of communications and public relations, the director of emergency management, and two current members of the Faculty Senate Executive Committee. The vice president for finance and planning will serve as chair of the committee. The Committee:

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- a) reports to the president;
- b) sets strategic direction and enacts policy in support of emergency management at CNU; and recommends to the president any major policy or procedural changes to emergency plans; and
- c) convenes during an incident or emergency situation to provide strategic advice and determine a course of action; communicates administrative decisions regarding canceling classes, evacuations, closing the campus, and is responsible for sending notifications to the campus community.

The Emergency Management Team (EMT) shall consist of the director of emergency management and the vice president of student affairs along with other key university personnel. The Committee:

- a) reports to the Emergency Policy Group (EPG);
 - b) is charged with studying, evaluating and making recommendations in support of emergency management at CNU;
 - c) will execute, implement and evaluate policy and create ad-hoc committees as needed to support emergency management; and
 - d) may be called upon to support university emergency operations during an activation of the emergency operations center.
- 5) The Executive Planning Council (EPC) shall consist of the president (chair), the provost, the dean of the College of Arts and Humanities, the dean of the College of Social Sciences, dean of the College of Natural and Behavioral Sciences, dean of the Luter School of Business, the president of the Faculty Senate, the vice president of university advancement, the chief of staff, the vice president for finance and planning, the vice president of student affairs, the vice president for enrollment and student success, the vice president for administration and auxiliary services, and the president of the Student Assembly. The Council is responsible for developing the strategic vision for the University, focusing the vision, and then providing the process for implementation of the vision, including the review and approval of mechanisms for monitoring institutional effectiveness. The council defines and conducts the strategic planning process for the University.
- 6) The Student Success Coordinating Committee (SSCC) shall consist of the vice president for enrollment and student success (chair), the provost, the dean of admission, the vice president of student affairs, the director of academic success services, the faculty director of academic success and other faculty representatives appointed by the president. The Committee:
- a) reports to the president;
 - b) coordinates a broad range of policies, practices, and programs that affect first-year and second-year students and/or student success;
 - c) recommends changes to student success and first-year and second-year policies, practices, and programs as needed; and
 - d) guides the assessment of student success initiatives.
- 7) The Intercollegiate Athletic Advisory Committee (IAAC) shall consist of three faculty members, one administrative faculty, two students, one alumnus or alumna, the internal auditor (non-voting), and the director of athletics (non-voting). Based on recommendations by the director of athletics, the president will appoint the NCAA faculty athletics representative who will also serve as committee chair. The Committee:
- a) is appointed by the president in consultation with the NCAA faculty athletics representative and the director of athletics, and reports to the president;
 - b) makes recommendations on all matters relevant to the Intercollegiate athletic programs;
 - c) reviews athletic philosophy;
 - d) considers matters related to athletic conferences and national athletic governing bodies;
 - e) reviews the need for additional equipment for gymnasium and outdoor facilities, addition or termination of sports programs, scheduling and transportation; and

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- f) monitors the athletic budget.
- 8) The Parking Advisory/Appeals Committee (PAAC) shall consist of the director of parking and transportation (chair), two faculty members nominated by the Faculty Senate and appointed by the president for two year terms, two staff members, and two student representatives nominated by the Student Assembly and appointed by the president. The purpose of this committee is to discuss, propose and implement changes to parking policy, rules and regulations. The committee will also provide a structured means to appeal a citation after the initial appeal has been denied.
- 9) The University Handbook Committee (UHC) shall consist of three members appointed by the president, to include the director of human resources, an instructional faculty member with experience on the committee, and an instructional faculty member.
 - a) consults with the provost, the vice presidents, and all other constituencies of the University on matters related to the *University Handbook*;
 - b) reviews all proposed changes in the *University Handbook* and makes recommendations to the president, specifying all proposed additions, alterations, deletions, and changes and identifying for the president where there is agreement and where there are differences among University constituencies; and
 - c) is charged with the following responsibilities: determining if the subject of a change is appropriate to be included in the *University Handbook*; determining if the suggested addition or change has gone through appropriate University channels; assuring the proper placement of the change or addition in the *University Handbook*; removing obsolete and erroneous items from the *University Handbook*; and, ensuring that all University constituents have the opportunity to preview the committee's recommended changes to the *University Handbook*.
- 10) Retirement Plan Committee (RPC) shall consist of the director of human resources, vice president for finance and planning, vice president for university advancement, vice president for administration and auxiliary services and a faculty member with relevant experience. The committee shall be chaired by the director of human resources. Responsibilities of the committee include:
 - a) serve as the trustees appointed to hold and oversee the Tax Shelter Savings Plan (403b) and the Cash Match Plan (401a)
 - b) responsible for the administration of the Plans in conformance with the Plan documents and applicable law
 - c) increase oversight and proper governance of the supplemental retirement plans by acting as a fiduciary for the plans through developing an investment policy statement and completing cost analysis, quarterly market analysis and investment fund review.
- 11) Information Technology Executive Steering Committee (ESC) shall consist of the chief of staff, provost, vice president for finance and planning, vice president for advancement, vice president of student affairs, vice president for enrollment and student success, and vice president for administration and auxiliary services. The chief information officer (CIO) and director of internal audit shall serve as non-voting members and the CIO shall serve as chair of this committee. Responsibilities of the committee include:
 - a) reviewing and approving recommendations including project, technical and strategic plans received from the IT advisory group; and
 - b) approving policies, guideline and standards for implementation that give direction and are strategically aligned with University priorities.

- 12) The University Sustainability Committee (USC) shall consist of members appointed by the executive vice president; the members shall represent key university divisions including, but not limited to, plant operations, grounds, dining, housing support, residence life, purchasing, student affairs, infrastructure services, and athletics. The committee shall be chaired by the university sustainability coordinator and shall include a student representative appointed by the vice president of student affairs and a faculty representative appointed by the Faculty Senate. Meetings shall be open to the university community. The committee:
- facilitates change towards sustainable practices in operations and institutional processes;
 - empowers campus stakeholders to create change for sustainability in their departments by developing and sharing resources as well as providing a support network;
 - identifies and shares best practices to work towards a campus culture of sustainability; and
 - champions the sustainability framework to the campus community at large.
- 13) Campus Violence Prevention Committee (CVPC) shall consist of the chief of staff, vice president of student affairs, chief of university police, director of human resources, director of counseling and health services, director of residence life, director of Title IX and EO and university counsel.

Pursuant to §23-9.2:10 of the *Code of Virginia*, the committee shall develop a statement of mission, membership, and leadership and make this information available to the campus community. The committee will provide guidance to students, faculty and staff regarding recognition of behavior that may represent a physical threat to the campus community; identify members of the campus community to whom threatening behavior should be reported; establish policies and procedures that outline circumstances when faculty and staff are to report threatening or aberrant behavior; and establish policies and procedures for the assessment of and intervention with such individuals.

The Threat Assessment Team (TAT) shall consist of the chief of university police, vice president of student affairs, director of counseling and health services, director of human resources, director of Title IX and EO, university counsel, director of residence life, and the dean of the college of arts and humanities. If a member is unavailable when the committee is convened to assess a threat, that member's designee will participate in the assessment and intervention.

Pursuant to §23-9.2:10, *Code of Virginia*, the team shall implement the assessment, intervention and action policies and procedures established by the Campus Violence Prevention Committee. The team shall establish or use existing relationships with local and state law-enforcement agencies and mental health agencies to expedite assessment and intervention with individuals whose behavior may threaten safety. If it is determined that an individual poses a threat to self or others, exhibits significantly disruptive behavior or need for assistance, the team may obtain criminal history record information and health records, as provided in §§19.2-389, 19.2-389.1 and 32.1-127.1:03, *Code of Virginia*. Such criminal history record information or health information may not be used by any member of the team beyond the purpose for which it was disclosed to the threat assessment team.

- 14) The Global Conference on Women and Gender Committee (GCWGC) shall consist of faculty members or administrative staff with relevant interests, appointed by and reporting to the Dean of the College of Arts and Humanities. The committee has primary responsibility for design, implementation, and management of the College of Arts and Humanities annual Global Conference on Women and Gender, often including the publication of conference proceedings. The committee will consist of members from across the three colleges and school of business. Members will be appointed to 3-year terms and are reappointed at the discretion of the Dean. The committee chair will have a two-year term limit that is renewable and typically be a faculty member from the College of Arts and Humanities.

4. Academic Department chairs

a. General description

The department chair is responsible to the dean of the college/school and the academic department for the organization, administration, inventory control, and management of the department. The chair is elected for a three-year term by a simple majority vote. All full-time, salaried faculty holding restricted, probationary or tenured appointments in the department at the time of the election are automatic electors. Part-time (not adjunct) members of the department may be granted voting privileges in advance of the election by majority vote of the automatic electors. The chairs eligible for reelection. In newly formed departments or under circumstances approved by the provost, the appropriate dean may appoint the chair. In large or multi-discipline departments, additional administrative officers such as vice-chair, assistant chair, coordinators, and/or directors may be appointed by the dean of the college/school in which the department is situated.

1) Eligibility

To be elected chair, a person must have a full-time, tenured or probationary instructional faculty appointment at the rank of assistant professor or higher in the department. At the request of the department, or at the initiative of the dean, a department chair may be recruited from outside the University if a faculty position is authorized for the department. The recruited chair has a three-year term and is eligible for reelection.

2) Procedures

The election of a chair takes place at the beginning of the spring semester, with the term officially commencing the day following spring commencement. The election procedures are as follows:

- a) The dean notifies the department of the election, indicates eligible members, and issues **an electronic ballot**;
- b) The election is by secret ballot and is supervised by the dean;
- c) The **electronic ballot will remain open for three academic days**;
- d) The voting is verified by the provost and by a representative of the department;
- e) The dean approves of the department's choice or informs the department of the decision not to approve;
- f) If the dean does not approve the choice, a new election takes place; and
- g) If, after three ballots, the department members are unable to agree on a chair who is acceptable to the dean, the dean may appoint a chair for a full three-year term or in an acting capacity for one year.

b. Functions

The department chair leads, directs and manages the activities of the academic department and ensures the academic quality of the University curriculum. The activities of the chair include general administrative activities, curriculum management and development, personnel management, and fiscal management and inventory control. The following listing is illustrative rather than exhaustive.

1) General administrative activities

- a) calls, chairs and sets agenda for department meetings;
- b) organizes department committees;
- c) attends chairs meetings and contributes to academic curriculum decisions;
- d) administers the directives of the dean within the time schedule designated by the dean;
- e) develops department mission, vision, strategic plan with short- and long-range goals, evaluation plan, and university reports in collaboration with the department faculty;
- f) prepares department catalog materials;
- g) has responsibility for department records and correspondence;
- h) maintains records required by SACS;
- i) completes an annual report of department activities and submits to the dean;

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- j) oversees assessment;
 - k) evaluates and signs degree certifications;
 - l) serves as the spokesperson and liaison for the department;
 - m) advises students;
 - n) responsible for departmental publications (brochures, handbooks, etc.);
 - o) assigns faculty to represent the department at university and community functions (admission open houses, honors receptions, etc);
 - p) works with departmental faculty annually to update and submit the departmental evaluation criteria for faculty (form EVAL 4);
 - q) acts on the following matters as prescribed in the University Handbook:
 - (1) grade appeals;
 - (2) situations where a specific course is not taught as described in the Catalog;
 - (3) submission of course descriptions, syllabi, and examinations to the dean;
 - (4) recruitment and initial appointment of full-time instructional faculty;
 - (5) faculty applications for sabbatical or educational leave;
 - (6) university faculty development, summer stipend, and dissertation grants;
 - (7) requests for disbursements from Fund 0303; and
 - (8) recommendations on peer review.
 - r) oversees maintenance of files of all final examinations given in the department for seven years;
 - s) requests resolution from dean for student final examination conflicts;
 - t) acts as custodian for faculty dossiers;
 - u) **consult with the affiliated Graduate Program Director during graduate program reviews and departmental planning discussions;**
 - v) **coordinate with the appropriate Graduate Program Director when scheduling graduate courses;**
 - w) maintains office hours during the academic year and summer as necessary for accomplishing the responsibilities of the chair; and
 - x) appoints another faculty member to act as chair when needed.
- 2) Curriculum management and development
- a) recommends course offerings, schedules courses, and makes course teaching assignments;
 - b) directs the development of new programs or courses and prepares proposals for curricular changes for submission to the dean;
 - c) responsible for submission of course schedule to the dean;
 - d) initiates course status changes;
 - e) decides whether to award transfer credit for courses taken elsewhere when the decision to award is disputed or in doubt; and
 - f) determines course waivers for majors when necessary.
- 3) Personnel management
- a) fosters the development of excellent teaching (course design and management, classroom skills, pedagogy);
 - b) encourages department faculty to pursue research, grant writing, and professional development;
 - c) encourages participation of department faculty in university service;
 - d) evaluates fulltime department faculty members' performance and merit and forwards recommendations to the dean;
 - e) organizes and serves on all departmental peer groups for faculty evaluation, promotion, and tenure decisions in accordance with procedures in the *University Handbook*;
 - f) forms and serves on department search committees;
 - g) employs, supervises and evaluates non-faculty personnel. Signs time sheets and conducts the annual personnel review;
 - h) recruits, hires, and evaluates adjunct faculty;

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- i) meets periodically with adjunct faculty and makes annual recommendations regarding their continued employment;
 - j) provides orientation and direction to the department members, especially new members;
 - k) mediates student-faculty and faculty-faculty conflicts; and
 - l) assigns advisers.
 - 4) Fiscal management
 - a) manages the department budget;
 - b) oversees purchase requests and travel forms;
 - c) distributes resources within the department; and
 - d) responsible for inventory of departmental equipment.
 - c. Evaluation

The chair's service, as chair, is evaluated between April 1 and May 31 **in the second year of the three-year term** by the dean with the participation of department members. **In the exceptional event of a term shorter than three years, the evaluation schedule will be set by the dean.** A chair receiving an unsatisfactory evaluation may **at any time** be removed from office by the dean.
 - d. Compensation

The compensation for the chair's service takes the form of (1) a reduced teaching load during the academic year and (2) an administrative stipend for summer services as determined by the dean; said stipend is separate from academic year salary, and is paid as wages, when earned, rather than as salary.
5. Instructional faculty as individuals and in departments
- a. Classifications

The several kinds of faculty appointments are described herein, the *University Handbook*. (see index: appointments).
 - b. Responsibility

Each faculty member is responsible for providing students with specific objectives of assigned courses; for methods and procedures of instructing and evaluating student performance; and for awarding of earned grades (see index: code for academic work). Each instructional faculty member is responsible for formulating and implementing a professional development plan and for department, university, and community service.
 - c. Faculty at the department level
 - 1) Departments exist to implement the goals of Christopher Newport University and to assist in the organization and administration of the instructional programs of the University. Departments also provide assistance and procedural equity to all faculty members, a base for faculty cooperation in achieving university goals, and a context for professional development and evaluation.
 - 2) Faculty at the department level bear primary responsibility for the instruction of students and for curriculum development. They also approve textbooks for courses taught by more than one member of the department, advise students, and decide policies for equivalency testing or other ways of earning credit for the major. The departmental faculty sets the professional standards and establishes administrative policies within the department, subject to the approval of the academic dean.
 - 3) Faculty members participate in the evaluation of the professional performance of colleagues in accord with university policies governing peer evaluation; recommend new instructional programs within the department; recommend policies related to interdepartmental, interscholastic and inter-institutional cooperation; and recommend student advising policies to the chair and to the appropriate dean. Departmental faculty members make recommendations to the dean and chair concerning scheduling of courses (time and place); assignment of instructors; assignment of office space; cancellation of courses

due to insufficient enrollment; allocation of computer time; selection of new faculty (regular and adjunct); secretarial services; and student assistants. Faculty also assists the chair in the formulation of the departmental budget and consultation with the chair concerning its administration.

d. The individual faculty member

- 1) Consistent with the goals and policies of the University and those of their respective departments, individual faculty members determine the specific objectives of the courses that are their individual responsibility. Within each of the courses they teach, faculty members decide the course content; methods and procedures of evaluating student performance; the level of instruction appropriate to the class and the students; the administrative policies of the course; the research they do as a complement to teaching; and appropriate kinds and methods of self-evaluation. Individual faculty members also initiate requests and recommendations for changes in the University curriculum or the major or minor within their department. With respect to teaching and research activities related to the department, individual faculty members are directly responsible for keeping their department chair informed of those activities. The details of these several responsibilities are described in the appropriate sections of the *University Handbook*.
- 2) Individual faculty members keep abreast of current knowledge and developments in their disciplines and use instructional methods and materials that are most appropriate to the needs of students and to the requirements of the discipline. Faculty members define standards of student performance in their courses; establish appropriate objectives for students in each course; evaluate student performance; provide students with prompt information concerning their performance; prepare a calendar of assignments for each course, as appropriate; prepare syllabi for courses to include objectives for student performance standards, assignments, texts, and related readings, as appropriate.
- 3) Individual faculty members evaluate their own teaching effectiveness by such means as self-evaluation, peer evaluation, and student evaluation; maintain a current dossier for purposes of formal faculty evaluation; maintain membership in appropriate professional societies and organizations; attend and participate in professional conferences and meetings whenever possible (consistent with available funds); participate in research activities; publish the results of their research whenever possible and appropriate (consistent with support afforded by the department, college/school, or university); and act in a professional manner adhering to the policies of the University and the ethics of their discipline and the teaching profession.
- 4) Individual faculty members also cooperate with the faculty, students, staff, and administration as all seek to attain the overall objectives of the University. They meet their classes as scheduled; post and maintain office hours for students; meet administrative deadlines; perform non-classroom tasks necessary to the functioning of the overall goals of the University; serve on elected, appointed, and/or ad hoc committees; advise students; assist their department in registration procedures; and attend Faculty meetings and University commencement ceremonies.
- 5) Individual faculty members are also responsible for all duties assigned them in this *University Handbook*.

e. Scholarly activities

The Mission Statement of Christopher Newport University states that the University "focuses on excellence in teaching and scholarship. The liberal arts provide the foundation for quality undergraduate programs in the humanities, in the natural and social sciences, and in business and professional disciplines. Graduate programs provide students and faculty opportunities for advanced scholarship and learning. Graduate and undergraduate research brings students and faculty together to increase knowledge. Teaching, research and community service benefit the constituencies of the University, the Virginia Peninsula, the Commonwealth, the nation, and the world."

The Christopher Newport University Faculty, then, is a collegium of teacher-scholars dedicated to humane, scientific, cultural, and artistic knowledge and to its extension, preservation, interpretation, and application in order to assure the promulgation of the values of a civilized, knowledgeable, and humane world. As such, members of the Faculty have a professional responsibility to extend, preserve, and disseminate knowledge and the mental and practice skills necessary for making critical and ethical judgments. This responsibility shall be carried out by maintaining the highest standards of scholarship in teaching, research, and service.

1) Teaching

Because faculty by their scholarship sustain and deepen the intellectual environment of the University, scholarship in teaching is an essential component of excellence in teaching. This involves staying abreast of the literature in one's field, communicating knowledge and understanding to students, endeavoring to make the students part of the active learning process, and using the best pedagogical methods available and proper to the subject matter in the classroom. It also involves making oneself open to questioning and challenge and being available outside the classroom to aid the students intellectually and culturally. Evidence of active participation in scholarly activities of teaching at the University may include participating in curricular or pedagogical workshops and seminars; accepting exchange arrangements and guest lectureships in other colleges and universities; team teaching and other methods of integrating disciplines; utilizing computer-assisted teaching methods; and participating in international studies curricula and programs.

Criteria for judging excellence in teaching of an individual faculty member in regard to decisions of retention, promotion, tenure, and salary may include the following: peer visitation; student evaluations; internal and external review of instructional materials, teaching aids, and methods of instruction; and other evidence of teaching effectiveness.

2) Research

These standards of scholarship require faculty members to share their knowledge and learned skills by means of external review and validation through the publication of original research, the reviewing of new materials and applications, the interpreting or re-interpreting of existing scholarship, and developing new and significant applications of existing knowledge, and, in the case of the arts, the performance, presentation, or exhibition of creative work. Evidence of active scholarship may include writing textbooks, manuals, and articles on teaching methodology, thereby making them available to the academic community at large; editing readers, anthologies, and other scholarly materials for use in the classroom; developing and sharing with others new approaches to instruction; and, writing monographs.

3) Service

Teacher-scholars on a university faculty have a professional obligation to make their discipline-based knowledge and academic skills available to their profession and the community.

Similarly, as members of the University collegium they incur obligations to their colleagues to serve on the various regular and ad hoc committees necessary for policy making and the governing of the University, to aid in the development of curricula, to protect academic freedom, and to support university activities of both an academic and non-academic nature.

4) Department and Academic Standards

Appropriate standards for judging performance in teaching, research, and service in regard to decisions of retention, promotion, tenure, and salary shall be promulgated by each department and college/school according to recognized professional and disciplinary standards as modified by the resources, including time made available by, and the specific mission of, the University. The value attributed to such scholarship shall be related to the rigor and extent of external validation (implicit or explicit). Departmental standards shall be developed by the department with consultation of external professional and disciplinary specialists. These standards shall be approved by the department, the appropriate

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academic dean and the provost before being utilized. College/school-wide standards shall be approved by the dean and the provost and distributed to each member of the college/school faculty before being utilized.

5) Administrative Standards

The mission of Christopher Newport University integrates teaching, research, and service but emphasizes teaching. Therefore, it shall be the responsibility of the provost and the academic deans to regard as valid and meritorious all varieties of scholarly endeavor described above and to reward them according to standards that are equitable among departments and college/school. In short, commitment to scholarly endeavor in its various forms must be ongoing, but without compromising the quality of teaching.

6. Ancillary Positions

To assist the University in managing some of its activities, some members of the faculty may be selected or appointed to administration positions ancillary to their primary responsibility.

a. The Director of the Honors Program convenes the Honors Faculty, coordinates its activities, and performs administrative duties related to the Honors Program, including the notification of scholarship winners, the securing of instructors for honors courses, and the advising of honors students. The director also serves as faculty sponsor of the Virginia Zeta Chapter of Alpha Chi. The director is appointed by, reports to, and serves at the pleasure of the provost.

b. Fiscal Account Managers are selected by, and report to the appropriate organizational administrator as reflected in the University's organization chart. A Fiscal Account Manager is charged with fiscal accountability for resources and responsibility for managing funds within one or more subsidiary ledger revenue or expense accounts of the University.

c. **Graduate Program Directors are appointed by and report to the Dean of Graduate Studies. Graduate Program Directors advise graduate students, oversee required graduate program activities, act as admissions officers for graduate students, coordinate with Department Chairs to schedule graduate courses, and conduct assessments and program reviews. The academic year teaching load is reduced for Graduate Program Directors commensurate with the increase in service.**

7. The Student Body

A description of student body governance is published in the *CNU Student Handbook*.

This *Handbook* is available through the vice president of student affairs and on university website.

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