# CHALLEGE of 

## Summary of Changes to the By-laws and Faculty/Administration Manual since 2015-16 editions

September 10, 2016

## Changes to Faculty By-Laws

- Article IV, Section 2, Faculty Senate - Composition and Election: Regularization of reapportionment of Faculty Senate seats to schools
- Brought to the Faculty Senate by the Committee on By-Laws and the Faculty/Administration Manual at March 15, 2016 meeting
- Approved by Faculty Senate at March 2016 meeting
- Ratified by full faculty
- Article V, Section 3.B.13, Standing College Committees: Change in composition and charge of the Honors Committee
- Brought before Faculty Senate by Honors Committee and Committee on By-Laws and Faculty/Administration Manual at December 2015 meeting, where it was returned to the Committee on By-Laws and the Faculty/Administration Manual
- Motion, with revisions, was approved by unanimous voice vote of Faculty Senate at February 9, 2016 meeting.
- Ratified by full faculty


## Changes to Administrative Sections

- Section I.B, Accreditation: Updated statement on accreditation to reflect the MFA, a new degree for the College.
- Section II.B, Description of Administration Organization of the College and Duties of its Officers: Modified this section to explicate that the President may not serve as an officer of the Board of Trustees.
- Section II.C, The Deans of the Schools, and II.E.2, Organization and Operation of the Faculty Schools: Made corrections and revisions to the sections on deans and schools, including specification of "academic deans," correction of the list of deans, and insertion of language that "tenure-eligible faculty shall only be appointed to the academic schools and the library."
- Made revisions to sections on faculty ranks, faculty designations, and responsibilities
- Section II.E.5, The Graduate Faculty: At the request of Graduate Council, provided flexibility in the new designation of graduate faculty that was introduced in 2015-16 and that will take effect with the Fall 2016 semester.
- Section III.A, Faculty Appointments - The Instructional Faculty: Modifications to this section to:
- expressly acknowledge faculty responsibilities for "program assessment activities and in such other faculty activities as are assigned (e.g., academic advising)," and
- expressly recognize that course assignments are made by the Department Chair or Program Director and that the College offers courses at a number of locations in the Charleston area and, as recent faculty appointment letters have acknowledged, that course sections may be scheduled at those locations.
Section III.A.1-3, Faculty Appointments - The Instructional Faculty: Insertion of "program director" in multiple locations that refer to department chairs, in recognition that multiple College of Charleston academic programs are housed outside academic departments.
- Section III.A.2b.4, Adjunct Faculty: Provided for adjunct faculty titles.
- Section III.B, Faculty Appointments - Joint Appointments to the Instructional Faculty: Insertion of "and/or stand-alone academic programs" in recognition that some joint appointments are to academic programs that reside outside academic departments.
- Section III.D, Faculty Appointments - Library Faculty: Revisions to the description of the normal qualifications for library faculty to reflect the more common MLIS degree, rather than the MLS degree.
- Section III.E, Faculty Appointments - Courtesy Faculty Appointments: Revisions to allow for titles for courtesy appointees.
- Section II.F.2, Advisory Committees, Boards, and Councils for Academic Programs of the College:
- Revision to indicate that boards or councils must have "written and approved" by-laws.
- Revision to allow members of community committees, councils or boards to be appointed by a letter signed by the President's designee, rather than only by the President.
- Section V.D.3, Procedures for Considering Non-Renewal of a Faculty Member Including Instructors in First or Second Year of Probationary Appointment: Insertion of "at least" in phrase "... the Chair should notify the Provost two weeks before the dates specified ..."
- Section V.F, Terms of Faculty Appointment and Workload
- Removal of outdated language describing the state's definition of the College.
- Insertion of "program" and "program director" throughout this section, as appropriate.
- Section VI.B, Third-Year Review and Promotion of Instructors and Renewal of Senior Instructors: Insertion of language about intent of third-year review, paralleling language in the section for other instructional faculty.
- Section VI.H, Post-Tenure Review: Revisions to more clearly indicate that faculty members seeking but not receiving a superior rating may apply for a superior in subsequent years without waiting for their next scheduled post-tenure review, as implemented for the 2014-15 academic year.
- Section VIII.A, Faculty Responsibilities to Students
- Replacement of "instructional staff member" with "instructional faculty" throughout.
- Insertion of "Program Director" or "program," where appropriate.
- Revision in recognition that all curriculum requires approval of the Faculty Senate.
- Section IX.E, Distinguished Advising Award
- Revision to clarify that only faculty are eligible for this award.
- Inclusion of the Director of the Academic Advising and Planning Center on the award selection committee.
- Section X.C, Policy Affecting Travel and Entertainment by Faculty and Academic Staff: Revisions to refer readers to the Office of the Controller website and to reflect current policy and procedures, including current review requirements as directed by the president.
- Section X.H, Intellectual Property Policy (formerly Technology Transfer (Patent) Policy): Replacement of old technology transfer policy, in its entirety, with reference to new superseding intellectual property policy, posted on policy website (policy.cofc.edu).
- Correction of names and titles of positions and offices throughout, including changing "Minor in Environmental Studies" to "Minor in Environmental and Sustainability Studies" in the section on membership of the Committee on Sustainability.


## Attachments

Changes to Article IV, Section 2.A, E, 커 H

## TITLE: Motion to Change Faculty and Administration Manual for Reapportionment of Faculty Senate

With specific changes to FAM Bylaws:
Article IV, Section 2, A, E \& H
INTENT: This series of suggested changes would result in clarification of the timing and procedure for reapportionment of faculty senators. There has been no reapportionment, nor any consideration of the need for a reapportionment since the senate was reduced to 50 senators (now 53 with the addition of Adjunct Faculty Senators) in 2010. Furthermore, language in section 2.E (that is proposed for deletion) pertained to only the first year of Senate elections and is no longer applicable for subsequent election cycles.

For each proposed change single strike through text is a deletion, underlined text is new language.

## Section 2. Composition and Election

A. Composition.

There shall be 50 Regular Faculty Senators (as defined in Article IV, Section 2.D.1), apportioned by the percentage of regular faculty [as defined in Article I, Section 1, (1) and (2), and excluding all those qualifying as ex officio regular faculty members under provision (3)] in each school (the library shall be considered a school for this purpose) and 3 Adjunct Faculty Senators with voting privileges. There shall be one Faculty Senator elected by each academic department, with the remainder of a school's senators elected atlarge by the faculty in that school. If a school should have more departments than its apportioned senators, then all of that school's senators shall be elected at-large by the faculty in that school. (Ins. December 2009) The Adjunct Faculty Senators shall represent at least two different schools (including the library) and three different departments. (Rev. August 2015 to include Adjunct Faculty Senators)
D. Election

1. Without regard to teaching load, all and only regular faculty members as defined in Art. I, Sect. 1, excluding all those qualifying as ex officio regular faculty members under provision (3), are eligible to vote in elections for Faculty Senators. (Rev. Aug. 2015)
2. Only adjunct faculty [as defined in Article III, Section A, 2, b, (4)] who are also currently listed as instructor of record for at least one course are eligible to vote in elections for Adjunct Faculty Senators. (Ins. Aug. 2015)
3. No later than February 15, vacancies from the group of at-large Faculty Senators will be filled by means of an election conducted among the eligible faculty of each school (as defined in Section 1 above) through
ballot. By February 1, any and all regular faculty of a school may forward nominations or self-nominations to the Committee on Nominations and Elections for the at-large Faculty Senators in that school. The candidates receiving the most votes cast in these elections shall be elected to the at-large seats allocated to each school. Any tie shall be decided by lot. (Rev. Dec. 2009; Aug. 2015)
4. No later than March 15, each of the academic departments and Library will elect its Faculty Senator(s) from among its eligible members (as defined in Section 2B above). (Rev. Dec. 2009; Rev. Aug. 2015)
5. No later than April 15, the three Adjunct Faculty Senators shall be elected by the adjunct faculty in a manner consistent with the representation described in Section 2B above. (Ins. Aug. 2015)
6. The Committee on Nominations and Elections shall oversee all Senate elections. (Rev. Dec. 2009; Rev. Aug. 2015)
7. All elections for at-large Faculty Senators and Adjunct Faculty Senators shall be conducted by secret ballot. Upon the receipt of a vote, the Committee on Nominations and Elections shall ensure that the vote was cast by an eligible voter. In case of a tie vote, the election is decided by lot. (Rev. Dec. 2009; Aug. 2015)

## E. Terms of Office

1. The term of office for Faculty Senators shall be two years; terms begin the day after spring commencement. A Senator shall be eligible for reelection to one additional consecutive term, following which one year must pass before he or she is again eligible. For purposes of eligibility, a partial term of service of one year or more shall be counted as a full term. Additionally, in order to maintain continuous service by departmental senators, any department with no eligible members may petition the Committee on Nominations and Elections for an exception at any time. One half of the Senators are elected each year. In the first year, election is for seats of one or two year terms, determined by lottery. A Faculty Senator elected in the first year to serve a one-year term is then eligible to be re-elected to two additional full terms. (Rev. April 2010; Aug. 2015)
2. Adjunct Faculty Senators shall be elected to fill a vacancy that span an entire academic year, commencing in August at the beginning of the period of contracted employment as an adjunct faculty member. An elected Adjunct Faculty Senator can only serve during times of active employment as an instructor of record, so her(his) status as an Adjunct Faculty Senator lapses at the conclusion each contract period but is automatically renewed at the start of the ensuing contract period in the academic year. Service in any combination of semesters over a four-year service period requires that a full calendar year must pass before he or she is again eligible to serve as an Adjunct Faculty Senator. Additionally,
in order to maintain continuous adjunct representation at the senate, the office of the Provost or the Speaker of the Faculty may petition the Committee on Nominations and Elections for a special election to fill a vacated Adjunct Faculty Senator seat. (Ins. Aug. 2015)
F. Any Senator may be recalled from her/his position as the result of a special election initiated by a recall petition to the Speaker of the Faculty signed by $25 \%$ of her/his electorate as defined in Article IV, Section 2D. In the special election the Senator shall be recalled if at least $75 \%$ of those eligible to vote for the position have cast a ballot, and if a simple majority of those voting has voted in favor of recall.
G. Vacancies due to resignation, recall or any other reason may be filled by a special election by the appropriate electorate. Senators elected in such special elections will serve out the term of the Senators they replace. If an at-large Senator needs to be replaced, the faculty of that school shall elect the replacement by ballot. No Senator, including replacement Senators, shall serve for more than four consecutive years. (Rev. Jan. 2007, April 2007; Ins. April 2007; Rev. December 2009)
H. Every three years, beginning in the fall semester of 2015, the Committee on Nominations and Elections shall request from the Associate Provost for Faculty Affairs the current number of full-time tenured, tenure-track, Instructor, or Senior Instructor employees in each School, based on the October report to the South Carolina Commission on Higher Education. Based on those numbers, the Committee on Nominations and Elections shall use the Huntington-Hill method of apportionment to determine and report, at the January meeting of the Faculty Senate, the allocation of Faculty Senators for each School to be effective at the start of the next fall semester. In the event that a School loses more at-large Faculty Senate seats than it is slated to elect in the spring elections then the at-large senator who has the lowest seniority in terms of service will be removed first; if two or more at-large senators have the same seniority in terms of service, the order of removal shall be based on lowest numbers of votes when elected; in the event of a tie, removal is to be decided by lot. For each reapportionment, the Faculty Senate Secretariat shall record the allocation of Faculty Senators, and the basis of that allocation (number of regular faculty by department and school).

## Attachments

Changes to Article V, Section 3.B.13.a-b.

# Motion to Change Faculty and Administrative Manual for Composition and Duties of Honors College Committee 

With specific changes to the FAM Bylaws:
Article V, Section 3.B.13.a-b.

INTENT: The Honors College Committee, after extensive discussion and with the enthusiastic support of Honors dean, has voted unanimously that we would like to revise the description of the composition and duties of our committee that currently appear in the FAM Article V.3.B.13.a-b. (found on pp. 27-28). The rationale for our requested changes is straightforward. The current composition of the committee is hindering our ability to do our work, especially as the committee description recognizes no need for representation from across the academic schools; in addition, over the years the functions of the committee have changed as the Honors College has grown and the committee description no longer fits the reality of the committee's work.

Specifically, n 13.a we propose changing the composition of the committee to seven faculty members, with representatives from all schools (and one member each from Humanities and from Social Sciences, in acknowledgement of the massive contribution HSS faculty make to the Honors College and the deep disciplinary differences between the Humanities and the Social Sciences). We wish to increase the size of the committee because it is often difficult to achieve a quorum with the current five members; since the committee also has the task of reading a very large volume of student application essays, a larger membership would spread this heavy burden among more people and make the job more manageable.

More importantly, the committee feels strongly that representation from all schools is essential. Our Honors students are in all disciplines around campus; we need representatives who understand the reality of all students' academic experience to satisfy the committee's regulatory and advisory mission. To give a single example of the problems the committee faces, it recently considered a proposal to modify an Honors Chemistry course. If the associate dean (a scientist) had not been there to speak about the problems students are encountering with the evaluation of science credits, the current committee members (a historian, two English professors, a philosopher, and a member of the teacher education program) would have been completely at a loss.

The committee discussed the requirement of 13.a that, among the committee members, "four . . . shall have taught recently in the Honors College" and decided it was better to use the rather vague "recently" instead of specifying a set number of years because of fears that there would not be sufficient candidates for membership on the committee, especially from schools whose faculty members teach Honors courses less frequently.

In 13.b we proposed several changes to clarify and better reflect actual practice. Thus, in $13 . \mathrm{b}(1)$, while the committee has an important role to play in the selection of Honors
students, the process has become so very large and complex that it does not indeed make the final decisions.
13.b(4) we proposed deleting "changes in the curriculum, and changes in Honors College regulations and policies" because we thought it redundant to what is written in 13.b(3).
13.b(5)'s addition of ". . . and other matters pertaining to the Honors College" is, as the bylaws committee noted when it reviewed our proposal, vague. We discussed making a list of all possible issues that might come before the committee, but realized the impossibility of being complete as the Honors College continues to grow and adapt to an ever-changing academic environment. At its most basic level, the Honors College Committee is the advisory committee to the Honors Dean. Thus, she may ask the committee's opinion on matters as diverse as improving diversity recruitment and retention or how to improve the Honors student advising experience.

For each proposed change single strike through text is a deletion, underlined text is new language.
13. Honors College Committee
a. Composition: Seven faculty members (one representative each from Humanities, Social Sciences, Science and Mathematics, Business, Arts, Languages Cultures and World Affairs, and Education, four of whom shall have taught recently in the Honors College), and two student representatives, one junior and one senior, chosen by the Honors Committee from students nominated by the Honors student body. Five faculty members, three of whom shall be teaching in the Honors College and a student representative and alternate both elected by the Honors Student Association (or any strecessor student organization recognized by the Honors College). The expectation is that faculty committee members will serve a two-year term; student member terms are one year and they are eligible for re-election. The Dean of the Honors College (or the Dean's designee) is an ex-officio non-voting member of this committee; the dean may also invite other Honors faculty and staff to participate as an ex-officio non-voting members.
b. Duties:
(1) To review student applications and select students for admission into the Honors College.
(2) To review faculty course proposals and select Honors

## College courses.

(3) (4) To review and make apply policy decisions-concerning the Honors College curriculum, admission and retention standards, and course selection procedures, and faculty stipends.
(4) (3) To review receive-and make recommendations on act upen written requests from students, faculty members, schools, or departments for exceptions from Honors College regulations and requirements, changes in the curriculum, and changes in Honors College regulations and policies.
(5) To review information from the Dean of the Honors College concerning Honors College admissions, retention, curriculum, etc. and other matters pertaining to the Honors College. (Rev. May 2009) (Rev. Pending)

## Attachments

Changes to Administrative Section I.B
opened several new buildings, including two new residence halls, the Beatty Center; the Marlene and Nathan Addlestone Library; the Marion and Wayland H. Cato Jr. Center for the Arts; a new science center; new facilities for the School of Education, Health, and Human Performance; and the first phase of construction at the Dixie Plantation site.

Today, the College is led by Glenn McConnell '69 (2014-present), the third alumnus in the College's history to hold the office. President McConnell's vision includes enhancement of the College's liberal arts and sciences core, as well as plans to expand the institution's offerings in order to respond to its evolving student population and to bolster its role in supporting and transforming South Carolina's Lowcountry into a center of the new economy.

## B. Accreditation

The College of Charleston is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award the Artium Baccalaureatus, the Bachelor of Arts, the Bachelor of Professional Studies, the Bachelor of Science, the Master of Arts, the Master of Arts in Teaching, the Master of Business Administration, the Master of Education, the Master of Fine Arts. the Master of Public Administration, and and the Master of Science. Contact information for the Southern Association of Colleges and Schools Commission on Colleges is available on the College's website at oiep.cofc.edu.

## C. Statement of Institutional Purpose (Mission Statement)

1. Institutional Purpose

The College of Charleston is a state-supported comprehensive institution providing a high-quality education in the arts and sciences, education and business. The faculty is an important source of knowledge and expertise for the community, state, and nation.

Consistent with its heritage since its founding in 1770, the College retains a strong liberal arts undergraduate curriculum. Located in the heart of historic Charleston, it strives to meet the growing educational demands primarily of the Lowcountry and the state and, secondarily, of the Southeast. A superior undergraduate program is central to the mission of the College of Charleston. As a prominent component of the state's higher education system, the College encourages and supports research.

In addition to offering a broad range of baccalaureate degree programs, the College incorporates the University of Charleston, South Carolina (UCSC), established by state statute in 1992, which serves as a research institution where the graduate and research programs associated with the

## Attachments

Changes to Administrative Section II.B

Governor; and one (1) member appointed by the Governor upon the recommendation of the College of Charleston Alumni Association, who shall be a South Carolina resident and hold any undergraduate or graduate degree from the College of Charleston.

For additional information regarding the Board of Trustees, including terms of office, election of officers, meeting schedule and the powers and responsibilities of the Board of Trustees, please refer to the "By-Laws of the College of Charleston Board of Trustees" at policy.cofc.edu.

## B. Description of the Administrative Organization of the College and Duties of its Officers

1. The President, appointed by the Board of Trustees, is the chief administrative officer of the College and the University and exercises general supervision over all of its activities. The President may not be an officer of the Board of I Irustees. The President shall appoint appropriate academic and administrative personnel, as prescribed by the Board of Trustees policies. All communications between the Board of Trustees and the College will be transmitted through the President. In the absence of the President, the Provost and Executive Vice President for Academic Affairs assumes the authority and responsibility of the President.
2. Provost and Executive Vice President for Academic Affairs. The Provost and Executive Vice President for Academic Affairs (hereafter, "Provost") represents the President in the President's absence and is the chief academic officer with responsibility for the overall academic program. This individual is responsible for academic policies, standards and programs, graduate programs, faculty hiring, the tenure and promotion process, libraries, and the enrollment management areas.
3. The President shall appoint those members of the administration required for the orderly management of the College, including but not limited to Executive Vice Presidents, Senior Vice Presidents, Vice Presidents, and Associate Vice Presidents.

## C. The Deans of the Schools

The Academic Deans are the chief administrative officers of the College of Charleston's six academic schools and the libraries. The Academic Deans provide leadership in formulating educational policy, including curriculum development and delivery, and serve as their faculty members' agents in the execution of such policy. Among other duties, the Academic Deans represent the school in relations with other schools of the College; ensure that faculty enjoy academic freedom and exercise academic responsibility; review departmental and

## Attachments

Changes to Administrative Section II.C

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## Attachments

Changes to Administrative Section II.E
conducting searches for new faculty that conform to Affirmative Action policies and procedures; allocating funds from instructional and other departmental budgets and developing and monitoring these budgets; conducting regular departmental meetings; supervising the department's program of instruction, including scheduling, faculty workload and advising graduate students and majors; recommending applications for professional travel and sabbatical leave; providing support and orientation for new members of the departments; hearing informal faculty and student grievances; and carrying out other such duties as shall be assigned by the Dean or as set down in College policy and department by-laws.

As faculty members, Department Chairs are expected to continue to teach, carry out research and related professional growth activities, and provide service to the College and the community. The extent of this effort shall be negotiated each year with the Dean as a part of the Chair's annual evaluation.

## 2. Selection and Evaluation of Department Chairs

The Chairs are appointed by and serve at the pleasure of the President. The President will receive recommendations for new appointments from departmental faculty, the Provost, and the Dean of the school to whom the Department Chair is accountable.

If a Chair serves for five consecutive years, each departmental faculty member will be asked for a review of the chair's performance and a recommendation concerning it. These will be forwarded along with the Dean's recommendation to the Provost. When the office of Chair becomes open, the Dean, after consultation with department members, determines whether to seek a new Chair from within the department or to conduct a national search.

The Deans of the schools evaluate Department Chairs at the close of each academic year. Each year the Dean shall provide all members of each department with the opportunity to assess in writing the Chair's performance prior to the completion of the Chair's annual evaluation. At any time during a Chair's term of appointment, a majority of members of the department may submit a petition to the Dean requesting a performance review of the Chair.

## E. Organization and Operation of the Faculty

1. Organization

The Faculty Senate is the primary legislative body of the College of Charleston faculty. Membership in the Faculty is defined in the By-Laws
of the Faculty, Article I, Sections 1 and 2. The By-Laws of the Board of Trustees names the President as the chief executive officer of the College. The faculty elects the Speaker of the Faculty who serves as presiding officer at meetings of the faculty and of the Faculty Senate. The faculty elects a secretary annually.
2. Schools

The faculty of the College of Charleston is organized into six academic schools and the library. The six schools are: the School of the Arts, the School of Business, the School of Education, Health, and Human Performance, the School of Humanities and Social Sciences, the School of Languages, Cultures, and World Affairs, and the School of Sciences and Mathematics. Other academic units also may be designated as schools and have Deans appointed to lead them, but tenure-eligible faculty shall only be appointed to the academic schools and the library.
(Rev. July 2016)
3. The Academic Departments

An academic department or program is a group of instructional faculty whose post-baccalaureate degrees are in the same or closely related disciplines and who offer instruction in those disciplines and courses that comprise an integrated curriculum usually leading to one or more minors, concentrations, or majors in a Baccalaureate degree program and/or to a Master's degree program.
4. The Library

The library is an administrative unit which renders academic support and services to faculty and students through the acquisition, processing, and assistance in using its collections.
5. The Graduate Faculty
a. Graduate Faculty categories

There are two categories of the Graduate Faculty of the University of Charleston, South Carolina (UCSC): Type I and Type II. Only members of the Graduate Faculty shall be assigned as instructors of record for graduate courses, or to direct graduate programs, serve on the Graduate Council, supervise the research of graduate students, and serve on master's, doctoral, and intern/externship graduate project committees. ${ }^{4}$ All master's and doctoral thesis committees

[^0]and intern/externship graduate project committees must have a Type I Graduate Faculty as chair or co-chair, unless an exception to this requirement is permitted under the terms of approved, programspecific membership criteria. (Rev. July 2016)

## (1) Type I

Type I Graduate Faculty members are roster faculty colleagues at the College of Charleston who have been recommended by the relevant Academic Program Director(s) or Department Chair(s) for Type I membership and approved for such membership by the relevant school Dean(s), the Graduate Dean, and the Provost for a term of six years. The College's institutional criteria require that Type I Graduate Faculty members have:
(a) An earned terminal degree in an appropriate discipline.
(b) Demonstrated effectiveness in teaching.
(c) A continuing record of scholarly achievement and professional activity, or a strong indication of growing involvement with scholarship for those holding the rank of Assistant Professor or its equivalent, consistent with the descriptions of scholarship provided elsewhere in the Faculty/Administration Manual (e.g., Art. VI.A). ${ }^{5}$

Schools, departments, and academic programs may at their option propose additional criteria for Type I membership in the Graduate Faculty of the relevant academic unit. Such additional criteria require the written approval of the relevant school Dean(s), the Graduate Dean, and the Provost before taking effect. These additional criteria must be consistent with the Type I Graduate Faculty description and institutional criteria provided in the Faculty'Administration Manual. Additional criteria may further define the expectations for and responsibilities of Type I Graduate Faculty membership for faculty within the relevant academic unit.

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## Attachments

Changes to Administrative Section II.F

Every board, council, commission, and committee ${ }^{6}$ shall have a clearly written and specific statement of purpose, and a charge which should be proposed by the individual or group wishing to establish the committee, council or board. The purpose and charge must have written approval of the President. The purpose of every community committee, council or board must be compatible with the College's mission.

Every board or council must have by-laws approved by the President. Community committees do not require by-laws although they should have clearly stated operating information. By-laws and statements of operation should contain information about:
(a) appointments or election of members;
(b) officers, responsibilities, election and terms;
(c) frequency of meetings;
(d) arrangements for minutes;
(e) ability to raise money, and so on.

Members serving on community committees, councils or boards shall be appointed by a letter signed by the President (or the President's designee), or members serving on certain community committees, councils or boards may have to be elected by the appropriate governing body or constituency such as the Alumni Association. The list of elected members will be given to the President who shall approve a list of appointments to each.
(Rev. Jan. 2013, July 2016)
3. The Graduate Council
(a) Purpose and Responsibilities

The Graduate Council is the body that recommends academic policies and procedures for graduate study at the College of Charleston.

The Graduate Council shall advise the Dean of the Graduate School, the Associate Dean, and the Faculty Senate with regard to business of the Graduate School, including recommendation of new graduate degree proposals; supervision of approval of new

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## Attachments

Changes to Administrative Section III.A
graduate courses; participation in periodic evaluation of graduate programs; periodic review of academic and admissions policies and procedures; assistance in setting directions for research; and assistance in other matters as requested by the College.
(b) Membership

Membership in the Graduate Council shall consist of the Dean of the Graduate School (who acts as chairperson), the Associate Dean, the directors of all graduate programs, and one at-large graduate faculty representative from each of the schools in which the graduate programs reside.

Ex-officio membership in the Graduate Council shall consist of the Provost or his/her designee. A member of the Faculty Committee on Graduate Education, Continuing Education, and Special Programs shall serve ex-officio as a liaison with the Faculty Senate. A member of the Graduate Student Association (GSA) shall serve as ex-officio member as a liaison with GSA.

At-large members serve a term of two years beginning July 1 and ending June 30 .
(Rev. July 2007; Rev. May 2009)

## III. FACULTY APPOINTMENTS

## A. The Instructional Faculty

A member of the instructional faculty is a person whose appointment at the College is for teaching, research, and service, whether full-time or part-time, with or without tenure, and whether or not the person has membership in the voting faculty. (For a description of the voting faculty see Faculty Organization and ByLaws, Article I.) A member of the instructional faculty must participate fully in program assessment activities and in such other faculty activities as are assigned (e.g... academic advising). (Rev. July 2016)

The academic year is defined as a nine-month period, usually August 16 - May 15, but not more than 39 weeks. Course assignments for instructional faculty are made by the Department Chair or Program Director. Because the College of Charleston conducts courses at a number of locations in the Charleston area, in addition to the main-campus in Charleston's Historic District, course sections may be scheduled at one of these locations. (Rev. July 2016)

All appointments to the instructional faculty are made by the President on recommendation of the Provost. Faculty may be appointed with tenure, or to

## Attachments

Changes to Administrative Section III.A.2.b. 4

# NOTICE OF INTENT: Change in Faculty and Administration Manual for Description of Adjunct Faculty 

With specific changes to FAM Bylaws:

III. Faculty Appointments<br>A. The Instructional Faculty<br>2. Instructional Faculty Holding Non-tenure-track lines or Positions<br>b. Special Faculty Ranks<br>(4) Adjunct Faculty

INTENT: These changes would result in providing a clean job title to our adjunct faculty (e.g., on syllabi or professional correspondence as College of Charleston teaching faculty): either Adjunct Lecturer or Adjunct Senior Lecturer.

For each proposed change single strike through text is a deletion, underlined text is new language.
(4) Adjunct Faculty - The adjunct faculty member is usually an expert in a special field or an experienced teacher in a discipline where additional instruction is needed by the department to meet student enrollment demands. Adjunct appointments are for a specified period of one year or less for a single semester. (f) Adjunct faculty may be part-time or full-time.

Adjunet faculty pesitions do not nermally carfy rank. Any department may, however, reeommend to a Dean that the appointment have professorial rank. A Dean may eonfer professorial rank. Adjunct faculty members are initially assigned the special faculty rank of Adjunct Lecturer. A Dean may confer the rank of Adjunct Senior Lecturer when a member of the adjunct faculty at the College of Charleston has taught 30 or more course sections at the College, has worked at the College for at least eight separate semesters or summer terms, has been responsible for at least 500 student enrollments, and continues to serve as a member of the College's adjunct faculty.

Adjunct faculty members do not normally have professorial rank or the special faculty rank of Instructor or Senior Instructor. Adjunct faculty members are not eligible for emeritus and emerita faculty titles. In unusual cases, departments or academic programs may recommend to a Dean that a member of the department or program's adjunct faculty be appointed with a titular professorial rank. If a Dean receives the appropriate recommendation from a department or academic program, the Dean may confer titular professorial rank, providing that the rank includes the word "adjunct" (e.g., "Adjunct Associate Professor").

If half-time or less, an adjunct faculty member is usually paid at a fixed rate per course established by the Provost in consultation with the Dean and Department Chair for each discipline, receives no fringe benefits, and does not occupy a state-supported line. Some receive no pay, but hold the title as a purely honorary appointment. If an adjunct faculty member is more than half-time, a prorated rate derived from the full-time rate appropriate to the discipline, duties, qualifications and experience of the individual will be negotiated by the Provost, the Dean, the Department Chair and the adjunct faculty member.

The contract is renewable so long as the department or program requires the adjunct's services and requests the continuation, and provided the faculty member meets his/her contract responsibilities, including being available to the students from his/her classes outside the classroom, and the department conducts annual evaluations of the individual's teaching performance in each course offered and finds that the quality of instruction meets departmental standards. Each contract and/or letter of appointment must state elearly that this is a "Speeial" appointment, and describe the duties and expectations as well as the limitations on that appointment.

## Attachments

Changes to Administrative Section III.B
appointments to the instructional faculty. The letter of appointment should specify the following:

Faculty status. After consultation with the department or program, the letter will specify tenure, tenure-track, or coterminous faculty status. A coterminous faculty appointment terminates when the individual leaves the administrative position, for any reason.

Faculty rank. After consultation with the department or program, the letter will specify any rank from Instructor to Professor.

Departmental or program participation. The letter will state any agreement the department or program and the individual have reached about the number and frequency of courses the administrator may teach each year.
(Rev. July 2016)

## B. Joint Appointments to the Instructional Faculty

Ordinarily, an instructional faculty appointment is made to a single academic department. A joint appointment is defined as an instructional faculty appointment made to two or more academic departments and/or stand-alone academic programs in which the faculty member has compensated FTE duties in the units to which he or she is appointed. Joint appointments may be at any percentage of effort not exceeding $100 \%$. A joint appointment may be for a specified period or may be permanent. (Rev. July 2016)

In such cases the conditions relevant to the joint faculty appointment, including but not limited to annual faculty evaluation; percentage of effort assigned to each department; sources of institutional support; and special concerns relevant to third-year review, tenure, and/or promotion, shall be specified in a memorandum of understanding and signed by the appropriate administrators (e.g., all Deans and Department Chairs with an interest in the appointment), including the Provost. Whenever possible, the memorandum of understanding should be reviewed by the faculty member receiving the appointment at least 30 calendar days prior to the first day on which the appointment would take effect. When such cases involve adjunct faculty members, the relevant unit may create a single memorandum of understanding covering all adjunct faculty performing instructional duties for the unit.

For any case involving a joint faculty appointment, all provisions of the Faculty/Administration Manual should be interpreted in light of the conditions specified in the relevant memorandum of understanding. The memorandum of understanding should indicate who performs the duties assigned to the department and Department Chair in other provisions of the Faculty/Administration Manual.

## Attachments

Changes to Administrative Section III.D
only after the letter has been reviewed by all Deans and Department Chairs with an interest in the appointment.
(Approved Sept. 2006)

## D. Library Faculty

1. Definition of the Library Faculty

Librarians have faculty rank and status, thus signifying the integral part they play in the teaching and learning processes. In addition to faculty status and rank, library faculty have position-titles assigned by the Dean of Libraries that describe their specific duties in the operation of the library. The Dean of Libraries directs, supervises and evaluates the librarians' performance of duties. Because the function of the librarians is both academic and administrative, librarians are subject to standards and processes governing selection, evaluation, tenure and promotion that reflect their identity and are modifications of those used by and for instructional faculty.

A member of the library faculty is a person who has earned an appropriate graduate degree or degrees in librarianship-(typically to include the M.L.I.S.) or its equivalent), from an accredited universitysehool and has been appointed to a faculty rank with appropriate library position-title within the library system of the College. Such appointments carry a library faculty rank comparable to ranks for instructional faculty. A person appointed to the library faculty provides professional library service in one or more of the libraries of the College. Library faculty hold eleven-month appointments within the twelve-month period from July 1 to the following June 30. All appointments of members of the library faculty are made on recommendation of the Dean of Libraries, the Provost and the President. (Rev. Aug. 2015, Aug. 2016)

Librarians may be appointed with tenure, or to tenure-track lines or to non-tenure-track lines or positions. Librarians may be appointed to any of the ranks listed in Sections III.D. 2 and III.D. 3 (below). No amount of service accumulated entitles a librarian appointed to a non-tenure-track line to a claim for de facto tenure; furthermore, such accumulated service does not make the person eligible for tenure consideration or for automatic consideration as a candidate for any tenured or tenure-track position that becomes open.

## Attachments

Changes to Administrative Section III.E

## E. Courtesy Faculty Appointments

The major purpose of making courtesy faculty appointments is to stimulate interaction between the appointee and the students and faculty of the College. This interaction could take the form of teaching, advising, research, and/or service.

Courtesy faculty appointments may be offered to persons who visit the College of Charleston from other institutions or work outside the College and who contribute without compensation to a Department, School, or Program. The individual is given the title of Faculty Affiliate, unless some other title is approved by the Provost (e.g., Research Scientist. Executive in Residence, Courtesy Associate Professor of International Studies).

Courtesy faculty appointments are normally made for three years and should normally typically be alignedeyele with the academic calendar. Persons with courtesy faculty appointments receive neither salaries nor benefits from the College for the completion of any tasks associated with their courtesy
appointments. (Rev. July 2016)

## F. Emeriti Faculty Appointments

Following retirement, an instructional faculty member or librarian may be nominated by a Department Chair or the Dean of the Library (or equivalent administrator) for the "Emeritus" or "Emerita" title. "Emeritus" or "Emerita" appointments must be approved by the appropriate Academic Dean and the Provost. The names of emeriti faculty will be included in the College catalogue and other appropriate directories.

The emeritus or emerita rank is conferred only when a retired faculty colleague, in the judgment of the appropriate administrators, has a history of exemplary service to the College of Charleston. An emeritus or emerita title is used in association with the faculty rank held by the faculty colleague at the time of retirement (e.g., "Associate Professor Emerita" or "Librarian III Emeritus").

The College of Charleston may choose to extend special benefits to retired faculty to whom the emeritus or emerita rank has been granted. Upon application, emeriti faculty will be issued an identification card that will allow them access to the benefits of active faculty in accordance with all College policies: e-mail and professional web site usage; the use of libraries and gyms; admission to athletic contests, artistic performances, lectures and College-wide social events. Emeriti faculty may also continue to use the College as an agent for external grant applications.

## IV. CONDUCT OF FACULTY AND ADMINISTRATORS

## Attachments

Changes to Administrative Section V.D. 3
by the faculty member's department will be transmitted by the Department Chair (or Dean of Libraries) at the time of appointment and be reviewed, together with the institutional standards, during the annual evaluation of the member by the Chair. The faculty member will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be expected to submit material that he or she believes will be informative.
3. Procedure for Considering Non-Renewal of a Faculty Member Including Instructors in First or Second Year of Probationary Appointment

From time to time it is important to the welfare of students or faculty in a department for a faculty member to be terminated at the end of a first-year or second-year appointment. Since state legislation (South Carolina Code of Laws, Section 8-17-380) provides that non-renewal of a one-year contract at the end of the contract period is not grievable, such terminations are not in violation of the terms of employment. Nonetheless, since terminations based on discriminatory intent, violations of academic freedom, or inadequate consideration are all grievable under other provisions of the South Carolina Code, federal law, and/or this Manual, all decisions to terminate probationary appointments at the end of the first or second year must be accompanied by written notification of cause. Such notification is necessary to establish that the grounds for termination are indeed not grievable.

If the Chair or any other tenured member believes that non-renewal is appropriate, the Chair should convene the tenured faculty for a discussion of the chair's proposed action, and seek to reach group agreement. If a consensus cannot be reached, the Chair will present in writing to the Dean the various positions represented by the group within the department as well as his/her position. The decision on whether to terminate or continue will rest with the Chair unless the Dean has serious reservations. In such a situation, the Provost will review all of the pertinent information and, after discussing the case with the Chair and the Dean, will rule on which action is to be taken.

In the case of individuals in their first (second) year of probationary appointment, individuals must be notified by March 15 (December 15) if their contract will not be renewed at the end of the contract year. Except under exceptional circumstances, a new faculty member credited with two years or more probationary time should be given at least one year's notice in the event his or her contract is to be terminated.

After a decision has been reached, the Chair should notify the Provost at least two weeks before the dates specified in the Faculty/Administration Manual so that the Provost can inform a first or second year faculty member that he/she will not be given a contract for the following year.

## Attachments

Changes to Administrative Section V.F
(ii) Procedure ${ }^{28}$
(a) The grievant must file a Notice of Appeal within 10 working days of receipt of the final administrative decision. This Notice must be in writing and sent to the Chair of the Board with copies to the President, the Provost and the other party.
(b) The Board, or a Board committee appointed by the Board Chair, shall have available for its review the tape recording of the hearing and the evidence submitted at the hearing and will base its decision in that record. Briefs and oral arguments will be permitted but are not required. Oral arguments may be made by the parties or their attorneys.
(c) The Board shall submit its final decision in writing to the grievant, the President and the Provost. The decision of the Board is final.

## F. Terms of Faculty Employment and Workload

1. Terms of Instructional Faculty Employment

Unless otherwise specified in the appointment document, members of the faculty are compensated for 39 weeks, i.e., nine months of service to the College, from August 16 of one year to May 15 of the next.
2. Instructional Faculty Workload

Faculty of the College of Charleston are employed by the State of South Carolina to provide instruction to students. Faculty must also provide academic consultation including individual instruction and holding open office hours for student advising. The state has defined the College as one of its senior colleges/universities, characterized by relatively comprehensive degree offerings at the bacealaureate level, and by offering some graduate programs below the doctoral level in fields where the institution has unusual competence and in which the loeal demand is high

[^3]and cannot be more effectively met by other means. Faculty members are also required to engage in research activities and other forms of professional development as well as render service to the institution and the community.

The formula used by the Commission on Higher Education (CHE) to determine the allocation of state funds to senior colleges/universities, computes one full-time faculty member equivalent ( FTE ), as 12 contact hours per week of classroom instruction per semester for two semesters. It does not differentiate between undergraduate and graduate instruction. The formula assumes, therefore, that each faculty member will provide 12 contact hours of instruction in both the Fall and Spring semesters. It thus does not take into account advising, administrative duties, research, or other professional development activity, committee activity, or community activity that faculty are required to do in addition to or in lieu of the instructional workload.

The Provost delegates to the Deans of the Schools the responsibility for determining instructional faculty workload within the schools provided the following basic premises are met:
a. Role and Mission

Faculty teaching workload is both driven by the mission of the College of Charleston and reflective of student needs. The courses faculty teach sustain the institution's fundamental commitment to the curricular requirements for general education as well as the specialization in the major.

## b. Budgetary Efficiency/Resources

Teaching workload should be managed by the Provost, the Deans and the Department Chairs or Program Directors so that teaching workloadit links institutionally desired outcomes for efficiency and access with revenues. The Provost has the additional responsibility to make every effort to place in the hands of Deans and Department Chairs or Program directors the resources in roster faculty and adjunct funding that they need to fund their staffing plans. Once the budget for instruction and the enrollment goals are agreed upon, it becomes the Deans' responsibility to ensure that there are adequate numbers of courses for students to take. (Rev. July 2016)
c. Access

The College of Charleston remains committed to teaching in smaller classes where students can easily interact with faculty. The number of upper and lower division course offerings in all departments or programs should be carefully determined based on the role a department plays in relation to general education requirements, number of majors and whether the department has other graduate programs. Deans and Department Chairs (or Program Directors) have the responsibility of assuring that there are sufficient numbers of classes and sections to meet anticipated enrollments at appropriate sizes and levels. (Rev. July 2016)
d. Governance

The responsibility for developing written procedures for determining teaching workload lies with each school. The Provost approves each school workload policy.

In addition the following instructional workload requirements must be met:
(1) The official teaching workload of the College of Charleston remains 12 contact hours.
(2) Faculty whose teaching workload is less than 12 contact hours are expected to engage in significantly more research or to be given significant additional assignments within the department as a direct result of having their normal teaching workload reduced.

There are a number of issues and factors that affect an individual faculty member's teaching workload. Deans and especially Department Chairs have the additional responsibility to consider the individual teaching workloads of faculty members in light of these variables. One of the purposes of school-wide teaching workload procedures is to temper concerns for access and productivity with a concern for equity.

- number of courses
- number of credit hours/credit hours per course
- number of contact hours


## Attachments

Changes to Administrative Section VI.B
5. Nomination of Instructional Faculty to a Higher Rank

When a faculty member becomes eligible for nomination to a higher rank, a nomination may be submitted in the form of a petition from one or more of the following:
a. the Department Chair, after consultation with the tenured members of the department, to the Provost;
b. a majority of the tenured members of the department to the Provost;
c. the individual faculty member to the Provost;
d. the Provost to the Department Chair;
e. the Dean to the Department Chair.

Normally, a petition nominating a faculty member to a higher rank should be made not later than August 15 of the academic year in which a decision on promotion is to be made. The faculty member will then be evaluated under the provisions outlined in Art. VI.D. entitled "Procedures for ThirdYear Evaluation, Tenure and Promotion of Instructional and Library Faculty."
(Rev. April 2007)
It should be clearly understood by all faculty members that promotion does not come automatically after the passage of a fixed period of time, but it is recognition of outstanding performance and service at the College.
B. Third-Year Review and Promotion of Instructors and Renewal of Senior Instructors

The President retains the power of approval for third-year review determinations, promotions, and renewals. The Provost, acting in accordance with the provisions stated in this Faculty/Administration Manual, is responsible for making the final recommendation to the President in respect to all such matters

A third-year review should substantiate whether satisfactory progress toward promotion to Senior Instructor has been made. A candidate should be informed in detail of any weakness that, if not corrected, might lead to a negative promotion decision. If there are serious doubts as to whether the candidate will be able to meet the criteria prior to a required promotion decision, a recommendation against retention should be given.

Attachments
Changes to Administrative Section VI.H
the Faculty Hearing Committee within ten days of notification of this decision. The decision may only be appealed when the faculty member alleges the Committee's decision was based upon:
(1) Discrimination, defined as differential treatment based upon the race, religion, sex, national origin, color, age, or handicap; or
(2) Violation of academic freedom as it relates to freedom of expression; or
(3) Violation of due process as provided in the College's published rules, regulations, policies and procedures.
b. Appealing a Satisfactory Rating

A candidate who receives a satisfactory rating when having sought a superior rating and who alleges that the rating was based upon discrimination, violation of academic freedom or violation of due process may follow the appeals procedure outlined in Art. VH.BX.I.

If the candidate feels that the satisfactory rating received is incorrect due to reasons other than these outlined in Art. VII.Bthese reasons, a formal appeal is not allowed. However, the faculty member remains eligible to apply for a superior rating in subsequent years, without waiting for the next scheduled review-
(Rev. Aug. 2014)
I. Review for Honorary Rank of University Professor or University Librarian IV

## 1. Introduction

The permanent honorary rank of University Professor or University Librarian IV may be awarded to faculty already holding the rank of tenured full Professor or Librarian IV. The honorary rank shall be awarded on the basis of outstanding performance to faculty whose records go beyond the expectations described for promotion to tenured full Professor or Librarian IV. This honorary rank is intended to recognize faculty with outstanding records of achievement. Those who screen or recommend the nominees for this rank should apply a rigorous standard of review.

## Attachments

Changes to Administrative Section VIII.A

If the Provost determines that more complete documentation is necessary, the matter will be returned to the RSIC. The committee's full report will also be sent to any sponsoring agency previously alerted to the problem in accordance with the agency's rules and regulations.
j. Final action will be directed by the Provost and/or the Executive Vice President for Student Affairs as appropriate. The action to be taken will be communicated in writing to the person found to have been involved in misconduct along with a statement of grievance rights. Faculty members who disagree with the findings of the Research and Scholarship Integrity Committee may file a grievance with the University's Faculty Grievance Committee according to the procedures outlined in the College of Charleston Faculty/Administration Manual. Administrative staff may grieve a RSIC committee decision to the President according to the procedures outlined in the College of Charleston Faculty/Administration Manual. Students found to have been involved in misconduct may appeal to the Honor Board according to the procedures outlined in the College of Charleston Student Handbook. If dismissal is recommended, action will be taken in accordance with published institutional policies and procedures.

## VIII. FACULTY INTERACTION WITH STUDENTS

## A. Faculty Responsibilities to Students

1. Advising

A faculty member's role at the College of Charleston includes academic advising. Academic advising requires a commitment to assist students in taking responsibility for their own intellectual and life skills development. Advising should become less intrusive, mandatory and necessary, and more collegial over time as students mature in their academic program and life skills. Effective academic advising by faculty requires the ability and willingness to make oneself available to students and colleagues for learning support purposes. It also requires familiarity with College programs, degree requirements, academic and support services, student development stages, administrative policies, and regulations related to academic performance.
2. Course Objectives

At the beginning of each term, instructional staff members-faculty are responsible for stating clearly and in writing the instructional objectives of
each course they teach. It is expected that each member of the instructional faculty staff member-will direct instruction toward the fulfillment of these objectives and that examinations will be consistent with these objectives. Instructional staff members-faculty are responsible for ensuring that the content of each course they are assigned to teach is consistent with the course descriptions approved by the Faculty
SenateCommittee on Curriculum and Academic Planning or the-Graduate Councit and published in the current College of Charleston Undergraduate Catalog or the Graduate Sehool of the College of Charleston-Catalog. (Rev. July 2016)
3. Disclosing and Retaining Graded Exams and Papers

Papers must be graded and returned within a sufficiently appropriate time to make the examination a part of the student's learning experience. Final examinations must be retained for two years to provide the opportunity for review with the instructor if the student so desires.
(Rev. Nov. 2010)
4. Meeting Classes

All instructional staff members are required to meet their classes regularly and at scheduled times. In case of illness or any other emergency, the instructor will notify the Department Chair or Program Director so that appropriate action may be taken. Faculty members may not shorten the stated length of instructional periods, nor reduce the number of instructional periods in the term, nor reduce the number of weeks over which the instructional periods are distributed without prior approval.

## 5. Office Hours

Faculty members are required to publish and maintain a schedule of a reasonable number of office hours for student conferences. Office hours must be scheduled at times convenient to both students and instructors, with the additional option of prearranged appointments for students where there is a schedule conflict. The number of office hours is to be determined by the Department Chair or Program Directorehair of the department. Each faculty member must file a schedule of office hours in the department or program office for reference and on his/her office door.
6. Office Hours During Registration

All faculty members who are responsible for academic advising are expected to be in their offices at specified hours during the registration period for each semester in addition to the hours normally reserved for advising.

## Attachments

Changes to Administrative Section IX.E

Award, including at least one adjunct faculty member, and the Student Government Association President. The award is a framed certificate and a cash award. (Rev. Aug. 2014)

## C. Distinguished Research Award

The College of Charleston Distinguished Research Award is made to one member of the faculty during the spring semester. The Distinguished Research Award honors roster faculty colleagues who have distinguished themselves by a career of significant research. The Faculty Research and Development Committee recommends the faculty recipient to the Provost. The award is a framed certificate and a cash award.

## D. Distinguished Service Award

The College of Charleston Distinguished Service Award is made to a roster faculty member or administrator during the spring semester. The Distinguished Service Award recognizes the outstanding contribution of a colleague who, beyond his or her required duties, has a sustained career of serving the college community in an outstanding and distinguished manner. The recipient is recommended to the Provost by an ad hoc committee appointed by the Provost and including former recipients of the award and the Student Government Association President or a representative from the Student Government Association appointed by their President. The award is a framed certificate and a cash award.

## E. Distinguished Advising Award

The College of Charleston Distinguished Advising Award is presented to a roster faculty member during the spring semester. The Distinguished Advising Award honors those roster faculty members and aeademic staff-who have demonstrated a sustained dedication to students in the area of academic advising. A recommendation is made to the Provost by an ad hoc committee appointed by the Provost and comprised of ehairs, deans and-former recipients and the Director of the Academic Advising and Planning Center. The award is a framed certificate and a cash award.

## F. William V. Moore Distinguished Teacher/Scholar Award

The College of Charleston William V. Moore Distinguished Teacher/Scholar Award is made to one roster faculty member during the spring semester. The William V. Moore Distinguished Teacher/Scholar Award honors faculty members who have been selected by their peers as exemplifying the teacher-scholar model. The recipients' exemplary scholarship and exemplary teaching have enriched the intellectual lives of our students throughout their careers. The recipient is recommended to the Provost by an ad hoc committee appointed by the Provost

## Attachments

Changes to Administrative Section X.H

## G. Faculty and Administrator's Authority to Enter into Contractual Agreements on Behalf of the College of Charleston

The operation and administration of the College has been delegated to the President by the Board of Trustees. Therefore, the President is, in fact, the only person at the College who has the legal authority to enter into any contractual agreements on behalf of the College. The President has been specifically given the power to delegate some of his authority to members of the administration to maintain and ensure a smooth administrative process in the overall operation of the institution. Officials of the College, unless specifically delegated such authority in writing by the President, do not have this authority. Where uncertainties exist, please confer with the Provost or consult the College Counsel. (Rev. Aug. 2014)
H. Intellectual Property PolicyFeehnology Transfer (Patent) Polier

The College's Intellectual Property Policy is published as Policy 9.1.13 at the College policy website, policy.cofc.edu.

1. Introduction
a. Relation of Technolegy Transfer to the-Mission of the College

A signifieant aspect of the College of Charleston's public service mission is to ensure that the results-of its research are made available for public use and benefit. This "technology transfer" is accomplished in many ways, ineluding edueating-students, publishing results of research, and ensuring that diseoveries and inventions are developed into useful processes and products for public use in the commercial marketplace. The members of the Board of Trustee of the College of Charleston recognize the importance of obtaining the greatest public benefit and usefulness from the products of the College's-scientifie research and inventiveness, and that the protection and control provided under patent laws and other legal means for the protection of property rights may be necessary to obtain this goal.
b. Provision of Assistance to Inventors

It is further recognized that employee of the College may require assistance in determining and evaluating patentability and in prosecuting patent applications for, of otherwise protecting, discoveries and inventions made by them. Futhermore, many such inventions involve equities beyond those of the inventor since the tuse of College facilities or resources, the assignment of duties as a condition of employment, and the use of research funds with
eontractual-obligations regarding patent rights give rise to questions coneerning the rights and equities of all concerned.
e. Purpose of the College's Patent Policy

The purpose of this patent policy is to establish a mechanism to serve the public benefit and interest; to determine and apprise all eoncerned parties of relative rights and equities; to facilitate patent applications, the licensing of inventions, and the equitable distribution of any royalties or other financial returns; to provide necessary uniformity in patent matters; and to provide for adequate reperting of patent activities.
d. Objectives of the College's Patent Policy

Specific objectives of the College's patent policy are: (1) to disseminate new and useful knowledge resulting from research at the College through the use of the patent system; (2) to license patents to industry in order to promote development of discoveries and inventions toward practical applieation; (3) to provide ineome for use in supperting further research and education, with a share of the ineome aceruing to the inventor: and (4) to assure that patent-related obligations to external-spensers of research are met.
e. Overview of the Technology Transfer Process
(1) The U.S. Patent Process

New ideas generated through the College's research enterprise may require considerable development before tangible researeh results are available for the public benefit. The U.S. patent system provides an effective means for prometing such development. The owner of a patent, or the owner's authorized licensee, is granted a limited period ( 20 years) of exelusivity to practice or use the diseovery or invention. This period of ewelusivity provides the patent holder with an opportunity to suceessfully develop products and exclude others from copying the technology and effering competing products. In return for this limited right to ewelude others, federal Haw requires the appliean for a patent to diselose details of the discovery or invention, thereby making new knowledge available to everyone and stimulating others to make further diseoveries and inventions.

[^4]inventions and the licensing thereof in the interest of the publie, the inventor, and the College.
b. Under College policy, all petentially patentable diseoveries and inventions made by College employees with the use of College resources must be disclosed to the College in a timely manner. College resources include personnel time (e.g., work leading to the invention or discovery was performed by the inventor, other College employees, and/or students during normal working hours). College facilities (e.g., office space, laboratory space, other eampus facilities); administrative and teehnieal serviees provided by the College (e.g., telephone, fax, photocopying, data processing, network connections); College owned equipment (e.g., laboratery equipment; computers, printers, and plotters; field equipment; effice equipment), and expendable materials and supplies purchased by the College (e.g., office, data processing, and taboratory supplies, chemieals, and biological materials). Prompt diselosure of a discovery or invention made with the use of College resourees allows for determination of the assignability- of rights to the invention or diseovery and, as necessary, to plan the further communieation regarding the diseovery or invention so that the U.S. and foreign patent rights will not be compromised.
e. College employees, students of the College, or extemal parties (e.g.. "off the-street") may request that the College aecept, for management and commereialization, intellectual discoveries and inventions, which are theirs alone (e.g., have been discovered or developed without the use of College resources). The College may opt to assess such diseoveries and inventions for potential commercialization and may enter into an agreement to manage and commereialize such diseoveries or inventions. These diseoveries and inventions will be assigned to the Office of Research and Grants Administration for management in accordanee with these policies and procedures and, if applicable, terms of the gift agreement from the third party.
4. Procedures for Technology Transfer
a. Disclosure of Discovery or Invention

Reporting of diseoveries and inventions is aceomplished by submitting a "Diseovery and Invention Disclosure" form to the Office of Research and Grants Administration. This form provides information necessary for the College to evaluate inventorship, assigmment obligations, patentability, the desirability of obtaining patent coverage, and patent obligations- to external research
sponsors. This information is confidential and should bekept confidential by the inventor.
b. Determination of External Spensor Rights

The Office of Research and Grants Administration will first review the diseovery and invention diselosure to determine patent obligations orved to external spensors of the research. The Research and Grants Administration Office will report such invention disclesures to the spenser(s) as required. Because of the confidential nature of inventions, inventors should not report inventions direetly to spensors.
(1) Provisions in Grant and Contract Agreements
(a) Grant and contract agreements (ineluding eooperative agreements and procurements) with spensors supporting College research projects of transferring materials for research purposes often entain patent provisions. These provisions establish the rights of the various parties in petentially patentable diseoveries that may be made or inventions that may be developed during performance of the research agreement. The existing patent obligations of all parties must be fully understood in order to avoid conflicting ebligations in propesed new agreements relating to the diseovery-or invention.
(b) The level of sponsor support generally determines the extent of patent rights available to the spenser. In order to obtain a first right to negotiate an exelusive license, an industrial funding spenser must fund-all the costs of the College research, including full overhead costs and a pro rata share of the principal investigator's solary.
e. Patent Rights in Federally Funded Researeh

Federally funded research has special provisions on rights to inventions. The Bayh-Dole Act gives the College title to discoveries and inventions arising from federally funded researeh. However, the College must grant non-exelusive use rights to the federal government. Also, if the College decides not to file a patent application on a diseovery or invention and will not otherwise
eommercialize it, the College is required to return patent rights to the federal government.
d. Assessment of Assignability

The Director of Researeh and Grants-Administration will appoint an ad hee Discovery and Invention Review Committee (DIRC) to assess the discovery or invention to determine whether it will be assigned to the College or whether it will remain the property of the College employee. The DIRC will be comprised of the Chair of the inventer's department (or the Dean of the inventor's sehool in the event the inventor is a department chair), the Executive Vice President for Academic Affairs (or his/her designee), the university attorney, the Director-of Research and Grants Administration, and three faculty members whe are knowledgeable in the area of the invention, to be-selected in consultation with the inventor and the ehair of the inventer's department. These committee members will have voting status. All members of the committee will be required to sign confidentiality agreements before learning the details of the discovery or invention. The inventor is expected to work closely with this committee in providing afl required information about and explanations of the diseovery or invention and its potential uses.
(1) All ownership rights shall be assigned to the College for any discovery or invention made by' a-College employee which:
(a) Results from researeh carried out by, or under the direction of, the College-mployee which is funded by a federal ageney or with federal funds flowing through a state agency or other organization;
(b) Results from researeh carried out by, or under the direction of, the College-mployee which is funded by the-College or from non federal funds which are under the control of or administered by the College: өf
(c) Has been developed using resourees or facilities belonging to the College.
(2) If the College employee makes the diseovery or invention while engaged in outside consulting aetivities and does not involve the use of College funds, facilities, or other
resourees, ownership rights shall remain with the individual.
(3) If it is determined that the discovery or invention is not assignable to the College. a release shall be executed by the Office of Research and Grants Administration in favor of the inventor.
5. Preliminary Evaluation of the Diseovery or Invention

A discovery or invention which is assigned to the College will undergo a preliminary evaluation to determine whether the College desires to apply for a patent in the name of the inventor.
a. The Discovery and Invention Review Committee will conduct the preliminary evaluation. The Executive Vice President for Business Affairs (or hisher designee) will serve the DIRC in a non-voting advisory eapacity in this evaluation. If sufficient expertise to evaluate the patentability of the diseovery- or invention is not available in house, the Director of Research and Grants Administration may also appoint, in a nen voting capacity, a nomCollege affiliated seientist with appropriate expertise to advise the DIRC. The DIRC and its advisors will assess such factors as patentability, benefit to the public, commercial potential, patent rights of outside parties, impending publieation bar dates, the expected cost of patent prosecution, and benefits that might acerue to the College and the inventor. Advisors to the committee will be required to sign confidentiality agreements before learning the details of the diseovery or invention.
b. During the period of preliminary evaluation, the inventor is expected to keep the Office of Researeh and Grants Administration apprised of any action he/she is contemplating, especially publieations or other publie diselosures that might affect rights in the diseovery or invention.
e. The Office of Research and Grants Administration and the Discovery and Invention Review Committee shall act promptly in earrying out the preliminary evaluation-so that the property rights of the inventor and the College are protected and so that publieation of researeh results through normal academic channets is not delayed. The Diseovery and Invention Review Committee, however, may request further development of the invention before final action is taken in the evaluation.
d. If it is determined that the College has no interest in the discovery or invention, a release will be exeeuted by the Office of Research and Grants Administration in faver of the inventer, subject to any applicable sponsor-agreements:
e. If the Diseovery and Invention Review Committee determines that an assignable discovery or invention qualifies for further eonsideration, marketing of the diseovery or invention to find a qualified licensee will be initiated. The goals of marketing are to assess commereial interest in the diseovery or invention and to find qualified licensee(s).
6. Securing the Preliminary Opinion on Patentability

When sufficient information on the potential patentability and the eommercial viability has been gathered and sufficient financial resources are available from either the College or a qualified licensee, the case wilt be referred to a patent attorney to conduct a prior art search in the U.S. Patent and Trademark Office and render a preliminnary opinion on patentability. Alternatively, the College may enter into an agreement with a technology transfer organization to determine patentability. A preliminary opinion on patentability of the diseovery or invention is normally issued within 60 to 120 days.
7. Pursuing the U.S. Patent
a. If, based on the preliminary opinion, the College deeides to proceed with filing a patent application, the Office of Researeh and Grants Administration will coordinate the process. A patent attorney (or a technology transfer organization) will be engaged to draft the patent application. The inventor is expected to work elosely with the attorney (or the technology transfer organization) to complete the application. The completed patent applieation will then be submitted in the inventer's name-to the U.S. Patent and Trademark-Offiee. At the time of filing of the applieation, the inventor will execute legal documents assigning the patent to the College:
b. When the application is filed, the patent atterney, the Director of Research and Grants Administration, and the inventor will work together to respond to the patent examiner's requests for information (called "Office Actions") and to seek the broadest possible protection for the discovery or invention. (In generat. about a year will elapse before the patent examiner takes the first substantive action on a newly filed patent application. Final approval may take two or more years.)

## 8. Filing for Foreign Patents

Beeause procedures for filing patent applications in foreign countries are varied, complex, and very costly, the Office of Research and Grants Administration recommends filing foreign patent applieations only when the cost is likely to be recovered from a licensee. (Note: Public-diselosure of an invention before filing a U.S. patent applieation will preelude patent rights in nearly-all foreign countries. If a publieation has been made after a U.S. patent application filing- a preliminary foreign filing must be made within one year of the U.S. filing date in order to preserve rights in other eountries.)
9. Licensing of the Diseovery or Invention
a. To pursue the licensing of a discovery or invention, the inventor will assist the Direetor of Researeh and Grants Administration in identifying companies that may be interested in licensing the diseovery or invention. The Director of Research and Grants Administration will then contact appropriate companies to assess their interest in obtaining a lieense to the patent rights. (Note that licensing often oceurs before the patent issues.) Coordination of all tieensing contacts by the Offiee-of Researeh and Grants Administration serves the interest of both the inventor and the Gollege, and information the inventor provides regarding potential ticensees is important to this process.
b. If a private company contacts an inventor directly, the inventor should refer the company to the-Offiee of Researeh and Grants Administration. The College may permit evaluation of an invention by potential licensees prier to the issuance of a patent through use of a Confidentiality Agreement exeeuted by both the College and the potential commereial partner.
e. When the Office of Researeh and Grants $A$ dministration identifies an appropriate commercial partner, a license agreement will be negotiated and exeeuted on behalf of the Board of Trustees. Terms and conditions for lieensing agreements vary and will be negotiated on a case-by-case basis. If a company needs time to evaluate an invention, an option aelenowledgment may be negotiated. An exelusive license may be granted in instances where one-commercial sponsor provided all of the funding for the research, of when it is the best way to assure development of the invention. An exelusive license must provide for diligent development of the invention, and it ustally ineludes a minimum annual payment.

[^5]e. Net royalties will be shared between the inventor and the College. When there are two or more inventors who are employees of the College, each will share equally in the ineome unless the inventors agree on an alternative distribution. When a joint invention arises involving another institution, net royalties will be shared with that institution and/or its inventer.
d. Net royalties will be distributed as follows:
-
$50 \%$ to Inventor (and/or hisher heirs and assigns)
$15 \%$ to Inventer's Department or Administrative Unit (earmarked for researeh)
$15 \%$ to Inventor's School or Division (earmarked for researeh) $z 0 \%$ to College of Charleston (for the enhancement of research and education)
e. The College employee whose invention is lieensed to an entity in which he/she has a proprietary interest (e.g., company officer, founder's equity position, stock holdings exceeding ten percent of the total issued, ete.) will not receive the discoverer's/inventor's share of College net royalties. In this ease, the net royalties will be distributed as follows:
$35 \%$ to Inventor"s Department or Administrative Unit (earmarked for research)
$35 \%$ to Inventer's School or Division (earmarked for research) $30 \%$ to College of Charleston (for the enhancement of research and education)
f. The College employee whose invention is licensed to an entity in which he/she has a proprietary interest (e.g., company officer, founder's equity position, stock holdings exceeding ten percent of the total-issued, ete.) will receive hishher share-of net royalties from any other licenses.
g. The Office of Research and Grants Administration reserves the right to suspend distribution of income when there is reason to believe that substantial deductible costs will be incurred in the future. The-inventer will be informed of such decisions.
h. The Office of Research and Grants Administration and the Office of the Controller will do accounting for patent income and expenses. Royalty payments will be made to inventors in August of each year on amounts received in the previous fiscal year (July 1 to June 30).


## I. Grievances Before the Faculty Hearing Committee

1. The following matters shall be proper subjects for a grievance to be heard by the Faculty Hearing Committee:

[^0]:    ${ }^{4}$ All provisions for Graduate Faculty membership in support of doctoral programs will be controlling only if

[^1]:    approval is secured at some future time for doctoral programs to be offered through the Graduate School of the University of Charleston, South Carolina. (Ins. Aug. 2015)
    ${ }^{5}$ A former academic administrator who has a tenured faculty appointment and has recently moved to roster faculty work may be appointed as a Type I Graduate Faculty member in a graduate program, with the appointment to be based on the totality of her or his educational, teaching and scholarly record prior to accepting an administrative appointment. Former academic administrators are expected to meet all relevant criteria when subsequently considered for Graduate Faculty membership renewal. (Ins. Aug. 2015)

[^2]:    ${ }^{6}$ A board or council is defined as a group that has a set of written and approved by-laws that govern its authority and procedures. A committee or commission may serve many different purposes (fund raising, advisory, etc.) and does not necessarily have formal by-laws.(Rev. July 2016)

[^3]:    ${ }^{28}$ The Board of Trustees passed this policy in January 1985.

[^4]:    (2) Patent Rights Following Publication of a Diseovery or Invention

    The timing of communications to the aeademic community or public can be a factor in the determination of patent rights. U.S. patent law allows for the filling of a patent application within a one-year grace period after the first "publication," the definition of which is highly technical under both U.S. and foreign patent laws. Any one of the many and various forms of academic communications-or public use may establish the date from which the one-year filing period is measured. The filling deadline is referred to as the "publication bar date." Public diselosure of an invention before filing a U.S. patent application will preelude patent rights in nearly all foreign countries.
    Z. Definitions
    a. College Employee

    For the purposes of this poliey, a College employee is defined as a permanent or temporary full-time or part-time employee or an undergraduate or graduate-student performing researeh.
    b. Potentially Patentable Diseoveries and Inventions

    Potentially patentable diseoveries and inventions inelude nove! machines and devices; compositions of matter (compounds; mixtures; genetically engineered cells, plants, and animals); genetic forms: plant varieties; software and computer systems; production processes; ete. Or a related improvement to any of the foregoing or a new use for a known material or device.

    ## 3. Policy

    a. It is the policy of the Board of Trustees to encourage the concept that patentable inventions produced at the College-shall be used for the greatest possible public benefit and to provide every reasonable incentive to the faculty and staff for the disclesure, evaluation, and dissemination of such inventions. When College support makes the researeh effert possible or when the College provides support for the diseovery or the development of a patentable invention, it is reasonable for the College to participate in the fruits of such development, ineluding reimbursement for its costs. To that end, the Board eneourages the prosecution of patents for such

[^5]:    d. In some instances, a licensee may wish to engage the College inventor as an independent consultant to assist the licensee in transferring the technology from the academic to the private sector. The College does not usually become party to such consulting afrangements. However, College policies on facully and employee eonsulting apply to this situation, and the inventor should ensure that any such consulting arrangements addressing patent or invention rights contain the phrase "subject to prior obligations to the College of Charleston."
    e. In some situations, it may be in the best interests of the College, the general public, and the inventor to enter into commercialization agreements with entities wholly or partially owned by the inventor. Such arrangements may be considered and aceepted, provided law does not speeifieally prohibit them and that adequate provisions, including full diselostre of interests, are made to avoid or otherwise protect against conflict of interest on the part of those involved. The Office of Research and Grants Administration will handle such negotiations.
    f. If an invention was conceive or reduced to practice in whole or in part under a researeh agreement (grant, contract, cooperative agreement, of procurement) with a federal agency, the U.S. government also receives a royalty- free license for government use-which is issued by the College.

    ## 10. Distribution of Royalties

    a. Gross royalties, license-fees, or other such payments, which are ustally expressed as a pereentage of sales or a fixed-dollar amount per unit manufactured in return for the right to use, copy, reproduce, make, or sell an item of intellectual property of a product based on suth property, will be negotiated with the Hieensee by the Office of Research and Grants-Administration as a part of the license agreement. Rates depend on a variety of factors such as the value of the invention, the cost of commercializing the invention, and whether the license is exelusive or nenexelusive.
    b. Net royalties will be caleulated by subtracting from gross royalties. ticense fees, or other such payments the up front and direct costs of patenting and protection of patent rights, including atterneys' fees and/or fees of any technology transfer organization retained to pursue the patent, and College funds used in further development of the diseovery or invention.

