



FACULTY HANDBOOK

LAMAR UNIVERSITY
BEAUMONT, TEXAS

A Member of The Texas State University System

January 2019

Prepared by:

Office of the Provost & Vice President for Academic Affairs

Lamar University is an equal opportunity, affirmative action educational institution and employer. Lamar University complies with federal and state law, and to the extent not in conflict with such laws Lamar University prohibits discrimination because of race, color, religion, sex, age, disability, national origin, veteran status, sexual orientation, gender identity and expression. The provisions of this handbook do not constitute a contract, expressed or implied, between any applicant, student, faculty member, or staff employee and Lamar University or The Texas State University System. The provisions of this handbook are subject to change at any time, without prior notice, to keep policies in compliance with State and Federal laws, the Rules and Regulations of the Board of Regents, The Texas State University System, and the educational objectives of Lamar University. In the event of any conflict between the policies and procedures of this handbook and those of the Texas State University System *Rules and Regulations*, the Rules and Regulations shall prevail and control. Inquiries concerning application of these regulations may be referred to the Office of the Provost and Vice President for Academic Affairs.

PREFACE

The Faculty Handbook is intended to be a guide for faculty at Lamar University. It is not meant to be a comprehensive, self-contained policy document; however, it does provide a wide range of up-to-date information on significant university policies, procedures, and activities.

Approved departmental, college, and university policies or *Rules and Regulations* of the Board of Regents, Texas State University System, govern in the event of conflict with the provisions of this handbook. All Lamar instructional faculty as well as any university committee and standing body such, the Faculty Senate are advised to familiarize themselves with the *Rules and Regulations*.

This handbook is one source of information about university faculty policies, but is not a contract. Faculty may review, offer suggestions, or make recommendation on matters outlined in the handbook; however, the university may change its policies at any time without formal notice.

Lamar University, to the extent not in conflict with federal or state law, prohibits discrimination or harassment on the basis of race, color, national origin, age, sex, religion, disability, veteran's status, sexual orientation, gender identity, or expressions.



LAMAR UNIVERSITY

MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™

FROM THE PRESIDENT

Dear Colleagues:

Lamar University as a comprehensive doctoral institution seeks to provide flexible, student-centered learning; by preparing students for careers and advanced degrees and becoming economic engine of the region by providing leading research and creative activities for students, faculty and the region. Lamar University seeks to provide and to prepare students for their academic journey and to successfully enter the work force. Faculty engage in important research, scholarship, and creative activity, both individually, and collaboratively and provide mentorship for undergraduate and graduate students. Your actions every day, in and out of the classroom, help retain and graduate our students, engage them in research, creative activities, community service and enhance their perceptions of a positive learning experience. As a member of Lamar University faculty, you are our student's most important contact point and resource for success. I congratulate you for your dedication to your students, your discipline, and your University.

The Faculty Handbook, is designed to promote a tradition of self-governance that is central to academic life. It addresses vital elements of the university's culture such as academic freedom, voting systems, tenure and promotion, grievance processes, and ethics. To ensure your success as a Lamar University faculty member, the Faculty Senate and Office of the Provost and Vice President for Academic Affairs continuously collaborate to compile and update the information contained in this handbook. Please take the time to review its content, and feel free to inquire about areas where you have questions or suggestions. Indeed, we welcome your input.

I thank you for your commitment and dedication to education. Together we will continue to enhance the contributions and reputation of Lamar University.

Sincerely,

Kenneth R. Evans
President

Office of the President

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LAMAR UNIVERSITY'S MISSION STATEMENT AND CORE VALUES

MISSION STATEMENT

Lamar University is dedicated to student success by engaging and empowering students with the skills and knowledge to thrive in their personal lives and chosen fields of endeavor. As a doctoral granting institution, Lamar University is internationally recognized for its high quality academics, innovative curriculum, diverse student population, accessibility, student success, and leading-edge scholarly activities contributing to transforming the communities of Southeast Texas and beyond.

CORE VALUES

Our values direct the compass we follow as we engage with each other and our community. They include:

QUALITY – Continuous improvement is at the heart of our culture as we attract and retain a diverse group of promising students and immerse them in a demanding, exciting, and relevant educational environment.

INNOVATION – Throughout students' time at Lamar University and in their careers as alumni, we promote creative activity, social and commercial entrepreneurship, and substantive contributions to professional fields.

SERVICE – We recruit and retain high quality personnel for whom service is a commitment, and we bring this culture of service to our partnerships with stakeholders.

RESEARCH AND CREATIVE ACTIVITY – Our theoretical and application-based research and creative activity are enhanced by the breadth of assets present in the Lamar University community, and which continually inform classroom activity across the university.

COMMUNITY – Our community is committed to unity and mutual support.

ACCESSIBILITY – Lamar University is accessible to people from all backgrounds, personal orientations, and physical abilities, including those who seek education in place through distance learning.

STUDENT SUCCESS – Our primary focus is our students, and we support their intellectual growth and maturation as well-rounded people steeped in high quality educational programs and expansive experiences.

INTEGRITY – Our community lives by a moral code based on honesty, professionalism and transparency.

DATA SUPPORTED DECISION MAKING – Lamar University integrates data into its deliberative processes, thereby ensuring that evidence informs judgments about our future.

HISTORY OF LAMAR UNIVERSITY

Lamar University originated on March 8, 1923, when the South Park School District in Beaumont authorized its superintendent to proceed with plans to open a *Junior College of the first class*. On September 17, South Park Junior College opened with 125 students and a faculty of fourteen. Located on the third floor of the South Park High School building, the college shared the library and athletic facilities with the high school. In 1932, separate facilities were provided and the name of the institution was changed to Lamar College, to honor Mirabeau B. Lamar, second president of the Republic of Texas and the *father of education* in Texas.

On June 8, 1942, as a result of a public campaign, a new campus was purchased and classes were held for the first time on the present day campus in Beaumont. After World War II, the college grew to 1,079, and a bill to make Lamar University a state-supported senior college was introduced in the House of Representatives. The legislature approved the Lamar bill (House Bill-52) on June 4, 1949, creating Lamar State College of Technology effective September 1, 1951. Lamar was the first junior college in Texas to become a four-year, state-supported college. Lamar continued to grow, building strong programs in engineering, sciences, business, and education.

In 1962, a graduate school was established offering master's degrees in several fields. The first doctoral degree, the Doctor of Engineering (D.E.), was established in 1971. In the same year, House Bill-590 became law changing the institution's status from college to university. Lamar State College of Technology, with an enrollment of 10,874, officially became Lamar University on August 23, 1971.

In 1969, an extension center was opened in Orange, and in 1975 the long-standing, private two-year Port Arthur College became Lamar University at Port Arthur. The Lamar University System, of which Lamar University-Beaumont was the primary component, was established by the 68th Session of the Texas Legislature with the passage of SB-620, which took effect in August 1983.

In 1990, the Texas Higher Education Coordinating Board recommended that all two-year programs at Lamar University be combined into the Lamar University Institute of Technology. The programs in the former College of Technical Arts, along with Allied Health programs, Office Technology and Restaurant/Institutional Food Management were placed in the new Institute. In 1993, the Doctorate of Education in Deaf Education was established at Lamar University, and doctoral programs in audiology (Au.D. in 2004), education (Ed.D. in 2004) and chemical engineering (Ph.D. in 2006) have been added more recently.

Lamar's commitment to quality higher education has been steady and progressive, anticipating the evolving needs of its students. To facilitate this commitment, the Texas Legislature approved House Bill-2313 to merge the Lamar University System with The Texas State University System (TSUS). Effective September 1, 1995, Lamar University joined sister institutions Angelo State University (left TSUS in 2007), Sam Houston State University, Texas State University (formerly, Southwest Texas State University), and Sul Ross University. In 1999, the State Legislature renamed Lamar University at Port Arthur, Lamar University at Orange, and the Lamar University Institute of Technology. Today, these TSUS institutions are known as Lamar State College at Port Arthur, Lamar State College at Orange, and the Lamar Institute of Technology.

More recently, the university experienced another period of significant growth adding a host of facilities to improve campus life, attracting generous donations from alumni and friends and prestigious research grants to improve scholarship and teaching, while setting repeated enrollment records. LU is a recognized leader in online education and has been designated as a Doctoral Research University by the Carnegie Foundation for the Advancement of Teaching. The University welcomed its 15th president, Kenneth R.

Evans, to the top post July 1, 2013.

As a Carnegie Doctoral Research University granting bachelor's, master's, and doctoral degrees, Lamar University continues to enhance its instructional, service, and research missions. Lamar's growth has produced an economic impact that exceeds \$200 million annually and, even more influential, is the impact of more than 90,000 living Lamar University graduates.

LAMAR UNIVERSITY'S REGIONAL ACCREDITATION

Lamar University is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award degrees at the bachelor's, master's and doctoral levels. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Lamar University.

The staff, faculty, and administration of Lamar University recognize the importance and public trust that accompany regional accreditation, and the national and international acceptance accorded degrees granted by accredited institutions. In carrying out the university's mission, Lamar is committed to adhering to the principles and requirements set forth and refined by the Southern Association of Colleges and Schools Commission on Colleges, including those referred to in SACSCOC literature under the heading of Institutional Effectiveness, a term which encompasses the systematic and documented processes of planning, assessment, and improvement.

It is incumbent upon the faculty to be familiar with and to abide by the requirements contained in the SACSCOC *Principles of Accreditation: Foundations for Quality Enhancement* booklet, housed in all departmental and college offices, and to participate in the institutional self-studies and *Quality Enhancement Plans* required by SACSCOC for each application for reaffirmation of accreditation.

CHAPTER I. GENERAL ADMINISTRATIVE OFFICERS

1. UNIVERSITY EXECUTIVES

- 1.1 **PRESIDENT.** The president shall be the chief executive officer of Lamar University and shall be appointed by The Texas State University System (TSUS) Board of Regents upon the recommendation of the chancellor of the TSUS. Within the policies and regulations of the board, the president shall have general authority and responsibility for the administration of Lamar University. During any extended absence from campus, the president shall designate an executive officer to serve as president in an acting capacity. The following administrative officers shall report directly to the president.
- 1.2 **PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS.** The provost and vice president for academic affairs (provost) shall be the chief academic officer of the university. The provost shall exercise broad academic leadership and shall have administrative responsibility for academic personnel; programs; facilities and services; recruitment; admissions; scholarships/financial aid; undergraduate advising; records; and student support services. Additional responsibilities shall include planning; faculty development; evaluation; policy initiation and implementation; and budgeting within the Division of Academic Affairs.
- 1.3 **VICE PRESIDENT FOR FINANCE AND OPERATIONS.** The vice president for finance and operations (VPFO) shall be the chief administrator for the financial and operational affairs of the university. The vice president shall exercise broad fiscal leadership and shall have administrative responsibility for the university's financial operations; inventory and property; physical plant; food service; facilities planning and development; human resources; risk management; and several other auxiliary services.
- 1.4 **VICE PRESIDENT FOR STUDENT ENGAGEMENT.** The vice president for student engagement (VPSE) shall be the chief student affairs officer of the university. The vice president shall report to the president on matters relating to student affairs. The vice president shall exercise leadership and administrative responsibility for orientation/family programs; student conduct and behavioral intervention; campus police; recreational sports; student health center; student leadership development; career and professional development center; housing and residence life; Greek life; Setzer Student Center; spirit organizations; student activities and organizations; student code of conduct; and student government association.
- 1.5 **VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT.** The vice president for university advancement (VPUA) shall be the chief administrative officer responsible for the university's advancement and development programs; alumni relations; media relations; promotions; and publications. The vice president shall serve in a liaison capacity with the Lamar University Foundation, and various community and civic organizations.
- 1.6 **VICE PRESIDENT FOR INFORMATION TECHNOLOGY.** The vice president for information technology (VPIT) shall be the chief administrative officer responsible for the university's information networks; hardware; software; IT planning; and monitoring progress toward university IT goals. The vice president for information technology shall report to the president on matters pertaining to information technology; telecommunications; information systems; and cyber security.

- 1.7 **DIRECTOR OF MARKETING COMMUNICATIONS.** The director of marketing communications shall report to the president and serve as chief administrator responsible for the use of all available technology and innovation to improve communication and interaction with the individuals and communities served by Lamar. The university's social media policy and various visual standards guides are managed by the director.
- 1.8 **OTHER ADMINISTRATIVE STAFF.** Though not members of the President's Executive Staff, the director of internal audit and the associate general counsel shall confer with and advise the president on university operations and procedures; evaluating control structures; assessing policy compliance; evaluating reliability of accounting and reporting systems; investigating allegations of fraud; and legal matters. Both the director of internal audit and the assistant/associate general counsel shall report the Texas State University System. Additionally, the athletic director shall report to, confer with, and advise the president on intercollegiate athletics, as the president has responsibility for and exercises administrative and fiscal control over all intercollegiate athletic programs.

Vice President for Management Information Systems and Analytics

2. ADMINISTRATIVE OFFICERS REPORTING TO THE PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS

- 2.1 VICE PROVOST FOR DIGITAL LEARNING. The vice provost for digital learning shall report to the provost and provide leadership in the university's distance education programs and digital initiatives. The vice provost shall head the Center for Distance Education and coordinate digital pedagogies; technologies; training; course production; quality control; planning; and budgeting. The associate provost for digital learning and higher education partnerships shall report to the vice provost.
- 2.2 ASSOCIATE PROVOST. The associate provost (AP) shall provide staff assistance to the provost in such matters as faculty awards; the review of academic standards; curriculum development; university lecture and cultural awareness programs; the academic calendar; academic programs and policies; commencement; and academic catalogs and bulletins. Institutional Research and Reporting, the Texas Academy for Leadership in the Humanities, and the Office of Planning and Assessment/SACSCOC liaison shall report to the AP.
- 2.3 ASSOCIATE PROVOST FOR RESEARCH. The associate provost for research (APR) shall report to the provost and provide executive oversight of the Office of Research and Sponsored Programs. The office shall support faculty and staff in their pursuit of grants, contracts, and related scholarly, creative, and research activities. In addition, the office shall oversee the distribution of university research funds and assist faculty and staff in applying for and managing support from external funding sources.
- 2.4 COLLEGE DEANS. The deans shall be the administrative heads of the university's five academic colleges, plus the Wayne Reaud Honor's College, and the graduate college. These executives shall be the dean of arts and sciences, dean of business, dean of education and human development, dean of engineering, dean of fine arts and communication, dean of the Reaud honors college, and dean of graduate studies. The deans shall report to the provost and be responsible for faculty leadership and evaluation; budgeting; academic planning and programming; and the maintenance of academic standards and policies within the colleges.

DEPARTMENT CHAIRS shall report to the deans and be administratively responsible for faculty, curricula, programs and student majors in the academic departments. In addition, chairs shall assist the deans in maintaining the standards and policies of the university.

DIRECTORS OF ACADEMIC PROGRAMS shall be responsible for the coordination of specialized programs within the academic departments and shall report to the department chair responsible for the program. Directors responsible for interdepartmental programs of study shall report to the dean or vice president responsible for the program.

- 2.5 DEAN OF LIBRARY SERVICES. The dean of library services shall report to the provost and be responsible for the library services, facilities, holdings, acquisitions, and archives of the university. Advised by the Library Committee on policies affecting the use and development of the library, the dean shall be responsible for the administration of the library's programs as well as the development and coordination of media resources and services.
- 2.6 ENROLLMENT SERVICES. The following offices shall report to the provost on matters pertaining to student enrollment, registration, student support, and financial assistance: the office of

scholarships and financial aid; the office of admissions; the office of recruitment; the undergraduate advising center; the registrar and records office; and STAR (student tutoring and retention) Services.

3. ADMINISTRATIVE OFFICERS REPORTING TO THE VICE PRESIDENT FOR FINANCE AND OPERATIONS
 - 3.1 ASSOCIATE VICE PRESIDENT FOR FINANCIAL SERVICES. The associate vice president for finance shall report to the vice president for finance and operations and be the chief administrative officer responsible for all financial activities of the university including business and treasury services; investments; budgets; payroll; compliance; and state and general accounting.
 - 3.2 ASSOCIATE VICE PRESIDENT FOR ADMINISTRATIVE SERVICES. The associate vice president for administrative services shall report to the vice president for finance and operations and be responsible for purchasing, contract management; safety and risk management; postal services; property management; parking; travel; and accounts payable.
 - 3.3 ASSOCIATE VICE PRESIDENT FOR FACILITIES. The associate vice president for facilities shall report to the vice president for finance and operations and be responsible for the management of the university's facilities, grounds, and physical plant, including student housing maintenance, custodial services; energy management; utilities; trade services; grounds maintenance; building maintenance; shipping/receiving; and facilities planning.
 - 3.4 ASSOCIATE VICE PRESIDENT FOR HUMAN RESOURCES. The associate vice president for human resources shall report to the vice president for finance and operations and be administratively responsible for personnel policies, procedures, and services. These include employee benefits; employment procedures; Title IX oversight; immigration issues; personnel records; and safety and workers' compensation.
 - 3.5 ASSOCIATE VICE PRESIDENT FOR PLANNING AND CONSTRUCTION. The associate vice president for planning and construction shall report to the vice president for finance and operations and be administratively responsible for planning, budgeting; scheduling; programming; design; contractor management; and construction of all new and renovation facility projects.
 - 3.6 DIRECTOR OF SUSTAINABILITY. The director of sustainability shall report to the vice president for finance and operations and be administratively responsible for the conservation of energy and other natural resources to minimize the university's environmental impact while accomplishing the educational goals of the institution.

4. ADMINISTRATIVE OFFICERS REPORTING TO THE VICE PRESIDENT FOR STUDENT ENGAGEMENT
 - 4.1 ASSOCIATE VICE PRESIDENT FOR STUDENT ENGAGEMENT AND DEAN OF STUDENTS. The associate vice president and dean of students shall provide staff support to the vice president for student engagement and supervise the Setzer Student Center; conference and meeting space in the facility; student activities and organizations; and civic engagement. The associate vice president is the chief student conduct officer, administers the student code of conduct and manages student behavioral and crisis interventions.
 - 4.2 DIRECTOR OF STUDENT HEALTH CENTER. The director shall coordinate the budget and operations of the Student Health Center. The center shall provide medical services; mental health counseling; health education; and wellness programs to enrolled students.
 - 4.3 DIRECTOR OF RECREATIONAL SPORTS. The director of recreational sports shall supervise the budget and operations of the Sheila Umphrey Recreational Sports Complex; golf practice facility; McDonald Gym; Aquatic Center; intramurals; sport clubs; outdoor pursuits; membership; special events; fitness; informal recreation; and cheer and dance spirit teams.
 - 4.4 DIRECTOR OF CAREER & PROFESSIONAL DEVELOPMENT CENTER. The director shall be responsible for the budget and operations for the Career & Professional Development Center and provide services and programs to assist students and alumni with career exploration, internships; summer and full-time employment opportunities; job search and networking strategies; and testing for professional certifications.
 - 4.5 DIRECTOR OF HOUSING & RESIDENCE LIFE. The director shall be responsible for all aspects of budgets; operations; management; and student development for all on campus residence halls. The director supervises a summer camp and conference program that reserves space in the residence halls.
 - 4.6 DIRECTOR OF NEW STUDENT & LEADERSHIP PROGRAMS. The director shall be responsible for the university new student orientation program for freshman; transfers and family members; parent and family association; fraternity and sorority life; student leadership development; and the Student Government Association.

5. ADMINISTRATIVE OFFICERS REPORTING TO THE VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT

- 5.1 ASSOCIATE VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT. The associate vice president shall coordinate university fund-raising and philanthropic activities, including annual and comprehensive campaigns; the maintenance of donor records; the coordination of prospect and donor research; and the development of periodic reports on gifts and donations to the university and to the Lamar University Foundation. The development office shall serve as a clearinghouse for corporate and foundation grant proposals.
- 5.2 DIRECTOR OF UNIVERSITY PUBLIC RELATIONS. The director of university public relations shall coordinate and supervise the public information activities of the university, including media relations.
- 5.3 DIRECTOR OF ALUMNI AFFAIRS. The director of alumni affairs shall coordinate with the Board of Directors of the Alumni Advisory Board and maintain a liaison with university advancement efforts through the vice president for university advancement. The director shall also serve as the university gift processing and acceptance officer to ensure compliance with all local, state, and federal gift policies. The director shall also be responsible for the maintenance of official university records related to university donors and alumni.
- 5.4 DIRECTOR OF THE LAMAR UNIVERSITY FOUNDATION. The director of the Lamar University Foundation shall report to the Board of Directors of the foundation and serve as a liaison with the university through the vice president for university advancement.

6. **ADMINISTRATIVE OFFICERS REPORTING TO THE ATHLETICS DIRECTOR.**
The athletics director shall be chief administrative officer for the university's intercollegiate athletics programs and shall report to the president. Major responsibilities shall include the financial managing of athletics; supervising of coaches; scheduling; operating of athletic facilities; and providing representation to The Southland Conference and the NCAA.
- 6.1 **ASSOCIATE ATHLETICS DIRECTOR FOR ACADEMIC AFFAIRS & SENIOR WOMAN ADMINISTRATOR.** The associate athletics director for academic affairs shall be responsible for monitoring the academic progress of Lamar's student-athletes. The director also shall provide academic support services for all student-athletes.
- 6.2 **ASSISTANT ATHLETICS DIRECTOR FOR BUSINESS AFFAIRS.** The assistant athletics director for business shall be responsible for the oversight of the athletics department's fiscal affairs and annual NCAA audit. Additionally, has oversight of the athletics ticket office.
- 6.3 **ASSISTANT ATHLETICS DIRECTOR FOR MEDIA RELATIONS.** The assistant athletics director for media relations shall be responsible for all publicity efforts of the athletics department including brochures for all sports; press kits; press releases; specialty brochures; and game statistical and press coverage.
- 6.4 **ASSISTANT ATHLETICS DIRECTOR FOR MARKETING AND EVENTS.** The assistant athletics director shall be responsible for fund-raising, corporate sponsorships, marketing, promotions, and special events. Also, the director shall serve as executive director of the Cardinal Club.
- 6.5 **ASSISTANT ATHLETICS DIRECTOR FOR OPERATIONS.** The assistant athletics director for operations shall be responsible for event management and facility set up for all home athletics events. This includes hiring and supervising event workers.
- 6.6 **DIRECTOR OF MONTAGNE CENTER.** The director of the Montagne Center shall be responsible for the coordination and supervision of all activities, operations and policies of the center. The director shall work with the university's administration, staff, students and community to enhance the utilization of the facility.
- 6.7 **COMPLIANCE DIRECTOR.** The compliance director shall be responsible for athletics scholarships and the athletics department's compliance with NCAA, Southland Conference, TSUS, and Lamar University rules and regulations.
- 6.8 **MEN'S AND WOMEN'S COACHES.** The head coaches of the various men's and women's sports shall be responsible for recruiting and developing student-athletes. The coaches shall work with the athletics director to develop schedules for competition and to recruit student-athletes with the abilities to achieve academic success.

CHAPTER II. POLICIES AND PROCEDURES

1. ACQUAINTANCE WITH, CONFORMITY TO, AND AVAILABILITY OF POLICIES AND REGULATIONS

It shall be the responsibility and duty of each faculty member of Lamar University to become acquainted with and to conform to all rules and regulations relating to his or her appointment, and to the proper orderly discharge of the faculty member's work as set forth both in this handbook and in The Texas State University System's (TSUS) *Rules and Regulations* (<http://www.tsus.edu/about-tsus/policies.html>) as this handbook merely provides information on significant policies and procedures, and does not represent a comprehensive policy document. In addition, faculty shall be expected to conform to the policies and procedures set forth in the university's catalogs, class schedules, website, and other official publications and materials prepared for faculty use. To this end, copies of this handbook and the System's *Rules and Regulations* shall be available on campus in the president's office, on the university's home page website, and/or at the above link.

- 1.1 CONFLICT WITH TSUS RULES. In any case of conflict between the policies and procedures of this handbook and those of the TSUS *Rules and Regulations*, the *Rules and Regulations* shall prevail.
- 1.2 PROPOSED POLICY CHANGES. It also shall be the duty of each faculty member to consider the policies, rules, and regulations and propose reasonable and desirable policy changes to the appropriate administrative officers.

2. GENERAL EMPLOYMENT

A Lamar University employee shall be any person who is under the authority and in the paid service of the university, which is under the jurisdiction and control of the Board of Regents of The Texas State University System. This definition shall exclude independent contractors and consultants.

- 2.1 **FACULTY.** A faculty employee shall be an employee with a specified academic rank holding a teaching appointment for a fixed term as determined by the president of the university and approved by the Board of Regents.
- 2.2 **STAFF.** A staff employee shall be any employee other than a faculty employee. Non-classified staff employees shall include administrative officers and other administrative and professional personnel who are serving without fixed terms and who are not included in Lamar's employment classification plan. Classified staff employees shall include those personnel who are appointed without fixed terms to those job classes in Lamar's classification plan that require similar duties, skills and qualifications including but not limited to secretarial, clerical, technical, paraprofessional, protective service, skilled crafts and labor/service/maintenance.
- 2.3 **ADMINISTRATOR.** Administrative officers shall be the provost, vice presidents, deans, and other personnel with delegated executive authority as determined by the president. The president or other administrative officers of Lamar University shall thoroughly investigate the character, integrity, scholastic attainment, and other qualifications of prospective members of the administration before nominating them to the Board of Regents or before exercising any delegated authority for making appointments.

3. EMPLOYEE DISRUPTIVE BEHAVIOR

Any employee of Lamar University, including any member of the administration or faculty, who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service or other activity authorized to be held or conducted on the campus, shall be subject to discipline or dismissal as an employee. As used in this subsection, the words *force or violence* shall include, but are not limited to, such acts as *stand-ins*, *sit-ins* and *lie-ins* when such acts are, in fact, obstructive or disruptive of any of the authorized activities listed above.

Every employee shall be expected to obey all federal, State, and local laws, particularly the *Texas Penal Code Annotated, Sections 42.01 and 42.05* (Disorderly Conduct and Disrupting Meeting or Procession) and the *Texas Education Code Annotated, Sections 51.935 and 37.125* (Disruptive Activities and Exhibition of Firearms). Any employee who violates any provision of these four statutes shall be subject to discipline or dismissal as an employee notwithstanding any action by civil authorities on account of the violation.

The minimum standards of individual conduct required by the statutes of Texas or the United States shall be both expected and required of every employee of The Texas State University System and Lamar University. Any employee who violates the minimum standards of conduct required by any statute of Texas or the United States shall be subject to dismissal as an employee regardless of whether any action is taken against the employee by civil authorities on account of such violation.

4. EQUAL OPPORTUNITY/NON-DISCRIMINATION POLICY

It shall be the policy of Lamar University and the Board of Regents of The Texas State University System to provide equal opportunity in employment for all persons in accordance with their individual job-related qualifications and without illegal consideration of race, sex, sexual orientation, gender identity and expression, color, religion, national origin or ancestry, age, marital status, disability, or veteran status. Equal employment opportunities shall include all personnel transactions of recruitment, employment, training, upgrading, promotion, demotion, tenure, termination, and salary administration.

Lamar University is an equal opportunity, affirmative action educational institution and employer. Lamar University will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity and expression, age, disability, national origin, veteran status, sexual orientation or gender identity, consistent with the Assurance of Compliance with the Title VII of the Civil Rights Act of 1964; Executive Order 11246 as issued and amended; Title IX of the Education Amendments of 1972, as amended; Section 504 of the Rehabilitation Act of 1973. Lamar University is committed to a policy of non-discrimination and equal opportunity for all persons regardless of race, color, religion, sex, sexual orientation, gender identity and expression, age, disability, national origin, veteran status, sexual orientation or gender identity in educational and academic programs, student activities, and university admissions.

- 4.1 EMPLOYMENT OF PERSONS WITH DISABILITIES. Lamar University shall administer all policies and practices in accordance with federal and state laws without discrimination against any qualified individual with a disability, including faculty, other employees, candidates for employment, and students. Lamar shall provide reasonable accommodation to qualified individuals with documented disabilities that do not constitute an undue hardship to ensure equal access and equal opportunities with regard to employment, educational opportunities and Lamar's programs and services.

The Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as modified by the Americans with Disabilities Act Amendments Act of 2008 (Public Law 110-325), and Section 504 of the Rehabilitation Act (29 U.S.C. §701, et seq.) prohibit discrimination against a person with a disability in the offer or conditions of employment, and in the participation or furnishing of services. Lamar is obligated to provide reasonable accommodations to enable qualified individuals with documented disabilities to perform a job, participate in a class, or participate in other Lamar functions. For additional information, see <http://facultystaff.lamar.edu/human-resources/policy-manual/hr-manual-sec2-3.html>. For student disability services or questions, contact the Disability Resource Center at <http://www.lamar.edu/disability-resource-center/>.

5. FACULTY GRIEVANCES

A faculty member may present a grievance, in person, to the president or his or her designee on an issue related to tenure, promotion, wages, hours of employment, conditions of work, or the non-renewal or termination of the faculty member's employment at the end of his or her employment period.

- 5.1 DEFINITIONS. For purposes of this policy, *faculty member* shall mean a person employed full-time by Lamar University as a member of the faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. It shall not include a person who holds faculty rank, but spends the majority of his or her time engaged in managerial or supervisory activities, including a president, provost, vice president, associate or assistant vice president, dean, associate dean or assistant dean.

- 5.2 PROCEDURE. For grievance processes not otherwise specified in this handbook, the procedure for hearing grievances is as follows.

- 5.2.1 GRIEVANCE PROCESS. The president shall designate a member of his or her administration as a hearing officer to consider grievances.

No later than thirty (30) business days after the grievant learns (or in the exercise of reasonable care should have learned) of the action or condition giving rise to the grievance, he or she shall file the grievance, in writing on a form prescribed by Lamar University (see Appendix O), providing supporting documentation, if any. The faculty member may present the grievance individually or through a representative who does not claim the right to strike. The written grievance shall be submitted to the office of the president.

The hearing officer will meet with the grievant at a mutually convenient time to review any documentation or other evidence that the grievant may present in support of his or her position.

The hearing officer may not recommend changing the administration's action regarding tenure, non-renewal or termination of employment, or denial of promotion unless the faculty member establishes a prima facie case—that is, presents evidence sufficient to establish a claim in the absence of rebuttal by Lamar University that he or she has been denied a right guaranteed by the constitutions or laws of the United States or of the State of Texas. The hearing officer may not recommend changes in disciplinary actions taken against a faculty member, unless the faculty member establishes, by a preponderance of the evidence that the disciplinary action was an abuse of discretion and authority of the person imposing the disciplinary action.

If the hearing officer finds that the grievant has established a prima facie case, the hearing officer shall determine whether the administration has stated a nondiscriminatory reason for its decision and so advise the president. The president shall make the final decision regarding the grievance.

- 5.2.2 NOT A DUE PROCESS/FORMAL HEARING. A grievance under this section is not a due process hearing, requiring the formalities specified in such hearings.

6. APPOINTMENT OF RELATIVES (NEPOTISM POLICY)/INSTRUCTION AND ACADEMIC EVALUATION OF RELATIVES

- 6.1 NEPOTISM. The appointment of an employee at Lamar University, whether on a full-time or part-time basis, should be made solely with regard to the special fitness of the appointee subject to applicable statutes, Lamar policies, and provisions of The Texas State University System's *Rules and Regulations*. Even though the appointment of a person would not be prohibited by *V.T.C.A. Government Code Ch. 573*, Lamar University shall not employ any person related within the second degree of affinity or the third degree of consanguinity to another employee if such employment causes one relative to have: a) a direct supervisory relationship over the other relative or b) authority over the salary or other terms of employment of the other.

This policy shall not prohibit the reappointment or continued employment of any person related to another within either of the prohibited degrees who were employed by Lamar University before the adoption of this policy; however, no Lamar employee shall approve, recommend or otherwise act with regard to the appointment, reappointment, promotion or salary of any person related within either of the prohibited degrees.

If the reappointment or continued employment of a person places such person under an administrative supervisor related within the above specified degree, all subsequent actions with regard to reappointment, promotion or salary shall be the responsibility of the next higher administrative supervisor. It shall also be the responsibility of the next higher administrator to make a written review of the work performance of such employee at least annually and submit each review for approval or disapproval to the appropriate vice president in the case of classified employees, or to the president in the case of faculty or non-classified employees.

- 6.2 INSTRUCTION OF RELATIVES. No faculty member shall be an instructor of record in any credit-bearing academic course for any person related within either of the prohibited degrees of affinity or consanguinity (Ch. II, §6.1), or perform any academic evaluation of such a person.

7. APPOINTMENT OF ACADEMIC ADMINISTRATIVE OFFICERS

- 7.1 **PRESIDENT** Appointment of the president shall be the prerogative and responsibility of The Texas State University Board of Regents, based on the recommendation of the chancellor. An advisory committee, consisting of an appropriate combination of the campus executives, department chairs, deans, faculty, students, community and alumni, may be appointed by the chancellor to identify and evaluate candidates.
- 7.2 **APPROVAL OF ADMINISTRATIVE PERSONNEL ACTIONS.** All initial appointments and status changes (salary, promotion, transfer, change of title, etc.) of university personnel at or above the level of department chair/director shall require the approval of the president and the Board of Regents.
- 7.3 **PROVOST AND VICE PRESIDENTS.** The appointment of the provost and vice presidents of the university shall be the prerogative and responsibility of the president and the Board of Regents. A search committee, appointed by the president, may be formed to solicit input from students, faculty, department chairs, deans, and other vice presidents.
- 7.4 **DEANS.** The appointment of the deans of the university shall be the prerogative and responsibility of the president and the Board of Regents upon the recommendation of the provost. A search committee, appointed by the provost, may be formed to solicit input from students, faculty, department chairs, vice presidents and other deans.
- 7.5 **DEPARTMENT CHAIRS AND PROGRAM DIRECTORS.** After receiving input from the faculty and after consultation with the provost, the dean shall be responsible for the appointment of department chairs and program directors. The appointments must be approved by the president and the Board of Regents.

8. FACULTY APPOINTMENT AND EMPLOYMENT

- 8.1 **AUTHORITY TO APPOINT FACULTY.** All appointments to the faculty of Lamar University shall be made by The Texas State University Board of Regents, subject to legal authority as delineated in *Chapters 95 and 96 of the Texas Education Code*. The president shall recommend to the Board of Regents the employment or re-employment of faculty members to be awarded term or annual appointments, who, in the president's opinion, shall best serve the interests of the university. All nominations for employment or re-employment must be in writing and state the name, tenure status and academic accomplishments of the nominee. The president of the university shall be designated by the Board of Regents both to offer employment and to accept resignation of faculty and staff, subject to board approval. Authority shall be vested in the president to designate ranks, titles and salaries of those appointed members of the faculty, subject to board approval.
- 8.2 **FACULTY APPOINTMENTS.** The Board of Regents shall appoint and employ at the earliest quarterly meeting of the board or at the earliest practicable meeting following the governor's approval of the State's *General Appropriations Act*, the members of the faculty and other teaching personnel to be awarded term, semester or annual appointments at Lamar University. All such appointments shall be for a specified period not to exceed one year, and each appointee shall be advised in writing of the provisions and conditions of the appointment by the president of the university or a delegate designated in writing by the president. Commensurate with the aspirations and ideals of Lamar University, the Board of Regents strongly desires to maintain and encourage learned faculties who, by precept and example, will instruct and inspire their students with distinction and reflect credit upon the university. The Board of Regents shall not permit faculty employment contracts for terms of more than one year.
- 8.3 **FACULTY VACANCIES.** A vacancy which occurs in the faculty of Lamar University may be filled by an interim appointment by the president, or his or her designee, subject to subsequent board approval. An interim appointment should be submitted for board consideration at the next board meeting following such temporary appointment. If the appointment is disapproved by the board, the individual shall be considered terminated as of the date of disapproval.
- 8.4 **SELECTION OF FACULTY.** New faculty shall be recruited by departments to assure balance among sub-fields within a discipline, and to provide diversity in the origin of terminal degrees. In faculty employment, the following procedures should be followed.
- 8.4.1 The hiring department should complete form F3.1 (*Request to Fill a Position*) and receive administrative approval through normal channels prior to posting full-time faculty vacancy notices or advertisements.
- 8.4.2 Upon receiving administrative approval, search committees may be formed and advertising in approved recruitment sources may begin.
- 8.4.3 Policies and procedures governing search committees, along with appropriate forms and resource information, shall be contained in the *Lamar University Search Committee Policy and Procedures Manual*. Copies shall be available in each departmental and college office as well as in the Office of Human Resources and on the university's home page website at: <https://facultystaff.lamar.edu/human-resources/policy-manual/hr-manual-sec4-3.html>. Hiring and employment forms for faculty are available at: <http://facultystaff.lamar.edu/forms.html>.

9. GRADUATE FACULTY APPOINTMENT

Individuals teaching graduate credit courses must be members of Lamar University's graduate faculty. A candidate for membership must complete form G-4 (*Application for Graduate Faculty Membership*) available in the Office of Graduate Studies or at: (<https://graduatestudies.lamar.edu/forms.html>) and return it to the department chair who shall review and forward it to the dean of the faculty member's college. The dean shall review the application and forward it to the Office of Graduate Studies. The application shall then be considered by the Graduate Faculty Review Committee and the Graduate Council which then shall make the final recommendation to the dean of the college of graduate studies for action. Faculty employment in a department that offers only graduate-level instruction and programs shall not entitle the faculty to graduate faculty status. The classes of membership and the requirements for each category shall be:

- 9.1 INITIAL MEMBERSHIP. Initial appointment to the graduate faculty is based on a review of the following criteria:
 - 9.1.1 Terminal degree (see *policy on terminal degrees*)
 - 9.1.2 Scholarly production
 - 9.1.3 Professional development
 - 9.1.4 Recommendation of department graduate faculty, department chair and dean of the academic college
- 9.2 INITIAL MEMBERSHIP: TIME AND EXPECTATIONS. Initial membership may be granted for a period of two years. During this time, a faculty member shall be expected to begin or continue research/creative activities and take an active role in the graduate program of his or her department through teaching and committee service.
- 9.3 CONTINUED MEMBERSHIP. After initial membership, continued membership to the graduate faculty is based on a review of the following criteria:
 - 9.3.1 Terminal degree (see *policy on terminal degrees*)
 - 9.3.2 Scholarly production
 - 9.3.3 Professional development
 - 9.3.4 Recommendation of department graduate faculty, department chair and dean of the academic college
- 9.4 CONTINUED MEMBERSHIP: TIME AND EXPECTATIONS. Continued membership may be granted to a faculty member who has satisfactorily completed the initial two-year term, and whose participation on the graduate faculty, in the graduate dean's discretion, advances the best interests of the university. At the end of that term, the faculty member shall be reviewed and, if favorably evaluated, may be granted a five-year membership. Every five years thereafter, the faculty member's record shall be reviewed and, if satisfactory, membership may be renewed for an additional five years. Nothing herein shall confer an entitlement or property right in appointment or

reappointment as a member of the graduate faculty.

9.5 SPECIAL GRADUATE FACULTY MEMBERSHIPS.

- 9.5.1 Upon recommendation by a faculty member's chair and college dean, one-time requests for graduate faculty membership may be approved by the graduate dean.
- 9.5.2 Subsequent requests by the same person for consecutive long terms or semesters must be reviewed by the Graduate Faculty Review Committee and the Graduate Council, and approved by the graduate dean.
- 9.5.3 The graduate dean may approve requests for graduate faculty membership for committee work only when this membership spans several terms or semesters until the student served by the committee has graduated.
- 9.5.4 Upon recommendation by a faculty member's chair and college dean and with approval from the graduate dean, special graduate faculty membership may be granted to part-time or adjunct faculty members who do not meet the criteria for full membership. In addition, full-time faculty members with unique skills may be granted special membership if the skills are crucial to a particular graduate program. Such cases must be presented to and approved by the Graduate Faculty Review Committee and Graduate Council. Special membership also may be granted to non-faculty members who have practical experience required by a student for thesis or dissertation research or field study.
- 9.5.5 Membership on the graduate faculty shall not be granted to faculty who do not have a terminal degree except under unusual circumstances. All requests for exceptions must be approved by the Graduate Faculty Committee and the Graduate Council. Such requests must be fully justified and documented. Under no circumstance shall a majority of members on a graduate thesis or dissertation committee be special graduate faculty members.

10. INITIAL APPOINTMENT TO ACADEMIC RANK

- 10.1 **ACADEMIC RANKS.** The academic ranks for regular, full-time faculty in the academic colleges shall be instructor, assistant professor, associate professor, and professor.
- 10.2 **CRITERIA FOR APPOINTMENT TO INITIAL RANK.** Initial academic rank shall be established at the time of first employment. The minimum criteria for initial rank and service as instructor of record for Lamar University academic credit shall be:
- 10.2.1 **INSTRUCTOR.** For the rank of instructor, the minimum requirements are an earned master's degree from a regionally-accredited institution of higher education and 18 graduate semester hours in the teaching discipline or an earned master's degree from a regionally-accredited institution of higher education with a major in the teaching discipline.
- 10.2.2 **ASSISTANT PROFESSOR.** For the rank of assistant professor, the minimum requirements are an earned doctoral (or recognized terminal) degree in the teaching discipline from a regionally-accredited institution of higher education or a master's degree from a regionally-accredited institution of higher education and 30 graduate semester hours in the teaching field, and four years of creditable experience.
- 10.2.3 **ASSOCIATE PROFESSOR.** For the rank of associate professor, the minimum requirements are an earned doctoral (or recognized terminal) degree in the teaching discipline from a regionally-accredited institution of higher education; six years of creditable experience; demonstrated proficiency in teaching; recognized scholarly production, research or professional achievement; and productive participation in college and university affairs.
- 10.2.4 **PROFESSOR.** For the rank of professor, the minimum requirements are an earned doctoral degree in the teaching discipline from a regionally-accredited institution of higher education; twelve years of creditable experience; demonstrated superior teaching effectiveness; recognized scholarly production, research, or professional achievement; substantial contribution to college and university affairs; and demonstrated performance as a leader.
- 10.3 **ACADEMIC APPOINTMENT FOR ADMINISTRATORS.** Administrative personnel considered for initial appointment to an academic rank must meet or exceed the minimum criteria established for that rank.
- 10.4 **ACADEMIC APPOINTMENT FOR PRE-COLLEGIATE AND STUDENT SUPPORT COURSES.** For initial appointment of faculty teaching pre-collegiate or academic support courses not designed for transfer as academic credit in baccalaureate degree programs, such as College Readiness courses, Cardinal Communities, and non-credit courses, an earned baccalaureate degree in the teaching discipline from a regionally-accredited institution is required (see Ch. II, §10.6.3)
- 10.5 **DEGREES FROM INSTITUTIONS OUTSIDE OF THE U.S.** Degrees from universities outside of the United States presented to satisfy the minimum educational requirement for an initial academic appointment must be evaluated for U.S. equivalency by an agency that is a member of the National Association of Credential Evaluation Services (NACES) or is approved by the American Association of Collegiate Registrars and Admissions Officers (AACRAO). Exceptions may be considered by the provost on the written recommendation of the department chair and dean. Any evaluation cost

shall be borne by the faculty applicant.

- 10.6 SACSCOC EDUCATIONAL CREDENTIAL GUIDELINES FOR ALL FACULTY (INCLUDING ADJUNCTS AND TEACHING ASSISTANTS) SERVING AS INSTRUCTORS OF RECORD. Lamar University follows the credential guidelines for all instructional faculty set forth by the Southern Association of Colleges and Schools Commission on Colleges as follows.

10.6.1 GENERAL EDUCATION. Faculty teaching general education courses at the undergraduate level: doctoral or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

10.6.2 ASSOCIATE TRANSFER. Faculty teaching associate degree courses designed for transfer to a baccalaureate degree: doctoral or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

10.6.3 ASSOCIATE AND REMEDIAL NON-TRANSFER. Faculty teaching associate degree and remedial courses not designed for transfer to the baccalaureate degree: bachelor's degree in the teaching discipline. Or associate degree and demonstrated competencies in the teaching discipline.

10.6.4 BACCALAUREATE COURSES. Faculty teaching baccalaureate courses: doctoral or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (minimum of 18 graduate semester hours in the teaching discipline). At least 25 percent of the discipline course hours in each undergraduate major are taught by faculty members holding the terminal degree—usually the earned doctorate—in the discipline.

10.6.5 GRADUATE AND POST-BACCALAUREATE COURSES. Faculty teaching graduate and post-baccalaureate course work: earned doctorate/terminal degree in the teaching discipline or a related discipline.

10.6.6 TEACHING ASSISTANTS. Graduate teaching assistants: master's in the teaching discipline or 18 graduate semester hours in the teaching discipline, direct supervision by a faculty member experienced in the teaching discipline, regular in-service training, and planned and periodic evaluation.

10.6.7 INSTRUCTIONAL ASSOCIATES.

- 10.7 CREDENTIAL EXCEPTIONS FOR INITIAL APPOINTMENTS. In a demonstrably exceptional case, a talented and productive applicant for a faculty position may be considered for initial appointment to an academic rank and service as instructor of record even though he or she does not meet the minimum criteria for holding such rank (Ch. II, §10.2). In such an instance, the appointment must be determined by the president to be in the best interests of the university, with initial rank based upon the written recommendation of the department chair, dean, and provost. Requests for appointment exceptions to the above minimum criteria for initial appointment, including credentials not meeting the above SACSCOC guidelines (Ch. II, §10.6) must be documented and based on exceptional educational, career, and professional accomplishments.

11. POLICY PERTAINING TO CREDITABLE FULL-TIME EXPERIENCE

At the time of initial employment, the provost shall establish the years of creditable faculty experience in accordance with TSUS *Rules and Regulations* (Ch. V, § 4.23). The amount shall be stated in the initial letter of appointment and recorded in the personnel file of the faculty member. Creditable service shall be considered for promotion and tenure requirements. The establishment of creditable service shall be based on the recommendation of the department chair and academic dean according to the guidelines below.

- 11.1 TRANSLATION GUIDELINE FOR PRIOR SERVICE. One year of creditable service may be awarded for experience as a part-time faculty member at a regionally-accredited college or university for every:

11.1.1 36 semester (or equivalent) hours taught as a part-time instructor at the college/university level,

11.1.2 two years of instruction in a related field in an accredited school system, or

11.1.3 two years of relevant industrial, professional, or research experience.

- 11.2 MAXIMUM PRIOR SERVICE. The provost may grant up to three years creditable prior service toward fulfillment of the faculty member's required probationary period (with Presidential approval) for tenure and promotion.

11.2.1 Years of creditable service awarded for experience other than full-time college/university teaching at regionally-accredited colleges or universities shall not exceed 50 percent of the time requirement for appointment to the initial faculty rank (see Ch. II, §10.2).

12. PROMOTION TO ACADEMIC RANK (OTHER THAN LIBRARY FACULTY)

12.1 CRITERIA FOR FACULTY PROMOTION. Criteria considered for promotion are listed below. They represent minimum levels of academic achievement necessary to be considered for promotion to the indicated ranks. In general, the successful candidate for promotion to a professorial rank will have demonstrated sustained, high quality performance in all three mission areas. It should be noted that collegiality as it impacts the teaching, research/scholarship/creative activity, service, and student relationships components of a faculty member's responsibilities is a consideration. Note that the promotion criteria for Library faculty are different from other academic faculty, and candidates should consult the pertinent section of the Faculty Handbook for details (Ch. II, §13). Faculty members shall be evaluated for promotion in terms of the following minimum criteria:

12.1.1 TO ASSISTANT PROFESSOR. For promotion to the rank of assistant professor, the minimum requirements are an earned doctoral (or if appropriate, a recognized terminal) degree in the teaching discipline from a regionally-accredited institution of higher education or an earned master's degree from a regionally-accredited institution of higher education and 30 graduate semester hours in the teaching discipline, and four years of full-time teaching at Lamar University. In some disciplines for which the doctorate is not the terminal degree or in exceptional circumstances as determined by department faculty, chair, dean, and provost, promotion to this rank may be approved.

12.1.2 TO ASSOCIATE PROFESSOR (AND TIED WITH TENURE). For promotion to the rank of associate professor, the minimum requirements are an earned doctoral (or if appropriate, a recognized terminal) degree from a regionally-accredited institution of higher education; six years of service as a full-time assistant professor, including at least three years as a full-time assistant professor at Lamar University; demonstrated proficiency in teaching; recognized scholarly production, research, and professional achievement; and productive participation in college and university affairs.

In the fall of the sixth year of full-time service (including any credit for prior service), a full-time faculty member at the rank of assistant professor (and entering Lamar employment after fall 2012) must apply for and be considered for both tenure and promotion to the rank of associate professor. The personnel committee at each level will vote only on the combined action. If the candidate is successful, his or her tenure and associate professor rank would begin with fall of the seventh year of service.

12.1.3 TO PROFESSOR. For promotion to the rank of professor, the minimum requirements are an earned doctoral degree from a regionally-accredited institution of higher education; seven years of service as a full-time associate professor, including at least three years as a full-time associate professor at Lamar University; superior teaching effectiveness; recognized scholarly/creative production, research or professional achievement; substantial contribution to college and university affairs; and demonstrated performance as a leader.

Beginning with the fall of the seventh year of full-time service (including any credit for prior service) at the rank of associate professor, a full-time faculty member may apply for promotion to the rank of professor. If the candidate is successful, his or her rank as professor would begin with fall of the next year of service.

12.1.4 EXAMPLES OF INFORMATION TO BE INCLUDED IN PROMOTION APPLICATIONS.

The following are examples of information which candidates for promotion might provide as appropriate evidence and documentation of academic accomplishments. Clear distinctions must be made for achievements at the international, national, regional, state, and local levels, as well as whether or not the contributions have been peer-refereed. (See departmental and college guidelines as well as Form F2.08 at: <http://facultystaff.lamar.edu/academic-affairs/forms/index.html>).

12.1.4.1 TEACHING PROFICIENCY/SUPERIOR TEACHING EFFECTIVENESS AS EVIDENCED BY:

- a) Candidate's knowledge and ability to articulate it (personal statement, letters from colleagues, students/former students, and administrators).
- b) Creation of instructional materials.
- c) Course and curriculum development.
- d) Course evaluations, student accomplishments, teaching awards and other documented recognition.
- e) Direction of theses (undergraduate, graduate) and dissertations (where applicable).

12.1.4.2 SCHOLARLY PRODUCTION AND/OR RESEARCH AS EVIDENCED BY:

- a) Publications of books, chapters, articles and creative/professional works (e.g., production of shows, recitals, recordings, musical compositions, performances, set/costume design).
- b) Evidence of the quality of research/creative activity.
- c) Scholarly papers presented at professional conferences.
- d) Membership in learned societies, offices held.
- e) Service as commentator, panelist, discussant at professional meetings.
- f) Evidence of participation in professional development activities.
- g) Attendance at professional meetings, workshops, seminars, short courses.
- h) Direction/leadership of seminars, workshops, etc., outside of regular classroom activities.
- i) Receipt of awards, scholarships, fellowships.
- j) Attraction of funded research (title, source, amount, period).
- k) Participation in non-funded research and scholarship/creative activity.

12.1.4.3 PROFESSIONAL ACHIEVEMENT AS EVIDENCED BY:

- a) Recognition via honors, awards, commendations, induction into societies.
- b) Recognized excellence in professional service (offices, committees, task forces).
- c) Community service based upon professional expertise.

12.1.4.4 COLLEGE AND UNIVERSITY AFFAIRS AS EVIDENCED BY:

- a) Service to college and university via special assignments.
- b) Service on college and university committees and councils, with emphasis on leadership roles and/or documented, effective contributions.
- c) Strong, documented contribution to department goals.

- d) Effective assisting with administrative tasks.

12.1.4.5

STUDENT RELATIONSHIPS AS EVIDENCED BY::

- a) Effective participation in mentoring, retention and recruitment activities.
- b) Evidence of high quality of academic advising.
- c) Evidence of academic involvement with students outside the classroom setting.
- d) Sponsorship of student organizations, with emphasis on academic groups.

12.1.4.6

DEMONSTRATED PERFORMANCE AS A LEADER AS EVIDENCED BY:

- a) Service in leadership roles on university and professional bodies.
- b) Recognition by peers for leadership ability.
- c) Formal recognition from beyond the university for accomplishments as a leader

12.1.4.7

OTHER INFORMATION. Include any other information deemed appropriate in considering this application.

- 12.2 MINIMUM CRITERIA FOR PROMOTION. The criteria listed above (below for library faculty) shall define the minimum requirements and expectations for promotion (see university form F2.11 for other requirements). It shall be the responsibility of each faculty member to meet or exceed these criteria to be eligible for promotion; however, such eligibility shall not entitle a faculty member to a promotion.
- 12.3 EARLY APPLICATION FOR PROMOTION TO PROFESSOR. Faculty applying early for promotion to the rank of professor (i.e., prior to the beginning of the fall of the sixth year as an associate professor) must disclose that fact and include in the promotion application a written essay containing a justification based upon national/international stature in the discipline. Faculty may not apply early for promotion to assistant professor or associate professor (see Ch. II., §12.10 for exceptions).
- 12.4 PROMOTION COMMITMENTS AND AUTHORITY TO PROMOTE. No commitments implied or otherwise, may be made by any individual, group, or committee regarding faculty promotions without the prior written approval of the president. All faculty promotions shall be subject to the approval of The Texas State University Board of Regents.
- 12.5 DISCRETION OF PRESIDENT AND BOARD IN PROMOTION. The academic promotion of faculty members, including library faculty, shall be discretionary on the part of the president and the Board of Regents. Faculty members do not have an entitlement to a prospective promotion rising to the level of a property interest, and the denial of a prospective promotion is not sufficiently stigmatic to constitute a liberty interest.
- 12.6 REASONS FOR NON-RECOMMENDATION. Faculty members who are not recommended for promotion, or not promoted, shall not be entitled to a statement of reasons for the decision against the recommendation or the decision. All faculty members shall have the right to present a grievance (see Faculty Grievances, Ch. II, §2.5).
- 12.7 DOCUMENTATION. Claims of accomplishment, excellence, or distinction in any area of

achievement considered in the promotion review process must be clearly documented and referenced. False claims shall be grounds for disciplinary action.

- 12.8 ATTENTION IN PROMOTION REVIEW. In the promotion review process, attention shall be on accomplishments since appointment to the applicant's current rank.
- 12.9 ACADEMIC PROMOTION OF ADMINISTRATORS. Faculty in administrative positions must meet the same criteria for promotion as non-administrative faculty to be considered for promotion in academic rank. To be considered for promotion in academic rank, a faculty member in an administrative position must have a regular teaching and/or sponsored research assignment during all years counted as time in rank. Regular teaching and/or sponsored research assignment shall be interpreted to mean at least 25 percent of the member's assigned load (FTE) during both the fall and spring semester of each year to be counted.
- 12.10 EXCEPTIONS TO MINIMUM CRITERIA FOR PROMOTION. In an exceptional case and with the prior written approval of the dean and provost, a talented and productive faculty member not meeting the minimum criteria may apply and be considered for promotion to a higher rank. In this instance, the promotion must be determined, by the dean and provost, to be in the best interests of the university and the candidate shall be subject to the established review and recommendation procedures.
- 12.11 POLICIES AND FORMS. Promotion and tenure policies are available at: <http://facultystaff.lamar.edu/policies.html#academics>. Forms are available at: <http://facultystaff.lamar.edu/forms.html>.

13. PROMOTION TO ACADEMIC RANK FOR LIBRARY FACULTY

13.1 MINIMUM CRITERIA FOR TENURE AND PROMOTION

13.1.1 CRITERIA FOR PROMOTION OF LIBRARY FACULTY. Library faculty members shall be evaluated for promotion to the following ranks in terms of the following minimum criteria.

13.1.1.1 TO ASSISTANT PROFESSOR. For promotion to the rank of assistant professor, the minimum requirements are a graduate degree in library science from an American Library Association-accredited institution (or appropriate graduate degree as defined by the position) and a second graduate degree; three years of professional experience at Lamar University; demonstrated competence in job performance in accordance with the Criteria for Tenure and Promotion (below); evidence of professional development; and contributions in at least one of the following areas:

- 1) scholarly and creative activities,
- 2) professional service, and/or
- 3) library and university service.

13.1.1.2 TO ASSOCIATE PROFESSOR (AND TIED WITH TENURE). For promotion to the rank of associate professor, the minimum requirements are a graduate degree in library science from an American Library Association-accredited institution (or appropriate graduate degree as defined by the position) and a second graduate degree; six years of professional experience at Lamar University (including credit for prior service granted at time of initial hire); four years at the assistant professor rank; demonstrated proficiency in job performance in accordance with the Criteria for Tenure and Promotion (below); significant involvement in at least two of the following areas of professional enrichment and productive participation in the other two areas:

- 1) professional development,
- 2) scholarly and creative activities,
- 3) professional service, and/or
- 4) library and university service.

In the fall of the sixth year of full-time service (counting credit for prior service), a faculty member at the rank of assistant professor (and entering Lamar employment after fall 2012) must be considered and recommended for both tenure and promotion to the rank of associate professor. The personnel committee at each level will vote on the combined action.

13.1.1.3 TO PROFESSOR. For promotion to the rank of professor, the minimum requirements are a graduate degree in library science from an American Library Association-accredited institution (or appropriate graduate degree as defined by the position) and a second graduate degree; twelve years of professional library experience (including credit for prior service granted at time of initial hire) including six years at the associate professor rank at Lamar University; demonstrated superiority in job performance in accordance with the Criteria for Tenure and Promotion (see below); demonstrated performance as a leader; significant involvement in and contributions to the following areas:

- 1) professional development,
- 2) scholarly and creative activities,
- 3) professional service, and
- 4) library and university service.

13.1.2 EXPLANATION OF TERMS. Previous work experience shall be considered in four categories:

- 1) professional library experience,
- 2) pre-professional library experience,
- 3) non-library professional experience, and
- 4) part-time experience.

The library's personnel committee shall judge the equivalence of previous work experience. In normal circumstances, a maximum of two years credit toward promotion shall be awarded for all work experience outside of Lamar University.

13.1.2.1 COMMUNITY SERVICE. This term shall refer to activities that support and advance the mission of the Library and the University by involvement in community organizations and activities.

13.1.2.2 CREATIVE ACHIEVEMENTS AND ACTIVITIES. This category shall refer to creative contributions including participation in non-funded research and scholarship/creating activity, work toward or completion of an additional relevant advanced degree, creative editing or videography of programs, and the design, creation and editing of library and other professional web pages and in-house publications. The promotion committee shall evaluate activities for quality, quantity, and professional significance.

13.1.2.3 JOB PERFORMANCE. This factor shall be considered the most important criterion for promotion. An examination of job performance shall include all areas of the daily workload as well as special aspects, and shall carefully consider and evaluate the managerial and supervisory functions performed by librarians.

13.1.2.4 LIBRARY AND UNIVERSITY SERVICE. This term shall refer to service on standing and ad hoc committees of the library and university, as well as participation in other special projects of a service nature.

13.1.2.5 NON-LIBRARY PROFESSIONAL EXPERIENCE. This term shall refer to experience received in positions deemed to be professional in nature outside the environment of a library. This experience may be credited up to a maximum of one-half of the time involved, depending on the relevance.

13.1.2.6 PART-TIME EXPERIENCE. Relevant part-time experience may be credited on a pro-rata basis for any of the experience categories listed above.

13.1.2.7 PRE-PROFESSIONAL LIBRARY EXPERIENCE. This term shall refer to experience in a library position that did not involve professional rank. For credit, the experience should be pertinent to the librarian's past or present professional position. This experience may be credited up to a maximum of one-half of the time involved, depending on the relevance.

13.1.2.8 PROFESSIONAL DEVELOPMENT. This term shall refer to activities undertaken by librarians to learn new skills, gain job-related knowledge, and generally broaden their professional expertise. Types of professional development shall include work on an additional degree, workshop attendance or presentations, and conference attendance or presentations. The librarian's professional development should lead to benefits for the library and/or the university.

13.1.2.9 PROFESSIONAL LIBRARY EXPERIENCE. This term shall refer to full-time experience in a professional position after earning the master's degree in library science. The candidate may receive one year of credit for each year of experience.

13.1.2.10 PROFESSIONAL SERVICE. This term shall refer to affiliation with, and involvement in, professional organizations, as well as the provision of service as a consultant, speaker, or teacher. The promotion committee shall place greater emphasis on the quality of the service than the quantity.

13.1.2.11 SCHOLARLY ACTIVITIES. This term shall refer specifically to the authorship of professional publications, editorship of professional publications, authorship and presentation of professional papers, and presentation of research. Again, the promotion committee should place greater emphasis on the quality of the accomplishments than the quantity.

13.2 INFORMATION TO BE INCLUDED WITH TENURE AND PROMOTION APPLICATIONS

13.2.1 COMPETENCE AS A LIBRARY FACULTY MEMBER. Library faculty, according to their specific assignments, contribute to the mission of the University through various types of activities. Each librarian must demonstrate competence and evidence of developing excellence in his/her primary area(s) of responsibility. It is expected that all Library faculty will stay abreast of new trends in the field by reviewing current literature and research, by taking relevant coursework, by being a member of relevant professional organizations, and/or by attending professional or scholarly seminars, workshops, or meetings. The Library faculty will also work to maintain cooperative relations with other library faculty and staff and demonstrate sensitivity to the needs of Library users. The following are criteria that may be considered for each area of responsibility:

13.2.1.1 ACCESS SERVICES.

13.2.1.1.1 Demonstrates in-depth knowledge of circulation, reserves, and interlibrary loan policies and procedures, document delivery services, and the physical management of library materials.

13.2.1.1.2 Maintains a positive response to changing user needs and emerging technologies in circulation, reserves, and interlibrary loan.

13.2.1.1.3 Demonstrates good judgment and competence in selecting and recommending media materials, computer software, and equipment for purchase in support of short-term and long-term goals.

13.2.1.1.4 Demonstrates comprehensive knowledge of the media collection, particularly in appropriate academic subject areas.

13.2.1.1.5 Demonstrates competence and good judgment in assisting library users locate materials.

13.2.1.1.6 Demonstrates a willingness to assist users and persist beyond conventional sources to provide desired materials.

13.2.1.1.7 Demonstrates competence in instructing users on the effective use of library materials.

13.2.1.1.8 Maintains positive working relationships with personnel in academic departments or programs in appropriate subject areas.

13.2.1.1.9 Demonstrates competence in the use of automated systems and of current developments.

13.2.1.2 ACQUISITION OF LIBRARY RESOURCES.

13.2.1.2.1 Demonstrates competence in establishing and maintaining procedures for the effective and economical acquisition of library resources.

13.2.1.2.2 Demonstrates competence in ordering, receiving and paying for library materials.

13.2.1.2.3 Successfully monitors budgetary expenditures and reports the results.

13.2.1.2.4 Demonstrates in depth knowledge of the book, serials, or media trade and other sources of library materials.

13.2.1.2.5 Demonstrates understanding of bibliographic citation techniques and descriptive cataloging.

13.2.1.2.6 Demonstrates competence in the use of automated systems and knowledge of current developments.

13.2.1.3 ADMINISTRATIVE EFFECTIVENESS. These criteria are applicable only to the following positions: Coordinators and University Archivist.

13.2.1.3.1 Represents users' interests and needs in setting library goals and objectives by the following:

- i. Periodically assesses users' needs.
- ii. Demonstrates competence in analyzing, planning and creating effective library services.

13.2.1.3.2 Provides effective leadership in the following areas:

- i. Formation and achievement of library goals and objectives
- ii. Formation and execution of library policies and procedures
- iii. Coordination and management of unit resources
- iv. Development of new procedures, operations and/or services
- v. Representation of the Library to the university administration and the public.

13.2.1.3.3 Demonstrates effectiveness in communication and interpersonal relations by the following:

- i. Communicates effectively with library and university personnel.
- ii. Demonstrates a commitment to the dissemination of information within the

university community.

13.2.1.3.4 Demonstrates competence in personnel administration by the following:

- i. Provides a congenial working environment for colleagues and staff.
- ii. Supports and encourages collegial participation.
- iii. Effectively promotes the image of librarians within the university community.
- iv. Provides opportunities for professional growth and staff development.
- v. Motivates staff to perform effectively and efficiently.
- vi. Impartially evaluates the achievements and performance of library personnel according to established criteria.

13.2.1.3.5 Demonstrates good judgment in the preparation of budget requests and justifications for unit resources by the following:

- i. Solicits extramural funding for special library and university projects.
- ii. Successfully monitors budgetary expenditures and reports the results.

13.2.1.4 ARCHIVES AND SPECIAL COLLECTIONS.

13.2.1.4.1 Demonstrates competence in establishing and maintaining archival and special collections in both print and digital formats and comprehensive knowledge of trends in the field.

13.2.1.4.2 Demonstrates competence in providing reference assistance using archival and special collections as needed by providing access, interpreting and creating finding aids, giving instructions on the proper handling of materials and providing knowledge of the records relevant to the individual researcher's needs.

13.2.1.4.3 Demonstrates and maintains knowledge of current archival and special collections trends and procedures which includes digitizing technologies and familiarity with best practices for digitization, metadata, and archival storage.

13.2.1.4.4 Demonstrates ability to establish and maintain civil, respectful, honest, effective working relationships with university, staff, faculty, students, and visiting researchers.

13.2.1.4.5 Ability to apply knowledge of electronic and traditional library resources to appropriate university archives and unique special collections.

13.2.1.4.6 Demonstrates competence in soliciting and acquiring appropriate materials for both archives and special collections.

13.2.1.4.7 Demonstrates competence in overseeing the records management program.

13.2.1.5 AUTOMATED SYSTEMS ACTIVITIES.

13.2.1.5.1 Demonstrates competence in the use, evaluation and/or development of automated systems that support the principal activities and services of the Library, including mainframe as well as microcomputer and cloud based

applications.

13.2.1.5.2 Demonstrates understanding of existing system capabilities as well as general knowledge of current developments in library automation.

13.2.1.5.3 Designs effective and efficient means of evaluating library systems and provides appropriate analysis of such evaluation.

13.2.1.5.4 Demonstrates effectiveness in undertaking needs analysis, preparing specifications and assisting in the design, testing, and implementation of enhancements to the Library's automated systems within given economic limitations.

13.2.1.5.5 Effectively communicates knowledge of library automated systems activity to staff in the Library and to other appropriate departments and individuals within the University.

13.2.1.5.6 Maintains positive working relationships with Information Systems personnel as well as with staff in other library units.

13.2.1.5.7 Coordinates and participates in the instruction of library staff or library users in automated systems activities and procedures.

13.2.1.6 BIBLIOGRAPHIC ORGANIZATION AND CONTROL.

13.2.1.6.1 Demonstrates competence in establishing and maintaining bibliographic systems that facilitate the organization and control of library resources.

13.2.1.6.2 Demonstrates comprehensive knowledge and application of currently accepted cataloging rules for library materials.

13.2.1.6.3 Demonstrates comprehensive knowledge and application of classification schedules for library materials.

13.2.1.6.4 Demonstrates comprehensive knowledge and application of subject headings for library materials.

13.2.1.6.5 Demonstrates competence in the use of automated library systems and knowledge of current developments.

13.2.1.6.6 Demonstrates competence in the application of authority control.

13.2.1.6.7 Demonstrates competence in the maintenance of bibliographic records.

13.2.1.7 CLASSROOM INSTRUCTION.

13.2.1.7.1 Demonstrates competence in conducting a for-credit course in a face-to-face, hybrid, or online setting.

13.2.1.7.2 Demonstrates competence in the preparation and delivery of course resources and materials.

13.2.1.7.3 Demonstrates knowledge of subject matter taught.

13.2.1.7.4 Develops syllabi and other instructional materials relevant to the course being taught.

13.2.1.7.5 Designs and produces instructional audiovisual programs that support and/or supplement the educational programs of the University

13.2.1.8 COLLECTION DEVELOPMENT.

13.2.1.8.1 Demonstrates good judgment and competence in selecting and recommending purchase of library and media materials in support of the current needs and long range goals of the Library.

13.2.1.8.2 Demonstrates competence in selecting and weeding materials, both in appropriate subject areas and for the reference collection.

13.2.1.8.3 Demonstrates knowledge of the curriculum, research, and other library related activities of the University departments represented within an individual's academic subject areas.

13.2.1.8.4 Maintains positive working relationships with personnel in academic departments or programs in appropriate subject areas.

13.2.1.8.5 Demonstrates comprehensive knowledge of the library or media collection, particularly in appropriate academic subject areas.

13.2.1.9 DIGITAL LEARNING.

13.2.1.9.1 Collaborates with librarians, distance faculty, and instructional designers to identify, implement, and promote services for both on-campus and off-campus learners.

13.2.1.9.2 Provides outreach to faculty about library services that are available for distance education settings.

13.2.1.9.3 Works with Center for Distance Education to integrate library resources into course management software.

13.2.1.9.4 Participates in creating teaching materials such as online tutorials, videos and online research guides.

13.2.1.9.5 Investigates, monitors, and evaluates appropriate communication technologies that can enhance the distance library experience of students.

13.2.1.9.6 Stays current in developments in trends in the delivery of library services to distance education students.

13.2.1.9.7 Evaluates services provided to distance education students and recommend future directions to the library administration.

13.2.1.10 DIRECT REFERENCE SERVICES.

13.2.1.10.1 Demonstrates competence and good judgment in assisting library users to locate information.

13.2.1.10.2 Correctly discerns and interprets user requests and questions.

13.2.1.10.3 Demonstrates competence in using reference materials and other resources.

13.2.1.10.4 Demonstrates a willingness to assist users and to persist beyond conventional sources to provide desired information.

13.2.1.10.5 Demonstrates understanding of acquisitions, bibliographic organization and control.

13.2.1.10.6 Effectively communicates knowledge of library organization, policy and goals to users and academic departments.

13.2.1.10.7 Maintains positive working relationships with personnel in academic departments or programs.

13.2.1.10.8 Demonstrates expertise in appropriate academic subject areas.

13.2.1.10.9 Demonstrates ability to answer reference requests using a variety of communication tools (phone, IM, email, etc.).

13.2.1.11 INSTRUCTION IN LIBRARY USE.

13.2.1.11.1 Demonstrates competence in instructing users on the effective use of library resources.

13.2.1.11.2 Instructs users on accessing all collections within the Gray Library and relevant external collections.

13.2.1.11.3 Effectively communicates knowledge of applicable resources within appropriate academic subject areas during instructional sessions.

13.2.1.11.4 Demonstrates competence in the presentation of instructional sessions to the individuals and groups served by the Library.

13.2.1.11.5 Demonstrates knowledge of research strategies and the teaching of research skills.

13.2.1.11.6 Develops effective instructional materials relevant to the needs of the individuals and groups served.

13.2.1.11.7 Uses knowledge of representative literature and current trends in the subject areas during instructional sessions.

13.2.1.11.8 Demonstrates ability to use a variety of technology tools in instruction (i.e., computer, projector, smartboard, clickers, etc.)

13.2.1.12 INSTRUCTIONAL DESIGN.

13.2.1.12.1 Demonstrates ability to apply instructional technology appropriately into the teaching and learning process. The Instructional Design Librarian is fully engaged with library faculty and students providing relevant instruction, outreach and support for scholarship.

13.2.1.12.2 Designs and develops digital learning objects and online instructional resources to support the university's information literacy and technological competencies learning goal.

13.2.1.12.3 Actively identifies possible points for technology integration into Research Services programs and work.

13.2.1.12.4 As appropriate, both leads and participates in key projects and strategic initiatives related to library instruction, outreach and student support.

13.2.1.12.5 Teaches information literacy skills in the classroom, using current learning, teaching and information literacy theory and appropriate instructional technology.

13.2.1.12.6 Maintains a deep knowledge of current and emerging trends, issues, and best practices in academic library outreach, instructional technology, instruction, information literacy, and information access and actively identifies relevant initiatives for local implementation.

13.2.1.12.7 Assists library faculty and staff in the design of online materials and learning objects.

13.2.1.13 MANAGEMENT EFFECTIVENESS. These criteria are applicable only to the following positions: Coordinators and University Archivist.

13.2.1.13.1 Demonstrates good judgment and competence in directing and guiding library employees.

13.2.1.13.2 Establishes and achieves unit goals and objectives.

13.2.1.13.3 Effectively plans and coordinates unit resources within budgetary constraints.

13.2.1.13.4 Communicates effectively with unit employees and personnel in other library units.

13.2.1.13.5 Competently monitors and directs the performance of unit employees.

13.2.1.13.6 Impartially evaluates the performance of unit employees.

13.2.1.13.7 Recommends the selection of competent, well-qualified unit employees.

13.2.1.13.8 Maintains constructive working environment for unit employees.

13.2.1.13.9 Delegates authority when appropriate or necessary.

13.2.2 SCHOLARLY PRODUCTION AND/OR RESEARCH/CREATIVE ACTIVITY. A librarian must demonstrate continuing growth in a specific area of librarianship. Professional growth should be documented by evidence of activities that further such development. Since talents and inclinations, demands of positions, and opportunities vary, the individual librarian must decide how to contribute to the profession and in which direction to grow. Such professional pursuits should be considered with the librarian's supervisor and mentor in order that the needs of the Library and the University, as well as those of the individual, are met. Research/scholarly/creative contributions will be evaluated for quality, quantity, and professional significance. Professional service efforts may be at the local, state, regional, national, or international level. Each activity will be evaluated on a qualitative and quantitative basis. It is assumed that librarians will be a member of at least one professional or scholarly organization. Evidence of the quality of research/creative activity shall be evaluated in the following priority order:

13.2.2.1 Publication of a monograph.

13.2.2.2 Publication of articles in refereed journals and serials.

13.2.2.3 Development and/or production of non-print media.

13.2.2.4 Publication of articles in non-refereed journals and serials.

13.2.2.5 Contribution of a chapter or an article in a monograph.

13.2.2.6 Publication of substantial bibliographies, indexes, guidebooks, manuals, special catalogs, records in national online databases, etc. (excluding those published in-house).

13.2.2.7 Indexing any substantial published work.

13.2.2.8 Editing or compiling any substantial published work.

13.2.2.9 Demonstration of ability to procure funding, grants, or donor gifts.

13.2.2.10 Presentations at national or international meetings, conferences, or workshops.

13.2.2.11 Participation as moderator or panelist at national or international meetings, conferences, or workshops.

13.2.2.12 Editing or contributing to an ongoing column in a serial publication.

13.2.2.13 Service on editorial boards of scholarly peer reviewed publications.

13.2.2.14 Presentations at state or regional meetings, conferences, or workshops.

13.2.2.15 Participation as moderator or panelist at state or regional meetings, conferences, or workshops.

13.2.2.16 Design, creation and editing of digital media (excluding web pages).

13.2.2.17 Design, creation and editing of library or other professional web pages.

13.2.2.18 Presentations of creative exhibits or poster sessions at meetings, conferences, or workshops.

13.2.2.19 Participation as moderator or panelist at local meetings, conferences, or workshops.

13.2.2.20 Contributing entries in a published reference work.

13.2.2.21 Publication of reviews or abstracts.

13.2.2.22 Editing or contributing to newsletters, gray literature, etc. (excluding in-house publications).

13.2.2.23 Participation in research and scholarly/creative activity outside the library.

13.2.2.24 Work toward or completion of an additional relevant advanced degree.

13.2.2.25 Presentations at Library or University colloquia.

13.2.2.26 Preparation of exhibits or programs within the University.

13.2.2.27 Presentation of informational public lectures, addresses, seminars, etc.

13.2.2.28 Direction/leadership of seminars, workshops, etc., outside of classroom activities.

13.2.2.29 Organize or coordinate professional meetings, conferences, or workshops.

13.2.2.30 Evidence of participation in professional development activities.

13.2.2.31 Attendance at professional meetings, workshops, seminars, short courses.

13.2.2.32 Editing or contributing to in-house publications.

13.2.3 PROFESSIONAL ACHIEVEMENT.

13.2.3.1 Awards and honors for University, community or civic services.

13.2.3.2 Service or contributions to community or civic organizations.

13.2.3.3 Service as a representative of the Library or the University to professional or governmental bodies or agencies.

13.2.3.4 Participation on University or University-related committees, task forces, and/or events.

13.2.3.5 Participation on Library or Library related committees or task forces.

13.2.3.6 Service on committees, task forces and/or leadership roles in professional organizations.

13.2.3.7 Consulting or advisory service outside the University.

13.2.3.8 Professional recognitions and outstanding achievements (awards, honor societies, etc.).

13.2.4 LIBRARY AND UNIVERSITY AFFAIRS.

13.2.4.1 Presentations or seminars to, or consultations with, faculty and student groups within the University relating to professional matters.

13.2.5 STUDENT RELATIONSHIPS.

13.2.5.1 Service as an advisor to student groups recognized by the University.

13.2.6 DEMONSTRATED PERFORMANCE AS A LEADER.

13.2.6.1 Participation in University governance (Faculty Senate officer or Senator, University committee chair, etc.).

14. POLICY ON TERMINAL DEGREES FOR FACULTY

An earned doctoral degree from a regionally-accredited institution of higher education shall be the educational standard for promotion or initial appointment beyond the rank of instructor, except in those disciplines that lack doctoral-level training or recognize other evidence of academic or professional achievement in lieu of the doctorate. The Deans' Council shall establish the status of the accredited degrees in these areas.

- 14.1 60-HOUR MASTER'S DEGREE. In disciplines where the Academic Council of Deans determines the 60-hour master's degree, or its equivalent, to be an exception to the doctoral degree requirement, such a master's degree may be acceptable for appointment and promotion to the ranks of assistant and associate professor, but not professor. The equivalent of the 60-hour master's shall be a 30-45 hour master's, and a minimum of 30 graduate credit hours in the teaching field. The dean and department chair shall determine the relevance of additional degrees/equivalents. The candidate for promotion must have two years of full-time university teaching experience beyond that required of faculty with doctoral degrees for appointment/promotion to the rank of associate professor (minimum of six years).

The Deans' Council recognizes the following degrees as exceptions to the doctoral degree requirement in appointment and promotion criteria: studio art, M.F.A. (60 hours); theater, M.F.A. (60 hours); social work, M.S.W. (60 hours); library science, M.L.S. (30-36 hours, and an additional master's in a relevant area or the equivalent in approved advanced training); and family and consumer science-interior design, Master of Architecture and Master of Interior Design (MID) (30-36 hours and an additional 30 graduate hours).

- 14.2 30-45 HOUR MASTER'S DEGREES. In disciplines where the Deans' Council determines that the 30-45 hour master's degree shall be an exception to the doctoral degree requirement, the candidate may be considered for promotion to assistant professor (but not associate professor or professor) after six years of full-time teaching experience. The Council recognizes the following 30-45 hour master's degrees as exceptions to the doctoral degree requirement for promotion: communication disorders (clinical supervisors), Master's in Communication Disorders; studio art, M.F.A.; and theater, M.F.A.
- 14.3 LAW DEGREES. The Juris Doctorate (J.D.), Bachelor of Legal Letters (L.L.B.), and master's degrees in law are recognized as exceptions to the doctoral degree in teaching fields where instruction in the law is appropriate and expected.
- 14.4 PERFORMANCE STANDARDS FOR EXCEPTIONS TO TERMINAL DEGREES. All faculty candidates who present degrees as exceptions to the terminal degree policy must meet the following documented performance standards: superior teaching effectiveness; recognized scholarly production, research and professional achievement; and productive participation in college and university affairs. Such candidates shall have a special obligation to demonstrate superior performance in scholarly and/or creative production.

15. REVIEW AND RECOMMENDATION PROCEDURES FOR FACULTY PROMOTIONS

- 15.1 INITIATION AND DEPARTMENTAL PERSONNEL COMMITTEE. A faculty member or (with the prior written approval of the faculty member) his or her department chair may initiate a documented application for promotion consideration when the candidate believes he or she has met the standards for promotion. The application form (F2.11) and supporting materials (hence referred to as *file*) should be presented to the departmental personnel committee on or before the deadline date listed in the Promotion and Tenure Schedule distributed annually by the Office of the Provost. The departmental personnel committee shall study and consider each file and, by vote, make a recommendation *to promote* or *not to promote*.

The chair of the departmental personnel committee shall indicate the committee's recommendation and sign each F2.11 cover sheet. The committee shall promptly notify each applicant, in writing, of the recommendation regarding the promotion application. Then, the files and recommendations of the departmental committee shall be forwarded to the department chair.

- 15.2 DEPARTMENT CHAIR REVIEW AND RECOMMENDATION. The department chair shall study and consider each application, make a recommendation *to promote* or *not to promote* each candidate. The chair shall indicate his or her recommendations and sign each F2.11 cover sheet. Each applicant shall be promptly notified, in writing, by the chair of his or her promotion recommendation. Then, the files and recommendations of the departmental committee and department chair shall be submitted to the college personnel committee.
- 15.3 COLLEGE PERSONNEL COMMITTEE REVIEW AND RECOMMENDATION. The college personnel committee shall study and consider all promotion applications and, by vote, make a recommendation *to promote* or *not to promote* each candidate. The chair of the college committee shall indicate the committee's recommendations and sign each F2.11 cover sheet. Next, the files and the recommendations of the departmental committee, department chair and college committee shall be forwarded to the dean of the college. The chair of the college personnel committee shall promptly notify each applicant, in writing, of the committee's recommendation regarding the promotion application.
- 15.4 DEAN'S REVIEW AND RECOMMENDATION. The next step in the process shall be for the dean of the college to study and consider each file and make a recommendation *to promote* or *not to promote* each candidate. Then, the dean shall indicate his or her recommendation and sign the F2.11 cover sheet for each applicant. Next, the dean shall promptly notify each applicant, in writing, of his or her recommendation regarding promotion. Then, the files and recommendations of the departmental committee, department chair, college committee and dean shall be submitted to the provost.
- 15.5 UNIVERSITY PERSONNEL COMMITTEE'S REVIEW AND RECOMMENDATION. The next step shall be for the provost to submit the files and all previous recommendations to the university personnel committee for its review and recommendations. The committee shall study and consider all applications and recommend *to promote* or *not to promote* each candidate. Then, the files and recommendations from the university personnel committee and from all previous evaluators and committees shall be forwarded to the provost. The chair of the university committee shall promptly notify each applicant, in writing, of the committee's promotion recommendation.

- 15.6 PROVOST'S REVIEW AND RECOMMENDATION. Next, all files and recommendations shall be studied and considered by the provost, who shall recommend *to promote* or *not to promote* each applicant. Next, the provost shall forward the files and his or her recommendations along with those from all previous evaluators and committees, to the president. The provost shall promptly notify each applicant, in writing, of his or her promotion recommendation.
- 15.7 PRESIDENT'S REVIEW AND RECOMMENDATION, AND BOARD'S ACTION. The president, after reviewing all pertinent information, shall make a recommendation *to promote* or *not to promote* each candidate. The president shall assemble a slate of those candidates recommended for promotion and present the slate as a personnel agenda item to The Texas State University System Board of Regents for consideration and final action. The legal authority for faculty promotion rests with the Board (see TSUS Rules and Regulations for additional information). The decision to promote typically is made at the May Board of Regents meeting and becomes effective with the start of the next academic year.
- 15.8 APPELLATE PROCEDURES IN PROMOTION. A candidate who has been notified in writing that he or she is not recommended for promotion may remove his or her application from consideration or request, in writing, that it advance to the next level of review as an appeal of the lower level's recommendation. The candidate, any personnel committee member, and/or any administrator in the line of review may attach to the application a written rebuttal to any negative (i.e., *not to promote*) recommendation.

An applicant not recommended for promotion by the provost may appeal to the University Faculty Promotion Review Committee. If, after review, the promotion review committee recommends the candidate for promotion, the file shall be returned to the provost with written justification for the review committee's favorable (i.e., *to promote*) recommendation. The provost shall forward the file and all statements to the president for consideration and subsequent recommendation to the Board of Regents.

An applicant wishing to appeal a recommendation at any level in the review procedure must do so, in writing, within fifteen calendar days after receiving written notification of the recommendation. The written appeal shall go to the next higher committee chair/academic administrator in the review process.

- 15.9 APPLICATION FILES. Each promotion (or tenure) file may consist of no more than two volumes, the first of which must be in electronic format. If two personnel actions are under consideration (e.g., promotion to associate professor and tenure), a single file is acceptable and both actions indicated on form F2.11. This form (and additional information) is available online at: <http://facultystaff.lamar.edu/academic-affairs/forms/index.html> Separate appendices will not be accepted beyond the department level.

15.9.1 VOLUME I must be submitted in electronic format on a "jump drive," with materials organized into virtual sections as indicated below. The applicant's name and the action (e.g., tenure, promotion to associate professor, promotion to professor) must be indicated clearly in the submission.

- 15.9.1.1 VOLUME I: SECTION A shall include a current curriculum vitae. The candidate may include an essay highlighting special accomplishments in front of the curriculum vitae. There must be clear delineation in the vitae as to the scope (i.e., local, state, regional, national/international) and the review process (i.e., peer reviewed or not) for each publication listed. If credit for prior service is being claimed, a copy of the appointment letter

and/or initial contract detailing the commitment must be included here.

Note: Faculty applying early for promotion to the rank of professor must disclose that fact and include in the essay a justification based upon national/international stature in the discipline.

- 15.9.1.2 VOLUME I: SECTION B shall consist of evaluative letters originating at the various levels of review (e.g., departmental, school, college). Letters from external reviewers, if appropriate, should be included in this section as well.
- 15.9.1.3 VOLUME I: SECTION C shall consist of copies of all F2.08 forms since the candidate joined Lamar University if the action is tenure and/or promotion to the ranks of assistant or associate professor. Otherwise, include F2.08 for each year since last promotion. A scanned copy of the most recent departmental/college tenure and promotion guidelines must be included in this section.
- 15.9.1.4 VOLUME I: SECTION D shall consist of copies of the 2nd and 4th year reviews only if the action is tenure.
- 15.9.2 VOLUME II shall be a standard size, three-ring binder with a spine of no more than three inches. The applicant's name and the action (e.g., tenure, promotion to associate professor, promotion to professor) must be indicated clearly on both the front cover and spine of the binder. It should contain all supporting documentation and be divided into four sections. The method of presentation of this material is left to the discretion of the candidate, but care should be taken to ensure that it can be handled easily by persons involved in the evaluation process. In addition, a copy of the form F2.11 with the heading completed (i.e., through the item, "Number of Years in Current Rank at Lamar University") must be placed in the front pocket of the binder or with holes punched in it and included at the beginning. This form (and additional information) is available online at: <http://facultystaff.lamar.edu/academic-affairs/forms/index.html>
- 15.9.2.1 VOLUME II: SECTION A - TEACHING. This section will include documentation of teaching effectiveness and should contain at least printed summaries of all student evaluations administered since appointed or since the last promotion. Additional student evaluations, student comments, description of and results other departmentally approved methods of teaching evaluation, course syllabi, examples of instructional materials developed, description of special contributions made to course/curriculum development, etc., may be included.
- 15.9.2.2 VOLUME II: SECTION B - RESEARCH, SCHOLARSHIP, CREATIVE ACTIVITIES. This section will include such items as reprints of journal articles, examples of creative work, copy of cover pages of book chapters and successful grant applications, summary of citations, awards/scholarships/fellowships/honors received, etc.
- 15.9.2.3 VOLUME II: SECTION C - SERVICE. This section will include a summary of university, professional, and community service, as well as documentation supporting the value and effectiveness of these contributions.

- 15.9.2.4 VOLUME II: SECTION D - STUDENT RELATIONSHIPS. This section will include a description of advising of undergraduates and graduate students, direction of thesis, dissertations, and undergraduate research, involvement with student organizations, along with documentation of the quality and effectiveness of these activities.

16. COMPOSITION OF PERSONNEL COMMITTEES

- 16.1 PERSONNEL COMMITTEES. At the beginning of each academic year, the academic departments in which candidates for promotion exist shall elect a departmental personnel committee consisting of at least three tenured faculty members who hold the rank of associate or full professor (see Ch. II, §16.2). Promotion applications shall be considered by the personnel committees.

Every college (except Graduate Studies and Honors) and the library shall elect a college/library personnel committee composed of at least five tenured faculty members who hold the rank of associate or full professor. Except in colleges where there are fewer than five departments, each department shall have only one member on the college personnel committee.

In addition, there shall be a university personnel committee consisting of one tenured faculty member who holds the rank of associate or full professor elected from each college and the library.

All personnel committee activities, deliberations, and votes shall be confidential.

- 16.2 ELIGIBILITY TO SERVE AND VOTE. All full-time tenured faculty members who hold the rank of associate or full professor, except administrators at or above the level of department chair, shall be eligible to serve on personnel committees. Full-time faculty with at least two concurrent long semesters (i.e., fall and spring or spring and fall), except administrators at or above the level of department chair, may vote on the members of any personnel committee. Faculty senators from the college/library who are not promotion candidates shall initiate an election to determine membership on the college/library and university personnel committees. In each department, those tenured faculty remaining (i.e., elected to neither the college nor university Personnel Committee) who are not themselves candidates for promotion and who satisfy the conditions above shall serve as the department personnel committee. Members shall serve three-year terms on the university personnel committee.

To avoid conflicting interests, no faculty member who is applying for promotion or tenure shall serve on a personnel committee, and no faculty member shall serve on more than one personnel committee. A faculty member shall be permitted to strike his or her name, for cause, from the list of faculty eligible to serve on a personnel committee prior to balloting for committee memberships.

- 16.3 QUORUM AND EXCEPTIONS. A numerical majority of personnel committee members must be present to constitute a quorum. To act, a committee must be constituted as provided in these guidelines or, without vote, eligible faculty not serving on another personnel committee may pass written opinion individually to the next higher level of review.

- 16.4 UNIVERSITY FACULTY PROMOTION REVIEW COMMITTEE. Members of the University Faculty Promotion Review Committee shall be appointed by the president, who should give due consideration to broad academic representation. Normally, the committee should be composed of one faculty representative from each of the colleges, plus two department chairs and one dean. Members shall be appointed for staggered three-year terms. Whenever possible, the faculty representatives should be tenured professors. In no case should a University Faculty Promotion Review Committee member serve on another personnel committee and no member who is a chair or dean should consider an appeal from his or her respective department or college. Questions concerning promotion policies and guidelines should be directed to the University Faculty Promotion Review Committee. The committee should review any questions concerning promotion policies and guidelines directed to it by college or university personnel committees and should act

as an appellate body for promotion decisions made by the provost.

- 16.5 CHAIRS OF PERSONNEL COMMITTEES. By majority vote, members of each personnel committee shall elect a chair. The chair is responsible for organizing meetings, distributing files, completing/signing the F2.11 form on behalf of the committee, forwarding the appropriate materials to the next level, and notifying each applicant of the committee's' decision.
- 16.6 VOTING POLICY. In no instance shall a member of any personnel committee or any administrator in an evaluative role vote or pass a recommendation on a candidate's promotion to an academic rank higher than his or her own.

17. SPECIAL ACADEMIC TITLES, NON-TENURE EARNING

Lamar University shall use the following designations for non-tenure earning, academic positions with responsibilities similar to those for tenure-earning, academic positions. Employees holding these titles may be eligible for certain faculty benefits. Those holding these special academic titles shall not be eligible for promotion, tenure, or merit-based faculty salary increases, and the period of employment shall be only for the time specified in the appointment letter.

Like other members of the faculty, those holding these titles must hold the minimum credentials for appointment set forth in Ch. II, §10.2 and §10.6 and shall be routinely evaluated for performance in their area of assignment.

Non-tenured members of the faculty should not expect continued employment beyond the period of current appointment as approved by the Board of Regents. Any commitment to employ a non-tenured member of the faculty beyond the period of current appointment shall have no force and effect until approved by the Board. Non-tenured members of the faculty serve at the pleasure of the president and the Board, subject to the provisions of proper notice as required by the System Rules and Regulations.

- 17.1 ADJUNCT PROFESSOR, ADJUNCT ASSOCIATE PROFESSOR, ADJUNCT ASSISTANT PROFESSOR, AND ADJUNCT INSTRUCTOR. The titles *adjunct professor*, *adjunct associate professor*, *adjunct assistant professor* and *adjunct instructor* may be recommended for outstanding and distinguished persons who are not regular Lamar faculty members, but who serve the university in a temporary instructional capacity. Adjuncts are employed as needed by the department and have no formal research/scholarship or service expectations, as do ranked faculty. Adjuncts are not eligible for university administrative or service appointments, or research/scholarship support; however, they shall be eligible for faculty development support that enhances instructional effectiveness.
- 17.2 VISITING PROFESSOR, VISITING ASSOCIATE PROFESSOR, VISITING ASSISTANT PROFESSOR, AND VISITING INSTRUCTOR. The designation *visiting* before an academic title shall indicate that the holder of the title has a temporary appointment for an academic year, semester, or mini/summer session. The academic rank included in the title should be appropriate to the appointee's credentials and experience or rank at his or her home institution.
- 17.3 ARTIST IN RESIDENCE. The title *artist in residence* may be recommended for established and well-known artists (e.g., musicians, dancers, actors/actresses, writers, poets, and visual artists) invited by the university to lecture, demonstrate and/or participate in formal and informal instruction, or to provide for public exhibitions.
- 17.4 CLINICAL ASSOCIATE OR ASSISTANT SUPERVISOR OF EDUCATION. The title *clinical associate* or *assistant supervisor of education* may be given to *field-based* professionals in education who have special instructional or supervisory relationships with the College of Education and Human Development. This title may be recommended for individuals who share their special professional expertise with Lamar students in an instructional capacity or who supervise student interns in the field. Title differentiation shall be based upon experience, education, and special skills of the individuals.

- 17.5 CLINICAL INSTRUCTOR. Clinical instructors are full-time, non-tenure track, and non-promotion track professionals with the formal education and/or clinical expertise appropriate to instruct students in selected fields. Clinical instructors are employed as needed by the department and have no formal research/scholarship or service expectations, as do ranked faculty. Clinical instructors are not eligible for university administrative or service appointments, or research/scholarship support; however, they are eligible for faculty development support that enhances instructional effectiveness.
- 17.6 INSTRUCTIONAL ASSOCIATE. As needed, professional aides, called instructional associates, are employed by external contractors with Lamar. These associates are subject to the direct supervision and evaluation of Lamar faculty and assist with clerical and operational functions related to online instruction. All instructional associates shall hold the educational requirements appropriate for their level of assistance.
- 17.7 ADJUNCT RESEARCH PROFESSOR. The title adjunct research professor may be recommended for persons with outstanding and distinguished records of research who are not regular faculty members, but who are invited to serve the university in collaborative research.
- 17.8 POST-DOCTORAL FELLOW AND RESEARCH ASSOCIATE. The title *post-doctoral fellow* may be recommended for the holder of an earned, recognized doctoral degree who is invited by the university to participate in the research activities of a senior faculty member. The title *research associate* may be recommended for the holder of a bachelor's or master's degree who is invited by the university to participate in the research activities of a senior faculty member.
- 17.9 STUDENT TITLES. Students who are awarded the title *graduate assistant*, *teaching assistant* or *research assistant* shall be graduate, degree-seeking students who are enrolled in the College of Graduate Studies during the term of their appointments.
- 17.9.1 GRADUATE ASSISTANT. Students who are awarded the title Graduate Assistant shall be graduate, degree-seeking students who are enrolled in the college of graduate studies during the term of their appointments. Graduate assistants' instructional duties are limited to assisting an experienced faculty member in specific aspects of instruction, working under the direct and close supervision of the faculty member. A Graduate Assistant may also assist faculty with non-instructional tasks.
- 17.9.2 TEACHING ASSISTANT. Students who are awarded the title shall be graduate, degree-seeking students who are enrolled in the college of graduate studies during the term of their appointments. Graduate Teaching Assistants are students who have completed 18 hours or more of graduate coursework in the teaching field. They may serve as instructors of record, and must be supervised and regularly assessed as teachers by an experienced faculty member holding the terminal degree.
- 17.9.3 RESEARCH ASSISTANT. Students who are awarded the title Research Assistant shall be graduate, degree-seeking students who are enrolled in the college of graduate studies during the term of their appointments. Their duties are to assist faculty with research.

18. HONORARY FACULTY TITLES

18.1 UNIVERSITY PROFESSOR AND UNIVERSITY MERIT AWARD. The title *University Professor* shall be conferred by the president and indicate that the faculty recipient has received the university's highest, most prestigious academic award. This award shall be conferred annually to selected, full-time members of the faculty for distinguished academic performance. Associate and full professors shall be eligible for this award. The recipient shall carry the title for life. The *University Merit Award* shall be given to selected, full-time junior faculty for distinguished teaching. Instructors and assistant professors shall be eligible for this award.

18.2 HONORARY TITLES FOR FACULTY RETIREES: Faithful and distinguished service by a retiring faculty member or administrator may be recognized by title of emeritus. Long and distinguished service by a faculty member holding the rank of professor or associate professor may be recognized upon retirement by conferral of the title of *Professor Emeritus*, *Associate Professor Emeritus*, *Distinguished Professor Emeritus*, or *Distinguished Associate Professor Emeritus*.

18.2.1 EMERITUS FACULTY AND PROCEDURE. The president shall be authorized to bestow the title of *Professor Emeritus* or *Associate Professor Emeritus* upon any retired member of the faculty or in anticipation of the retirement of a faculty member, effective upon retirement, provided the faculty member has served in the rank of professor for a cumulative total of at least ten years at Lamar University or served in the rank of associate professor for a cumulative total of at least 15 years and has been recommended through normal academic channels.

Further, the president shall be authorized to bestow an appropriate emeritus title upon other retiring or retired, ranked faculty provided that said faculty have served Lamar University for a cumulative total of at least fifteen years and have been recommended through normal academic channels. See emeritus nomination form at: <http://facultystaff.lamar.edu/files/documents/academic-affairs/forms/Professor%20Emeritus%20Nomination%20Form%20Revised%205-31-14.pdf>

18.2.2 DISTINGUISHED EMERITUS FACULTY AND PROCEDURE. Upon the recommendation from the department and college, the president may bestow the title *Distinguished Professor Emeritus* or *Distinguished Associate Professor Emeritus* upon a retired member of the faculty or in anticipation of the retirement of a faculty member, effective upon retirement, in recognition of long and distinguished service to the university. The conferring of these titles shall not be automatic upon retirement, but shall be based upon individual distinction, exceptionally high quality service of at least 10 cumulative years of service for *Distinguished Professor Emeritus* or 15 cumulative years of service for *Distinguished Associate Professor Emeritus*, and outstanding contributions to the university which clearly demonstrate the individual's worthiness for this honor.

The honorary titles *Distinguished Professor Emeritus* or *Distinguished Associate Professor Emeritus* shall confer continued academic appointments on retired faculty without remuneration or authority. Such designations may only be given to faculty members who held the rank of professor or, respectively, associate professor during their period of active service at the university.

The *Distinguished Emeritus* title may be conferred by the president. Nominations for

Distinguished Emeritus status shall be made to the president by the provost after consultation with the appropriate departmental faculty and deans. In exceptional cases, the president may waive the minimum length of service requirement.

Persons who hold an emeritus title at other institutions normally shall not be eligible for an emeritus title at Lamar University. If a faculty member enjoying emeritus status is recalled to service in the interest of the university after an intervening period, emeritus status shall not be affected.

Holders of the title *Distinguished Professor Emeritus* or *Distinguished Associate Professor Emeritus* shall be accorded the following privileges and perquisites:

- a) Use of the title *Distinguished Professor Emeritus* or *Distinguished Associate Professor Emeritus*.
- b) Membership (without a vote) in the general faculty and in the college and department faculties in which membership was held at the time of retirement.
- c) Membership in the graduate faculty (without a vote) if membership was held at the time of retirement.
- d) Eligibility for service on university committees upon appointment by the president.
- e) Assignments of office space and use of laboratory and studio facilities, when available, with the approval of the department chair, dean of the college, and provost.
- f) Listing in the faculty directory and in the General Catalog.

19. ACADEMIC FREEDOM, RESPONSIBILITY AND TENURE

- 19.1 ACADEMIC FREEDOM. Institutions of higher education serve the common good. The common good depends upon a free search for truth and its free expression. Hence, it is essential that faculty members be free to pursue scholarly inquiry without undue restriction, and to voice and publish their conclusions concerning the significance of evidence that they consider relevant. Faculty members must be free from the corrosive fear that others, inside or outside the university community, because their views differ, may threaten the faculty member's professional career or the material benefits accruing from it.

Faculty members shall be entitled to full protection of their rights under the First Amendment to the United States Constitution and such further rights as conferred on the faculty member by contractual agreement as they discuss the subject which they teach in the classroom. Further, the employees of Lamar University shall be entitled to the protection of the Fourteenth Amendment to the United States Constitution, which prohibits the university, as an arm of the state, from depriving a citizen of life, liberty, or property without the due process of law.

- 19.2 ACADEMIC RESPONSIBILITY. The concept of academic freedom must be accompanied by the equally demanding concept of academic responsibility, shared by Lamar University administrators and faculty members. The fundamental responsibilities of faculty members as teachers and scholars should include the maintenance of competence in their fields of specialization and the exhibition of such competence in lectures, discussions, scholarship, and publications/creative works.

Exercise of professional integrity of faculty members should include recognition that the public will judge the members' profession and their institution by their statements. Therefore, they should strive to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to avoid creating the impression that they speak or act for their college or university when they speak or act as private persons. Faculty members should be judicious in the use of controversial material in the classroom and should introduce such material only as it has clear relationship with their subject field.

Faculty members also have the responsibility to maintain proper and complete records, accounts, enrollments, grades, and related academic documentation. Faculty members, including department chairs, have the added responsibility of being available for the performance of duties through the official end of the semester or term, including commencement. Faculty members have the responsibility to provide due notice of intent to interrupt or terminate institutional services within a reasonable time or the time provided by contractual agreement.

- 19.3 TENURE POLICY. The following principles, definitions, requirements, and procedures shall form the tenure policy of Lamar University.

19.3.1 **DEFINITION OF TENURE.** The term *tenure* shall denote an entitlement to continued employment as a member of the Lamar University faculty. A tenured faculty member may expect to continue his or her faculty position, unless adequate cause for dismissal is demonstrated in a fair hearing, following adequate procedures of due process. The award of tenure shall confer upon the faculty member certain rights which he or she would not possess if the decision to award tenure were not made. Tenured faculty can expect those privileges customarily associated with tenure at Lamar. Such privileges include a suitable office and workspace, serving as a principal investigator and conducting of research, teaching classes, and participating in faculty governance. However, tenure does not create a property interest in any attributes of the faculty position beyond the annual salary. By way of example only, tenure does not create a property interest in laboratory space, a particular office, the right to teach graduate students, or use of research materials or equipment.

19.3.2 **REQUIREMENTS FOR GRANTING TENURE.**

19.3.2.1 Only members of the faculty with the academic rank of professor, associate professor, and assistant professor may be granted tenure or be in a tenure-track line.

19.3.2.2 To be considered for tenure, faculty members must possess the doctoral or terminal degree, from a regionally accredited institution, in the teaching (or closely related) discipline, or possess the level of training that is adjudged equivalent in a specialized field or discipline.

19.3.2.3 Upon recommendation from the home department, and in special cases, talented and dedicated faculty without the terminal degree may be eligible to receive tenure, provided they go through the review process described below.

19.3.2.4 In the fall of the sixth year of full-time tenure track service (counting credited service indicated in the letter of first appointment), a faculty member at the rank of assistant professor must be considered for both tenure and promotion to the rank of associate professor (see Ch. II, §1.2).

19.3.2.5 At the discretion of the Board of Regents, an exceptionally capable and proven faculty member needed for a special assignment may be granted immediate tenure.

19.3.2.6 In exceptional cases, tenure may be granted by the Board of Regents at the time of appointment to any academic rank, or tenure may be withheld pending satisfactory completion of a probationary period of faculty service.

19.3.2.7 For tenure to be granted at the time of appointment, the president must consult with and submit a written justification to the chancellor, who shall review all such recommendations with the full Board.

19.3.3 **EVALUATIVE CRITERIA CONSIDERED DURING TENURE REVIEW** (see university form F2.11). Examples of information which candidates for tenure might provide as appropriate evidence and documentation for accomplishments in the following six categories. Clear distinctions must be made for achievements at the international, national, regional, state, and local levels, as well as whether or not the contributions have been peer refereed. (Also see *departmental/college guidelines as well as Form F2.08*)

- 19.3.3.1 TEACHING PROFICIENCY/SUPERIOR TEACHING EFFECTIVENESS AS EVIDENCED BY:
- a) Candidate's knowledge and ability to articulate it (personal statement, letters from colleagues, students/former students, administrators)
 - b) Creation of instructional materials
 - c) Course and curriculum development
 - d) Course evaluations, student accomplishments, teaching awards, and other documented recognition
 - e) Direction of theses (undergraduate, graduate) and dissertations (where applicable)
- 19.3.3.2 SCHOLARLY PRODUCTION AND/OR RESEARCH AS EVIDENCED BY:
- a) Publications of books, chapters, articles and creative/professional works (e.g., production of shows, recitals, recordings, musical compositions, performances, set/costume design)
 - b) Evidence of the quality of research/creative activity
 - c) Scholarly papers presented at professional conferences
 - d) Membership in learned societies, offices held
 - e) Service as commentator, panelist, or discussant at professional meetings
 - f) Evidence of participation in professional development activities
 - g) Attendance at professional meetings, workshops, seminars, short courses
 - h) Direction/leadership of seminars, workshops, etc., outside of regular classroom activities
 - i) Receipt of awards, scholarships, fellowships
 - j) Attraction of funded research (title, source, amount, period)
 - k) Participation in non-funded research and scholarship/creative activity
- 19.3.3.3 PROFESSIONAL ACHIEVEMENT AS EVIDENCED BY:
- a) Recognition via honors, awards, commendations, induction into societies
 - b) Recognized excellence in professional service (offices, committees, task forces)
 - c) Community service based upon professional expertise
- 19.3.3.4 COLLEGE AND UNIVERSITY AFFAIRS AS EVIDENCED BY:
- a) Service to college and university via special assignments
 - b) Service on college and university committees and councils, with emphasis on leadership roles and/or documented, effective contributions
 - c) Strong, documented contribution to department goals
 - d) Effective assisting with administrative tasks
- 19.3.3.5 STUDENT RELATIONSHIPS AS EVIDENCED BY:
- a) Effective participation in mentoring, retention and recruitment activities
 - b) Evidence of high quality of academic advising
 - c) Evidence of academic involvement with students outside the classroom setting

- d) Sponsorship of student organizations, with emphasis on academic groups

19.3.3.6 DEMONSTRATED PERFORMANCE AS A LEADER AS EVIDENCED BY:

- a) Service in leadership roles on university and professional bodies
- b) Recognition by peers for leadership ability
- c) Formal recognition from beyond the university for accomplishments as a leader

19.3.3.7 OTHER INFORMATION. Include any other information deemed appropriate in considering this application.

19.3.3.8 COLLEGIALITY. Collegiality as it impacts the teaching, research/scholarship/creative activity, service, and student relationships components of a faculty member's responsibilities is a consideration.

19.3.4 CREDITABLE SERVICE FOR TENURE. Only continuous, full-time service may be used to satisfy the probationary period requirement. If a faculty member is initially appointed during an academic year, the period of service from the date of appointment until the beginning of the following academic year shall not count as academic service toward fulfillment of the maximum probationary period. Part-time service shall not be creditable service; however, full-time service prior to and after leave, and full-time service prior to and after part-time service shall be creditable service. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period. *Creditable service* shall be defined as both teaching and professional research/creative activities.

19.3.5 CALCULATION OF PROBATIONARY SERVICE. For purposes of calculating the period of probationary service, an *academic year* shall be the approximate nine-month period from September through May as designated in the common calendar established by the Texas Higher Education Coordinating Board. One year of probationary service shall be accrued by at least nine months of full-time academic service during any academic year. A faculty member shall be considered to be on full-time academic service if he or she is in full compliance with the Texas Higher Education Coordinating Board's standards pertaining to minimum faculty workloads at general academic universities.

19.3.6 PROBATIONARY PERIOD FOR TENURE.

- a) At the discretion of the president, up to three years of prior service at another accredited college or university may be counted toward the fulfillment of the required probationary period.
- b) Faculty members who, at the time of employment have not had prior tenured service at an accredited college or university, shall, at the determination of the president, serve a probationary period of not fewer than three nor more than six years. Credit for prior non-tenured service may not exceed three years.
- c) With the written approval of the president, tenure may be postponed beyond the originally assigned period of probation, subject to the maximum probationary period as defined below.

- d) An assistant professor who applies for tenure before the fulfillment of the required probationary period (i.e., “early”) must also apply for “early” promotion to associate professor. Prior written approval to apply early must be granted by the dean and provost, and such approval does not bind the dean or provost to a favorable recommendation. In addition, an early application must be disclosed in writing by the applicant.
- e) Credit for prior service and year of review shall be indicated on the faculty member’s initial letter of appointment.

19.3.7 MAXIMUM PROBATIONARY PERIOD FOR TENURE. The maximum period of probationary faculty service in tenure-track status in any academic rank or combination of academic ranks shall not exceed six years of full-time, academic service unless the tenure clock has been tolled as provided in subsection 19.3.8.

19.3.8 TOLLING THE TENURE CLOCK. Lamar University may permit a tenure track faculty member to stop the tenure clock (i.e., exclude not more than two academic years of countable service toward tenure) in order to accommodate one or more of the following exigencies or hardships: a) childbirth or adoption; b) dependent care (including children, parents, spouses, or other dependents); c) the faculty member’s own illness or other personal emergency and/or, d) the inability of the institution to provide agreed upon facilities for the faculty member’s research. The request to do so shall, to the extent possible, be submitted prior to the occurrence of the event(s) stated above and, in any case, within one year of the event(s). Requests made after Lamar University provides written notice of commencement of the promotion and/or tenure review process (i.e., distribution and/or posting on the Academic Affairs website of the annual “Faculty Tenure and Promotion Schedule”) will not be honored.

The faculty member shall notify his or her chair and dean and make a written request to the provost to stop up to two years of service on the tenure clock, clearly explaining the basis for the request; namely, why the exigency or hardship prevents or significantly impedes the faculty member’s ability to make progress toward achieving tenure, stating the estimated duration of both the exigency or hardship and the period requested, and providing such additional supporting documentation as Lamar University may require. The faculty member is not required to apply for leave in order to qualify for suspension of the tenure clock. The provost shall notify the faculty member, the chair, and the dean, and submit his recommendation to the System vice chancellor for academic affairs (VCAA) for his decision. The recommendation shall include the faculty member’s date of hire, process used to decide to request extension (such as department chair and/or dean recommendation, Academic Council of Deans approval), rationale to exclude the requested period of countable service, other facts or documentation relevant to the case, and the date by which the faculty member will be reviewed for tenure if the extension is approved.

The total time excluded from countable service under this policy is two years (for example, a faculty member who excludes one year for childbirth or adoption and one year for dependent care has reached the maximum). The stopping of the tenure clock under this policy lies within the sole discretion of the Lamar University administration, subject to the VCAA’s approval, and creates no property right, contractual or other legal entitlement in a member of the faculty. The administration may deny a request when, in its judgment, the needs and best interests of Lamar University, its academic units, and/or its students so require, provided that this policy shall not be applied in violation of Lamar University or

Texas State University System non-discrimination policies. Chairs, directors, deans and the provost shall ensure that all faculty members, personnel committees at all levels, and all external recommendation writers are informed that the criteria for tenure do not change when service has been excluded by virtue of this policy from a faculty member's probationary period.

- 19.3.9 TENURE NOTIFICATION. Not later than August 31st of the last academic year of the maximum probationary period, a tenure track faculty member shall be given written notice that the subsequent year will be his or her terminal year of employment or that, beginning with the subsequent academic year, tenure will be granted. In the event that the employment of a tenure track faculty member is to be terminated prior to the end of the maximum probationary period, notice shall be given in accordance with policies noted below.

Faculty members who are not approved for a tenured appointment by the Board of Regents shall not be entitled to tenure by virtue of being employed at the university past the seventh year, probationary period; that is, such faculty do not have *de facto* tenure (see Ch. II, § 22.2).

- 19.3.10 SECOND AND FOURTH YEAR PEER REVIEW OF TENURE PROGRESS. A faculty peer review shall be conducted in conjunction with the faculty evaluation procedure (F2.08 Annual Faculty Evaluation) a minimum of two times, typically during the second and fourth years of the probationary period for faculty members with tenure-track appointments (see F2.12). The department chair shall review the evaluation in a conference with the faculty member, discuss any areas of professional weakness, and, if necessary, recommend a plan for improvement. See: <http://facultystaff.lamar.edu/files/documents/academic-affairs/forms/2nd%20and%204th%20Year%20Review%20Form%20F2.12%20Revised%20March%202015%20Reader%20Format.pdf> .

The Second and Fourth Year Review dossiers are due to the chair of the Departmental Personnel Committee no later than February 1 of the year of review. The Second and Fourth Year Reviews are to be completed by the dean so as to ensure that the meeting between the chair and faculty member reviewed takes place no later than May 1 of the year of review.

For the Second Year Review, the chair of the College Personnel Committee or his/her designee shall serve as a member of the Departmental Personnel Committee. This representative may not be from the department of any of the candidates being reviewed.

For the Fourth Year Review, the College Personnel Committee shall conduct a review of the dossier following the review and comment by the department chair and preceding the review and comment by the dean.

A faculty member may review and add to the content of his or her dossier at any point during the review process. The addition of materials shall not cause a reconsideration of the dossier by any review body that has already tendered its recommendation; however, the new materials may be considered by subsequent review bodies.

If the faculty member receives creditable service such that a Second or Fourth Year Review is not possible, a review shall be conducted after the first full year of service.

Reviews at both the second and fourth year of service, while important for faculty

development and feedback on progress, do not express or imply tenure outcomes for probationary faculty members.

19.3.11 APPOINTMENT TO ADMINISTRATIVE OFFICE. Appointment to an administrative office, or the loss of the same, shall not deprive the appointee of tenure or credit toward earning tenure in the highest instructional rank held prior to or during appointment to such administrative office.

19.3.12 PROCEDURES FOR GRANTING TENURE.

19.3.12.1 Personnel Committees. Each department and college/library shall establish a personnel committee of tenured faculty that shall evaluate tenure candidates. Members shall be elected by and from the tenured faculty of the respective department or college/library. A university personnel committee shall also be established (see Ch. II, §16.1-16.3 for personnel committee eligibility and composition requirements).

As professionals, all reviewers shall keep materials, deliberations, and recommendations confidential, except as required in the review process.

19.3.12.2 Departmental review and recommendation. Applicants shall prepare and forward a tenure application and supporting documents (henceforth referred to as *dossier* or *file*) according to the guidelines specified in university form F2.11.

Candidates are obliged to inform themselves of the criteria, policies, calendar, and procedures for tenure consideration as listed in this Faculty Handbook, on the Academic Affairs website, in the information section of form F2.11, and in their department's guidelines. It is the candidate's sole responsibility to prepare the tenure dossier (see Academic Affairs website) and provide any required supporting documents.

Dossiers shall be submitted to the department chair and departmental personnel committee by the deadline date published in the university academic calendar. The departmental personnel committee shall study and consider each applicant's dossier and forward a written recommendation *to tenure* or *not to tenure* to the department chair. The chair of the departmental personnel committee shall sign the F2.11 cover sheet, indicate the committee's vote and recommendation, and notify the candidate, in writing, of the committee's recommendation.

Next, the department chair shall study and consider each applicant's dossier and, after consultation with departmental personnel committee, forward his or her written recommendation *to tenure* or *not to tenure*, along with the written recommendation of the departmental committee, to the dean of the college/library. The department chair shall sign the F2.11 cover sheet, indicate his or her recommendation, and notify the candidate, in writing, of his/her recommendation.

General reasons for the recommendation, an explanation of the data used to support the recommendation, and the results of consultation with the departmental personnel committee shall be included in the

recommendation submitted by the department chair to the dean. If the department chair is a candidate for tenure, the chair of the departmental tenure committee shall, after consultation with the other members of the departmental personnel committee, forward a written recommendation directly to the dean of the college. General reasons for the recommendation, an explanation of the data used to support the recommendation, and the results of the consultation with the departmental personnel committee shall be included in the recommendation submitted to the dean.

- 19.3.12.3 College review and recommendation. The college/library personnel committee shall review each applicant's dossier and forward its written recommendation *to tenure* or *not to tenure* to the dean/library director. The chair of the college/library committee shall sign the F2.11 cover sheet, indicate the committee's recommendation, and notify the candidate, in writing, of the recommendation.

Next, the dean/library director shall study and consider each applicant's dossier and, after consultation with the college/library personnel committee, forward his or her written recommendation *to tenure* or *not to tenure*, along with the written recommendation of the college/library committee and the departmental level recommendations, to the provost and the University Personnel Committee for review. The dean/library director shall sign the F2.11 cover sheet, indicate his or her recommendation, and notify the candidate, in writing, of the recommendation.

- 19.3.12.4 University review and recommendation. The University Personnel Committee shall study and consider each applicant's dossier and forward its recommendation *to tenure* or *not to tenure* to the provost. The chair of the university committee shall sign the F2.11 cover sheet, indicate the committee's recommendation, and notify the candidate, in writing, of the recommendation.

Then, the provost shall study and consider each applicant's dossier and, after consultation with the University Personnel Committee, forward his or her written recommendation *to tenure* or *not to tenure*, along with the written recommendation of the university committee and the departmental and college/library level recommendations, to the president. The provost shall sign the F2.11 cover sheet, indicate his or her recommendation, and notify the candidate, in writing, of the recommendation.

- 19.3.12.5 President's review and recommendation to the Board. After studying and considering each applicant's dossier and all prior recommendations, the president shall forward his or her recommendations, as an agenda item, to the Board of Regents in advance of the Board meeting in which recommendations for tenure are considered. The president shall sign the F2.11 cover sheet, indicate his or her recommendation, and notify the candidate, in writing, of the recommendation. The Board of Regents shall take final action on each application.

- 19.3.12.6 Notification. The procedures described above shall be conducted on a schedule that permits the university to notify a non-tenured faculty member no later than August 31 of the year of consideration that:
- a) tenure shall be awarded at the end of his or her probationary period,
 - b) the decision on awarding tenure shall be postponed, or
 - c) employment shall be terminated at the end of the next academic year (the end of the spring semester).
- 19.3.12.7 Statement of Denial Reason. A non-tenured faculty member, who is notified that tenure has been denied and that the subsequent academic year will be the terminal year of appointment, shall not be entitled to a statement of the reasons upon which the decision for such action is based.
- 19.3.12.8 One Tenure Decision. A non-tenured faculty member shall receive one, and only one, tenure decision. A faculty member who receives a terminal contract per §19.3.12.6 shall not be allowed to apply again for tenure during the terminal contract year. This standard applies to those who apply “early” (see §19.3.6d) as well as to those who apply by the maximum probationary period (see 19.3.7). Moreover, there is no *de facto* tenure (see Ch. II, §22.2).
- 19.3.12.9 Tenure and promotion policies are available at <http://facultystaff.lamar.edu/policies.html#academics> and forms are available at <http://facultystaff.lamar.edu/forms.html>.
- 19.3.12.10 Documentation. Claims of accomplishment, excellence, or distinction in any area of achievement considered in the tenure review process must be clearly documented and referenced. False claims shall be grounds for disciplinary action.

20. WRITTEN TERMS OF EMPLOYMENT

The university shall provide each full-time faculty member with an initial letter of appointment containing the terms of employment, rank, compensation, definition of tenure status, number of years of prior service acceptable toward tenure, designated length of probationary status, and any special conditions, responsibilities, or prerequisites.

Part-time faculty members (less than 1.0 FTE) may request and receive a completed F3.2 (Personnel Action) form containing appointment period, compensation, terms of employment, and any special conditions, responsibilities, or prerequisites.

21. TERMINATION OF TENURED FACULTY MEMBERS, AND OF ALL OTHER FACULTY MEMBERS BEFORE THE EXPIRATION OF THE STATED PERIOD OF THEIR APPOINTMENT, EXCEPT BY RESIGNATION OR RETIREMENT

21.1 TERMINATION FOR *GOOD CAUSE*. Termination of the employment of a faculty member who has been granted tenure and of all other faculty members before the expiration of the stated period of their appointment, except by resignation or retirement, only shall be for *good cause* shown. *Good cause* includes, but is not limited to the following:

21.1.1 FAILURE TO WORK EFFICIENTLY OR EFFECTIVELY.

21.1.2 INSUBORDINATION.

21.1.3 OTHER SERIOUS PROFESSIONAL OR PERSONAL MISCONDUCT, EXAMPLES OF WHICH ARE:

- a) Commission of a misdemeanor involving moral turpitude, or a felony;
- b) Failure to secure and maintain Federal, State, or local permits required in the discharge of teaching, research, or other professional duties, including failure to maintain appropriate documentation;
- c) Willful destruction of university property or violent disruption of the orderly operation of the campus;
- d) Accepting or soliciting gifts that might tend to influence the discharge of one's professional responsibilities (see Ethics policy, Chapter VIII of the TSUS Rules and Regulations);
- e) Stealing and publishing as one's own the intellectual property of another;
- f) Misuse or misappropriation of State property, resources, funds, including funds held by a faculty member as part of official duties;
- g) Sexual misconduct as defined in this Handbook and in Appendix P.
- h) Racial and other forms of harassment as defined in this Handbook and in Section 4.3 of Chapter VII of the TSUS Rules and Regulations;
- i) Professional incompetence and/or neglect of professional duties;
- j) Mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the institution, or to students and associates;
- k) Illegal use of drugs, narcotics, or controlled substances. A faculty member who, by a preponderance of the evidence is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension or other discipline as determined by the president or the president's designee. That an employee is charged in a criminal case, or is found "not guilty" therein, shall not be construed as prohibiting administrative enforcement of this rules. If, in the judgment of the president or the Board of Regents, the best interests of the students or Lamar so dictate, the employee may be Immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings; and,
- l) Intentionally or knowingly violating any Lamar University or Board administrative order, rule, or regulation. The employee is presumed to have knowledge if such university or Board administrative order, rule, or regulation is published in this

- handbook or is a published policy of the Board or university.
- m) Violating Lamar's policy relating to electronic network facilities such as local area networks, email, and the internet.

- 21.1.4 ALL DUTIES. A faculty member who is suspended or discharged from a particular duty or job at the university may be suspended or discharged from all other duties or jobs in the university for the same or other *good cause*. In each case, the issue shall be determined by an equitable procedure, affording protection to the rights of the faculty member and to the interests of the university and System.
- 21.2 PRESIDENTIAL AUTHORITY. The president may, for *good cause*, immediately suspend an accused faculty member pending immediate investigation or speedy hearing as hereinafter provided when the continuing presence of the faculty member poses a danger to persons or property or an ongoing threat of disrupting the academic process.
- 21.3 SUMMARY DISMISSAL. In cases of *good cause* where the facts are admitted by the faculty member, summary dismissal may follow.
- 21.4 HEARING TRIBUNAL. In all cases where the facts are in dispute, the accused faculty member shall be informed, in writing, of the charges which, on reasonable notice, shall be heard by a special hearing tribunal whose membership, including its chair, shall be appointed by the president from members of the faculty whose academic rank is equal to, or higher than, that of the accused faculty member.
 - 21.4.1 TRIBUNAL PROCESS. The hearing tribunal shall not include any accuser of the faculty member. The faculty member may challenge the alleged lack of fairness or objectivity of any tribunal member, provided such challenge is made prior to the submission of any evidence to the tribunal. The faculty member shall have no right to disqualify such member from serving on the tribunal. Each such challenged member shall determine whether he or she can serve with fairness and objectivity in the matter. In the event the challenged member chooses not to serve, the president shall appoint a substitute.

The faculty member shall have a right to attend the hearing; confront and cross-examine adverse witnesses; present relevant evidence on his or her own behalf; testify or choose not to testify; and, be assisted or represented by counsel. The hearing shall be closed although the faculty member may request that it be open to the public. Notwithstanding a faculty member's request, the tribunal may close all or a portion of a hearing to deliberate or if it appears likely that privacy interests of others are relevant and could be affected by an open hearing.

Lamar University, through a representative and/or through counsel, shall have the right to attend proceedings; present witnesses and evidence against the faculty member; and, cross-examine the faculty member (if the faculty member testifies) and his or her witnesses.

The hearing tribunal, by a majority of the total membership, shall make written findings on the material facts and a recommendation of the continuance or termination of the faculty member's tenure as well as any supplementary suggestions it may have concerning the case. The original of such findings, the recommendation, any supplementary suggestions, and the record of the hearing shall be delivered to the president and a copy thereof sent to the faculty member. Any minority findings, recommendations, or suggestions shall be distributed in the same manner.

A stenographic or electronic record of the hearing shall be made accessible to the faculty member.

- 21.4.2 REVIEW BY PRESIDENT. The president shall review the record, plus any additional written briefs the parties wish to submit, and render a decision, stating his or her reasons therefore in writing and communicating the same to the faculty member. The president may recommit the matter to the same tribunal to hear additional evidence and/or to reconsider its findings, recommendations, or suggestions, if any. The original findings, recommendations, and suggestions of the hearing tribunal, a transcript of the hearing, any briefs submitted, and the decisions, recommendations, findings, and suggestions of the president shall be delivered to the Board.
- 21.4.3 APPEAL TO THE BOARD. Upon written request by the faculty member, received in the System Administrative Office within thirty calendar days of the faculty member's receipt of the president's decision, the Board shall review the record before it. Such request should specifically address any defects in procedure or substance which require reversal of the president's decision. The president may submit a written response to the request for review. By a majority of the total membership, the Board may approve, reject, or amend any decisions, findings, recommendations, and suggestions before it, or recommit the matter to the president for reconsideration or the hearing of additional evidence. The Board shall notify the faculty member in writing of the reasons for its decision.

22. REAPPOINTMENT OF NON-TENURED, BUT TENURE-TRACK, FACULTY

- 22.1 NOTICE. Reappointment of non-tenured, but tenure-track members of the faculty to a succeeding academic year, or the award of tenure, shall be accomplished only by written recommendation by the president, or a delegate designated by the president, with the approval of the Chancellor and Board.
- 22.2 NO *DE FACTO* TENURE. No *de facto* tenure shall be awarded to a faculty member. Notwithstanding any earlier provisions, should it occur that no notice is received by the maximum time prescribed earlier, it shall be the duty of the academic employee concerned to make inquiry to determine the decision of the president, who shall, without delay, give the required notice to the academic employee. Failure of the university to comply with the maximum probationary period policy shall not entitle a faculty member to tenure.

23. REASONS GIVEN FOR NON-REAPPOINTMENT OF NON-TENURED FACULTY

Non-tenured faculty members who are properly notified that they will not be reappointed or notified that the subsequent academic year will be the terminal year of appointment shall not be entitled to a statement of the reasons upon which the decision for such action is based, except as described in Section 21.4 of this chapter.

24. NOTIFICATION OF NON-REAPPOINTMENT OF NON-TENURED (BOTH TENURE-TRACK & NON-TENURE-TRACK) FACULTY

In the event of a decision not to reappoint a non-tenured faculty member in a tenure-earning (tenure-track) appointment, written notice shall be given to the faculty member not later than March 1 of the first academic year of probationary service if the appointment expires at the end of that academic year, or not later than December 15 of the second academic year of probationary service if the appointment expires at the end of that academic year. After two or more academic years, written notice shall be given not later than August 31 that the subsequent year will be the terminal academic year of appointment.

The notifications required by this section shall not be applicable where termination of employment is for *good cause* (see Ch. II, §21 and also Ch. II, §25) or who are appointed on a term basis.

Non-tenured faculty in non-tenure-earning positions (non-tenure-track) shall not expect or anticipate continued employment beyond the calendar period specified in the appointment notice (usually, the F3.2 personnel action form).

25. TERMINATION OF FACULTY EMPLOYMENT UNDER SPECIAL CIRCUMSTANCES

If, in the judgment and at the discretion of the Board, reductions in legislative appropriations for faculty salaries; governmentally mandated reductions in faculty positions; significant loss of enrollment; consolidation of departments or other reorganization; dropping of courses, programs, or activities for educational or financial reasons; or financial exigency makes such action advisable, the employment of a faculty member who has been granted tenure, or of any other faculty member before the expiration of the stated period of his or her employment, may be terminated in accordance with the provisions of this section.

25.1 PROVISIONS. A faculty member whose employment will be recommended for termination shall be given a statement of the basis for the decision to terminate the faculty member's employment, together with a description of the manner in which the recommendation of termination was made; access the information and data upon which the recommendation was based; and, an opportunity to respond consistent with the requirements of due process.

25.2 SELECTION OF FACULTY. In cases involving the termination of faculty employment under the provisions of this section, the guidelines to be used to identify faculty members in a designated program whose employment will be recommended for termination shall include the following:

25.2.1 ATTRITION. Whenever possible, faculty reduction shall be accomplished through attrition.

25.2.2 TENURE. Within a designated program, the termination of the employment of a faculty member with tenure may not be recommended in favor of retaining a faculty member without tenure unless: the removal of a non-tenured faculty member would eliminate an essential part of a program or render a program dysfunctional; or the removal of a non-tenured faculty member who is deemed to be of equal or greater merit than a tenured faculty member would jeopardize the advances achieved by the university under its program.

25.2.3 APPOINTMENT IN RELATED AREA. A faculty member recommended for termination should be given the opportunity for appointment in a related area provided the faculty member is qualified professionally to teach in such area or is willing to undergo the appropriate professional retraining that will qualify him or her to do so; and a position is available.

25.2.4 CONSIDERATION FOR REHIRING. A faculty member whose position has been terminated shall be given first consideration for rehiring, should the position be reestablished within a three-year period.

26. RIGHTS AND RESPONSIBILITIES OF A FACULTY MEMBER AS A CITIZEN AND AS A TEACHER

A Lamar University faculty member shall be entitled to rights and responsibilities as a citizen, a member of a learned profession, and an employee of an educational institution supported by the State. When the faculty member speaks or writes as a citizen, the faculty member should be free from institutional censorship or discipline; but the faculty member's special position in the community imposes special obligations. As a person of learning and a Lamar faculty member, the faculty member should remember that the public may judge the faculty member's profession and university based on his or her utterances. Hence, the faculty member should at all times be accurate, should exercise appropriate restraint, and should show respect for the opinions of others since any actions taken or statements made by the faculty member may reflect on the university. As an employee of a State institution of higher education, the faculty member should refrain from involving Lamar University in partisan politics.

- 26.1 CLASSROOM. The faculty member is entitled to freedom in the classroom in discussing the faculty member's subject, appropriate to the course, but should be judicious in the use of controversial material in the classroom and should introduce such material only as it has clear relationship to the subject field.
- 26.2 RESEARCH/CREATIVE ACTIVITY AND PUBLICATION. The faculty member is entitled to freedom in research/creative activities and in the publication of the results in accordance with responsible academic and professional practices.
- 26.3 LICENSES AND PERMITS. The faculty member shall be responsible for securing and maintaining any and all federal, state, and local licenses and permits required for his or her classroom, research, or other professional activities.
- 26.4 SPEAKING AS A CITIZEN. The faculty member is a citizen, a member of a learned profession, and an employee of an educational component supported by the State. When the faculty member speaks or writes as a citizen, the faculty member should be free from component censorship or discipline; but, the faculty member's special position in the community imposes special obligations. As a person of learning and a faculty member of a state funded educational component, the faculty member should remember that the public may judge his or her profession and component by his or her utterance. Hence, the faculty member should at all times be accurate, exercise appropriate restraint, and should show respect for the opinions of others.
- 26.5 PARTISAN POLITICAL ACTIVITIES. Lamar University and the Board of Regents recognize and affirm a faculty member's right to participate in political activities as long as such political activities do not interfere with the discharge of the duties and responsibilities that a member of the faculty owes to Lamar or the System or otherwise involve Lamar or the System in partisan politics. If, in the president's or Board's judgment, the interest of Lamar or the System so require, they may grant a leave of absence without pay to a member of the faculty. If a member of the faculty, who has not been granted a leave of absence, wishes to engage in political activity that interferes with the discharge of the duties and responsibilities that are owed to Lamar or the System, the faculty member should voluntarily terminate employment with Lamar. If the faculty member does not voluntarily terminate his or her employment and the president or the Board finds that the faculty member's political activity interferes with the discharge of the duties and responsibilities that are owed to Lamar or the System, the president or the Board shall terminate such faculty member's employment by the university.

27. EMPLOYMENT STATUS AND CONTRACTS

- 27.1 EMPLOYMENT NOTICE AND PAYMENT OPTIONS. The president shall recommend the employment or re-employment of faculty to the Board of Regents. The Board shall appoint and employ faculty at its annual meeting or at the earliest practical meeting following the governor's approval of the State's General Appropriations Act.

Salaries associated with nine-month appointments may be paid over nine or 12 months, at the option of the faculty member. Once a payment option is chosen, that method shall remain in effect until a written request to change, effective the next fiscal year, is submitted to and approved by the Office of Human Resources. For new faculty members, if no method is chosen, the nine-month contract salary shall be paid over 12 months. The payment method shall be irrevocable during a fiscal year and all changes shall be made at the beginning of the next fiscal year. Faculty members shall be responsible for reviewing their wage statement to assure that the correct method is being used. Faculty contracts for less than nine months may not be paid over 12 months.

- 27.2 SPECIAL NOTICES. Faculty members with nine-month contracts paid over 12 months who do not teach during the summer shall be required to pay the employee cost of their insurance. Failure to pay these amounts shall result in cancellation of the insurance and a physical examination may be required to have the insurance reinstated. Similarly, nine-month contracted faculty paid over 12 months may be responsible for charges or premiums associated with other benefits.

Faculty members with nine-month contracts paid over 12 months who resign or are terminated at the end of the Spring Semester shall be paid in a lump sum for the balance of their contract.

28. DEPARTMENT CHAIR AND PROGRAM DIRECTOR APPOINTMENTS

- 28.1 APPOINTMENT. After receiving input from the faculty and after consultation with the provost, the dean shall appoint of department chairs and program directors. These appointments must be approved by the president and the Board of Regents.
- 28.2 SERVICE AND STIPEND. Department chairs and program directors serve at the pleasure of the academic dean. Any administrative stipend associated with these positions remains with the position when the occupant leaves.
- 28.3 ADMINISTRATIVE AND INSTRUCTIONAL APPOINTMENT OF CHAIRS. Department chairs shall receive half-time administrative appointments (.50 FTE) and half-time instructional appointments (.50 FTE) during the Fall and Spring semesters, and half-time (.50 FTE) administrative appointments during each of the summer terms (Summer Sessions I & II). In addition, chairs shall receive a half-time (.50 FTE) instructional appointment during one of the two summer terms and, if summer funds permit, shall be in any departmental rotation for an additional half-time instructional appointment (.50 FTE) for the other summer term. Chairs may not receive both administrative appointments and/or both instructional appointments during one of the summer terms.

29. SUMMER SESSION AND MINI-SESSION EMPLOYMENT

Notices concerning summer and mini-session employment shall be issued separately from academic year contracts. The policy on summer and mini-session employment of faculty (other than department chairs) follows below.

- 29.1 NEED. Faculty members shall be offered employment for the summer sessions and/or mini-sessions on the basis of demonstrated instructional need in each department.
- 29.2 ROTATION. If departmental instructional needs and/or budgetary constraints make it impossible to offer all interested faculty one full term of summer employment (1.0 FTE for one full summer term), a system of rotation shall be implemented so that, as a general rule, no faculty member shall teach two summer terms until every member in the department desiring employment has taught one summer term. Only faculty who teach courses for which there is demonstrated academic need in the summer term may participate in the departmental rotation. A similar rotation system may be developed for mini-session employment.
- 29.3 NOTICE OF SUMMER ALLOCATION. The dean of each college and the director of college readiness shall be advised of the amount of faculty salary money for summer school on or before the end of January, or as soon as practicable. Notices of summer employment shall be issued by as soon as practicable.
- 29.4 EARLY RETIREMENT AND SUMMER EMPLOYMENT. Faculty members taking early retirement may qualify for employment in both summer terms (See Ch. II, §31).

30. NOTIFICATION OF RESIGNATION AND RELEASE FROM EMPLOYMENT CONTRACT

Mobility of faculty members among colleges and universities is rightly recognized as desirable in American higher education. Yet, the departure of a faculty member always requires changes within a department and may entail major adjustments on the part of the faculty member's colleagues, the administration, and students in the faculty member's field. Thus, the following procedures regarding the resignation of faculty members are to be followed.

- 30.1 NOTIFICATION OF RESIGNATION. A faculty member should not resign later than May 15 or thirty days after receiving notification of the terms of continued employment for the following year, whichever date occurs later. A faculty member who wishes to resign should give notice, in writing, to the president through the department chair, dean, and provost.
- 30.2 RELEASE FROM EMPLOYMENT CONTRACT. After a faculty member has signed a contract for the subsequent year, professional ethics require that the faculty member should not solicit a new position elsewhere for the period the faculty member is obligated to teach under the terms of the signed contract. However, should an unsolicited offer come to the faculty member, which the faculty member desires to accept, a request for release from the contract shall be given full consideration. The faculty member shall submit a request to the department chair who shall forward it, together with recommendations, through appropriate channels to the president, who shall notify the faculty member if the release is to be granted.

31. RETIREMENT POLICIES AND SERVICE FOLLOWING RETIREMENT

31.1 RETIREMENT AGE. Under Texas law, Lamar University may not impose a mandatory retirement age for tenured faculty.

31.2 INSTRUCTIONAL SERVICE FOLLOWING RETIREMENT. Lamar shall provide an opportunity for qualified faculty to continue in some instructional service on less than a half-time basis after retirement. Under the instructional service following retirement program, faculty may apply for retirement through normal administrative channels and be registered for post-retirement service when needed by the instructional program of a department. Participants in the program shall not retain tenure, and instructional service opportunities shall be offered at the discretion of the university. Application for retirement should be made in writing to the appropriate department chair on or before February 1 of the year during which the instructional service would commence.

Faculty who retire under the Texas Teacher Retirement System (TRS) must be retired for at least 30 days before the effective date of re-employment and should contact TRS to determine the effect of re-employment—if any—on annuities. Faculty who retire under the optional retirement program may be rehired without a break in service.

Participants in the instructional service program shall retain their established obligations to comply with all university rules and regulations and to participate in all university responsibilities applicable to full-time personnel. Following retirement, two instructional service options are available.

31.2.1 OPTION I. Participants in Option I shall retain, as applicable, rank and one-third of their nine-month base salary. Neither summer employment nor annual raises shall be assured or committed. Assignments shall be considered when the needs of the university are established. Participants may continue to take part in the insurance-benefits program of the university for which they are qualified. For instructional faculty, class assignments, up to one-third of a normal work load, shall be defined by the dean after consultation with the department chair.

31.2.2 OPTION II. Participants shall retain, as applicable, rank and one-half of base salary commensurate with assignment on a nine-month basis. Neither summer employment nor annual raises shall be assured or committed. Assignments shall be considered when the needs of university are established. Qualified participants may continue to take part in the insurance-benefits program of the university. A work load of less than one-half of the normal work load shall be defined by the dean after consultation with the department chair.

31.3 EARLY NOTIFICATION OF PLANNED RETIREMENT. Faculty with a minimum of ten years of Lamar University employment may give notice of retirement two years prior to their scheduled retirement date and qualify for employment in both summer terms for a maximum of two academic years under the following conditions:

- a) The applicant must qualify for retirement within two calendar years under the provisions of the Texas Retirement System (TRS), or an approved optional retirement program (ORP).
- b) The applicant must submit a letter of retirement designating the specific date of retirement to the department chair, dean and provost.
- c) The appropriate department chair and dean must recommend full summer employment to be in the instructional interests of the department.

- d) Requests for full summer employment must be approved in October of the year prior to the summer term, and such assignment must be incorporated in the summer budget of the appropriate department and/or college.

31.4 RETIRED FACULTY. Full-time faculty members who have retired from Lamar and who held the title professor, associate professor, assistant professor, or instructor at the time of retirement shall be accorded the following privileges and perquisites:

- a) A faculty identification card denoting their previous academic rank and the designation *retired*. In the case of holders of an emeritus title, the identification card shall denote the applicable emeritus title.
- b) Faculty library and computer privileges.
- c) Use of university dining services.
- d) Purchase of faculty athletic and cultural tickets on the same basis as active faculty members.
- e) Parking privileges and recreational sports privileges provided to active faculty members of the university.
- f) Continued eligibility for university group health and life insurance as provided by statute.
- g) Use of internal university mail service and facilities.
- h) Any other privilege approved by the president of the university.

31.5 VOLUNTARY MODIFICATION OF EMPLOYMENT. The purpose of this policy is to afford full-time tenured faculty members, including professional librarians, the opportunity to request reassignment of teaching and other duties in anticipation of retirement. The term "voluntary modified employment" (VME) is an employment status instituted under authority of this policy. The term "retired faculty member" means a faculty member whose employment status has been modified under this policy.

31.5.1 FACULTY ELIGIBLE. Any full-time, tenured faculty member who is eligible for retirement of any kind under the Teacher Retirement System of Texas or the Optional Retirement Program may apply for modification of the terms of the faculty member's employment under the provisions of this policy.

31.5.2 LENGTH OF MODIFIED STATUS. Modified employment status shall not exceed one year.

31.5.3 APPLICATION. A faculty member desiring to take advantage of this policy must apply for VME status no later than two calendar months prior to the beginning of the fiscal year in which the modified status is to become effective. For example, a faculty member, who wishes to apply for modification effective September 1, must submit the application no later than July 1 of the previous year.

31.5.4 RESERVATION OF DISCRETION. Ordinarily, Lamar University will grant an application for modified status only when, in its sole discretion, the academic and financial needs of the institution can support the modified position. Once approved, VME status is binding upon the faculty member, subject to the termination provisions state below. Neither the university nor the faculty member may vary the terms of the new employment without the written agreement of the other. If application for VME status is denied, a faculty member may withdraw his or her application for retirement within thirty (30) days of notification of denial.

31.5.5 MAXIMUM PERCENTAGE. A maximum of ten percent of the full-time faculty may be on VME status during any academic year. The ten percent cap shall apply to each college as

well.

31.5.6 EFFECT OF CHANGE IN STATUS. A faculty member's acceptance of VME status has the following effects:

- a) A faculty member whose application is approved must formally retire, relinquish his or her full-time status, automatically relinquish tenure as of the date the application is approved, and end his/her employment with the university at the end of the VME term.
- b) The faculty member must complete an assignment deemed by the provost and president to be of benefit to the department/college/university. The assignment will be developed by the faculty member's department chair and/or dean, in collaboration with the faculty member, written in reasonable detail and signed by the faculty member, chair and dean, and agreed to by all parties (i.e., faculty member, chair, dean, provost, president) prior to approval of the VME.
- c) The retired faculty member will not be eligible for faculty development grants or research enhancement grants.
- d) The retired faculty member will retain the rank held at the time of retirement, including graduate faculty rank.

31.5.7 UNIVERSITY'S OBLIGATIONS. The university shall provide the following compensation to the faculty member who has been granted VME: fifty (50%) percent of the faculty member's current, 9-month salary.

31.5.8 POST-VME STATUS EMPLOYMENT. After one (1) year of modified employment, the university may, at its sole discretion, continue to employ the retired faculty member on any basis convenient to the institution. The faculty member shall have no property right or interest in continued employment.

31.5.9 TERMINATION. During the specified period of modified employment, the university may terminate the retired faculty member's employment only in accordance with University policy and The Texas State University System Rules and Regulations, Chapter V, Section 4.

31.5.10 OFFICE SPACE & ACCESS TO FACILITIES. The university may accommodate the office requirements of a retired faculty member whose employment has been modified under this policy. The institution makes no guarantee that the retired faculty member will remain in the same office and retains the right to reassign the retired faculty member to a different or shared office. The retired faculty member will have access to secretarial assistance, parking, library services, on campus mail, athletic and cultural events, professional travel and other facilities and activities on the same basis and at the same costs, if any, as the faculty generally.

31.5.11 SICK LEAVE. Because the faculty member seeking modification of employment under this policy, must first retire, his or her member's balance of pre-retirement sick leave will be lost. However, upon the commencement of voluntary modified employment, the retired faculty member will be eligible for the same sick leave accrual and use in accordance with state law as any other university employee who is on a comparable part-time status.

31.5.12 RETIRED FACULTY MEMBER'S OBLIGATIONS. The retired faculty member will continue to observe all obligations applicable to full-time faculty and comply with all Lamar and System rules and regulations generally applicable to other personnel. He or she may

terminate any modified employment granted under this policy and elect full time retired status by giving prior written notice to the provost not less than sixty days prior to the beginning of a given semester.

31.5.13 DURATION OF VOLUNTARY MODIFICATION OF EMPLOYMENT PROGRAM. The university may, at its sole discretion, continue or discontinue the VME Program as described herein, or implement a suitable modification, the latter following approval by the university president and System counsel.

31.5.14 VME POLICY AND FORMS. See: <http://facultystaff.lamar.edu/academic-affairs/policies/index.html>.

32. RESIGNATION AND TERMINATION PROCEDURES

In the event of a resignation in the course of a semester, term, or session, the instructor should give ample notice to the chair of the department to assure the uninterrupted delivery of instruction. In all cases of employment termination, final salary checks shall be released to the faculty member at the next regular date of payment, after written clearance (completion and approval of the *Employment Exit Check List*) has been given by the dean of the college or the provost. The clearance shall certify that:

- a) all necessary records, including grade records, have been completed and transferred to the department chair;
- b) all building and room keys have been returned to the department chair;
- c) all parking permits, computer access, and library materials and cards have been returned to the proper university officials;
- d) an exit interview has been completed with the Office of Human Resources;
- e) all office and laboratory facilities have been vacated in proper order; and
- f) a forwarding address has been filed with the Office of Human Resources and personnel forms have been completed for retirement and tax reporting correspondence.

33. EMPLOYMENT OF PART-TIME FACULTY

A *part-time faculty member* shall be one whose teaching assignment and appointment with the university is less than full-time (<1.0 FTE). The following principles and procedures shall apply to part-time faculty employment at Lamar University.

- 33.1 **IMPORTANCE OF PART-TIME FACULTY.** The university acknowledges the contribution part-time faculty members make to its academic and curricular goals. Part-time faculty members frequently provide unique expertise and experience that enhance the educational effectiveness and mission of the institution. Their employment also allows administrators the flexibility to respond to unforeseen enrollment and staffing fluctuations.
- 33.2 **QUALIFICATIONS.** The qualifications of part-time faculty shall be similar to the qualifications of full-time faculty and shall, without exception, meet the minimum criteria for faculty status as established by Lamar and the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) (Ch. II, §10.2. and §10.6).
- 33.3 **PROCESS OF EMPLOYMENT.** Part-time faculty shall file an application for employment and complete other appropriate employment forms required by the university, and shall be provided either a letter of appointment or a signed personnel action form (F3.2) containing the specific terms of their employment. As in other types of university employment, affirmative action procedures shall be followed in the employment of part-time faculty.
- 33.4 **ORIENTATION, EVALUATION, AND PROFESSIONAL DEVELOPMENT.** Each academic department shall provide orientation and mentoring for part-time faculty and evaluate their instructional performance during the annual faculty evaluation cycle. Continuing adjunct faculty shall participate in professional development activities as prescribed by their department chair and dean. Annual evaluation shall include consideration of development activities.
- 33.5 **ACCESSIBILITY TO STUDENTS.** Whether teaching face-to-face or online, part-time faculty members shall be accessible to their students and shall make themselves available by appointment. Part-time faculty shall maintain office hours equal to or greater than the number of classroom hours required by their appointment. Those teaching online shall hold virtual or electronic office hours.
- 33.6 **ACTIVITIES.** Academic units within the university shall develop and circulate to all faculty, including part-time faculty, specific rules and regulations which apply to departmental operations, curricular concerns, and classroom instruction. Unless excused by the department chair, part-time faculty shall be available for and attend departmental, college, and university faculty meetings.

34. ABANDONED AND UNCLAIMED PERSONAL PROPERTY

Abandoned and unclaimed personal property of value, including, but not limited to computers, tablets, cellular phones and other technologies capable of storing digitized data, state or federal identification, wallets, purses, credit cards, watches, jewelry, cameras, textbooks, or backpacks discovered on Lamar's campus shall be immediately turned over to campus police for safekeeping and standardized handling. Other articles of property that do not meet the defined value shall be forwarded to the office of property management (880-8940) for storage. Property shall be considered abandoned if it appears from the circumstances under which Lamar comes into possession of the property that the owner has thrown it away or has voluntarily left or lost it without any intent or expectation to regain it.

Abandoned and unclaimed personal property acquired by campus police or property management shall be held for a minimum of one hundred and twenty (120) days from the time campus police or property management acquires the property. If the property is reclaimed during that time, Lamar may charge the owner a reasonable storage fee. Campus police shall develop appropriate procedures to assure the return, if possible, of unclaimed personal property of value to the proper owners. Such procedures shall be published in all appropriate handbooks and catalogs and shall include contacting the proper owner through campus contact records (telephone, mailing and electronic addresses).

After one hundred and twenty (120) days, and after appropriate property checks which reflect the value of the property have been made (such as, but not limited to the National Crime Information Center), all items of value and non-valued items may be sold as part of a normal Lamar surplus property sale.

35. INDEMNIFICATION OF EMPLOYEES

The Texas State University System and Lamar University shall indemnify all faculty, as well as members of the Board of Regents, former members of the Board of Regents, other employees, former employees, and persons serving on the board of a foundation, corporation, or association at the request and on behalf of the System or one of the universities in accordance with the provisions of Chapter 104 of the *Texas Civil Practice and Remedies Code*.

36. FACULTY OBLIGATIONS AND WORKLOADS

- 36.1 FACULTY WORK LOADS. Each faculty member paid full-time from the State appropriations item *Faculty Salaries* shall teach a standard load of twelve semester credit hours of instruction (minimum load of nine semester credit hours of instruction in exceptional cases) in organized undergraduate classes each semester, or within the calendar period of each semester, with adjustments as follows:
- 36.1.1 Depending on the degree of additional preparation required, the nature and level of instruction expected and other such relevant factors, one semester credit hour of organized graduate instruction may be deemed, by the dean, to be the equivalent of one and one-half semester credit hours of organized undergraduate instruction.
 - 36.1.2 Teaching credit for service as chair of a graduate student's committee may be granted on the basis of one-third of the dissertation research semester credit hours in which the doctoral student is enrolled, or one-fifth of the thesis research semester hours in which the master's student is enrolled. This teaching credit may be given as earned or may be accumulated to a maximum of six semester credit hours.
 - 36.1.3 Depending on the amount and quality of assistance provided and the assessment of other relevant factors, one semester credit hour of teaching a class section with an enrollment of more than 100 students may be deemed, by the dean, to be the equivalent of one and one-half semester credit hours of organized undergraduate instruction.
 - 36.1.4 For classes that meet more hours per week than the semester credit hours granted (e.g., a three credit hour course that meets five contact hours a week), including many clinical and laboratory courses, each additional contact hour may be deemed, by the dean, as one-half (50%) of a teaching credit hour.
 - 36.1.5 Credit for individual instruction classes (e.g., individual research projects, readings, supervision of student teachers, and internship supervision) may be granted, by the dean, on the basis of one-third of the semester credit hours for individual graduate instruction and one-fifth of the semester credit hours for individual undergraduate instruction (i.e., such individual instruction of three graduate or five undergraduate students may constitute one teaching credit hour).
 - 36.1.6 A full-time load of instruction in applied music instruction shall be a minimum of 21 contact hours per week.
 - 36.1.7 For full-time faculty members who receive salary funds from a source other than the *Faculty Salaries* in the State's appropriations, the minimum teaching work load shall be directly proportional to the percentage of total salary paid from the *Faculty Salaries* appropriation.
 - 36.1.8 Depending on the availability of resources and need for courses taught, reasonable efforts shall be made that faculty have no more than two graduate or three undergraduate course preparations for a full-time assignment.
 - 36.1.9 For faculty engaged in activities other than classroom instruction, such as library service or clinical practice, the appropriate administrative unit shall develop and implement equitable and reasonable procedures for the assignment of duties.

- 36.2 EXCEPTIONS (REDUCED TEACHING LOADS). Reduced loads may be granted as follows:
- 36.1.1 A reduced teaching load may be granted to a faculty member who is chair of a department or comparable administrative unit.
 - 36.1.2 A reduced teaching load may be granted to a faculty member who is a director or coordinator of a special program or of multi-section courses when such responsibilities directly supplement the teaching function.
 - 36.1.3 A reduced teaching load may be granted temporarily if classes lack sufficient enrollment and when additional classes cannot be assigned to the faculty member. This exception may be granted for only two consecutive long term semesters for any particular faculty member. Under such circumstances, the faculty member shall be assigned other responsibilities by the dean.
 - 36.1.4 A reduced teaching load may be granted for significant academic advisement or temporary administrative responsibilities relating to instruction.
 - 36.1.5 A reduced teaching load may be granted when a faculty member has taught a load in excess of the standard requirement during the previous semester.
 - 36.1.6 A reduced teaching load may be granted for miscellaneous assignments such as chair of a major accreditation committee, holder of a major office in a national organization, or president of the Faculty Senate.
 - 36.1.7 Depending on resource availability and course need, a reduced teaching load may be granted, temporarily, to faculty with substantial research projects in order to foster equitable and reasonable workload procedures.
- 36.3 OTHER FACULTY OBLIGATIONS. In addition to instructional responsibilities, and as appropriate to the position, each faculty member paid full-time from the State appropriations item *Faculty Salaries* shall engage in professional activities such as academic advising, committee service, guidance of student organizations, research/creative activities, and service to the profession and public. Each college and department shall establish and publicize equitable and reasonable procedures for the assignment of duties in addition to instruction responsibilities.
- 36.4 FACULTY WORK LOADS DURING SUMMERS AND MINI-SESSIONS. Each regular faculty member paid full-time from State appropriations during a summer session shall teach a standard load of six undergraduate semester credit hours. For a mini-session, the standard load shall be three credit hours. Adjustments and exceptions noted above may, in a proportional manner, be applied to summer and mini-session loads.
- 36.5 GRADUATE ASSISTANT WORK LOADS. The maximum teaching load for graduate students employed as paid assistants shall be six credit hours per semester or three credit hours per summer term.
- 36.6 TEACHING ASSIGNMENTS FOR NEW TENURE-TRACK FACULTY. All tenure-track assistant professors will be assigned teaching loads of not more than 21 semester hours per academic year (i.e., fall and spring semesters) for the first two academic years of full time service. In general, this will take the form of four (4), three semester hour courses one semester and three (3), three semester hour courses the other semester. The decision as to whether the assignments will be 4-3 or 3-4 will be made collaboratively between the faculty member and the chair, with the best

interests of the students with regard to course offerings paramount. It is recognized that in some departments the 21 semester hour assignment may take a form other than seven three semester hour courses.

The primary purpose of this reassigned time is to afford probationary faculty the opportunity to spend more time on the scholarship, research, and/or creative activity requisite for earning tenure and promotion to the rank of associate professor. Hence, during the time faculty members are given this reassigned time, they may not teach overloads (excluding courses taught during mini semesters and summers).

All new tenure-track faculty will be provided this reassigned time automatically until the completion of the Second Year Peer Review. If the review committee has concerns about the candidate's progress in the area of scholarship, research, and/or creative activity, then the 21 semester hour teaching assignment will continue through the fifth year. However, if the results of that review are positive, and peers are satisfied with the candidate's progress in the area of scholarship, research, and/or creative activity, then he/she will be given the option to teach not more than 21 semester hours during each subsequent academic year (i.e., fall and spring semesters) through the spring of the fifth year of full time service. This will be a year-by-year decision, and each new tenure-track faculty member will be provided this reassigned time only upon written request to the department chair (with copy to the dean and provost) no later than February 15 of each year for the subsequent academic year. Again, the ability to select this reassigned time option terminates at the end of the fifth year of probationary, full-time employment (to include any credit awarded for prior service).

Exceptions to this policy will be considered on a case by case basis, and must be approved in writing, with justification, by the faculty member, department chair, dean and provost.

37. FACULTY ABSENCES

The following shall be Lamar University and TSUS Board of Regents' regulations regarding faculty absences, authorized and unauthorized, as established by and filed with the Texas Higher Education Coordinating Board as required by *V.T.C.A. Education Code, Section 51.108*.

- 37.1 AUTHORIZED ABSENCES. A faculty member employed by Lamar University shall have a binding obligation to discharge faithfully all instructional and other responsibilities associated with faculty appointment. Faculty members, graduate assistants, laboratory instructors and all other instructional personnel shall be required to meet all scheduled classes. Absences from classes shall be authorized only under the following conditions.

37.1.1 PROFESSIONAL MEETINGS. A faculty member may be absent from classes for the purpose of attending a meeting of a professional organization when, according to the judgment of appropriate academic administrators, attendance at such a meeting would contribute to the improvement of teaching or scholarship at the university.

37.1.2 PERSONAL OR IMMEDIATE FAMILY HEALTH. Sick leave absences from classes shall be authorized when sickness, injury, or pregnancy and confinement prevent the faculty member's performance of duty, or when a member of his or her immediate family is actually ill. For purposes relating to regular sick leave, *immediate family* shall be defined as those individuals who reside in the same household and are related by kinship, adoption, or marriage as well as foster children certified by the Texas Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, shall be considered immediate family for purposes of regular sick leave. An employee's use of sick leave for family members not residing in that employee's household shall be strictly limited to the time necessary to provide care and assistance to a spouse, child or parent of the employee who needs such care and assistance as a direct result of a documented medical condition. The faculty member shall be obligated to notify his or her department chair as early as possible so that the latter may make appropriate arrangements for classes. Also, the faculty member must submit the prescribed leave forms for all sick leave, even though no classes were missed if the absence occurred during the normal workday for the faculty member.

37.1.3 EMERGENCY LEAVE AND BEREAVEMENT LEAVE. A faculty member may be granted emergency leave by the president without the loss of regular pay for reason of death in the family. Under Texas Code for emergency leave purposes, "family is defined as the employee's spouse or the employee's or spouse's parents, brothers, sisters, grandparents, children and grandchildren." The amount of time granted shall normally not exceed three days. Requests for leave in excess of three days may be approved, based on the facts and circumstances of each case. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time necessary for travel, funeral arrangements, funeral services, and being with other family members during the immediate period of bereavement. Requests for such leave must be submitted to the department chair that has the authority to approve leave and forwarded through normal administrative channels to the president. Requests for emergency leave for reason of death of a family member not mentioned above must be approved by the president. Request for leave of more than three days must be approved by the president.

37.1.4 SPECIAL ASSIGNMENTS. A faculty member shall be authorized to be absent from

assigned classes when the president assigns the faculty member to a specific duty of short duration which conflicts with scheduled classes.

- 37.1.5 OTHER SPECIAL CIRCUMSTANCES. In special or unusual circumstances, the president of the university may authorize a faculty member to be absent from classes for short duration if the president considers such absences to be for valid reasons and in the best interests of both the faculty member and the university.
- 37.2 UNAUTHORIZED ABSENCES. Unauthorized absences by a faculty member shall not be permitted. The university shall regard such absences as a violation of the terms of the faculty member's appointment.
- 37.3 ANTICIPATED ABSENCES. In the event of an anticipated faculty absence (other than for illness) from class or laboratory, prior authorization shall be requested from the department chair. For absences in excess of a day, the request shall be submitted to the department chair and dean prior to the date of absence. The department chair shall be responsible for the uninterrupted delivery of instruction.
- 37.4 POLICY ON FACULTY TEMPORARILY TEACHING FOR OTHERS. Occasionally, an instructor must miss a class or classes due to illness or other excused cause. For the purposes of assigning a temporary instructor, a distinction shall exist between *sick leave* and *anticipated leave*.
 - 37.4.1 SICK LEAVE. For sudden illness, or other cause for sick leave, substitutions shall be handled on a *case-by-case* basis. A recommendation from the department chair to the dean, subject to approval by the provost, shall be required. Any compensation shall be handled on a *case-by-case* basis. A recommendation from the department chair to the dean, subject to approval by the provost, shall be required for any compensation.
 - 37.4.2 ANTICIPATED LEAVE. In cases of professional travel, special assignments, and other excused and predictable absences, it shall be the responsibility of the faculty member to ensure that instruction continues in an uninterrupted manner. If such absences are repeated or frequent, and a substitute must be compensated, it shall be the responsibility of the faculty member to locate an adequate source of funding. In all such cases, the absence and the substitute plans must be approved by the chair. Any exception must be approved by the chair, dean, and provost.

38. ENROLLMENT IN COURSE WORK

To ensure a fair distribution of work load, the following regulations shall govern the enrollment of full-time faculty members in courses at Lamar University or other institutions of higher education.

- 38.1 ELIGIBILITY. A full-time faculty member may enroll for courses at Lamar University or another institution of higher education during the regular working day, provided prior approval has been granted by the department chair and dean. Forms for requesting such approval shall be available in the departmental offices.
- 38.2 ENROLLMENT IN CLASSES THAT MEET OUTSIDE REGULAR HOURS. Full-time faculty members may enroll, as desired, for classes which meet outside of regular working hours. Enrollment in such courses shall not require approval. Part-time members of the faculty may take courses, as desired, so long as the courses do not interfere with the faculty member's regular duties and responsibilities.
- 38.3 TUITION/FEE FREE COURSE BENEFIT. As an employment benefit and with required approvals, any full-time faculty member may take one course each semester with tuition and fees paid by the university. This Educational Assistance policy is fully described in Chapter V, Section 4 of this handbook and the application form is available at the Office of Human Resources or at: http://www.lamar.edu/files/documents/faculty_staff/human-resources/forms/course-enrollment-lutap/Faculty-Staff%20Course%20Enrollment%20Application%201.12.15-%20fillable.pdf.

39. POLICY ON ADDITIONAL EMPLOYMENT OF FACULTY (CONFLICT OF INTEREST)

Faculty members shall not be discouraged from accepting appropriate appointments of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions as long as such activities do not conflict with the individual's work at Lamar University. The consideration to Lamar of such activity is the improvement of the individual faculty member through contact with the non-academic world. Faculty members, especially full-time, shall be discouraged from accepting regular employment outside of Lamar because such does not directly benefit the university as indicated herein.

Faculty members shall be encouraged to engage in professional activities outside the university community, with or without remuneration, provided such work does not interfere with the full performance of assigned duties. *Additional employment* shall refer to activities performed for remuneration for parties other than Lamar University. Such employment shall not be in conflict with State law or university policy, and should not reflect adversely on the university.

- 39.1 CONFLICT OF INTEREST. Conflict of interest must be avoided in all instances of outside employment. Conflict of interest means any outside activity which intrudes upon the faculty member's responsibility to Lamar University (see Appendix J and *TSUS Rules* Chapter VIII [Ethics Code]).
- 39.2 ETHICAL STANDARDS AND CONFLICT OF INTEREST REGULATIONS. The ethical standards provisions of the *Texas Government Code*, Chapter 572 and The Texas State University System *Rules and Regulations* require the disclosure by all State employees, including Lamar University faculty, of any business affiliation, whether by ownership, employment, or kinship, with any organization that does business with Lamar University. Failure by a Lamar University employee to disclose such relationships may result in the violation of ethical standards policies and State law regarding conflict of interest.
- 39.3 PROHIBITED ACTIONS. A faculty member may not engage in any outside work or receive compensation from an outside source that creates a conflict of interest with the faculty member's duties at Lamar University. A faculty member shall not:
- a) Accept or solicit any gift, favor, or service that might reasonably tend to influence the faculty member in the discharge of official duties.
 - b) Use an official position to secure special privileges or exemptions for the faculty member or others, except as may be otherwise authorized by law.
 - c) Accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the faculty member to disclose confidential information acquired by reason of such employee's official position or impair the employee's independence of judgment in the performance of public duties.
 - d) Disclose confidential information gained by reason of the faculty member's employment, or otherwise use such information for personal gain or benefit
 - e) Transact any business in an official capacity with any business entity of which the faculty member is an officer, agent, or member or in which the employee owns a controlling interest unless the TSUS Board of Regents has reviewed the matter and determined no conflict of interest exists.
 - f) Make personal investments in any enterprise which could reasonably be expected to create a substantial conflict between the private interest of the faculty member and the public

- interests of Lamar University.
 - g) Receive any compensation for services as a State employee from any source other than the State of Texas, except as otherwise provided by law.
 - h) Commit any act of fraud, dishonesty, or illegality in office, including (by way of example and not limitation) assisting others to obtain personal or financial benefits to which they are not entitled by law or policy; forging or altering checks, bank drafts, or other documents, financial or otherwise; knowingly authorizing improper claims; or,
 - i) Engage in any form of harassment as defined in this Handbook.
- 39.4 USE OF UNIVERSITY MATERIALS. No member of the faculty engaged in outside remunerative activities shall use in connection therewith the official stationery, supplies, equipment, personnel services, information technology, or other resources of Lamar University. Nor shall such member of the faculty accept pay from private persons or corporations for tests, essays, chemical analysis, computer programming, bacteriological examinations, or other work of a routine character which involves the use of property owned by the university.
- 39.4 PROFESSIONAL OPINIONS. Every member of the faculty who gives professional opinions must protect Lamar University against the use of such opinions for advertising purposes. That is, when work is done in a private capacity, the faculty member must make it clear to the employer that such work is unofficial and that, absent the president's prior approval, the name of the university is not in any way to be connected with the faculty member's name. Exceptions may be made for the name of the author attached to books, pamphlets, and articles in periodicals, and the identification of an individual in publications of corporations or companies related to service as a member of an advisory council, committee, or board of directors.
- 39.5 PAY FOR SERVICES USING UNIVERSITY EQUIPMENT. No member of the faculty or administration shall accept pay from private persons or corporations for tests, assays, chemical analysis, computer programming, bacteriological examinations, or other work of a routine character which involves the use of university-owned property.
- 39.6 APPROVAL FOR OUTSIDE EMPLOYMENT. No member of the full-time faculty or administration shall be employed in any outside work or activity, or receive from an outside source a regular retainer fee or salary, during the period of employment by the university until a description of the nature and extent of the employment has been filed with and approved by appropriate administrative officials as set forth below.
- 39.7 PROCEDURES. Before accepting additional employment, faculty should consult with their immediate supervisors to assure that there is no conflict with the individual's university responsibilities. Individuals should apprise their supervisors, in writing, using an *Outside Employment* form available at: <https://www.lamar.edu/faculty-staff/files/documents/academic-affairs/forms/Outside%20Employment%20Form%20-%20Excel%20Version%205-31-14.pdf> or a supplemental request for outside employment at: <https://www.lamar.edu/faculty-staff/files/documents/academic-affairs/forms/Supplemental%20Employment%20Form%20-%20Excel%20Version%205-31-14.pdf>, of the nature, duration, and weekly time expenditure of the proposed employment. The approval shall begin with the department chair and follow academic channels through the dean to the provost, who will issue the final decision regarding approval.
- 39.8 ADMINISTRATIVE MONITORING. Department chairs, deans, and other supervisors shall be responsible for assuring that any additional employment does not interfere with a faculty member's university obligations. When additional employment interferes with the responsibilities outlined above, such cases shall be brought to the attention of the appropriate dean and the provost. If it is determined that additional employment must be curtailed or eliminated, the faculty member shall

be informed in writing by the appropriate dean of the reasons for curtailment or elimination of additional employment. This policy shall not apply during calendar periods when the faculty member is not under contract or not normally expected to carry out the professional duties to the university.

- 39.9 ADDITIONAL EMPLOYMENT WITHIN THE UNIVERSITY. It is the faculty member's responsibility to disclose to his or her department chair any additional employment, with compensation, within the university in advance of accepting the employment. This includes instructional, scholarly, or service activities for other departments or divisions of the university. If the department chair determines that such additional employment presents a conflict of interest or causes the faculty member's workload to exceed standards set by policy, the chair shall contact the dean and provost for appropriate action.

40. POLICY ON SEXUAL MISCONDUCT (SEE APPENDIX P)

Lamar University is committed to creating and maintaining an educational community in which each individual is respected, appreciated, and valued. Lamar diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. Lamar's focus on tolerance, openness, and respect is key in providing every member of the university's community with basic human dignity free from harassment, exploitation, intimidation, or other sexual misconduct. Any report of behavior that threatens our institutional values, and breaches this policy shall be promptly investigated and remediated in accordance with principles of law, and fairness, to all parties involved.

- 40.1 PURPOSE OF POLICY. Lamar University is firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual misconduct, as defined in this policy, is a form of sex discrimination and will not be tolerated. The university will maintain an environment that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints. Lamar will take prompt and appropriate action to eliminate sexual misconduct when such is committed, prevent its recurrence, and remedy its effects. This policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.
- 40.2 NOTICE OF NONDISCRIMINATION. Lamar University complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; the Campus Sexual Violence Elimination Act; and The Campus Sexual Assault Policy (Texas Education Code § 51.9363). Sexual misconduct, as defined in this Sexual misconduct policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.
- 40.3 POLICY, DEFINITIONS, PROCEDURES, AND RELATED MATERIALS. Lamar University's policy on sexual misconduct aligns with the policy of the Texas State University System and may be found in Appendix P of this Handbook or in Appendix A-6 of the TSUS Rules and Regulations.

Policy: Harassment Prohibition & Policy
Chapter: II, Policies & Procedures
Section 41
Last Approved: January 2019

41. POLICY ON PROHIBITION OF HARASSMENT BASED ON RACE, COLOR, RELIGION, SEX, AGE, DISABILITY, NATIONAL ORIGIN, VETERAN STATUS, SEXUAL ORIENTATION, OR GENDER IDENTITY AND EXPRESSION

Lamar University shall provide equal educational opportunities for all students and equal employment opportunities for all applicants and employees, and otherwise foster an environment free of intimidation, humiliation, and harassment. Harassment, as defined herein, shall be expressly prohibited.

- 41.1 DEFINITION OF HARASSMENT. *Harassment* shall be defined as extreme or outrageous acts or communications that are intended to harass, intimidate, or humiliate students, faculty, staff or visitors on account of race, color, religion, sex, age, disability, national origin, veteran status, sexual orientation or gender identity, and that reasonably cause them to suffer severe emotional distress. It shall be a violation of university policy for any student, faculty, or staff employee to engage in such harassment of any person on the campus or in connection with a university-sponsored activity (see also Appendix P).
- 41.2 VIOLATIONS. It shall be a violation of university policy for any student, faculty, or staff person to use authority granted by state law, by System rule, or by university policy to deprive any person of his or her civil rights on campus or in connection with a university-sponsored activity. If a violation of university policy is committed on campus and/or in connection with a university-sponsored activity because of the race, color, religion, sex, age, disability, national origin, veteran status, sexual orientation or gender identity and expression of any person directly harmed by such violation, the violator's discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate penalty.
- 41.3 DISCIPLINARY RULES. Student, faculty, and staff employee offenders shall be subject to disciplinary action as appropriate under the circumstances for violation of this policy.
- 41.4 PROCEDURES FOR REDRESSING HARASSMENT COMPLAINTS. Procedures for redressing harassment complaints of students, faculty, staff or visitors shall be in accordance with the procedures listed in Appendix I of this Handbook.

Once a disciplinary penalty is imposed, the accused, whether a student or a faculty or staff employee, shall have his or her full right to invoke applicable appeal procedures according to existing university policies.

42. WEAPONS POLICY AND CONCEALED CARRY OF HANDGUNS POLICY

It shall be a violation of university policy to possess, carry, or otherwise cause a firearm or other weapon to be brought onto the premises of Lamar University, except as otherwise noted in this section.

42.1 DEFINITION OF PREMISES. "Premises of a System Component [Lamar University]" as used in this policy means a structure and the land (including parking lots, garages, or other appurtenances, on which the structure is situated) over which Lamar University has ownership or control. This prohibition extends to leased, borrowed or other facilities where a Lamar function, event, or activity takes or is taking place but does not apply to:

42.1.1 Law enforcement personnel, acting in performance of their duties;

42.1.2 The transporting of such firearms, handguns, or other prohibited weapons for registration with and storage by the university's public safety office; or the president's home and grounds;

42.1.3 Transportation of a firearm or ammunition in a locked, privately-owned or leased motor vehicle by a person, and lawfully possesses the firearm or ammunition: a) on a street or driveway located on the campus or b) in a parking lot, parking garage, or other parking area located on the campus.

42.2 DEFINITION OF PROHIBITED WEAPONS. "Prohibited Weapons" as defined by Texas Penal Code, Section 46.01 include the following:

42.2.1 "Club" meaning an instrument (for example: a blackjack; nightstick; mace; nunchaku, aka nunchuk; or tomahawk) that is specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person;

42.2.2 "Explosive weapon," meaning any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror (whether such a weapon is designed, made, or adapted for delivery or shooting);

42.2.3 "Firearm," meaning any device designed, made, adapted, or readily adaptable to expel a projectile through a barrel by using the energy generated by an explosion or burning substance (excluded are antique or curio firearms manufactured before 1899 or replicas thereof, provided they do not use rim fire or center fire ammunition), including, but not necessarily limited to handguns; machine guns; rifles; zip guns; stun guns; and short - barrel firearms;

42.2.4 "Illegal knife," meaning any bladed, hand instrument that: a) has a blade over five and one-half inches; b) is capable of inflicting serious bodily injury or death on a person by cutting, stabbing, or throwing (for example: a dagger; dirk; stiletto knife; poniard; bowie knife; switchblade knife; sword; or spear);

42.2.5 "Knuckles," meaning any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

- 42.2.6 "Hoax bomb," meaning a device that: a) reasonably appears to be an explosive or incendiary device; or, b) by its design causes alarm or reaction of any type by policy, public safety, or other administrators at a system component, who are charged with assuring campus safety;
- 42.2.7 "Chemical dispensing device," meaning a device (other than a chemical dispenser sold commercially for personal protection) that is designed, made, or adapted for the purpose of dispensing a substance capable of causing adverse psychological or physiological effect on a human being.
- 42.3 **CONCEALED CARRY OF HANDGUNS.** Lamar University is committed to maintaining a welcoming and safe educational environment for students, employees, and visitors and adopts the following policy in compliance with Senate Bill 11 (84th Texas Legislature) which authorizes license holders to possess concealed handguns on university campuses or premises.
- A license holder may carry a concealed handgun on or about the license holder's person while on Lamar University's campus, except in areas specifically restricted by this policy and law. The "open carry" of handguns on Lamar University's campus or premises is against the law.
- 42.3.1 **SCOPE:** This policy applies to all students, employees, and visitors licensed to carry a handgun under Texas law on the Lamar University campus or premises.
- 42.3.2 **DEFINITIONS:**
- 42.3.2.1 **About the Person:** A license holder may carry a handgun in a manner such that it must be close enough to the license holder that he or she can grasp it without materially changing position.
 - 42.3.2.2 **Athletic Event:** An athletic event taking place between or among different high school, collegiate, and professional teams or university-sponsored sporting clubs.
 - 42.3.2.3 **Board of Regents:** The ten member Board of Regents for The Texas State University System.
 - 42.3.2.4 **Campus:** All land and buildings owned or leased by Lamar University [Texas Government Code §411.2031(a)(1)].
 - 42.3.2.5 **Concealed Handgun:** A handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
 - 42.3.2.6 **Handgun:** Any firearm designed, made, or adapted to be fired with one hand. [Texas Penal Code, § 46.01].
 - 42.3.2.7 **License Holder:** A person licensed to carry a handgun under Texas law. [Texas Government Code, Ch. 411, Subchapter H].
 - 42.3.2.8 **Premises:** A building or portion of a building owned or leased by Lamar University. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. [Texas Penal Code §46.035(f)(3)].

- 42.3.2.9 Texas Academy of Leadership in the Humanities: A residential honors program on the campus of Lamar University for gifted and talented Texas high-school aged students.
- 42.3.3 PLACES AND EVENTS WHERE CONCEALED HANDGUNS ARE PROHIBITED (GUN-FREE ZONES). Lamar University prohibits students, employees, visitors and guests from carrying concealed handguns on the following premises and at the following events:
- 42.3.3.1 Cardinal Village residence hall rooms housing students enrolled in the Texas Academy for Leadership in the Humanities (currently in Morris Hall), and related Academy offices and meeting rooms located in Cardinal Village and the Texas Academy/General Studies Building (formerly, Center for General Studies College Readiness Building/ROTC Building). License holders who reside in other Cardinal Village Residence Halls, including non-Academy students residing in Morris Hall rooms, are allowed to possess concealed handguns; however, a gun safe, approved by Lamar University Police Department, must be provided by the resident in rooms leased to and occupied by those licensed to carry a handgun. If the handgun is not on or about the person, it must be stored in the gun safe.
- 42.3.3.2 University-designated health and mental health counseling facilities to include the Lamar University Student Health Center and the Psychology Department Counseling Clinic.
- 42.3.3.3 University-designated disciplinary/personnel facilities to include the Student Disciplinary Hearing Office and Employee Hearing Office.
- 42.3.3.4 Lamar University premises associated with high school, collegiate, professional, and interscholastic athletic events.
- 42.3.3.5 Lamar University premises associated with governmental meetings, as well as the Lamar University's Police Department.
- 42.3.3.6 At the discretion of the president, other Lamar University premises associated with temporary events involving safety considerations (e.g., election sites) and/or areas in which federal or state law, licensing or contract requirements prohibit the carry of handguns.
- 42.3.4 NOTICE. Oral or written notice must be given as to where license holders may not carry a concealed handgun.
- 42.3.5 ENFORCEMENT. A license holder commits a criminal offense if the licensee carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the licensee's person, and intentionally or knowingly displays the handgun in plain view of another person: 1) On the campus or premises of Lamar University or 2) On any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of Lamar University. Violation of this policy may result in one or more of the following:
- 42.3.5.1 Individuals (including students, employees, or visitors) may be excluded from Lamar's campus and premises.

42.3.5.2 Individuals (including students, employees, or visitors) may be referred to law enforcement for arrest and prosecution.

42.3.5.3 Students may be subject to discipline up to and including expulsion.

42.3.5.4 Employees may be subject to discipline up to and including termination.

42.3.6 AMENDMENTS: The president may amend the provisions of this policy as necessary for campus safety. Such amendment shall be subject to review by the Board of Regents in accordance with the Texas State University System Rules and Regulations.

43. FACULTY STANDARDS OF CONDUCT

All faculty and other employees of Lamar University shall adhere to the following standards of conduct established for employees of The Texas State University System (see also Ch. 11, §37):

- 43.1 ACCEPTANCE OF GIFTS. No employee shall accept any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties.
- 43.2 ACCEPTANCE OF SPECIAL PRIVILEGE. No employee shall use his or her official position to secure special privileges or exemptions for the employee or others, except as may be otherwise provided by law.
- 43.3 DISCLOSURE OF CONFIDENTIAL INFORMATION. No employee shall accept employment or engage in any business or professional activity which might be reasonably expected to require or induce the employee to disclose confidential information acquired by reason of such individual's official position. No employee shall disclose confidential information gained by reason of an official position, nor shall otherwise use such information for personal gain or benefit.
- 43.4 TRANSACTION OF BUSINESS IN OFFICIAL CAPACITY. No employee shall transact any business in an official capacity with any business entity of which the employee is an officer, agent, or member, or in which the employee owns a controlling interest unless the TSUS Board of Regents has reviewed the matter and determined that there is no conflict of interest.
- 43.5 INVESTMENTS AND CONFLICT OF INTEREST. No employee shall make personal investments in any enterprise which will create a substantial conflict between the private interests and the public interest.
- 43.6 OUTSIDE EMPLOYMENT AND PERFORMANCE OF DUTIES. No employee shall accept other employment which might impair the employee's independence of judgment in the performance of public duties (see Ch. II, §37).
- 43.7 COMPENSATION AS STATE EMPLOYEE. No employee shall receive any compensation for services as a State employee from any source other than the State of Texas except as may be otherwise provided by law.
- 43.8 HARASSMENT. No employee shall engage in any form of harassment based on race, color, religion, sex, age, disability, national origin, veteran status, sexual orientation or gender identity and expression as defined in this Handbook.
- 43.9 ILLEGAL DRUGS. An employee who, by a preponderance of the evidence, under The Texas State University System's *Rules and Regulations*, is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension, or other discipline as determined by the president or his or her designee. That an employee is charged in a criminal case, or is found *not guilty* therein, shall not be construed as prohibiting administrative enforcement of this policy. If, in the judgment of the president or the Board, the best interests of the students or the university or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings. Nothing herein shall be construed in derogation of the Board's employment-at-will policy.

- 43.10 **CONTACTS WITH STATE OFFICIALS.** No contacts on behalf of the university, its programs, or the System to the legislature shall be made without the specific approval of the president who shall inform the System administrative office. Information, not considered under law to be confidential, which is requested by a member of the legislature or by any other State official or employee and which relates to proposed or pending legislation, shall be furnished to the requesting party and the System administrative office shall be informed of the request and information provided. The president shall be responsible for advising university employees of this rule at the start of each legislative session.
- 43.11 **POWER TO BIND THE SYSTEM IN FIXING ITS POLICIES.** No Lamar University or other System employee, as an individual or as a member of any association or agency, has the power to bind the System or any of its component universities unless such power has been officially conferred in advance by the TSUS Board. Any action which attempts to change the policies or otherwise bind the System or any of its component universities, taken by any individual or any association or agency, shall be of no effect whatsoever until the proposed action has been approved by the president concerned and ratified by the Board.
- 43.12 **LEGISLATION PROPOSED BY FACULTY.** Any proposed legislation affecting the System, Lamar University, or their operations, by any employee or organization of the university, acting in an official capacity and on behalf of the university, shall be approved by the president and the TSUS Board of Regents.
- 43.13 **USE OF UNIVERSITY-OWNED EQUIPMENT.** University property shall be used for official university business. No employee of the university may use, for personal benefit or pleasure, any property of the university, except books from the library and other items of established use. All property shall be inventoried and charged to departments or offices of the university.
- 43.14 **INSTRUCTION OF RELATIVES.** No faculty member shall be an instructor of record in any credit-bearing course for any person related within either of the prohibited degrees of affinity or consanguinity, or perform any academic evaluation of such a person (see Ch. II, §6)
- 43.15 **REGISTERED SEX OFFENDERS.** Faculty, other employees, or students subject to registry requirements of the Sex Offender Registration and Notification Act, 42 U.S. C. Chapter 151, Part A, Subchapter I and/ or the requirements of Texas Code of Criminal Procedure Chapter 62 must comply with the following:
- 43.15.1 Registered sex offenders shall promptly notify campus police/security of their employment or enrollment as required by the laws referenced above.
- 43.15.2 Residing in university housing is a privilege and not an entitlement. Registered sex offenders are not eligible to live in university housing.

44. PERFORMANCE EVALUATION OF FACULTY, POST-TENURE REVIEW AND MERIT RAISE RECOMMENDATIONS, AND SALARY MARKET ADVANCES FOR INDIVIDUAL FACULTY MEMBERS.

Faculty members shall be evaluated annually by their department chair/library coordinator relative to their various professional duties and activities. Probationary faculty shall be evaluated annually also by peers as shall tenured faculty in units which select this option in lieu of a staggered, more comprehensive approach (See Section 43.2.). Nothing in this section should be interpreted as abridging the university's right to take action as defined in Chapter II, Section 21 (*Good Cause*) of the Lamar University *Faculty Handbook*, or the right of the faculty member to pursue existing mechanisms of due process.

44.1 GUIDELINES AND STANDARDS FOR PERFORMANCE EVALUATION OF FACULTY. Written guidelines for promotion and tenure, designed to provide faculty with general expectations of performance in teaching, research/scholarship/creative activity, and service shall be developed by the tenured faculty of each department and the library (or by an entire college). These guidelines and any modifications thereto must be approved by the faculty to which they apply, the department chair, dean, and provost. In addition, they must be posted on unit web sites, distributed to new faculty, and be reviewed and modified, as appropriate, at least every five years. These guidelines shall be designed to inform the annual evaluation process, which will be based upon either the establishment of, and progress toward attainment of, individual goals (required for probationary faculty) or the creation of standards of performance appropriate to each merit reward level (Ch. II, §44.3.6). The guidelines for promotion and tenure, individual annual goals established, and the standards of performance appropriate to each merit reward level shall be in keeping with the mission and goals of the university, college/library, and department. They are to be based on, but need not be limited to, the professional responsibilities of the faculty member in instruction, research and creative endeavors, and professional service to the discipline, university, and/or community. The guidelines, goals, and standards should allow for legitimate variation throughout a faculty member's career.

Working collaboratively, each faculty member and his/her department chair/library coordinator annually shall establish relative weights for each area of evaluation, and the weights must be consistent with the minimum level of performance established in department goals and guidelines. In the process of approval of guidelines, goals, and standards of performance, the advice and comments of the faculty shall be given the utmost consideration. As with the guidelines for promotion and tenure, the performance standards shall be subject to periodic review and possible modification by the tenured faculty of each department/college at least every five years, or sooner if circumstances warrant. The over-arching goals of this process are to provide a fair and consistent mechanism for recognizing and rewarding faculty productivity and achievement compatible with department, college, and institutional missions; to provide probationary faculty with appropriate guidance and support; and to provide an effective and consistent way in which members of our community of scholars can communicate their accomplishments.

For department chairs/library coordinators, both position descriptions and either individual goals or standards of appropriate performance for each merit reward level as administrators shall be developed by the dean in cooperation with the chair/coordinator and forwarded to the provost for approval. If the latter approach is selected, the standards shall be subject to periodic review and possible modification at least every five years. A copy of the individual goals and/or standards shall be provided to every tenured and tenure-track faculty member by the department chair/library

coordinator by September 1 of each year.

- 44.2 PEER REVIEW PROCESS. Based upon the 1997 action of the Texas Legislature and the post tenure review process developed by the faculty of Lamar University, the performance of each tenured faculty member (to include chairs/program directors) must be reviewed by peers annually, or at least once every six years after the date the faculty member was granted tenure or received an academic promotion. The faculty of each department, in collaboration with the chair, shall develop an appropriate, written process to accomplish this task; that is, either to conduct a comprehensive performance evaluation annually of all tenured faculty or to conduct a comprehensive performance evaluation of each tenured faculty member once during every six-year period, and which results in a rating of "satisfactory performance" or "unsatisfactory performance." The process must include the identification of a faculty member to tally votes and, in the case of a majority vote of "unsatisfactory progress," to confer with the colleagues of the faculty member so evaluated and provide him/her with a brief, written summary of the rationale for the vote. The chair of the departmental personnel committee shall tally the votes on the performance of the chair/program directors, who must be evaluated by all tenured faculty in the department. The process must be approved initially by the dean and provost, and reviewed periodically. Non-tenure-track faculty will not necessarily be subject to the peer review process as a part of their annual evaluation/review, though their productivity shall be evaluated annually by at least the department chair.

44.3 PROCEDURES FOR THE EVALUATION PROCESS.

- 44.3.1 Annually between March and September, each department chair/library coordinator shall review college/library and unit goals with the full time faculty as a group. The specific date shall be determined by the needs of the unit.
- 44.3.2 In February of each year, every faculty member shall complete the annual report (F2.08) that sets forth what he or she has contributed during the previous calendar year toward the accomplishment of the college's/library's and/or department's goals in three areas:
- a) Instruction;
 - b) Research, Publication, and Creative Activities; and
 - c) Professional Services to the Discipline, University, and/or Community.
- 44.3.3 The department chair/library coordinator shall assess the faculty member's contributions to the college's/library's and department's goals based upon the F2.08 submitted by each faculty member as well as upon other factual information.
- 44.3.4 The department chair/library coordinator also shall evaluate the extent to which the faculty member's accomplishments (Section b) above), recognition, and honors received enhance unit goals and the professional prestige and reputation of the department, and/or bring valuable knowledge, skills, or associations that benefit students or other faculty members.
- 44.3.5 The department chair/library coordinator shall make written recommendations for improvements, if warranted, in each area of the report.
- 44.3.6 For the purposes of both overall performance evaluation and salary administration, the department chair/library coordinator shall indicate *exemplary performance (highest merit)*, *high performance (high merit)*, *adequate performance (merit)*, *marginal performance (no merit)*, or *unsatisfactory performance (no raise)* for each faculty member. The chair's Composite Score shall be calculated using the previously agreed upon workload

distribution for the current year. (See Section IV of the F2.08). It is left to the faculty and chair of each department, subject to the approval of the dean, to determine whether the distribution percentages are to be the same for everyone or will vary from individual to individual. As stated in Appendix IV (Comments and Instructions) for the F2.08, planning pages may be revised at any time during the evaluation period by simple agreement (in writing) between the faculty member and chair.

- 44.3.7 No departmental, college, or university quotas shall be established for the purposes of performance evaluation.
- 44.3.8 The department chair/library coordinator shall discuss with each faculty member the basis for the evaluative judgments and recommendations, and provide to the faculty member a written summary of the evaluations, recommendations, and discussion. Also during this meeting, the department chair/library coordinator and the probationary faculty member (as well as tenured faculty in units which elect to do so) shall work collaboratively to establish his/her individual professional goals for the current calendar year.
- 44.3.9 Faculty members may respond in writing to the department chair's/library coordinator's evaluations and recommendations. This response shall be included with the F2.08 when it is forwarded to the dean of the college/library.
- 44.3.10 The department chair/library coordinator shall forward a copy of the completed evaluation, all materials considered in the evaluation, and any written response from the faculty member to the dean for review.
- 44.3.11 The dean may choose to confer with the chair/library coordinator and complete a separate assessment in one or all evaluation categories. However, for the purpose of performance evaluation and assignment of merit reward level, the dean shall indicate a rating of *satisfactory* or *unsatisfactory* for each faculty member, provide appropriate annotations, and forward a copy to the faculty member and department chair/library coordinator.
- 44.3.12 The faculty member may respond in writing to either comments the dean chooses to make or his/her overall performance rating. This response shall be forwarded with the completed evaluation to the provost for review.
- 44.3.13 When a faculty member receives an overall *satisfactory* performance evaluation from the department chair/library coordinator and the dean, the evaluation process is concluded.
- 44.3.14 A single overall *unsatisfactory* annual evaluation from the department chair/library coordinator or dean shall result in a consultation with the department chair/library coordinator and/or dean. If the consultation is with the dean, then the faculty member may request that the department chair/library coordinator be present for the consultation. A summary written by the senior administrator present shall be given to all parties involved in the consultation, and a copy signed by all parties shall be attached to the F2.08.
- 44.4 POST-TENURE REVIEW. The post-tenure review process is triggered when a tenured faculty member receives, within any three year period, two overall unsatisfactory annual performance ratings from the department chair/library coordinator and the dean. (For a department chair/library coordinator, the performance ratings will be made by the dean and the senior associate provost.) [Note: In those departments which elect to have peers conduct a comprehensive performance evaluation of each tenured faculty member at least once every six years after the date the faculty member was granted tenure or received an academic promotion, see the second paragraph of

Section 44.2 for a description of the process and departmental/faculty responsibilities, the “triggered” approach described above does not apply. Rather, the result of an unsatisfactory rating initiates the post-tenure review process described in the remainder of this section.]

It is the responsibility of the department chair/library coordinator to notify, in writing, the faculty member of the situation and of the two following options. (If the person to be notified is the chair/program directors, it will be the dean who does so.) The faculty member must either initiate a professional development plan or request that the University Performance Evaluation Appeals Committee review the evaluations given by the department chair/library coordinator and dean. The decision must be given by the faculty member, in writing, to the department chair/library coordinator within ten working days of notification. The University Performance Evaluation Appeals Committee shall consist of one tenured faculty member elected from each college and the library. The committee shall consider the unsatisfactory evaluations, statements from the faculty member, and other relevant materials and determine if the evaluations were made in an arbitrary or capricious manner. Within 20 working days of the receipt of the appeal, the committee shall submit its findings to the provost. The provost shall notify the faculty member, department chair/library coordinator, and dean of the final decision, which must be either that one (or both) of the overall unsatisfactory evaluations was made in an arbitrary or capricious manner and hence the post-tenure review process has not been triggered, or that the professional development plan process has been initiated.

At any point in the performance evaluation process, a faculty member may enter an appeal under university grievance procedures, if the faculty member believes that the policies are being applied arbitrarily or capriciously.

44.4.1 PROFESSIONAL DEVELOPMENT PLAN. The purpose of the professional development process shall be to identify and place on record the deficiencies in a faculty member’s performance and formulate a specific plan to address the deficiencies.

44.4.1.1 The professional development plan begins with the department chair/library coordinator notifying the faculty member that he or she is subject to the professional development process, either when a faculty member chooses to pursue the faculty development plan option rather than appeal the overall unsatisfactory evaluations, or upon completion of the appeal process and the provost denies the appeal. The departmental chair/library coordinator shall then notify, in writing, the faculty member that he/she is subject to the professional development process and must initiate a professional development plan, and shall inform him/her of the procedure.

44.4.1.2 Within five working days of notification that the professional development plan will be initiated, the faculty member must request that the development process be conducted either by the department chair/library coordinator or by a Development Committee consisting of three peers within the college, one selected by the faculty member, one selected by the department chair/library coordinator, and one selected by the tenured faculty of the department/library.

44.4.1.3 The Development Committee or department chair/library coordinator shall consider the previous unsatisfactory evaluations of the faculty member and in collaboration with the faculty member, department chair/library coordinator (in the case of conduct by Development Committee), and dean

shall recommend a specific development plan within sixty days of the faculty member's initiation of the process as described above. The development plan shall specify the deficiencies that are being addressed and what criteria must be satisfied by the faculty member in order to remedy performance deficiencies (see below). The period covered by the development plan should generally be no more than two years. Exceptions to this maximum time period must be approved by the faculty member, department chair/library coordinator, dean, and provost.

- 44.4.1.4 If the development plan has been designed by a Development Committee, it shall be sent to the department chair/library coordinator for his or her recommendations and approval. The department chair/library coordinator shall meet with the faculty member for final review and approval of the plan. If the plan is approved by (or has been designed by) the department chair/library coordinator and the faculty member, both parties must sign the plan and a copy shall be sent to the dean. If the department chair/library coordinator and faculty member do not agree, then the dean shall meet with the department chair/library coordinator and faculty member to review the development plan and make recommendations. If the faculty member does not agree with the recommendations of the dean, then the development plan is forwarded to the provost for a final hearing and decision. The final development plan should seek to benefit both the faculty member and the university.
- 44.4.1.5 The faculty member shall not be eligible for merit pay increases or promotion during the period covered by the development plan. The performance evaluation process prescribed in Chapter II, section 44 of the Lamar University Faculty Handbook shall be suspended during the period covered by the professional development plan.
- 44.4.1.6 All professional development plans shall be formed to address specific situations and should be individualized. However, each professional development plan should include the following:
- a) specific deficiencies to be addressed;
 - b) specific objectives needed to remedy the deficiencies;
 - c) a list of activities to be carried out to achieve the required outcomes of the professional development plan;
 - d) a schedule for completing the activities;
 - e) criteria that shall be used to assess progress; and
 - f) a plan for periodic documented assessment to be conducted at least every semester.
- 44.4.1.7 Assessment documentation for the development plan must include a statement of progress prepared by the faculty member and a formal written response by the department chair/library coordinator or the Development Committee.
- 44.4.1.8 The faculty member may request that the department chair/library coordinator or the Development Committee extend the schedule for completing the development plan during any of the periodic assessments. The number of such requests shall be limited to one, unless the

development plan is changed by mutual consent of the faculty member and entity conducting the developmental process. In no case may the schedule for completing the plan be extended more than six months past the completion date established at the time the plan was created. Again, if the schedule is extended, the total period for the development plan must fall within the two-year window.

- 44.4.1.9 The university shall provide reasonable support for the professional development plans. Resources earmarked for development plans should not be so great as to lessen or preclude the opportunity for professional activities by other faculty.
- 44.4.1.10 At the completion of the schedule stated in the plan, the department chair/library coordinator or Development Committee shall consult with the dean and make a final report to the faculty member. If the department chair/library coordinator or the Development Committee and the dean agree that the faculty member has successfully completed the development plan, then the faculty member shall be notified of the positive outcome and returned to the annual evaluation process prescribed in Chapter II, Section 44 of the Lamar University Faculty Handbook. The faculty member shall then be eligible for merit pay increases and promotion.
- 44.4.1.11 If the department chair/library coordinator or Development Committee and dean determine that the faculty member has failed to meet the goals of the professional development plan, dismissal proceedings may be initiated under Chapter II, Section 19 of the Lamar University Faculty Handbook.
- 44.4.1.12 Failure to adhere to any part of the professional development process shall be considered grounds for dismissal.
- 44.4.1.13 The burden of proof shall be on the university to demonstrate that a tenured faculty member should be dismissed.

At any point in the development process a faculty member may enter an appeal under university grievance procedures if the faculty member believes the policies are being applied arbitrarily or capriciously.

A faculty member subject to termination on the basis of evaluations conducted under these performance evaluation and professional development policies shall receive specific written reasons for termination and have the opportunity for referral of the matter to a non-binding alternative dispute resolution process as described in Chapter 154, *Vernon's Annotated Revised Civil Statutes of the State of Texas*. The opportunity for non-binding alternative dispute resolution shall be available only after all internal appeal procedures are exhausted.

- 44.5 EVALUATION OF OTHER ADMINISTRATORS WHO HOLD TENURE. All individuals not covered by Chapter II, Subsections 44.1 and 44.2 of the Lamar University Faculty Handbook who also hold tenured appointments shall be evaluated annually by their supervisor according to university policy (see Chapter II, Section 45). This evaluation shall consider both administrative and faculty performance.

44.6 POLICY REVIEW. The policies on performance evaluation of faculty and professional development plans shall be given a comprehensive review for possible revision by a university committee on a regular basis, and at least every five years. The committee charged with reviewing this policy shall consist of:

- a) one tenured faculty member from each college and the library, selected by a vote of all the tenured faculty in the college/library;
- b) one representative selected by the Deans' Council;
- c) the president of the Council of Instructional Departments or designated representative;
- d) the president of the Faculty Senate or designated representative;
- e) the president of the Student Government Association or designated representative;
- f) the provost.

The provost shall ensure that the committee is properly charged and constituted and shall chair it.

44.7 FACULTY PERFORMANCE EVALUATION AND MERIT-BASED FACULTY SALARY INCREASE RECOMMENDATIONS.

44.7.1 CRITERIA FOR FACULTY SALARY INCREASE RECOMMENDATIONS AND NOTIFICATION. Criteria considered for recommending merit-based faculty salary increases shall be those identified in Chapter II, subsections 44.1 and 44.3). As indicated in Chapter II, Subsection 44.3, the department chair/library coordinator shall consider all accomplishments submitted on form F2.08 and indicate an evaluation score (from Level 1 = *Unsatisfactory Performance* to Level 5 = *Exemplary Performance*) for each of the three mission areas (Teaching and Instructional Activities; Research, Publication, Scholarship, and/or Creative Activities; and Professional Service to the Discipline, University, and/or Community). A composite score, based upon ratings in each mission area and established workload distribution for the evaluation year, shall be calculated and will constitute the annual Department Evaluation/Merit Score: *Exemplary Performance and Highest Merit, High Performance and High Merit, Adequate Performance and Merit, Marginal Performance and No Merit, and Unsatisfactory Performance and No Raise* for each faculty member. The recommendation of the chair/coordinator shall be forwarded to the dean, who may make evaluative comments and shall indicate either *satisfactory* or *unsatisfactory* performance for each faculty member. The merit salary increase for each faculty member will be based solely upon the results of the chair/coordinator evaluation in the manner described above and, within an academic department/library, no faculty member evaluated as performing in an exemplary manner shall receive a salary increase (dollar amount or percentage, depending upon the method used in the unit) less than that recommended for any faculty member receiving a *high performance* evaluation, and so forth. After consideration of departmental recommendations, deans shall either endorse or not (the latter with written justification) the salary increases to the provost who shall grant approval within guidelines and funding established by the TSUS Board of Regents. Any deviation from this process (e.g., conducting annual evaluations and/or developing merit pay plans to be implemented at the college rather than at the department level; using a "per share" or "per point" allocation approach) must be approved, in advance, by the appropriate faculty, chair, dean, and provost.

As soon as possible, the college dean/library dean shall notify chairs/library coordinators of the salary increases recommended to the provost. It is the responsibility of the chair/library coordinator in a timely manner to inform each faculty member of: his/her recommended raise (with merit/equity distribution), merit or points/share group, the raise

amount/percentage for each merit or share group, and the distribution of faculty (numbers only) among the various merit/share groups. As part of the annual meeting described in Chapter II, Subsection 43.3.1, college/library and departmental expectations for faculty performance and merit-based salary increase recommendations (in general, not for individuals) shall be presented and discussed.

44.7.2 APPEALS PROCESS. A faculty member shall have the right to appeal the most recent merit-based salary increase recommendation. Appeal shall be made to the dean, in writing, within ten working days of notification of the salary increase recommendation. An appeal of the dean's response must be made, in writing, to the provost within ten working days of receipt. In this case, the provost shall convene the University Performance Evaluation/Merit Salary Increase Appeals Committee for review and recommendation regarding the appeal. The Committee must base its review and recommendations solely upon the materials submitted by the appellant and the responses of the dean/director, and each such case must stand on its own merits. The decision of the provost must be rendered within ten working days of the receipt of the Committee's recommendation, and it is final.

44.7.3 UNIVERSITY PERFORMANCE EVALUATION/MERIT SALARY INCREASE APPEALS COMMITTEE. Called by the provost as needed, the University Performance Evaluation/Merit Salary Increase Appeals Committee shall consist of:

- a) a dean who is elected by the members of the Deans' Council and who will chair the committee;
- b) one department chair, elected by the membership of the Council of Instructional Departments; and
- c) one elected faculty member from each academic college and the library, and one faculty member-at-large.
- d) At the first meeting, in order to create staggered, three-year terms, with one-third of the nine members being replaced each year, lots will be drawn so that the terms of the initial nine members are three for one year, three for two years, and three for three years. If the dean, chair, or one of the faculty members is directly involved in the case under review, then he/she must recuse him/herself during consideration of that appeal.

44.8 SALARY MARKET ADVANCES FOR INDIVIDUAL FACULTY MEMBERS. Lamar University strives to employ a learned faculty of the highest caliber, and to the fullest extent possible to provide and maintain salaries that are competitive with those paid by its peer institutions. Mindful that the financial position of the university and of the state of Texas can affect the availability of funds for market adjustments, the University will endeavor to make market adjustments in salary should reflect changing salary structures in the market for a discipline in relation to an individual faculty member's rank. The decision whether to make market adjustments, general or as any individual, lies within the University's sole discretion. Market advances are separate from consideration for merit pay, and as such their purpose is to:

- a) Treat tenure and tenured-track faculty in a fair manner both internally and externally in relation to a faculty member's rank and
- b) Remain competitive to retain and attract quality individual faculty members in all disciplines within resource limitations.

44.8.1 CRITERIA FOR MARKET ADVANCES IN SALARY.

- a) Peer performance and salary data as compared to institution and salary data will be considered in determining market pay advances.
- b) To be considered for a market advance, a faculty member must have completed credentials appropriate for the discipline and be tenured or on tenure-track for a minimum of three years.
- c) To be considered for a market advance, a faculty member must be performing at the high merit level on F2.08 for the last three years.
- d) To be considered for a market advance, a faculty member's salary in relation to a faculty member's rank must be out of alignment with peer institution salaries for faculty at similarly situated universities and departments with similar accomplishments in the same discipline, with comparable rank and time of service.

44.8.2 PROCEDURES: TYPES OF MARKET ADVANCES.

- a) Internal Misalignment – comparison of salaries of similarly performing employees in one's unit or department within the same job classification at Lamar University.
- b) Market Misalignment – when the average market pay for a comparable job with peer institutions is significantly higher than the employee's salary. Please keep in mind, a study of data benchmarked for the applicable labor market will be needed to be conducted to support this rationale.
- c) Specific Expansion of Responsibilities [not a reclassification] – within a job classification, any significant changes in responsibilities, not requiring a change in job title. Work closely with human resources to determine whether the job changes warrant a reclassification.
- d) Salary Counteroffer – if a salary adjustment is being made based upon a counteroffer received by an employee, Lamar should only justify counteroffers for positions that are comparable (similar responsibilities/duties) to the employee's current position and equivalency of performance in relations to peers. A written job offer must be attached as part of the justification for this type of request.

44.8.3 REVIEW PROCESS. Upon completion of the review:

- a) The faculty member will forward a request along with her or his documentation and supporting evidence to their department chair then who will forward the material to the department personnel committee who review the information and make a recommendation on the merits of a market advancement.
- b) The department personnel committee will then forward its evaluation and recommendation on the merits of a market adjustment to the department chair who in turn advances her or his recommendation to the dean and to the faculty member. The dean will forward to the provost and to the faculty member her or his recommendations on the merits of a market advancement.
- c) The dean's recommendation along with the decisions of the other deliberative bodies are then forwarded to the provost.
- d) Upon the provost's approval, all market advances are forwarded to the University President who has final discretion and authority to approve or disapprove such an adjustment. Nothing in this policy shall be construed as an entitlement or property right in a market advancement. (e) Any market adjustments will take effect in the next year's contract before the merit raise are including following the final approval of the equity request submitted.

44.8.4 TIMETABLE FOR MARKET ADJUSTMENTS. The timetable and steps for reviewing market adjustments will be the same as the timetable and steps for reviewing recommended merit adjustment with the F2.08. The provost and president reserve the right to accelerate, refine, and/or modify the timetable and the process.

45. EVALUATION OF ADMINISTRATORS

45.1 DEPARTMENT CHAIRS, DEANS, ASSOCIATE/ASSISTANT DEANS, AND ASSISTANT/ASSOCIATE VICE PRESIDENTS/PROVOSTS. All department chairs, deans, associate/associate deans, and assistant/associate vice presidents/provosts shall be evaluated annually by their respective supervisors. Department chairs shall be evaluated as part of the annual faculty evaluation process (using the F2.08c form for chairs). Deans and associate provosts shall be evaluated by the provost as part of Lamar's staff evaluation process.

45.2 FORMAL EVALUATION OF DEPARTMENT CHAIRS, DEANS AND ASSOCIATE/ASSISTANT DEANS. After three full years of service, each department chair, dean and associate/assistant dean shall receive a more thorough evaluation of administrative performance. This review shall include formal input from the respective faculty, shall occur during the fall semester that begins a fourth year of service, shall be conducted by the dean (for department chairs and associate/assistant deans) and the provost (for deans), and shall cover performance during the previous three years. The review year shall be the first year of the next three year period. An administrator review committee (ARC) shall be formed to assist with the evaluation.

Each review shall be conducted using an evaluation instrument and a procedure approved by the provost. Upon conclusion of the formal evaluation, the appropriate supervisor shall inform the provost (in the case of department chairs and associate/assistant deans) or the president (in the case of deans) of the outcome and make a recommendation on whether to reappoint. Once the provost or president, as appropriate, has accepted the review and recommendations, the administrator and his/her respective faculty shall be provided with suitable summary information on the outcome. See appendices L and M for more detail.

45.3 PRESIDENT'S EXECUTIVE COUNCIL. All members of the President's Executive Council, not otherwise reporting to a vice president, shall be evaluated annually by the president. The president should solicit input from faculty and others on a periodic basis in the completion of these evaluations.

45.4 PRESIDENT OF THE UNIVERSITY. Evaluation of the president of Lamar University shall be the sole responsibility of The Texas State University System chancellor

45.5 ALL OTHER ADMINISTRATIVE STAFF. All administrative personnel not previously identified in this section shall be evaluated annually by their supervisor in accordance with Lamar University policy.

46. PROFESSIONAL DEVELOPMENT AND THE CENTER FOR TEACHING AND LEARNING ENHANCEMENT

Remaining current in one's discipline shall be an important university objective and shall be considered a key responsibility of each faculty member. Activities leading to this objective include association with professional societies, leaves of absence designed to improve one's general professional competence, travel associated with research or creative efforts, workshops, and training sessions offered by the university, and related activities designed to improve one's professional competence.

Lamar University has a strong commitment to student and faculty engagement and teaching and learning excellence. The Center for Teaching and Learning Enhancement (CTLE) supports faculty, administrators, graduate students, and staff in their academic pursuits and provides a range of instructional services to assist all members of the LU teaching community. The Center offers new faculty and department chair orientation as well as workshops, and evaluation of classroom instruction. In addition, the Center delivers the Support and Mentoring to Advance Research and Teaching, or SMART program. The program, developed out of Lamar University's highly successful SACSCOC Quality Enhancement Plan, has been adapted to meet a broad range of incoming faculty needs. For more information, see: <http://www.lamar.edu/ctle/>.

47. FACULTY RESEARCH AND CREATIVE ACTIVITIES

Lamar University recognizes its obligation to maintain a faculty that is professionally creative and productive. This dimension is important not only to quality instruction, but also to the realization of the university's goal as a scientific, technical, and cultural resource within the community it serves. In this spirit, the university shall encourage faculty members to recognize their responsibility for professional growth through research and creative activities outside the classroom.

In addition to its allocated state funds, Lamar University receives revenues from externally supported programs, projects, and research. The Office of Research and Sponsored Programs Administration at Lamar University provides support and funding to faculty and staff to enhance their research, education, and outreach activities. Lamar's research administration shall coordinate and: a) develop mechanisms for seeking external funds for research/creative activities, b) provide procedures and policies for managing these funds once obtained and, c) provide procedures for ensuring that the responsibilities incurred in accepting the funds are discharged.

To further encourage sponsored research and creative activities, a financial incentive program is available to faculty. See Appendix N for details.

47.1 STRATEGIES. The Office of Research and Sponsored Programs shall promote and advocate the aforementioned goals via the following strategies.

- a) The office shall see that Lamar's philosophy of research and external support is made clear to all faculty and administrators, and that all activities of the faculty are supportive of the philosophy. The office shall provide leadership in the evaluation of all applications for research and ensure that they conform to the stated philosophy of the university.
- b) Because teaching and research are complementary activities in most disciplines, policies affecting research also will affect teaching. All research-related policies must have the support of the administration of the university.
- c) The administrative structure responsible for research shall be organized to ensure a continuity of research policy.
- d) External support for research shall be solicited exclusively to enhance the mission of the university.
- e) Before an application is submitted to any outside agency, the office shall determine the availability of any matching funds and/or commitment of human resources from the university. A form for the request of matching funds is available in the Office of the Provost. This form must be completed and approved prior to the commitment of university matching funds, equipment, or other resources.

47.2 OFFICE OF RESEARCH AND SPONSORED PROGRAMS. Pre-Award Services are designed to assist researchers in facilitating the overall proposal process while balancing the need for institutional and sponsor regulatory compliance. The ORSPA assists university Investigators in identifying funding opportunities, proposal development, budget preparation, reviewing proposals for compliance to the Funding Opportunity Announcement, ensuring institutional approval for proposals, conforming to federal, state, private and university regulations and proposal submission. Specific services include:

- a) The office shall administer state research funds to encourage *seed* projects which stimulate scholarship/creative activity and/or generate proposals to attract extramural support.
- b) The office shall develop and maintain a program of communications with external agencies and foundations for research and establish personal contacts with government, industry,

- business, and private foundations to enhance funding of research grants and programs.
- c) The office shall provide information about the availability of external support for research and programs to the university community.
 - d) The office shall assist faculty by providing aid in developing proposals, by making contact with appropriate funding agencies, and by identifying the best possible sources for support.
 - e) The office shall provide editorial assistance in the preparation of the application and budget.
 - f) The office shall arrange and support travel for meetings with donors or funding agencies.

See Appendix E for additional policies and procedures for research and sponsored programs.

- 47.3 HUMAN SUBJECTS. Lamar University is guided by the ethical principles regarding research involving human subjects set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (Ethical Principles and Guidelines for the Protection of Human Subjects of Research [the "Belmont Report"]). The minimum standard is set by the Department of Health and Human Services regulations at 45 CFR 46 (the "Common Rule"). Lamar University has additional provisions beyond that standard, which help to establish the highest expectations for performance and oversight by investigators, Institutional Review Boards (IRBs), and the university. Policies and procedures outline these expectations and may be found at <http://www.lamar.edu/files/documents/research/IRB%20Policy%20and%20Procedure.pdf> and <http://www.lamar.edu/files/documents/research/IRB%20Writable.pdf>.

48. INTELLECTUAL PROPERTY POLICY (COPYRIGHT AND PATENT POLICIES, SEE APPENDIX D).

The Texas State University System Board of Regents has adopted policies relating to intellectual property, including patents and copyrights, pertaining to persons employed by Lamar University (and other institutions of the System) and/or anyone else using institutional facilities and resources. Lamar University's intellectual property policy, including copyright and patent policies, are found in Appendix D: Copyright, Intellectual Property, and Patent Policy.

49. INSTITUTIONAL GIFTS POLICY (SEE APPENDIX F)

Appropriate gifts, grants, fellowships, and scholarships to the university shall be gratefully and appreciatively accepted. It shall be the responsibility of the vice president for University Advancement to promptly evaluate any gift, grant, fellowship, or scholarship tendered to the university before the gift is accepted. Any offer of a gift shall be reported to University Advancement. Faculty shall not solicit or receive gifts without the prior approval of University Advancement. See Appendix F for additional policies and procedures for accepting gifts to the university.

50. SALE OF FACULTY PUBLICATIONS AND SIMILAR MATERIALS TO STUDENTS

Generally, the individual faculty member or the academic department shall have wide discretion in the choice of instructional materials to be used in the courses offered by the department, with the approval by the department chair. Although the authorship of books, outlines, manuals, software, and similar materials by members of the faculty should be encouraged, the prescribed use of these for students is a responsibility that goes beyond that of the individual author. Where practicable and equitable, the charge for outlines, syllabi, and similar materials prescribed for the use of students should be borne by the instructional department concerned. Whenever a charge is authorized for such copied materials, the prices should be as low as possible, consistent with the payment of a fair and reasonable royalty to the author or authors. This charge must be considered in conjunction with an incidental course fee or charge such that students are not charged more than once for the same material(s). Textbooks, notebooks, manuals, software, or other materials for the use of students, written or prepared by a member of the faculty, shall not be prescribed for the use of or sold to such students until such books, notes, manuals, or materials shall have been approved, with reasons stated, by the department chair, dean, and provost. All such requests shall indicate the proposed prices and profits, and their authorization shall be effective only to the end of the fiscal year (August 31) for which such approval has been given.

Arrangements for the sale of such materials should be made through the campus' Barnes and Noble Bookstore. Any off-campus, private bookstore considering the sale of these materials shall have the same privileges and opportunities as the bookstore. Such materials shall not be sold directly by departments or employees. The use of departmental equipment and facilities by a faculty member during the preparation of textbooks, notebooks, manuals, or similar materials should be approved, in advance, by the department chair.

51. NON-COMPETITIVE USE OF EMPLOYEE-OWNED MEDIATED COURSEWARE

NON-COMPETITIVE USE OF EMPLOYEE-OWNED COURSEWARE. (See Chapter II, 22.6 & Appendix D: Copyright, Intellectual Property, and Patent Policy). Courseware developed by an employee without specific direction or significant support of Lamar University shall not be sold, leased, rented, or otherwise used in a manner that competes with the instructional offerings of Lamar without the prior written approval of the provost. Should approval be granted to offer the course, course components, or instructional support materials outside of the institution, the employee shall reimburse Lamar for any use of its resources.

52. ACCEPTANCE OF MONEY OR PAY FROM STUDENTS, INCLUDING TUTORING

Faculty members shall not, without the prior approval of the provost, collect from students any fees or charges to be expended for personal or university purposes and shall not sell to students any books, notes, or similar supplies. Members of the faculty at the rank of instructor or above, and other instructional personnel as designated by the president, may not accept pay from students for extra instruction, tutorial assistance, or teaching of students registered in the university.

With advanced, written approval, teaching assistants, graduate or undergraduate assistants, and other instructional employees below the rank of instructor may accept pay from students for extra-class instruction, tutoring, or coaching, but only in courses in which they have no instructional responsibility. Such approval shall be obtained from the department chair responsible for the courses for which the tutoring is offered.

53. CATALOGS, BROCHURES, WEBSITES, AND OTHER PUBLICATIONS

The university shall provide services for the preparation of its official literature portfolio, as well as for other promotional, marketing, social media, and public relations materials. Materials to be published by the university or posted on the university's internet or similar electronic sites shall be approved by the department chair and dean, subject to review and approval by the provost, the director of marketing, and the vice president for university advancement.

54. COMMUNITY SERVICE

Faculty activities rendered as a service to the constituencies of the university shall be regarded as important functions and shall be evaluated accordingly. These activities include non-credit courses; preparation of informational bulletins; clinical services; speeches; conference planning and participation; consultation without compensation to business, industry, government, and other educational and leadership activities; and participation in professional and learned societies. Questions relating to community service activities should be addressed to the dean of the appropriate college.

55. JURY SERVICE AND MILITARY LEAVE

Members of the faculty shall be expected to comply with a summons for jury service. As permitted by law, faculty members may request a postponement from jury service. When summoned for jury service, the faculty member should secure a leave of absence through established procedures. The leave shall occur without loss of salary or vacation time. The faculty member is entitled to keep all jury fees earned.

In the case of military leave, authorized absence shall not exceed 15 working days per year, except as authorized under Government Code, Section 661.903 and 431.0825.

Students called to military service during the semester/term shall show their orders to their instructors and every effort shall be made to allow them to either complete their courses (e.g., online or through an "incomplete") or withdraw from the university without penalty.

56. FACULTY PARTICIPATION IN ADVISEMENT, REGISTRATION, AND COMMENCEMENT

Faculty members shall assist with the academic advisement and registration of students. Faculty members shall receive advisement and registration assignments from their department chairs.

As assigned by chairs and deans, representatives of the faculty shall participate in each commencement exercise, wear appropriate academic regalia, and follow appropriate academic decorum.

57. SAFETY

The health and safety of the faculty, staff, and students of Lamar University shall be of primary importance. All university employees shall be expected to be continuously and actively concerned about safety. Faculty should promote an awareness of safety and develop positive attitudes about safety among their students. All potential safety hazards must immediately be reported to one's supervisor and to the Office of Risk Management. For policies, forms, and advice on safety and risk reporting, see: <http://www.lamar.edu/about-lu/administration/risk-management/>.

58. FACULTY MAILING ADDRESSES AND PERSONAL INFORMATION

Each faculty and staff member shall keep his or her supervisor and the Office of Human Resources notified of his or her current mailing address. Written notice required by any and all sections of this handbook shall be sent by certified mail, return receipt requested, to the last address given by the faculty member. This notice shall be complete when deposited in the United States mail, addressed to the last address given by the faculty member, and the fact that the faculty member may fail or refuse to receive the notice is immaterial.

Faculty should check and, as necessary, update the accuracy of Personal Information (address, telephone number, email address, marital status, emergency contact, and so on) in Banner Self Service <https://banner.lamar.edu/> .

59. EMERGENCY PROCEDURES

- 59.1 ACCIDENTS OR SUDDEN ILLNESS. In the case of serious accident or illness, the faculty member should seek immediate emergency assistance and then contact the Student Health Center (880-8466) and campus police (880-7777). Students with minor injuries should be sent or taken to the Student Health Center.
- 59.2 FIRES OR CHEMICAL HAZARDS. Any faculty or staff member noticing fire, a fire hazard or a chemical hazard should call the Beaumont Fire Department (833-4331) and Campus Police (880-7777).
- 59.3 HURRICANES AND FLOODING. The Office of the President shall alert the campus in the event of an impending hurricane, violent storm, or serious flooding. Only the president or his or her designee shall cancel university activities. Local media, including Lamar's KVLU, shall be notified by the President's Office of any change in university activities. A CONNECT-ED announcement shall be sent to all employees and students announcing any closing, re-opening, or other important information.
- 59.4 ACADEMIC CONTINUITY. Lamar faculty are expected to resume instruction after the formal closing of campus and evacuation due to a hurricane or other disaster. After a four day window for evacuation and relocation, courses will resume in an online format until campus reopens. Students and faculty will login to their courses on Blackboard for instructions. Faculty will communicate through Blackboard, official Lamar email addresses, and the university webpage (www.Lamar.edu). These efforts will allow Lamar to complete courses and the semester on time.
- 59.5 THREATENING OR SUSPECTED CRIMINAL ACTIVITY. All faculty should report suspected criminal activity and hostile or threatening persons to Campus Police at 880-7777. Should a student or other party disrupt a class, laboratory, or other academic activity, and refuse to heed the faculty member instruction to cease the disruption, the faculty member should immediately call Campus Police for assistance.
- 59.6 ACTIVE SHOOTER. In the event of an active shooter (or similar situation) on campus, faculty should immediately call Campus Police at 880-7777. Calling 911 will reach Beaumont City Police Dispatch rather than University Police and delay police response. Campus Police are trained to address these situations and will respond anywhere on campus within minutes if not seconds. A CONNECT-ED alert will be sent to the entire campus with information and instructions. Every effort should be made to evacuate everyone to a safe area far away from the shooter's location, and to follow directions of police officers. If evacuation poses danger or if the shooter's location is unknown, lock and/or barricade the door with desks, chairs, bookcases, or any other items. Move everyone to a place inside the room where you are not visible through windows. Turn off the lights and remain quiet. Stay there until told by police that it is safe. Protect yourselves using whatever is immediately available to distract and/or defend yourself and others from attack. For Lamar's active shooter plan, see <http://universitypolice.lamar.edu/files/documents/misc/active-shooter.pdf>
- 59.7 ADDITIONAL INFORMATION: For additional information, see: <http://www.lamar.edu/about-lu/administration/risk-management/>.

60. USE OF UNIVERSITY FACILITIES AND BUILDING SECURITY

- 60.1 USE OF FACILITIES. All university facilities shall be open to faculty groups when they are conducting or sponsoring university-related activities. All instructional space shall be assigned by the department chair. The allocation of academic space shall be the responsibility of the provost. Responsibility for allocation of non-academic space is the responsibility of the appropriate vice president or administrator. Registered student, faculty, and/or staff organizations may use Lamar's buildings and grounds in compliance with reasonable and nondiscriminatory rules and regulations, approved by the president or a designee, including the following:
- 60.1.1 Extracurricular use by students, faculty, or staff shall comply with local, State, and Federal law, System and Lamar regulations. Such activities shall not disrupt or disturb academic or other Lamar processes nor result in damage to or defacement of property. Registered student, faculty, or staff organizations may not enter into joint sponsorship of any on-campus project or program which involves financial commitments or the scheduling or use of facilities with non-students without prior written approval of the president or a designee.
 - 60.1.2 Use of Lamar facilities shall be granted only to groups or organizations which have the approval of the appropriate building coordinator or the president.
 - 60.1.3 A *Request for Use of Facilities* form must be signed by the organization's president and the university's advisor for the organization. A reservation form must be signed by an appropriate official of the group.
 - 60.1.4 Reservations for use of the Setzer Student Center, outdoor fields, and pavilion facilities are made in the Setzer Student Center Reservations Office (880-8727). Reservations for the University Event Center of the Gray Library (8th floor) are made by contacting 880-8136. Requests for use of other facilities are made in the offices of the various building coordinators (see Ch. II, §60.3).
 - 60.1.5 Reservation forms must be submitted to the appropriate office at least one week before the scheduled event.
- 60.2 BUILDING SECURITY. To provide proper security for university buildings, students, personnel and property, the following procedures shall be followed:
- 60.2.1 Students entering buildings or remaining in buildings after posted hours of operation shall have in their possession written authorization approving the access from the appropriate administrator (a building Pass obtained from the appropriate dean or vice president).
 - 60.2.2 Administrators, in approving access to otherwise closed buildings, shall reasonably attempt to arrange for at least two parties to be present at all times to assure safety.
 - 60.2.3 All university personnel entering a closed facility shall notify the university police dispatcher of their entry and departure time.
- 60.3 SCHEDULING AND RESERVING FACILITIES. Classroom space in academic facilities for non-instructional meetings shall be scheduled by designated building coordinators. Space for most other non-academic functions shall be coordinated through the Office of the Vice President for Student Engagement.

- 60.4 SCHEDULING OFF-CAMPUS FACILITIES. Requests for scheduling off-campus facilities, when university funds are required, shall be made through the Office of the Vice President for Finance and Operations.
- 60.5 SCHEDULING BY OUTSIDE GROUPS. Use of grounds and physical facilities of Lamar University, especially auditoriums, gymnasiums, and large rooms, by outside individuals, groups, or associations (outside groups) shall be subject to the following rules as well as policies approved by the president or a designee (contact Office of the President 409-880-8405):
- 60.5.1 Unrestricted use by outside groups of any Lamar facilities and grounds is not permitted. Whenever groups share in the use of Lamar buildings, it must be upon the invitation of Lamar and under its joint sponsorship, and with the further understanding that all the conditions governing such sponsorship are to be set by the university.
- 60.5.2 Lamar will not enter into joint sponsorship of any project or program that is to result in private gain for the cooperating individuals, group, or associations, unless the president or a designee has reviewed the project or program and has determined that such joint sponsorship serves a public purpose and adequate contractual or other controls ensure its realization as required by Article 3, Section 51, of the Texas Constitution.
- 60.5.3 Lamar will not enter into joint sponsorship of any program or activity in which the educational implications or benefits are not self-evident and which does not directly supplement the educational purposes of the university. Lamar, when entering into joint sponsorship of any program or activity, reserves the right to approve advertising as well as news releases.
- 60.5.4 Established as a public body without regard to political affiliation or religious faith, Lamar cannot be a joint sponsor with any non-campus organization for political or sectarian gatherings. However, the appearance by or on behalf of a candidate for public office may be authorized under conditions prescribed in Section 67 of this chapter.
- 60.5.5 The authorization for use of Lamar's facilities and grounds for functions other than the Lamar's own activities shall be at the sole discretion of the president or a designee and subject to the needs and the convenience of the university which are always to have priority in the scheduling of facilities.
- 60.5.6 In the case of programs for which Lamar is a joint sponsor with some other individual, group, or organization, the fee to be paid by the co-sponsor will be a matter for negotiation in each case, subject to final approval by the president or a designee and will be specified in the agreement providing for the joint sponsorship.

61. SOCIAL EVENTS WITH ALCOHOL

It is the policy of Lamar University that alcoholic beverages shall not be possessed, served, or consumed on campus except in *special use* buildings or facilities designated by the president. All social events where alcohol beverages are served shall be subject to the following regulations:

- 61.1 STIPULATIONS REGARDING TIME. Alcoholic beverages may not be served during the week until after 5:00 p.m. without explicit authorization from the president. Alcohol may be served in authorized facilities Monday-Thursday, 5:00 p.m. until midnight; Friday-Saturday, 5:00 p.m. until 2:00 a.m.; 10:00 a.m. until 2:00 a.m.; and Sunday, noon until midnight. Ordinarily facilities shall not be open during holiday periods. Beverage and bartender service shall be discontinued thirty minutes prior to the scheduled ending time of an event.
- 61.2 STIPULATIONS REGARDING LOCATION. No alcoholic beverages may be possessed, served, or consumed in or near an area while classes are being held or in the residence halls. Alcoholic beverages may be possessed, served, or consumed, with proper authorization by the building coordinator or the president, in the following areas: the Setzer Center Ballroom, Gladys City, the Cardinal Club Room, the President's Suite, the luxury boxes of Provost-Umphrey Stadium, designated tailing-gating areas, the Dishman Art Gallery complex, the Reaud Building event areas, and the University Event Center of the Gray Library. Additional areas must be approved by the vice president for student engagement or the president. Alcoholic beverages shall be restricted to the specific area designated on the reservation form.
- 61.3 FOOD SERVED WITH ALCOHOLIC BEVERAGES. Food shall be served at all events with alcoholic beverages. Arrangements for food shall be made, in advance, with the director of food services. When alcoholic beverages are served, each group/organization shall be responsible for providing the alcoholic beverages in advance of the event. The time and place of delivery and pick-up shall be designated by the building coordinator at the time the reservation is made. Alcoholic beverages must be delivered in bulk by a representative of the sponsoring organization. Neither sponsors nor guests may individually bring alcoholic beverages to a social function.
- 61.4 ADMISSIONS FEE. An admission fee may not be charged at an event where alcohol is served unless an appropriate alcohol sales license has been obtained, and permission has been given by the vice president for student affairs. University police must have prior notification.
- 61.5 RESPONSIBILITIES.
 - 61.5.1 The president or presiding officer of the organization shall be responsible for the delivery of the alcoholic beverages to the building coordinator or his or her designate.
 - 61.5.2 Signatures shall indicate full acceptance of responsibility for the organization's use of the facilities and compliance with state regulations regarding the consumption and distribution of alcohol.
 - 61.5.3 A minimum of two police officers is required at all dances or similar events where alcohol is served, or if the building coordinator, advisor, or vice president for student engagement deems them necessary for the event.
 - 61.5.4 Any proposed changes to these regulations shall be communicated, in writing, to the university police and to the advisor and/or officers of the sponsoring group or organization

and have the prior approval of the vice president for student engagement.

61.5.5 The group or organization reserving a facility shall be responsible for any charges resulting from damages and/or cleaning which result from an organization's function.

61.5.6 Any violation of these policies shall be referred to the vice president for student affairs for disciplinary action. Violations may result in denial of the use of facilities and/or other disciplinary actions.

61.6 LEGAL CONSIDERATIONS.

61.6.1 No state funds may be used to purchase alcoholic beverages or services connected with the use of alcoholic beverages.

61.6.2 When alcoholic beverages are served, a fee may not be charged for the event except when provided for by license.

61.6.3 All state and local regulations and statutes regarding the possession, serving, and/or consumption of alcohol beverages, and all Lamar policies shall be strictly enforced. Violators of these regulations/statutes/policies shall be subject to disciplinary action by the university and/or civil authorities.

61.6.4 Nothing herein shall be taken as an assumption of risk or responsibility on the part of the Board of Regents of The Texas State University System, or its System components for any injuries or damage, of whatever kind, resulting from a student's possession or use of alcohol, whether such use is legal or illegal

61.7 EXCEPTIONS. The president, or his or her designee, upon recommendation from the vice president for student engagement, shall have the prerogative of modifying these policies to serve the best interests of the university.

62. SMOKING/TOBACCO USE POLICY

Lamar University, along with all other member schools in The Texas State University System (TSUS), is smoke-free and tobacco-free campus. Lamar is committed to providing a safe, healthy and pleasant environment for its faculty, staff and students. Lamar University has developed the following comprehensive institutional policy creating a smoke-free and tobacco-free environment on its premises. Lamar's policy applies to all faculty, staff, students, employees of contractors, and visitors to the campus, and addresses the use of tobacco products as well as smokeless tobacco, electronic ("vapor") cigarettes or similar devices on university owned or leased premises.

62.1 DEFINITIONS.

- 62.1.1 "Tobacco products" include cigarettes, cigars, blunts, bidis, hookahs, chewing tobacco, dip, smokeless tobacco, snuff, electronic cigarettes or any other items containing or classified as such.
- 62.1.2 "Tobacco uses" includes smoking, chewing, dipping, or any other ingesting, consumption, or bodily intake of tobacco products.
- 62.1.3 "Campus" includes property owned or leased by Lamar University, including all grounds, buildings, facilities, vehicles, parking lots, property used for official functions sponsored by the University, and property used for course related activities.

62.2 REGULATIONS.

- 62.2.1 Faculty, students, employees, volunteers, contractors or other persons performing services on behalf of the university, visitors or others on the campus for any reason, are prohibited from using any tobacco products at any time while on campus.
- 62.2.2 The sale or free distribution of tobacco products or merchandise on university property shall be prohibited.

62.3 COMPLIANCE.

- 62.3.1 Lamar University expects that all employees, students, volunteers, contractors, or other persons performing services on behalf of the university, visitors or others on the campus for any reason who use tobacco products to comply with this policy.
- 62.3.2 Students who violate this policy will be subject to the university student disciplinary processes.
- 62.3.3 Faculty and other employees who violate this policy shall be subject to discipline or dismissal through appropriate university processes.
- 62.3.4 Visitors, volunteers, contractors or other service providers who violate this policy shall be asked to leave campus and/or may be prohibited from returning to campus.

62.4 EXCEPTIONS.

62.4.1 Artists or actors who participate in authorized performances which require smoking or the use of another tobacco product as part of artistic productions are exempt from this tobacco policy.

62.4.2 With the prior written approval of the provost, participants in academic research projects involving tobacco products are exempt from this tobacco policy.

62.5 COMMUNICATION. Signage and other forms of communication will be posted in a manner and location that adequately notify students, employees, visitors, contractors or other persons performing services on behalf of the university.

63. WORKPLACE FREE OF ILLEGAL DRUGS AND CONTROLLED SUBSTANCES

It shall be the policy of Lamar University that the unlawful manufacture, distribution, possession, or use of an illegal and controlled substance at any time on the university's premises is prohibited (see Ch. II, §43.9).

- 63.1 **FEDERAL GRANTS AND POLICY.** Each employee engaged in the performance of a federal grant shall receive and acknowledge receipt of the university's drug-free workplace policy. Each employee engaged in the performance of a federal grant shall be required to sign a written and dated acknowledgment that he or she has received a copy of the university's drug-free workplace policy (available in the Research and Sponsored Programs Office). A copy of this acknowledgment shall be included in the employee's personnel file.

In addition to the signed and dated acknowledgment of receipt of the drug-free workplace policy, each employee engaged in the performance of a federal grant shall be required to sign and date a written agreement that he or she will abide by the terms of the university's drug-free workplace policy; and that he or she shall notify the university (through his or her administrative supervisor or the Human Resources Office) of any criminal drug convictions (state or federal) for a violation occurring in the workplace no later than five days after such conviction. The employee shall also acknowledge that failure to so notify the university of such convictions shall itself constitute a violation of university regulations, and shall subject the employee to disciplinary action.

- 63.2 **NOTIFICATION.** The university shall notify the granting agency of any conviction of any employee engaged in the performance of a federal grant within ten days of receipt of notice of such conviction from the employee, or from the time the university otherwise receives actual notice of such conviction.

64. LIBRARY, UNIVERSITY CENTERS, AND INFORMATION TECHNOLOGY (IT) SERVICES

- 64.1 MARY AND JOHN GRAY LIBRARY. The Mary and John Gray Library is an eight-story building centrally located on campus. Its collection exceeds one million volume equivalents, including books and e-books, journals, microforms, maps, music scores, state and federal government publications, software, and audiovisual materials. . The library provides digital access to articles from 49,000 scholarly journals and other periodicals through subscriptions to aggregated databases as well as through document delivery transactions. Students, faculty, and staff of Lamar University can utilize computers in-house or remotely to locate print and electronic books in the online catalog. They can also access digital citation indexes and databases, full-text journal articles, and interactive guides tailored to specific subject fields of study, style and formatting help for research papers, orientation, and distance education support. A service-oriented library staff provides assistance in the use of reference materials, government documents, special collections and archival materials, reserve materials, and instructional media. The Cardinal One Card serves as a patron's library card for borrowing purposes. Lamar Electronic Access (LEA) credentials are utilized to access the databases and other electronic resources. The library provides rooms for group study, and the fifth floor is a designated quiet study floor. Coin-operated copy machines for both print and microforms are available. Computers are openly accessible to all students in two computer labs located on the first and seventh floors, respectively. An additional group of computers are available for classes and special projects in a seventh-floor library classroom. Trained IT staff provide assistance in the use of computers, printers, and software. There are eight separately administered areas in the Gray Library: University Writing Center; STAR (Student Tutoring and Retention) Services Tutorial Center; Office of Planning and Assessment; Center for Teaching and Learning Enhancement; Office of Research and Sponsored Programs Administration; IT Services Help Desk; Media Services (administered by IT); and University Event Center.

Beyond locally provided resources, the Gray Library can supply patrons with other libraries' books and articles through an efficient interlibrary loan borrowing system. Lamar University students and faculty can also borrow in person from the library collections of 51 other publicly funded colleges and universities utilizing credentials from the statewide TexShare program. TexShare borrowing cards are available at no charge at the circulation desk in the front lobby. The library provides services to distance students through email, IM, and phone contact. The library is open seven days a week in the long semesters. Hours of operation are posted on the library website at <http://library.lamar.edu/> and can be heard in a recorded message at (409) 880-8117. Library faculty and staff are also available to provide library information to student groups and classes.

Media Services provides audiovisual equipment and services to faculty, staff and students on the Lamar campus. Equipment is set up for an event or the patron can pick up the equipment that was requested for an event. Equipment includes: LCD projectors, laptops, video cameras, TV/VCR/DVD units, screens, microphones, amplifiers/sound systems, remote control clicker for projectors, overhead projectors, speakers, and equipment carts.

- 64.2 SETZER STUDENT CENTER. The Setzer Student Center shall serve as a campus community center and provide a location for students, faculty, and staff to meet and have luncheons, banquets, conferences, and similar activities. The bookstore, dining facilities, recreational activity facilities, and relaxation areas are also available.
- 64.3 HEALTH CENTER. The university maintains a health center for use by Lamar students. Outpatient service is available for illness or injury that does not require constant supervision. Students

requiring intensive medical care will be referred to area hospital emergency facilities. Health care services shall not be routinely available to faculty and staff. Faculty and staff who have minor, work-related injuries may be treated at the Health Center. If an injury appears to be more serious and the employee cannot be moved, the University Police Department should be notified to call the city emergency medical service to transport the injured to a hospital.

- 64.4 INFORMATION TECHNOLOGY. The Information Technology Division supports the IT needs of Lamar University. These services include maintaining the Student Information System (Banner SSB), university email, supporting the learning management system (Blackboard), technical support for campus organizations, and maintaining campus wireless Internet. The student information technology website is <http://students.lamar.edu/it-services-and-support/index.html>. The University Service Desk is located in the Mary and John Gray Library, 7th Floor, Room 707. Students may contact the Service Desk at (409) 880-2222 or by email to servicedesk@lamar.edu.

The IT Division Computer Center shall also be responsible for providing computer facilities and services to support academic, administrative, and research activities of the university. The Division shall provide assistance and consultative services to faculty members using computer resources in their teaching and research. All faculty members shall receive a university e-mail address and shall have access to other computing resources.

65. INFORMATION TECHNOLOGY USE POLICIES, E-MAIL, AND ELECTRONIC ACCOUNTS
- 65.1 INFORMATION TECHNOLOGY COMPUTER USE POLICIES AND E-MAIL COMMUNICATION. Faculty members are expected to comply with the provisions of Lamar University's Information Technology Policies and Standards which are available at <https://www.lamar.edu/it-services-and-support/policies/index.html> . In addition, policies pertaining to the World Wide Web/internet may be found in Appendix K.
- 65.2 E-MAIL COMMUNICATION. Official Lamar University communications may be distributed to faculty, staff and students via university-supplied e-mail addresses. It is expected that all faculty, staff, and students will read university e-mail sent to their campus address at least once every week, and that campus actions may be based on this expectation. This policy applies to students during any semester/session/term the student is enrolled and to faculty and staff during periods of contracted employment, except official holidays or other periods when the campus is closed.
- 65.3 OFFICIAL E-MAIL ADDRESS AND COMMUNICATION. A Lamar University e-mail address shall be provided to all faculty, staff, and students. Official university announcements shall be sent to this address and it is expected that all faculty, staff and students shall monitor their addresses for messages at least once every week. Other announcements shall appear on the university's homepage (www.lamar.edu). In emergencies, campus information shall be electronically sent through Lamar's CONNECT-ED. system.
- 65.4 ELECTRONIC ACCOUNTS. Lamar's Electronic Account (LEA) is active as long as you are faculty member at Lamar University. LEA accounts provide access to the following services: LU email, Blackboard (Lamar's Learning Management System), Online Course Evaluations (Lamar's student evaluation of instruction system), OrgSync (Lamar's student club and organization portal), campus computers, myScholarships, campus printing, and the wireless network.
- 65.5 LAMARID. LamarID (often termed, *L Number*) provides access to Self-Service Banner, personal information, class records, grading, student records, payment, and financial aid information. The LamarID consists of a capital L and eight numeric digits. For security, the LamarID requires a pass phrase.

66. SPEECH AND ASSEMBLY

- 66.1 DEFINITION. Freedom of inquiry and discussion is basic and essential to intellectual development, provided such freedoms are exercised in a manner that does not illegally derogate the rights of others or interfere with the academic programs and administrative processes of Lamar University. The grounds of Lamar are limited public forums, subject to such reasonable time, place, and manner restrictions as the president may impose (see Subparagraphs 66.3 and 66.5 of this Chapter).
- 66.2 OFF-CAMPUS SPEAKERS IN LAMAR FACILITIES. The freedoms of speech and assembly guaranteed by the First and Fourteenth Amendments to the United States Constitution shall be enjoyed by the students, faculty, and staff of Lamar University with respect to the opportunity to hear off-campus or outside speakers.
- 66.2.1 If a registered campus organization is sponsoring a campus speaker, it has the responsibility of making clear the fact that the organization, not Lamar University, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of Lamar University.
- 66.2.2 Students, faculty, staff, and registered organizations campaigning for public office on behalf of candidates for public office must abide by the provisions of this Section.
- 66.2.3 Speakers to be paid from state funds to speak on Lamar's campus shall speak in a facility that is open to the public. This Subsection does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may obstruct or lessen in any way the opportunity for the audience to see and hear the speaker. The number of students, faculty, staff, and guests may be limited to prevent a hazard to the safety of the audience.
- 66.2.4 Off-campus speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by Lamar's administration shall be prohibited from speaking to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus.
- 66.2.5 With the prior written approval of the president, Lamar may, at its sole discretion, lease or rent space in the student center or other appropriate buildings or grounds for political rallies and meetings provided that space is made available to legitimate political candidates in a nondiscriminatory fashion and the rent for such space is based on a fair market value.
- 66.3 TIME, PLACE, AND MANNER RESTRICTIONS. While freedom of speech and assembly is encouraged, the law recognizes that there is no absolute right to assembly or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech. The issuance of invitations to outside speakers shall be limited as follows:
- 66.3.1 A request to invite an outside speaker will be considered by Lamar University only when made by a registered student, faculty, or staff organization. No invitation shall be issued to an outside speaker without prior written concurrence of Lamar's president or a designee for scheduling of speaker dates and assignment of campus facilities.
- 66.3.2 Any speaker request shall be made in writing to the president or a designee by an officer of a registered student, faculty, or staff organization, or by an administrative officer of Lamar, desiring to sponsor the proposed speaker not later than six business days prior to the date of the proposed speaking engagement. This request shall contain the name of the

sponsoring organization; the proposed date, time, and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the president or a designee within five business days after submission shall be deemed granted.

- 66.3.3 A request made by a registered organization may be denied only if the president, or the authorized designee, determines, after proper inquiry, that the proposed speech will constitute a clear and present danger to the Lamar's orderly operation as defined in Subsection 66.5.
- 66.3.4 Where the request for an outside speaker is denied, the sponsoring organization may appeal to the president or an authorized designee in writing within three business days of the denial. A hearing within will be held within four business days following the filing of its appeal before an impartial board or administrator appointed by the president for a *de novo* consideration of the request. Such board or administrator shall make a recommendation to the president, whose decision shall be final. If the president fails to decide the matter within seven business days following the filing of the appeal, it shall be deemed granted, and the speaker's invitation may be issued by the organization.
- 66.3.5 Where the request for an outside speaker is granted and the speaker accepts the invitation, the sponsoring organization shall inform the president or a designee, immediately in writing of such acceptance. The president or a designee, may, at his or her discretion, require that the meeting be chaired by a member of the administration or faculty and that a statement be made at the meeting that the views presented are not necessarily those of Lamar University or of the sponsoring organization. By acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law committed by the speaker while on campus.
- 66.4 ASSEMBLY ON COMPONENT GROUNDS. Any group or person, whether or not a student or employee, and whether or not invited by a registered student, faculty, or staff organization, may assemble and engage in free speech activities on the grounds of the campus. However, the president or a designee may adopt reasonable nondiscriminatory rules and regulations as to time, place, and manner of such activities and may prohibit such activities if it is determined, after proper inquiry, that the proposed speech constitutes a clear and present danger as defined in Subparagraph 66.5.
- 66.5 CLEAR AND PRESENT DANGER. Proposed speech which constitutes a clear and present danger to Lamar's orderly operation by the speaker's advocacy (i.e., preparing the group addressed and steeling it to such action as opposed to the abstract espousal of the propriety of resort to force) may be prohibited. In determining the existence of a clear and present danger, the president, may consider all relevant factors, including whether, within the past five years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. There must be not only advocacy to action but also a reasonable apprehension of imminent danger to the essential functions and purposes of Lamar.
- 66.6 DEMONSTRATIONS, PUBLICATIONS, POSTERS. Reasonable and nondiscriminatory rules and regulations as to time, place, and manner may be promulgated by the president or a designee of Lamar University to authorize students, faculty, staff, and their registered organizations to petition, distribute publications, post signs, set up booths and/or peacefully demonstrate on the campus. Such regulation shall prohibit any activity that would interfere with academic or other Lamar programs.
- 66.6.1 No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on Lamar University's campus any petition, handbill, or piece of literature, work, or material that is obscene, vulgar, or libelous, or that advocates the deliberate

violation of any federal, state, or local law. Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual.

- 66.6.2 For policy purposes, advocacy means addressing the group for imminent action and steeling, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.
- 66.6.3 Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of the Texas Education Code, Section 51.935, as follows:
 - 66.6.3.1 No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on Lamar's campus. Disruptive activity means: 1) Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the administration of Lamar; 2) Seizing control of an area of a campus or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or (3) Disrupting and/or preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by Lamar's administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
 - 66.6.3.2 Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction.
- 66.6.4 Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.
- 66.6.5 Disruptive Activities. Disruptive activities are prohibited on Lamar University's campus. The president shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities and shall immediately notify the chancellor and the chairman of the Board of Regents.

67. POLICY ON POLICIES

Any member of the faculty or staff or any student, individually or collectively, may prepare a written policy proposal addressing an academic issue or concern for consideration by the President's Executive Council. The president or his/her designee may refer the proposal to appropriate university committees or councils for review. Once recommendations have been received from the committees and/or councils, the Executive Council will deliberate and support, amend or reject the proposal. The Council's recommendation will be forwarded to the president for final campus action.

68. SUBSTANTIVE CHANGE POLICY: SACSCOC NOTIFICATION

Any member of the faculty or staff or any student, individually or collectively, may prepare a written proposal addressing academic programs/courses/substantive changes (see below) for consideration by the appropriate departmental, college, and university curriculum review committees and academic administrators.

- 68.1 **PURPOSE.** Lamar University welcomes the expansion of academic opportunities through the development and implementation of new programs and/or courses. Lamar University is also committed to adhering to the policies and requirements of its regional accrediting body, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). In accordance with such policy, Lamar University will notify SACSCOC of potential or actual substantive change to its role and scope in a timely manner, and in some cases, will seek approval for change before the initiative is implemented.

SACSCOC is recognized by the United States Department of Education as an agency whose accreditation enables its members to seek eligibility to participate in Title IV programs. SACSCOC is responsible for reviewing all substantive changes that occur between an institution's decennial reviews to determine whether or not the change has affected the quality of the total institution and to assure the public that all aspects of the institution continue to meet defined standards. Therefore, Lamar University is also committed to establishing procedures to ensure compliance and to providing guidance and expectations regarding those curricular and organizational changes requiring notification and/or approval.

- 68.2 **DEFINITIONS.** Substantive change is a significant modification or expansion in the nature and scope of an accredited institution. Examples of potential substantive change include initiating courses or programs that represent a significant departure from those currently approved, establishing an additional location geographically apart from the main campus at which the institution offers at least 50% of a program, initiating joint degrees with another institution, closing a program, and changing the established mission of the Institution.

There are three different types of substantive change, including (1) substantive change requiring notification and approval prior to implementation, (2) substantive change requiring only notification prior to implementation, and (3) review and approval of teach-out plans when closing a program or institutional site. Reporting Substantive Changes to SACSCOC (Appendix Q) provides examples of different types of substantive change and the procedures used in meeting notification and/or approval requirements.

- 68.3 **ROLES.**

68.3.1 **Role of President.** The president of Lamar University notifies the president of SACSCOC of substantive changes at the institution.

68.3.2 **Role of Provost and Vice President for Academic Affairs.** Substantive changes are typically the result of activities in the Division of Academic Affairs, for which the provost has oversight. After lower-level review and approval, all curriculum proposals must be submitted to the provost's office for approval and reporting, when necessary, to SACSCOC. The provost shall adhere to the prescribed procedures and timeframe and provides appropriate documentation regarding substantive changes to SACSCOC.

68.3.3 **Role of Accreditation Liaison.** The executive director/Office of Planning and Assessment serves as Lamar's SACSCOC accreditation liaison, whose charge is to ensure compliance with accreditation requirements. The accreditation liaison is familiar with SACSCOC's policies and procedures and consults with the institution's assigned SACSCOC staff member about any questions.

68.3.4 Role of Faculty and Academic Administrators. In order to ensure compliance, all faculty and administrators involved in making a curricular or organizational change should review this policy as well as other policies pursuant to the specific type of change (e.g., requesting new academic program, adding new courses, or adding online courses to an existing program).

68.4 PROCEDURES. The Lamar University SACSCOC liaison is assigned the responsibility of coordinating efforts to identify the need for and creation of notification letters, applications, and prospectus documents (See Appendix Q).

Substantive changes include, but are not limited to:

- a) Initiating coursework or programs at a different level than currently approved,
- b) Expanding at current degree level (significant departure from current programs),
- c) Initiating a branch campus,
- d) Initiating certificate programs,
- e) Altering significantly the educational mission of the institution,
- f) Initiating joint or dual degree programs,
- g) Initiating a certificate program at employer's request and on short notice,
- h) Initiating off-campus sites,
- i) Expanding program offerings at previously off-campus sites,
- j) Altering significantly the length of a program,
- k) Changing from clock hours to credit hours,
- l) Initiating a direct assessment competency based programs,
- m) Initiating distance learning,
- n) Entering into a contract with an entity not certified to participate in DOE Title IV programs (for the delivery of an educational program),
- o) Initiating programs/courses offered through contractual agreement or consortium,
- p) Initiating a merger/consolidation with another institution,
- q) Changing governance, ownership, control, or legal status of an institution,
- r) Adding a permanent location at a site where the institution is conducting a teach-out for student from another institution that is closing, and
- s) Closing a program, approved off-campus site, branch campus, or institution.

68.4.1 At least once each academic year the SACSCOC liaison will provide education and training to the academic deans and division vice presidents in relation to substantive change policies and procedures.

68.4.2. The SACSCOC liaison will utilize the university curriculum review cycle to identify substantive changes related to the addition, deletion, or modification of courses and degree programs.

68.4.3 The SACSCOC liaison will utilize the minutes from the Council of Academic Deans meetings, President's Executive Council meetings, and the Undergraduate Curriculum Council/Graduate Council meetings to identify potential substantive changes.

68.4.4 At least once each academic year the SACSCOC liaison will prompt the academic deans and division vice presidents to identify potential substantive changes.

- 68.4.5 All substantive change education and review activities must be coordinated to allow ample time to satisfy the timeframes for notification and/or approval as set by the SACSCOC. Lamar University will adhere to the reporting timelines specified in the “Substantive Change for SACSCOC Accredited Institutions policy statement.”

CHAPTER III ADVISORY ORGANIZATIONS

The university recognizes the importance of advisory organizations in general policy development and encourages the active participation of faculty members in such organizations. Participation shall be considered a responsibility of the faculty. The recommendations of official university advisory organizations shall be subject to review and action by the president and The Texas State University System Board of Regents. For additional information and current membership rosters, see <http://facultystaff.lamar.edu/index.html> and click on Committees and Councils.

MAJOR UNIVERSITY CONSTITUENCY ORGANIZATIONS:

1. **PRESIDENT'S EXECUTIVE COUNCIL.** The Executive Council shall advise the president on policies and procedures for the university. The provost, the vice president for finance and operations, the vice president for university advancement, the vice president for student engagement, the vice president for information technology, and the director of marketing communication shall be members of the council. Others may serve on an *ad hoc* basis as determined by the president. The president shall chair the council.
2. **ACADEMIC COUNCIL OF DEANS.** The Academic Council of Deans (ACD) shall advise the provost on matters pertaining to academic policy and the quality of instruction in all academic programs of the university. The council shall review program proposals in any field of study, inform department chairs of all academic policies recommended by the council, recommend policies pertaining to academic procedures, and recommend changes in academic matters that will improve instruction and standards. The council shall include the deans and be chaired by the provost.
3. **FACULTY SENATE.** The Faculty Senate shall function as the official coordinating body of faculty views relating to the academic activities of the institution and shall provide policy advisement for the administration on all matters pertaining to the welfare, conduct, and involvement of the faculty. Membership is elected from the five colleges and the library. The charter and by-laws of the Faculty Senate are located in Appendix B of this handbook.
4. **COUNCIL OF INSTRUCTIONAL DEPARTMENTS.** The Council of Instructional Departments (CID) shall advise the president and provost on policies and actions for the improvement of academic departmental administration and more effective communication within the organizational structure of the university. The council shall review and make recommendations concerning academic policies and procedures that affect departmental operations. Council membership shall consist of the academic department chairs. Members of the council shall elect their officers. The constitution and by-laws of the council are included in Appendix C of this handbook.
5. **STAFF ADVISORY COUNCIL.** The Staff Advisory Council shall function as the official coordinating body of staff views relating to the staff activities of Lamar University, and shall provide policy guidance to the administration on all matters pertaining to the welfare, conduct, and involvement of employed human resources.
 - 5.1 **CHARGE:** The Staff Council shall be charged with the responsibility of providing the president and other members of the administration with a consensus of staff employees'

opinions and issues.

5.2 BY-LAWS: The Staff Council's by-laws are available at: <https://www.lamar.edu/staff-council/bylaws/index.html>

6. **ATHLETIC COUNCIL.** The Athletic Council shall advise the president on matters of policy relating to NCAA and Southland Conference intercollegiate athletics. Appointed by the president, members of the Athletic Council shall be selected from the faculty, department chairs, deans, administrative staff, and student body. The chair of the Athletic Council shall be designated by the president as the institution's representative to the Southland Conference. Along with the director of athletics and the senior women's athletic administrator, the institutional representative shall be a member of the advisory council, which is the operating body of the conference. The institutional representative shall be the individual designated by the president to cast the university's vote at sessions of the advisory council. In the absence of the president (who is a member of the Board of Directors of the conference), the institutional representative shall represent the university in meetings of the Board of Directors and cast the institution's vote. Likewise, in the absence of the president, the chair of the Athletic Council shall be authorized to represent the university at meetings of the NCAA.

OTHER UNIVERSITY ADVISORY ORGANIZATIONS:

7. **ACADEMIC INFORMATION TECHNOLOGY COMMITTEE.** The Academic Information Technology Committee shall advise the provost on matters relating to computer and information technology services for faculty and instructional needs. The committee shall consist of three faculty representatives from the College of Arts and Sciences, two representatives from each of the other colleges, and one representative from the library. In addition, there shall be a representative from the Lamar Institute of Technology, the Student Government Association, the Faculty Senate, the Council of Instructional Departments, and the Academic Council of Deans. Also, the director of media and event technical services; the coordinator of library systems; the chair of computer science; the chair of MIS; the vice president for information technology; the director of academic computing; a representative from distance education; and the associate provost shall serve on the committee. The faculty representatives shall be elected by and from the full-time faculty, and the other members shall serve because of their positions. The chair shall be elected by and from the membership.
8. **ACCESSIBILITY ISSUES COMMITTEE.** The Accessibility Issues Committee shall advise the director of the disability resource center on issues pertaining to campus services and accommodations for students with documented disabilities. Membership shall consist of a representative, appointed by the director, from residence life, communication disorders; distance learning; web communication; IT support; the library; the student health center; student support services; athletics; records; purchasing; and human resources. In addition, three students elected by and from the Student Government Association shall serve along with the Staff Council president; and the director of disability resource center services, who shall serve as chair.
9. **ADMISSIONS COMMITTEE.** The Admissions Committee shall serve as an advisory and review body for the provost. This committee also shall hear undergraduate admissions appeals and review and evaluate admissions standards and criteria. The membership of the committee shall consist of a faculty representative from each college (two from Arts and Sciences), plus a representative from the library, the director of admissions, the director of undergraduate recruiting; and the director of scholarships and financial literacy. Faculty members shall be elected by and from the full-time faculty. The chair shall be elected from and by the members.

10. **LAMAR CARES (BEHAVIORAL ASSESSMENT AND INTERVENTION TEAM).** Lamar Cares [(formerly known as the Behavioral Assessment and Intervention Team (BAIT))] shall report to the associate vice president for student engagement/dean of students on issues pertaining to student behavior and the need for university resource intervention. The membership shall consist of the chief of police, the assistant chief of police, the Title IX coordinator, the director of the health center, and counselors from the health center. In addition, appointed representatives from residence life, disability services, student engagement, and the faculty shall serve. The associate vice president for student engagement/dean of students shall serve on and chair the BAIT.
11. **BUDGET DEVELOPMENT COMMITTEE.** The Budget Development Committee shall advise the provost and president about funding for new or expanded budgetary initiatives. As charged by the president, the committee shall consider budgetary requests from faculty and staff and make recommendations regarding resource allocation. Membership shall consist of a faculty representative from each of the colleges, a representative from the library, a representative from the president of the Council of Instructional Departments, the president of the Student Government Association, the Faculty Senate president, the Staff Council president; and a representative from the Academic Council of Deans. The vice president and associate vice president for finance and operations, and the director of institutional research shall serve as members. The committee shall be chaired by the associate provost. Faculty and library representatives shall be elected by and from the full-time faculty.
12. **CAMPUS RISK REDUCTION COMMITTEE.** The Risk Management Council shall advise the vice president for finance and operations on laws, policies, and programs relating to campus risk standards and exposure. The membership of the council shall be appointed by the vice president for finance and operations, and consist of a variety of staff members from relevant areas of the university and the Lamar Institute of Technology including finance, Lamar police, student engagement, athletics, IT, residence life, facilities, international student services, general counsel, procurement, health center, and research and sponsored services. Representatives from the Staff Advisory Council and the Faculty Senate shall also serve. The director of risk management shall chair the council.
13. **CLASSIFICATION AND COMPENSATION COMMITTEE.** The Classification and Compensation Committee shall advise the associate vice president for human resources and the president on issues pertaining to the classification and compensation of staff positions. Membership shall include two representatives from human resources and the Staff Advisory Council, along with one representative from the classified staff, the Graduate College, student engagement, the faculty, information technology, and finance. The associate vice president for human resources shall serve as a member and chair the committee. All members shall be appointed by the president.
14. **CORE CURRICULUM GOVERNANCE COMMITTEE.** The Core Curriculum Governance Committee shall make recommendations to the provost on matters pertaining to Lamar's core curriculum. Specifically, the duties of the committee are to: 1) ; 2) solicit and review proposals from faculty for core courses to be included in the core curriculum, following guidelines set by the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools-Commission on Colleges; 3) select courses which will be included in the core; 4) . Members are elected from and by the full-time faculty and must be experienced and tenured. Members shall be from each disciplinary area represented in the core, along with an at-large member from each college. The executive director of planning and assessment, the director of the Center for Teaching and Learning Enhancement, the director of assessment, and the director of the quality enhancement program shall also serve.

15. **DISTANCE EDUCATION COMMITTEE.** The Distance Education Committee shall advise the associate provost for digital learning and the vice provost for digital learning on policies and procedures pertaining to Lamar's delivery of distance education, including two-way interactive delivery, online courses, web courses, off-campus courses, and related forms of distance education and instructional pedagogies. The members shall include the executives from digital learning, the director of the center for distance education, the vice president for information technology, the associate provost, the dean of the library, the chair of academic information technology committee, the director of center for teaching & learning, the president of the CID, the president of the Faculty Senate, the SGA president (or appointee), a representative of the Faculty Senate, and elected faculty from the academic colleges. The associate provost for digital learning shall also serve on and chair the committee.
16. **EDUCATOR PREPARATION COUNCIL.** The Educator Preparation Council shall advise the dean of education and human development and the provost on policies and programs relating to professional education curricula, laws, and standards. The membership of the council shall consist of four faculty representatives from the College of Education and Human Development; two faculty representatives from the College of Arts and Sciences; and one faculty representative from the College of Business, the College of Engineering, and the College of Fine Arts and Communication. Members of the council shall be elected from and by the full-time faculty. The dean of the College of Education and Human Development shall also serve and chair the council.
17. **FACULTY PERFORMANCE EVALUATION AND MERIT SALARY INCREASE APPEALS COMMITTEE.** The Faculty Performance Evaluation and Merit Salary Increase Appeals Committee shall advise the provost on faculty appeals regarding performance evaluation and salary merit increases which are unresolved at the departmental and college levels (see Ch. II, §44.7.2). Faculty members shall be elected from and by the full-time faculty with a representative from each college and the library. In addition, the president of the Faculty Senate and CID shall serve along a representative of the Deans' Council, who shall chair the committee. No member who participated in an appealed evaluation or recommendation may serve or vote.
18. **FACULTY PROMOTION REVIEW COMMITTEE.** The Faculty Promotion Review Committee shall advise the president on issues concerning promotion policies and guidelines directed to it by departmental, college, and university personnel committees. In addition, the committee shall act as an appellate body for promotion recommendations made by the provost. The committee shall consist of a full-time faculty member from each college (two from Arts and Sciences) and the library, plus the Faculty Senate president, a department chair, and a dean. Members of the committee shall be appointed by the president. The committee shall elect its chair.
19. **GRADUATE COUNCIL.** The Graduate Council shall advise the dean of the graduate college on policies and procedures relating to graduate admissions, curricula, and programs of the university. Graduate Council members shall be elected by and from graduate faculty members in departments which offer graduate degrees. The membership of the council shall consist of an elected graduate faculty representative from each of the colleges (two from Arts and Sciences, one from the liberal arts and one from the sciences). The chair of the council shall be the graduate dean.
20. **GRADUATE FACULTY REVIEW COMMITTEE.** The Graduate Faculty Review Committee shall advise the dean of the graduate college and the provost on graduate faculty membership. The membership of the committee shall consist of an elected graduate faculty representative from each of the colleges (two from Arts and Sciences, one from the liberal arts and one from the sciences). The chair of the council shall be elected by and from among the members.
21. **HISTORICALLY UNDERUTILIZED BUSINESS COORDINATING COMMITTEE.**

The Historically Underutilized Business (HUB) Coordinating Committee shall advise the vice president for finance and operations on laws, policies, and procedures pertaining to purchases from HUBs. The committee shall consist of the associate vice president for procurement, the contract administrator; the director of project management; the associate vice president for facilities; the assistant athletic director; a library representative; a purchasing representative; the director of customer support service; and a representative from LIT. All members shall be appointed by the vice president for finance and operations who also shall chair the committee.

22. **HONORS COUNCIL.** The Honors Council shall advise the provost on policies, procedures, courses, and curricula related to programs offered through the Reaud Honors College. The dean of the Reaud Honors College shall serve on and chair the council. Two faculty members shall be elected from and by the full-time faculty in each college and the library (four from Arts and Sciences). A representative from the CID, the director of undergraduate research, the director of the study abroad program, and the assistant director of the Reaud Honors College also shall serve on the council.
23. **INFORMATION SECURITY COMMITTEE.** The Information Security Committee shall advise the vice president for information technology on laws, policies, and practices pertaining the security of Lamar's computing and IT systems and data. Members are appointed by the vice president for information technology and include representatives from finance, computer science, and the Faculty Senate. A business analyst from IT and the director of network services, who chairs the committee, shall also serve.
24. **INSTITUTIONAL PATENT COMMITTEE.** The Institutional Patent Committee shall advise the president on issues, policies, and laws pertaining the university patents and copyrights. Membership shall consist of four appointed faculty members. The provost, vice president for finance and operations, and dean of the graduate college shall serve as members. The associate provost for research and sponsored programs also shall serve on and chair the committee. All members shall be appointed by the president.
25. **INSTITUTIONAL REVIEW BOARD.** The Institutional Review Board (IRB) shall advise the provost on research matters involving humans, human tissue, surveys of human subjects, or human subjects' records. Members shall be appointed by the provost and federal training is required for service. Faculty members from each college, the senior director of sponsored program administration, and an external member from the community shall serve as members. The board shall be chaired by the associate provost for research and sponsored programs.
26. **JUDGE JOE J. FISHER LECTURE SERIES COMMITTEE.** The Judge Joe J. Fisher Lecture Series Committee shall coordinate arrangements for the Fisher Lecture, Lamar's most prestigious lecture series. The committee shall consist of an elected faculty member from each college (two from Arts and Sciences, one from the liberal arts and one from the sciences) and the library, plus the Student Government Association president and a representative from Academic Council of Deans; Council of Instructional Departments; Faculty Senate; Lamar Institute of Technology; and Lamar State College-Port Arthur. The associate provost, a representative of Judge Fisher's family, and representatives from university advancement, marketing, and public relations shall serve as ex officio members. The committee chair shall be elected from and by the members.
27. **LIBRARY COMMITTEE.** The Library Committee shall advise the dean of the library and the provost on matters pertaining to library services and resources. Membership shall consist of a faculty representative elected from and by the full-time faculty of each of the colleges (two from Arts and Sciences, one from the liberal arts and one from the sciences) and a representative from the Student Government Association and the Lamar Institute of Technology. The library dean and

vice president for information technology shall also serve as *ex officio* members. The chair of the committee shall be elected from and by the members.

28. **LONG RANGE PLANNING COMMITTEE.** The Long Range Planning Committee shall advise the president in the formulation and review of long range and strategic plans for the university. Members of the Executive Council and the director of facilities along with a faculty representative from each college, deans, associate provosts/vice presidents, and representatives from athletics, the library, the Faculty Senate, Council of Instructional Departments, Staff Council, and the Student Government Association shall serve on the committee, which shall be chaired by the executive director of planning and assessment.
29. **PARKING AND TRAFFIC ADVISORY COMMITTEE.** The Parking and Traffic Advisory Committee shall advise the vice president for finance and operations on issues pertaining to campus parking and traffic. Membership shall consist of two faculty members, three student members, two staff members, and a faculty and student representative from LIT. The chief of police, the associate vice president for facilities, a representative from the finance office, the president of the Staff Council, and the director of parking shall serve as members. Members and the chair shall be appointed by the vice president for finance and operations. The chair shall be appointed by the vice president for finance and operations.
30. **RECORDS MANAGEMENT COMMITTEE.** The Records Management Committee shall advise the university records manager/archivist and the president on the inventory, retention, and disposal of university records, open and confidential records, and vital records. In addition, the committee shall assist the manager with state records laws, the management of university forms, and related matters. Membership shall include the associate vice president for finance; the director of enterprise applications; the registrar; the president of the Faculty Senate (or representative); and representatives from enterprise systems and records. The university records manager and the university risk manager shall serve as members, and the records manager/archivist shall serve as chair. Members shall be appointed by the president.
31. **REGISTRATION AND GRADING COMMITTEE.** The Registration and Grading Committee shall advise the registrar and the provost on policies and procedures for student registration and grade reporting activities. Membership shall consist of a faculty representative elected from and by the full-time faculty from each of the colleges (two from Arts and Sciences, one from the liberal arts and one from the sciences), plus a representative from the records office, distance education, and the Lamar Institute of Technology. The registrar; the director of scholarships; the director of disability resource center; the director of institutional research; the director of cashiering; the associate vice president for finance; the coordinator of international student services; and a representative from information technology shall also serve as members. The chair shall be elected from and by the members.
32. **RESEARCH COUNCIL.** The Research Council shall advise the associate provost for research and sponsored programs and the provost on matters pertaining to the research programs and activities of the university. Members of the council shall be elected from and by the full-time faculty. The membership shall consist of a faculty representative from each of the colleges (two from Arts

and Sciences, one from the liberal arts and one from the sciences) and the library. The senior director of sponsored program administration and the associate provost for research and sponsored programs shall also serve. The council shall be chaired by the associate provost for research and sponsored programs.

34. **SALARY ADMINISTRATION REVIEW COMMITTEE.** The Salary Administration Review Committee shall advise the president on general guidelines for salary administration and act as an appellate body for salary administration decisions, other than merit raises (see Ch. III, §17). Membership shall consist of two faculty senators, a faculty representative from each of the college (two from Arts and Sciences, one from the liberal arts and one from the sciences) and the library; plus a representative from information systems, student engagement, and finance. The associate vice president for human resources, the president of the Faculty Senate and the president of the Staff Council shall also serve as members. The chair and members of the committee shall be appointed by the president.
35. **SCHOLARSHIP AND FELLOWSHIP ADVISEMENT COUNCIL.** The Scholarship and Fellowship Advisement Council advises the provost on Lamar's participation in high profile, national scholarship and fellowship programs including those offered by Phi Kappa Phi, Mellon; Rhodes; Cooke; Fulbright; McNair Scholars; Goldwater; Madison; Truman; Marshall; Gates; Udall; Javits; Gilman/Boren-NSEP/DAAD; Texas Space Grant Consortium; Rotary Ambassadorial; National Defense; and NIST/NSF-REU offerings. Faculty and staff advisors for each are recommended by the Reaud Honor's College dean and appointed by the provost. Mentoring, resources, and guidance to student applicants shall be provided by the council.
36. **SCHOLARSHIP COMMITTEE.** The Scholarship Committee shall advise the executive director of scholarships and financial aid and the provost on the scholarship programs of the university. Membership shall consist of a faculty representative from each of the colleges (two from Arts and Sciences, one from the liberal arts and one from the sciences). The director of scholarships, the associate vice-president of finance, and the dean of the Reaud Honors College shall also serve as members. The chair shall be elected from and by the members.
37. **STUDENT ADVISING AND RETENTION COUNCIL.** The Student Advising and Retention Council shall advise the executive director of the Undergraduate Advising Center and the provost on policies and procedures for effective student advisement and retention. Members of the council shall be elected from and by the full-time faculty from those concerned with advising and retention issues. The membership of the council shall consist of a faculty representative from each of the colleges (two from Arts and Sciences, one from the liberal arts and one from the sciences) and college readiness, plus a representative from institutional research; the Texas Academy for Leadership in the Humanities; general studies; applied arts and sciences; and student engagement. The registrar, director of the first year experience/QEP, and the director of STARS/Center for Academic Success, shall also serve as members. The chair of the council shall be elected from and by the membership.
38. **STUDENT-FACULTY RELATIONS COMMITTEES.** Student-Faculty Relations Committees shall be established in each college and serve as hearing bodies for academic grade appeals, including academic dishonesty appeals. Members & chairs are chosen by procedures established by the colleges. Deans call meetings and deliver charge. Recommendations from the committee are presented to the dean, or provost for a university-level appeal. For more information, see <https://www.lamar.edu/faculty-staff/academic-affairs/forms/index.html> (grade appeals).
39. **STUDENT SERVICES FEE COMMITTEE.** The Student Services Fee Committee shall advise the vice president for student engagement on matters relating to the allocation of student service fee revenue. Membership shall consist of five student representatives appointed by the vice president for student engagement. In addition, two faculty representatives and the vice

president for finance and operations shall serve as members. Members of the committee shall be appointed by the vice president for student engagement, who shall chair the committee.

40. **UNIVERSITY UNDERGRADUATE CURRICULUM COUNCIL.** The University Undergraduate Curriculum Council shall report to and advise the provost on matters concerning the undergraduate curriculum, new programs, graduation requirements, syllabi requirements, and related curricular issues. The council shall include one tenured faculty member at the rank of assistant professor or higher for each 25 full-time faculty members per college, with a maximum of six faculty representatives per college. In addition, the council shall include a representative from the library, College Readiness faculty, Faculty Senate, Council of Instructional Departments, and Student Government Association. All members, as well as the chair, shall be elected. The registrar, executive director of planning and assessment/SACSCOC liaison, director of Undergraduate Advising Center, executive director of student achievement and retention, and the associate provost shall serve as ex officio, non-voting members. The chair shall be elected from and by the voting members.
41. **UNIVERSITY RESEARCH ANIMAL CARE COMMITTEE.** The Animal Care Committee shall advise the provost on matters pertaining to the care and treatment of research animals. The membership of the committee shall consist of the senior director of sponsored program administration, three faculty representatives, the Staff Council president (or representative), plus two representatives from the community. The associate provost for research and sponsored programs shall also serve as a member and chair the committee. The faculty members shall be elected by and from the full-time faculty and the community members shall be appointed by the provost.
42. **UNIVERSITY INFORMATION TECHNOLOGY STEERING COMMITTEE.** The University Information Technology Committee shall serve as the umbrella organization for information technology issues, purchase protocols, and policies on campus, and shall report to the president. Membership shall include the chair of the Academic Information Technology Committee, the provost, the vice president for finance and operations, the vice president for information technology, the associate provost, the vice president for student engagement, the vice president for advancement, the director of web communications, and a representative from the Faculty Senate and the Student Government Association. The provost and vice president for finance and operations shall co-chair the committee.
43. **UNIVERSITY INSTITUTIONAL EFFECTIVENESS COMMITTEE.** The University Institutional Effectiveness Committee shall report to the provost and president on expected outcomes, assessment, and evidence of improvement in all divisions and areas of university operation. Members are appointed by the president and include faculty assessment representatives from each college, the Academic Council of Deans, the Faculty Senate, the Staff Council, and office of planning and assessment. In addition, each administrative unit evaluated shall have a representative. The chair is also appointed by the President.
44. **UNIVERSITY PERSONNEL COMMITTEE (FACULTY TENURE AND PROMOTION COMMITTEE).** The University Personnel Committee shall receive and consider faculty applications and dossiers for promotion and tenure from the colleges/library. After thoughtful deliberation, the committee shall recommend candidates for promotion and tenure to the provost. Members shall be elected from the tenured associate and, preferably, full professors of each college and the library. Candidates for promotion or tenure are ineligible to serve. The chair is elected from and by the members. See Chapter II, Sec. 15 for more information.
45. **WEB GOVERNANCE COMMITTEE.** The Web Governance Committee shall be responsible

for overseeing the development and implementation of university-wide strategies, policies, systems, processes, and standards relating to all aspects of web and other web-based online communications at Lamar. It shall also act as the steering committee for all major web-related projects. The committee shall advise the president. The members and chair shall be appointed by the president and the membership shall include the director of marketing communications; the vice president of information technology, the associate vice presidents for human resources and student engagement; the assistant vice provost for digital learning; the executive director of planning and assessment; representatives from the Deans' Council, Faculty Senate, and CID; the vice provost for digital learning, the director of public relations; the library dean; and the director of web communications.

46. **SACS-COC ADVISORY COUNCIL.** The council assists and supports the president and his senior leadership team by helping to ensure the university: stays current with SACSCOC issues and requirements; recommends appropriate policies; communicates clearly regarding SACSCOC-related issues and requirements; receives feedback on SACSCOC-related issues from faculty, administrators, and staff. The members and chair shall be appointed by the President and include the SACSCOC Liaison.
47. **ACADEMIC PLANNING COUNCIL.** The council advises the Provost on plans for academic and programmatic growth to support institutional missions and goals. The council serves as the final faculty and administrative body to monitor, review and recommend to the Provost decisions on curricular matters related to the entire university including: degree requirements; major changes within the general education program; the addition, deletion and significant modification of all programs; substantive change for institutional accreditation as well as programmatic accreditation reports and program improvement reviews. The members and chair shall be appointed by the provost and shall include assistant deans from two colleges, representation from the provost's office, the SACSCOC Liaison, the registrar, financial aid office, budget office, institutional research and reporting, the library, and digital learning.
48. **CORE CURRICULUM ASSESSMENT COMMITTEE.** The committee shall report to the provost and the University Institutional Effectiveness Committee on the assessment of the core curriculum. Specifically, the duties of the committee are to: 1) conduct regular assessment and reporting of student learning in the core; 2) report findings of the core assessment following guidelines set by the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools-Commission on Colleges; 3) establish the core assessment rotation and frequency for all courses included in the core; 4) continuously oversee assessment and improvement of courses selected for core inclusion to improve student learning. The committee will include associate deans from three colleges, representation from the library, four core foundational areas, the committee is co-chaired by the coordinator of institutional effectiveness and a representative appointed by the provost.
49. **COLLEGE, DEPARTMENT, AND AD HOC COMMITTEES.** College and departmental committees shall be formed and convened by chairs and deans, as needed or required, to facilitate the policy and decision-making needs of the departments and colleges. Faculty members shall be expected to serve on these committees. The president, vice presidents, or deans may form *ad hoc* committees, as needed, to study and address campus issues and formally offer advice and recommendations.
50. **APPOINTMENT GUIDELINES.** The following guidelines shall apply in the appointment of members of university councils and committees:
 - 49.1 Appointments shall normally be for three-year terms. Committee and Council members serve until replaced. Only full-time, continuing faculty may serve on university committees and councils. Committee members serve until they are replaced or resign.

- 49.2 Appointments shall be approved by the president, or the appropriate executive officer, prior to the annual publication of committee appointments by the division of academic affairs. LIT, LSC-O, and LSC-PA members are appointed by campus presidents and are selected by procedures established by the campuses.
- 49.3 Appointees shall not serve on the same committee for a second or subsequent appointment without an interval of at least one academic year, unless approved by the president or appropriate executive officer.
- 49.4 Officials making university committee appointments should seek the concurrence of appointees and notify their immediate supervisors.
- 49.5 Unless otherwise stipulated, faculty representatives and appointees must be full-time (1.0 FTE) to serve and vote in elections. No faculty member with an administrative position may serve as a faculty representative.
- 49.6 Committee/Council minutes must be posted on Lamar's website. Minutes should be taken and, as appropriate, submitted to the University Webmaster for posting.

CHAPTER IV FACULTY-STUDENT RELATIONS

1. CLASSROOM ORGANIZATION AND MANAGEMENT

To attend any class, laboratory, or studio section at Lamar University, a student must be properly registered with the university and properly listed on an official class roll supplied by the registrar and available through Self Service Banner. Names of students auditing courses shall appear on the official rolls. It is each faculty member's responsibility to check all official class rolls for accuracy and to immediately report inaccuracies to the Office of Records and Registration.

- 1.1 CLASSROOM MANAGEMENT. Since it is the duty of the instructor to ensure order in his or her classroom, the instructor is authorized to exclude any student from the classroom for causes deemed sufficient by the instructor. Should the student refuse to leave or otherwise disrupt the class, the instructor should immediately contact campus police. Such action of excluding the student must be reported promptly, in writing, to the chair of the department and to the vice president for student engagement. The report should include all pertinent facts and should note:
a) that the student has been advised of the reasons for exclusion from class; b) that the student has been afforded an opportunity to state his or her case informally; and, c) that the student has been advised of the right to appeal the action within five days to the associate vice president for student engagement & dean of students. The vice president for student engagement shall initiate procedures in accordance with policies set forth in the *Student Handbook* to determine the necessity for, and extent of, university disciplinary action.
- 1.2 MEETING OF CLASSES. Faculty members shall be responsible for meeting their classes. Each instructor is expected to meet class regularly, punctually, and for the appropriate length of time as set forth in the official class schedule. Classes and other instructional activities shall meet in the assigned facility (or online), at the designated time, and on the designated days as set forth in the official class schedule. Faculty shall not relocate classes unless prior written permission is obtained from the chair and dean. Every effort should be made by faculty to notify students in advance of any deviation from the regular class schedule. (see Faculty Absences).
- 1.3 DISMISSAL OF MULTIPLE CLASSES. Planned dismissal of multiple class meetings (two or more) must be authorized by the department chair and dean. In emergency situations, such as power failure, sudden illness, or unsafe conditions, the deans may authorize dismissal of those classes under their supervision.
- 1.4 COURSE SYLLABI. Each instructor shall prepare and distribute a syllabus or course outline for each course taught. The syllabus should be essentially the same for all faculty members who teach sections of the same course and may be prepared through committee action in the department. Each department shall maintain a file of current syllabi on all courses taught by the department and instructors are responsible for uploading current syllabi to the university's website (see Ch. IV, §1.5).
- 1.5 COURSE INFORMATION FOR SYLLABI. Using the Concourse shell, instructors shall distribute to their students a written syllabus that includes:
 - 1.5.1 Course title, number, and section
 - 1.5.2 Name of instructor of record with complete business contact information
 - 1.5.3 Office hours to include electronic office hours, if applicable
 - 1.5.4 Required and optional course materials, including a list of any required or recommended books, software, internet access, or other equipment

- 1.5.5 Course requirements with a general description of the subject matter of each lecture, discussion, or section, and key calendar dates and deadlines.
- 1.5.6 Student Learning Outcomes (SLOs)
- 1.5.7 Methods used to determine grades, including grading percentages, and numerical/alpha scale
- 1.5.8 Attendance requirements, including make-up policy and penalties for absences, if any
- 1.5.9 Course subject outline - either day by day, week by week, or unit by unit - with a brief description of each major course requirement, including each major assignment and examination or project
- 1.5.10 Academic honesty policy including appeal rights and consequences for proven dishonesty
- 1.5.11 Students with disability policy, including contact information for the Disability Resource Center. A recommended syllabus statement is as follows:

"Lamar University is committed to providing equitable access to learning opportunities for all students. The Disability Resource Center (DRC) is located in the Communications Building, room 105. Office staff collaborate with students who have disabilities to provide and/or arrange reasonable accommodations.

For students: If you have, or think you may have, a disability (e.g., mental health, attentional, learning, chronic health, sensory, or physical), please contact the DRC at 409-880-8347 or drc@lamar.edu to arrange a confidential appointment with the director of the DRC to explore possible options regarding equitable access and reasonable accommodations. If you are registered with DRC and have a current letter requesting reasonable accommodations, we encourage you to contact your instructor early in the semester to review how the accommodations will be applied in the course."

- 1.5.12 Emergency Procedures – the following statement is required:

"Emergency Procedures. Many types of emergencies can occur on campus; instructions for severe weather or violence/active shooter, fire, or chemical release can be found at: <http://www.lamar.edu/about-lu/administration/risk-management/index.html>."

Following are recommended syllabus statements for severe weather and violence/active shooter:

"Severe Weather: Follow the directions of the instructor or emergency personnel. Seek shelter in an interior room or hallway on the lowest floor, putting as many walls as possible between you and the outside. If you are in a multi-story building, and you cannot get to the lowest floor, pick a hallway in the center of the building. Stay in the center of the room, away from exterior walls, windows, and doors."

"Violence/Active Shooter (CADD): CALL 8-3-1-1 from a campus phone (880-7777 from a cell phone, note: calling 9-1-1 from either a campus phone or cell phone will contact Beaumont City Police Dispatch rather than University Police). AVOID the violence if possible, self-evacuate to a safe area, preferably outside the building. Follow directions of police officers. DENY access to the violence. Barricade the door with desks, chairs, bookcases or any other items. Move to a place inside the room where you are not visible. Turn off the lights and remain quiet. Remain there until told by police it is safe. DEFEND yourself. Use chairs, desks, cell phones or whatever is immediately available to distract and/or defend yourself and others from attack."

- 1.5.13 Academic Continuity Statement – the following statement is required:

"In the event of an announced campus closure in excess of four days due to a hurricane or other disaster, students are expected to login to Lamar University's website's homepage (www.Lamar.edu) for instructions about continuing courses remotely."

Additional course policies and procedures may be added at the discretion of the instructor.

- 1.6 POSTING OF SYLLABI AND VITAE. To comply with state law (HB 2504), Lamar University shall make available on its website a current syllabus and curriculum vita for the instructor(s) of record for each undergraduate section offered for credit, including on-campus, off-campus, distance education, online, and dual-credit. This excludes courses with *"highly variable subject content that are tailored specifically to individual students, such as Independent Study and Directed Reading courses. It excludes laboratory, practicum, or discussion sections that are intrinsic and required parts of larger lecture courses and are directly supervised by the same instructor(s) of record for those large courses."* Syllabi and vitae must be available on the website **by the seventh-class day** and must remain available for at least two years.

Syllabi and vitae shall be uploaded by faculty or departmental administrative assistants through the university's portal, Concourse. A link will lead to a login page (<https://luonline.blackboard.com/>) where the LEA username and a departmental password are required to access the upload site.

The Office of Planning and Assessment shall send periodic reminders about posting to deans and chairs; however, deans and chairs may review compliance by going to the link on the lamar.edu webpage (under "Quick Links") searching by department, and noting in the course list which courses and instructor names are hyperlinked or not. Chairs shall be responsible for encouraging faculty to comply with this law. Lamar University must report compliance to the Governor and legislature in December of even-numbered years. Other requirements are as follows:

- 1.6.1 Syllabi must be provided for each class with five or more students. If multiple sections of a course use an identical syllabus with identical assignments and reading, only one syllabus must be posted. Vitae for multiple instructors must still be posted. Syllabi must include the information in Ch. IV, §1.4.
- 1.6.2 Syllabi are to be updated as soon as practicable after any information changes.
- 1.6.3 Syllabi must not include home phone numbers, personal cell phone numbers, addresses, personal electronic/social media addresses, or any other personal information unsuitable to be posted on a public website.
- 1.6.4 Vitae must be prepared using the university template found at the login page in Ch. IV, §1.5. Each vita shall include the instructor's name and Lamar contact information and the following required information:
 - 1.6.4.1 All institutions of higher education attended and the degrees earned,
 - 1.6.4.2 All previous teaching positions including the names of the institutions, and the position beginning and ending dates,
 - 1.6.4.3 A list of significant professional publications relevant to the academic positions held, including full citation data for each entry (defined as "discipline-related refereed papers/publications, books/book chapters, and juried creative performance accomplishments."),
 - 1.6.4.4 Vitae, like syllabi, must not include home phone numbers, personal cell phone numbers, addresses, personal electronic/social media addresses, and any other personal information unsuitable to be posted on a public website.
- 1.6.5 Other University Syllabi and Vitae Requirements
 - 1.6.5.1 SACSCOC standards require that the university collect syllabi and vitae for all

courses (graduate and undergraduate) with the exceptions for small classes cited above. For this reason, faculty teaching graduate courses shall also be expected to upload syllabi.

1.6.5.2 Department chairs are responsible for informing faculty of these requirements and encouraging them to provide the information on schedule. Faculty who willingly fail to comply may be subject to disciplinary action.

1.6.5.3 The Undergraduate Curriculum Council and the Graduate Council shall not approve new or revised courses unless the required syllabi information is properly included (see Ch. IV, §1.4).

1.7 TEXTBOOKS AND RELATED COURSE MATERIALS. In accordance with university policy, each department shall determine procedures for the adoption of textbooks, eBooks, software, equipment, and related course materials for classes in that department. Adoption of texts and related instructional materials shall require the completion of requisition forms provided by the department chair. Because of availability and inventory issues, departments are urged to provide as much lead time as possible for the bookstore whenever a textbook change is made.

The 2008 reauthorization of the Higher Education Act requires that a textbook list of required books and cost information be made available to students at the time they register for a course. The university's Barnes and Noble Bookstore publishes this information on its website, and students can access that site as they register for courses through Banner. Faculty members are responsible for providing book lists to the Bookstore in a timely fashion. Specifically, textbook lists must be provided to the bookstore at least one week before registration opens for special populations.

1.8 OFF-CAMPUS SPEAKERS. Off-campus speakers invited by instructors to address classes and other student assemblies such as student organizations and groups must have the prior approval of the department chair. The instructor shall be responsible for the selection and scheduling of such speakers. All off-campus speakers shall be governed by instructional standards set forth in this handbook (Ch. II, §66.2) and in the TSUS *Rules and Regulations*. The policy for off-campus speakers invited by other student organizations is available in the *Student Handbook*.

1.9 OFF-CAMPUS AND ELECTRONICALLY-DELIVERED COURSES. Off-campus and electronically-delivered courses, including hybrid courses, shall be offered only in accordance with the policies of Lamar University and the Texas Higher Education Coordinating Board. The Center for Distance Education (LamarOnline) shall coordinate and approve the offering of all off-campus and electronically-delivered courses. In addition to other curricular approvals (see Ch. IV, §1.9), online courses must be vetted by and conform to a *Quality Matters* review. No faculty member shall deliver a scheduled face-to-face course online or vice versa, without prior approval of the department chair, dean, and the Center for Distance Education.

1.10 NEW COURSES AND PROGRAMS. Before any new course or academic program may be offered for academic credit at Lamar University, it must be approved by the department and college (including the departmental and college curriculum committees) as well as by the Undergraduate Curriculum Council or Graduate Council (as appropriate), the provost, the TSUS Board of Regents and the Texas Higher Education Coordinating Board. See <http://facultystaff.lamar.edu/academic-affairs/curriculum-council/forms.html> for appropriate curriculum forms. New programs (i.e., substantive changes), new consortia offerings, and new delivery formats may also require SACSCOC notice, review. Contact the Office of Planning and Assessment/SACSCOC Liaison for information prior to developing, scheduling or offering new programs.

1.11 OUT-OF-COUNTRY COURSES, PROGRAMS, AND TRAVEL. As a condition of being permitted to take or participate in university sponsored, out-of-country courses or programs (including trips to Mexico, Canada, and U.S. Territories), all employees and students shall first execute a liability waiver and release of claims in favor of the TSUS Board of Regents, Lamar University, and their

officers and employees. All out-of-country official courses and programs (including trips to Mexico, Canada, and U.S. Territories) must be approved, in advance, by the director of Lamar's Study Abroad, the president and the TSUS Board of Regents. All out-of-country official faculty travel (including trips to Mexico, Canada, and U.S. Territories) must be approved, in advance, by the president and chancellor.

- 1.12 CLASS ATTENDANCE POLICY. Regular and punctual class attendance is essential to the attainment of the educational mission of Lamar University. Each instructor should formulate an attendance policy consistent with departmental and college policies, and suited to the needs of the particular course. The policy should be included in the syllabus and explained in detail to the class at the beginning of the semester. Participation expectations (e.g., login frequency) for electronically-delivered course should be specified as well. Any penalties for poor attendance should be included in the syllabus.
 - 1.12.1 The determination of whether an absence is *excused* (or *approved*) shall be the responsibility of the instructor, except in cases of approved absences for official, university-sponsored activities. When absences that are not excused seriously interfere with a student's performance, the instructor may recommend to the department chair that the student be administratively dropped from the course (see Ch. IV, §2.3).
 - 1.12.2 A list of absences excused due to university-sponsored academic activities shall be maintained in the office of the appropriate dean or administrator. A list of absences excused due to university-sponsored extracurricular or athletic team activities shall be maintained in the office of the vice president for student engagement. As previously noted, absences also may be excused by the instructor. Students with absences excused for university-sponsored activities should present a properly completed Excused Absence Form (available in the Office of Student Engagement) to their instructors. If possible, the form, signed by the approving administrator, should be presented to instructors prior to the student's absence. If not possible, the form should be presented immediately upon returning to class. Students with excused absences shall be allowed to make-up examinations and written assignments without penalty. This privilege does not extend to absences that are not excused.
 - 1.12.3 Students may request that the Office of Student Engagement notify faculty members prior to or during an extended absence. This notification shall not constitute the basis for an excused absence from class. Instead, it shall inform instructors of the reason for the absence and the expected date of the student's return to class.
 - 1.12.4 Excused absences due to medical or health-related issues shall require documentation of care by a licensed professional provider. The nature of the medical issue may be redacted or omitted, but an original signed notice of care, on the provider's stationery, including starting and ending dates or care, is required before any consideration of an excused absence is made by the faculty member.
 - 1.12.5 For student bereavement absence policy, see Ch. IV, §1.16.
- 1.13 POLICY ON STUDENT ABSENCES ON RELIGIOUS HOLY DAYS. In accordance with *Texas Education Code 51.911*, Lamar University faculty members shall allow a student who is absent from classes for the observance of a religious holy day to take an examination or complete an assignment scheduled for that day within a reasonable period of time after the absence. It shall be the student's responsibility to notify his or her instructor of the forthcoming absence no later than 15 days into the semester.
- 1.14 EXAMINATIONS. Each instructor shall determine and announce the examination policy and approximate examination schedule in the course syllabus. The policy and schedule shall be subject to the review and approval of the department chair. All examinations, quizzes, performances, and

tests, other than make-up and final examinations shall be scheduled during regular class periods, and no test or examination may be given on the last scheduled class meeting of the fall or spring semester.

Final examinations shall be given in accordance with the official, published final examination schedule. Final examinations outside of the published schedule shall be given only with the written approval of the department chair and dean. Such approval must be obtained at least 14 calendar days before the beginning of the scheduled final examination period.

- 1.15 OFFICE HOURS. Lamar University encourages and, indeed, expects out-of-class, academic interaction between instructors and students. Scheduled face-to-face and/or electronic office hours shall be established by all faculty members, be included on the syllabus, and announced to the faculty member's students, chair, and dean. The minimum number of office hours for each week shall be set by the dean and observance of office hours shall be subject to review by the chair. Office hours shall be posted on the faculty member's office door at the beginning of each semester and kept on file with the chair. Office hours shall occur during the regular working hours of the university (8 a.m. to 5 p.m., Monday through Friday, except for approved holidays) for face-to-face courses or during reasonable hours and days for online courses. Instructors who are unable to meet office hours shall make a good faith effort to notify their students.
- 1.16 STUDENT ACADEMIC DISHONESTY. Lamar University expects all students to pursue their academic interests in a manner that is above reproach. Students are expected to maintain complete honesty and integrity in their academic endeavors both within and outside of the classroom. Any student found guilty of dishonesty in any phase of academic work will be subject to disciplinary action.
 - 1.16.1 FORMS AND DEFINITIONS OF ACADEMIC DISHONESTY. The university and its official representatives may initiate disciplinary proceedings against a student accused of any form of academic dishonesty. This includes but is not limited to, cheating on an examination or other academic work which is to be submitted, plagiarism, collusion, and the abuse of resource materials.
 - 1.16.1.1 *Cheating* includes:
 - a) copying, without authorization from the instructor, another student's test paper, laboratory report, other report, or computer files, data listings, and/or programs;
 - b) using, during a test, materials not authorized by the person giving the test;
 - c) collaborating, without authorization, with another person during an examination or in preparing other academic work;
 - d) knowingly, and without authorization, using, buying, selling, stealing, transporting, soliciting, copying, or possessing, in whole or in part, the contents of test or assignment that has not been administered or specified;
 - e) substituting for another student, permitting any other person, or otherwise assisting any other person, to substitute for oneself or for another student in the taking of an examination or test or the preparation of work to be submitted for academic credit;
 - f) bribing another person to obtain a test not yet administered or information about such; and
 - g) purchasing, or otherwise acquiring and submitting as one's own work any research paper or other written assignment prepared by an individual or firm. (This section does not apply to the typing of the rough and/or final versions of an assignment by a professional typist).

- 1.16.1.2 Plagiarism shall mean the appropriation of another's work or idea and the unacknowledged incorporation of that work or idea into one's own work offered for academic credit.
 - 1.16.1.3 *Collusion* shall mean the unauthorized collaboration with another person in preparing work offered for academic credit.
 - 1.16.1.4 *Abuse of resource materials* shall mean the mutilation, destruction, concealment, theft, or alteration of materials provided to assist students in the mastery of course materials. Academic work shall mean the preparation of an essay, dissertation, thesis, report, problem, assignment, test, creative work or other project that the student submits as a course requirement or for a grade.
- 1.16.2 PROCEDURES. Procedures for initiation of discipline due to academic dishonesty shall be the same for other violations of the Student Code of Conduct (see *Student Handbook*, at: <https://students.lamar.edu/student-handbook.html>), except that all academic dishonesty cases shall be considered and reviewed by the faculty member, department chair, dean, and provost (or designee).

The faculty member shall conduct a complete, thorough, and impartial investigation of the charge of academic dishonesty and determine whether or not the student was responsible for the violation. If the faculty member determines that the student was responsible for the violation, the faculty member may assess an appropriate and reasonable sanction. The student shall be entitled to a written notice from the faculty member explaining the violation, the penalty, and the student's right to appeal the determination of dishonesty and/or the sanction imposed. The faculty member shall forward a copy of the notice to the provost (or designee).

If the student does not accept the decision of the faculty member concerning the determination of dishonesty and/or the penalty imposed, the student may appeal to the faculty member's department chair for review of the case. To do so, the student must submit, in writing, a request for an appeal to the chair within five working days of notification of the right to appeal. The student shall be entitled to a written notice of chair's decision and the student's right to further appeal.

If the student does not accept the decision of the chair concerning the determination of dishonesty and/or the sanction imposed, the student may appeal to the dean for review of the case. To do so, the student must submit, in writing, a request for an appeal to the dean within five working days of notification of the chair's decision. Prior to rendering a decision about an appeal, the dean may request a review of the case and recommendation from the college's student-faculty relations committee. The student shall be entitled to a written notice of the dean's decision and the right to further appeal.

If the student does not accept the decision of the dean, the student may then appeal to the provost for review of the case. To do so, the student must submit, in writing, a request for an appeal to the provost within five working days of notification of the dean's decision. Before rendering a decision, the provost shall convene an *ad hoc* student-faculty relations committee composed of members from the standing student-faculty relations committees from the other colleges to review the case and offer a recommendation. The student shall be entitled to a written notice of the provost's decision. The decision of the provost shall be final.

No disciplinary action against the student shall become effective until the student has received substantive and procedural due process as described above. The provost may decide that a copy of the record pertaining to a case be forwarded to, reside in, and considered by the office of the vice president for student engagement where it then shall

be treated as a disciplinary record as described in the *Student Handbook*. If the provost deems that an investigation, perhaps leading to additional judicial action, is warranted, as in the case of flagrant or repeated violations, the provost may request that the student affairs office initiate further action in accordance with the procedures for student discipline as described in the *Student Handbook*.

All letters of appeal shall consist of a summary of the circumstances, a rationale for disagreement with the decision, and all pertinent documentation.

- 1.16.3 RESPONSIBILITIES OF INSTRUCTORS. Instructors shall take reasonable and necessary precautions, including the careful administration and monitoring of examinations and assignments, to prevent acts of academic dishonesty. Faculty shall include an academic honesty policy, including penalties and process rights, on each course syllabus.
- 1.16.4 DROPPING COURSES OR WITHDRAWING FROM THE UNIVERSITY TO AVOID PENALTIES FOR ACADEMIC DISHONESTY. Students may not avoid the penalties associated with academic dishonesty as set forth in the course syllabus (e.g., failure in a course or the lowering of a course grade) by dropping the course or withdrawing from the university. The instructor has the right and obligation to change any student-initiated drop (Q) or withdrawal (W) to an appropriate grade that reflects the penalty.
- 1.17 BEREAVEMENT LEAVE. Students shall be granted emergency leave for reason of death in the student's immediate family. Immediate family is defined within this section as the student's spouse or the student's or spouse's parent, brother, sister, grandparent, child or grandchild. Leave must be requested in writing, with appropriate documentation attached (e.g., obituary notice) from the vice president for student engagement who, if the leave is granted, shall inform each of the student's instructors. Leave shall normally not exceed three days. Requests in excess of three days must be justified and approved by the vice president for student engagement. A full three days is not automatically granted since it is intended that such leave be limited to the reasonable amount of time needed for travel, funeral arrangements, funeral services and caring for other family members during the immediate period of bereavement. Class days missed as a result of approved bereavement leave shall be excused absences, and students shall be allowed to make up any work missed as a result. In addition, any course or university deadlines missed shall be postponed for an appropriate period of time beginning with the first class meeting subsequent to the end of the leave period. The written notice to the students' instructors must contain a copy of the request (with documentation) as well as a reminder of the right make up missed work.

2. ENROLLMENT AND GRADING POLICIES

- 2.1 ENROLLMENT OF CITIZENS 65 OR OLDER. Citizens who are 65 or older may attend up to six semester credit hours of courses for credit, or as an audit student, on a space-available basis without charge of tuition (fees may be required). Such students should follow normal university admissions and registration procedures, and shall receive academic credit upon successful completion of the course(s). They should notify the registrar of their intent to attend tuition-free, and contact the finance office for applicable fees. See *Texas Education Code*, Section 54.210 for additional information.

- 2.2 ADDS, DROPS, AND WITHDRAWALS. Students registering for courses after the published (regular) registration period must solicit and receive, in writing, approval from the instructor and department chair. Such written approval must be presented to the registrar prior to adding a course. The addition of classes by a student after the official census or audit day (12th class day of a semester or the fourth class of a summer session, see Academic Calendar for specific dates) is highly discouraged and requires the approval of the instructor, department chair, dean, and senior associate provost.

Every student's name should appear on the official class roll. Official rolls are distributed by the office of the registrar, and class rosters are available to faculty through Self-Service Banner and Blackboard throughout the semester or term, including the registration period.

A student may drop a course or withdraw from the university without grade penalty ("penalty-free period") during the first few weeks of the semester. For drops or withdrawals after the penalty-free period, grades shall be recorded as *Q*, *W*, or *F* indicating that the student was passing (*Q* or *W*) or failing (*F*) at the time of the drop or withdrawal. A grade of *Q* or *W* may not be assigned unless an official drop or withdrawal has been processed through the Records Office. The calendar deadlines for dropping or withdrawing, with or without penalty, shall be published in the Academic Calendar off Lamar's homepage.

- 2.3 INSTRUCTOR-INITIATED DROPS. When excessive, unapproved absences seriously interfere with a student's performance, the instructor may recommend to the department chair that the student be administratively dropped from the course. Action to drop the student requires the approval of the department chair. If the action is taken after the penalty-free period, a grade of *F* may be recorded for the course. All drop and withdrawal dates shall be published in the Academic Calendar off Lamar's homepage. Instructors should define the meaning of *excessive* absences in the course syllabus and/or at the beginning of the course.
- 2.4 STUDENTS NOT MAKING TUITION INSTALLMENT PAYMENTS. Students participating in the university's tuition installment (or short-term loan) program who become delinquent in their payments shall be governed by the following policies.

- a) Upon installment default and notice to the instructor from the finance office, the student shall be barred from class attendance.
- b) A student barred from class for a period of ten class days who has not met his or her financial obligation shall be withdrawn by the finance office. Grade assignment will follow the university's general withdrawal policy.
- c) Once withdrawal occurs, a student shall not be reinstated during that semester or term.
- d) While barred from class, the student's absences shall not be considered excused.

2.5 GRADES AND REPORTS.

- 2.5.1 RETURN OF GRADED MATERIALS. All graded material in a course should be returned to students within a reasonable time so students may make course drop and withdrawal decisions. Only under rare circumstances should examination scores and evaluated written work be withheld from students until the end of the semester.
- 2.5.2 CHANGE OF GRADES. Grades shall remain as recorded and, with the exceptions noted below, may be changed only by the instructor of record for *good cause*. In the event the instructor is no longer employed by Lamar University, the department chair and dean shall have the authority to change grades, again only for *good cause*. A written explanation of the basis for the change shall be noted on the change of grade approval form.
- 2.5.3 CHAIR AND DEAN INITIATED-GRADE CHANGES. Grades may be changed by the department chair and the dean when, as a result of a grade appeals process (see <http://facultystaff.lamar.edu/academic-affairs/policies/index.html>), they determine that a faculty member has:
- a) violated a university policy that adversely affected a student's grade,
 - b) failed to implement a previously announced grading policy or,
 - c) acted in an arbitrary or capricious manner in grading.
- 2.5.4 REVIEW OF GRADING. All academic grades for a specific student, as well as the methods used by an instructor to determine the grades, shall be subject to review by the appropriate department chair and dean when a review is formally requested, in writing, by the student. The review must conform to guidelines set forth by university policy and federal law (see Family Education Rights and Privacy Act in Appendix G). The department chair and dean must approve any grade change requested by an instructor after final semester grades are recorded.
- 2.5.5 OFFICIAL GRADE REPORTS. Each faculty member shall be responsible for entering official grade reports on all students who are certified as enrolled in class on the audit (census) class day. These grades must be reported in accordance with the schedule as published in the *Academic Calendar Catalog* on Lamar's homepage. Grades shall be reported using Self Service Banner or Blackboard. Exceptions must be approved by the department chair.
- 2.5.6 UNIVERSITY GRADING SCALE. Lamar University shall use a traditional four-point grading system. A "C" average (2.00 cumulative grade point average) or higher shall be considered *satisfactory academic progress* (good standing) and shall be a university graduation requirement for baccalaureate degrees. Candidates for graduate degrees must post a "B" average (3.00 cumulative grade point average) or higher for *satisfactory academic progress* (good standing) and graduation. As indicated in the *General Catalog*, admission into certain academic programs may require cumulative grade point averages higher than 2.00.

Students with *unsatisfactory* cumulative grade point averages (< 2.00) at the end of a semester or session shall be placed on *academic probation* or, under conditions described in the *General Catalog*, shall be suspended from the university. Following the penalty period, suspended students must obtain written permission from the dean prior to attending a fall or spring semester. For more information on suspension and probation, see the *General Catalog*.

The grade of "I" (incomplete) shall be given only when a course requirement, including the final examination, has not been completed because of an unavoidable circumstance. If

the remaining work is not completed by the end of the next long (fall or spring) semester, the "I" grade shall convert to an "F" on the student's transcript. Requests for one semester extensions shall be honored by the Records Office on recommendation from the instructor and department chair prior to the expiration of the normal deadline.

- 2.5.7 AUDIT CREDIT. A student desiring to register for a course to receive an audit credit grade of "NG" must have the written approval of the department chair and dean prior to the deadline for dropping or withdrawing from a course without penalty.
- 2.5.8 RETENTION OF GRADES. Student grade records for any class shall be retained by the instructor for a period of at least three years. In the event the instructor leaves the employment of Lamar University, it shall be the departing faculty member's responsibility to leave all grade records with his or her department chair. The chair shall then retain the records.
- 2.5.9 STUDENT APPEAL OF A COURSE GRADE. Prior to beginning the grade appeals process, the aggrieved student should meet with the instructor who awarded the grade to discuss the situation and to attempt to satisfactorily resolve the grade dispute.

The instructor of record has the authority over all matters affecting the conduct of the class, including the assignment of grades. Student performance should be evaluated according to academic criteria made available to all students in the syllabus, and grades should not be determined in an arbitrary or capricious manner. When a student disagrees with the final grade given by an instructor, fair play requires the opportunity for an orderly appellate procedure. A student must initiate the appeal procedure within 20 school days (excluding Saturday, Sunday, and official student holidays) of the beginning of the semester subsequent to the one in which the grade was awarded if enrolled that semester (otherwise, within 20 school days of the next semester in which the student is enrolled), or 150 calendar days after the issuance of spring semester grades, should the student not be enrolled during either summer semester.

This appellate process does not involve allegations concerning the competence of a faculty member, the fairness of examinations, the difficulty of a course, or matters of a purely academic nature. Rather, its purpose is to provide for the collection and evaluation of evidence shedding light on an allegation that a grade is invalid because of arbitrary, capricious, or unethical behavior on the part of an instructor of record.

When a student challenges a grade, the burden of proof lies with the student. The student should be certain that his or her case for appeal is complete and thorough. The grade appeal process should be reviewed carefully, and each step should be followed.

It is the appealing student's responsibility to bring an original Appeal Form for Grade Review, copies of which shall be available online at: <http://facultystaff.lamar.edu/files/documents/academic-affairs/policies/GradeAppealProcess.pdf>

and from the Offices of Academic Affairs. A procedural checklist and instructions for the Appeal Form are also available from these sources. Additional information concerning the grade review process is available in the *Student Handbook*.

- 2.5.10 STUDENT RECORDS. Official and permanent student records shall be created by and kept in the custody of the Office of Records and Registration. Practices and policies regarding access to and the release of these records shall be in strict conformity with the *Family Education Rights and Privacy Act of 1974* (also known as FERPA or the Buckley Amendment). Under the provisions of the Act, access to student educational records (or personally identifiable information contained therein) may be given to faculty members only

if they have a *legitimate educational interest*. Such information must be used only for the purpose requested. Care should be taken that no personally identifiable information other than *directory information* is released without the written authorization from the student. A student's social security number is interpreted as *personally identifiable* and may not be used to post test scores, grades, etc., without the student's written consent. No FERPA-protected student information should be downloaded onto an electronic device and removed from campus without the prior approval of the vice president of information technology (see federal statute at: <http://www.ecfr.gov/cgi-bin/text-idx?SID=0f762a319c259920aa9d90007b29ea6f&mc=true&node=pt34.1.99&rgn=div5>).

The *Act* defines *directory information* as that information the institution has declared it will release routinely and has so officially advised students. Any student may advise the institution, via the Office of Records and Registration, not to release any or all of the information designated. The categories of information which have been designated as directory information are found in Appendix G. Also, see Appendix G for full text of notice to students as required by PL 93-380.

3. ACADEMIC ADVISING, COUNSELING, AND STUDENT SUPPORT SERVICES

- 3.1 STUDENT ADVISING. Academic advisement of all lower-division students (fewer than 60 SCH) shall be scheduled and performed by professional advisors in the Undergraduate Advising Center (UAC). The overall program of academic advisement for all other students [upper division (60 or more and graduate (including post-baccalaureate, master's, and doctoral students))] shall be the responsibility of the colleges. Each college shall offer a comprehensive program of student advisement.

Academic advisement shall be available to all students and shall be mandatory for several types of students including lower division students, new freshmen; new transfer students; students restricted under the provisions of the Texas Success Initiative (TSI); students enrolled under the provisions of individual approval (the *I Will* program) admissions; and students on academic probation or returning from academic suspension. In addition, some majors and colleges have mandatory advisement for upper-division and graduate students.

Advising Services of the UAC include educational planning; TSI advising; reading and interpreting degree audits; assistance with major or minor selection; pre-professional advising; registration problem solving; schedule modifications; academic success planning; referrals to campus resources and opportunities; grade petitions and policy-related questions; and readmission reviews.

Formal advising periods for the university shall be designated and announced in the Academic Calendar by the Registrar prior to each semester/term. During these periods, students may confer with their academic advisors and obtain approval for courses for the following semester or term.

3.2 CENTER FOR GENERAL STUDIES/APPLIED ARTS AND SCIENCES.

3.2.1 GENERAL STUDIES. Undergraduate students who have not selected a major field of study shall be placed, administratively, in the Center for General Studies and shall matriculate toward the bachelor of general studies (B.G.S.) degree. The colleges shall be encouraged to actively recruit general studies students into traditional disciplinary-based majors. Academic advising and student counseling for upper-division general studies majors is available in the Center.

3.2.2 APPLIED ARTS AND SCIENCES. Students who have earned academic credit and are seeking a flexible degree plan to complete a baccalaureate degree may enroll in the bachelor of applied arts and science (B.A.A.S.) program. In addition, students with technical credits and/or vocational training may be able to convert these experiences into as many as 24 academic credits through an experiential credit review.

- 3.3 DISABILITY RESOURCE CENTER. The Disability Resource Center (DRC) is the university's designated office that determines and facilitates reasonable accommodations in compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. The DRC serves as a disability resource for students and the university community to bring educational awareness to disability issues in hopes of creating positive educational and social experiences for anyone wanting to attend Lamar. The office recognizes that students with disabilities face additional challenges in transitioning to the university. The DRC offers a host of accommodations, academic adjustments, and assistive technologies to help students gain access to information in a way that is meaningful and unique to each person. Students who have qualifying disabilities may receive registration assistance, tutoring, adaptive equipment, counseling, and other personalized services.

Students with disabilities may experience barriers that can limit their access to university courses and activities. The DRC works to ensure equal opportunities for students with disabilities, including,

but not limited to, students who are deaf/hard of hearing, blind or visually impaired, have a specific learning/intellectual disability, ADHD/ADD, PTSD, traumatic brain injury, or physical disability. Reasonable accommodations will be determined on an individual basis.

The DRC provides accommodations and services through an interactive process between the student, accommodation request, experiences, documentation, and discussion with the person regarding their access issue. Policies pertaining to the campus use of service and comfort animals exist and are available through the DRC. For additional information, contact the coordinator of services for students with disabilities at 880-8026 or <http://www.lamar.edu/disability-resource-center/contact-us.html>.

- 3.4 CORE CURRICULUM COURSE SUBSTITUTIONS BASED ON DOCUMENTED DISABILITIES. Any request for a core curriculum course substitution based on a documented and legally recognized disability must be submitted, in writing, to the director of the disability resource center. The director shall review all relevant documentation and, if appropriate, forward the request to the department chair of the student's major. After consultation with the student's academic advisor, the chair shall recommend a suitable and appropriate course substitution, as allowed by state policy, and forward the recommendation to the dean within which the student's major is located. The dean shall review and forward the recommendation to the provost for a final decision.

All course substitutions must conform to the principle of *reasonable accommodations* and all requests must be submitted to the director of the disability resource center as early as possible and preferably within the first year of a student's enrollment at Lamar University. For request forms, see <http://www.lamar.edu/disability-resource-center/forms.html> or contact the office of services for students with disabilities (880-8026).

- 3.5 FACULTY SPONSORSHIP OF STUDENT ORGANIZATIONS. Each recognized student organization shall be required to have at least one faculty sponsor who is a member of the full-time faculty. Faculty members shall be encouraged to participate in student organizations and related extracurricular activities which contribute to the academic growth and development of students.
- 3.6 ALLEGED STUDENT ACADEMIC GRIEVANCES. The university has established procedures for the resolution of alleged student academic grievances in a prompt and equitable manner. As a part of this process, a student-faculty relations committee shall exist in each undergraduate college. The full details of the university procedure for students in reference to alleged grievances are listed in the Appendix H.
- 3.7 SCHEDULING OF INTERCOLLEGIATE ATHLETIC EVENTS. Lamar University shall require all intercollegiate athletic programs to schedule all formal events and practices at times and on dates that minimize conflict with the class and examination schedules of student-athletes. It shall be the responsibility of the athletics director to familiarize all coaches with this policy and monitor compliance.
- 3.8 STAR (STUDENT TUTORING AND RETENTION) SERVICES. Student support services are available to all students through the STARS center. The center's mission is to provide educational resources to assist students in reaching their academic, personal, and professional goals. Through a positive and supportive environment and partnerships between staff and students, STARS staff empower learners to cultivate their skills, strategies, and behaviors to become successful lifelong learners. These services include tutorial services, success coaching, supplemental instruction, and study skills (REDtalks). See: <http://www.lamar.edu/student-tutoring-and-retention/academic-enhancement-workshops/index.html>

CHAPTER V BENEFITS AND SERVICES

1. RETIREMENT BENEFITS

All full-time faculty members shall be required to participate in either the Teacher Retirement System of Texas or the State's Optional Retirement Program (ORP). Within ninety days from the contract date of employment, faculty members must select one of these programs. Contribution rates, application procedures, and additional information are available in the office of human resources. Faculty members also are covered by social security and are entitled to all the benefits of the program. Salary deductions are made monthly. For additional information and forms see <http://facultystaff.lamar.edu/human-resources/retirement-benefits.html>

2. INSURANCE, ANNUITIES, & WORKERS' COMPENSATION

- 2.1 INSURANCE AND ANNUITIES. Members of the faculty may participate in group accidental death insurance, health care insurance, life insurance, dental insurance, and salary continuation plans. Tax-sheltered annuities also are available for faculty. Further information on insurance and annuities may be obtained from the Human Resources Office or <http://facultystaff.lamar.edu/human-resources/insurance.html>
- 2.2 WORKERS' COMPENSATION. Lamar University's employees shall be eligible for workers' compensation. If a faculty member is hurt at work and the injuries are within the limits set by law, he or she may be entitled to receive benefits. All work-related injuries should be reported to campus police and Human Resources for appropriate action by the university's safety program. Find additional information at: <http://facultystaff.lamar.edu/human-resources/workers-compensation.html>

3. FACULTY LEAVES

- 3.1 DEVELOPMENT LEAVES (LEAVES OF ABSENCE WITH PAY). Faculty development leaves shall be available to a limited number of faculty members who have had continuous, full-time employment with the institution for at least two years. Requests for development leaves shall be made according to an annual schedule announced by the associate provost. Development leaves shall be granted by the Board of Regents upon recommendations made by the Faculty Senate, the provost, and the president. Faculty members may receive development leaves for an academic year, a semester, a summer session, or part of a summer session. Faculty members who are granted a development leave for an academic year shall receive one-half of their base salary. Faculty members who are granted a development leave for one semester or less shall receive a pro-rated share of their base salary. (see: <https://www.lamar.edu/faculty-staff/academic-affairs/forms/index.html> Faculty Development Leave).

- 3.2 BENEFITS AND LEAVES OF ABSENCE WITHOUT PAY. There may be a time when the interests of a faculty member or the interests of the university are best served by granting a leave of absence without pay. Such leaves must be approved by the dean, provost, and president. Normally a leave of absence without pay shall not extend beyond the end of the fiscal year (August 31). During the leave of absence without pay, additional benefits, such as creditable service toward tenure and promotion, sick leave time, etc., shall not accrue. Employees granted a leave of absence without pay shall retain their classification and all benefits that have been accrued prior to leave.

Employees on leave without pay for less than one calendar month shall continue to have their employer insurance contribution paid by the state; however, when an employee is on leave without pay for a full calendar month, he or she shall be responsible for payment of both the employee and the employer contributions for insurance. Failure to pay these amounts shall result in cancellation of the insurance and a physical exam may be required to have the insurance reinstated.

Upon return from a leave of absence, the employee shall be reinstated in a position that is the same or similar to the position held at the time the leave was granted, with no loss of seniority or benefits. The university abides by the *Family Medical Leave Act* and *Equal Employment Opportunity Commission Sex Discrimination Guidelines*. For additional information, contact the office of human resources.

- 3.3 SICK LEAVE. Faculty members employed half-time (.50 FTE) or more shall earn sick leave benefits beginning the first day of employment and ending the last day of service. Sick leave benefits shall be earned at the rate of eight hours for each month of employment and shall accumulate with the unused amount of such leave carried forward each month, so long as the total does not exceed the amount of sick leave permitted by the state.

Sick leave with pay may be taken when sickness, injury, pregnancy, or confinement prevent the employee's performance of duty, or when a member of the employee's immediate family is ill. For purposes of regular sick leave, *immediate family* shall be defined as those individuals related by blood, adoption, or marriage who are living in the same household or, if not in the same household, are totally dependent upon the employee for personal care or services on a continuing basis. A faculty member who must be absent from duty because of illness shall notify his or her chair at the earliest practical time, generally before scheduled responsibilities are missed.

To be eligible for accumulated sick leave with pay during a continuous period of more than three working days, a faculty member absent due to illness shall send to his or her chair a doctor's certificate showing the cause or nature of the illness. Upon return to duty after sick leave, the faculty member shall, without delay, complete the prescribed application for sick leave and submit it to his or her chair.

Exceptions to the amount of sick leave a faculty member may take must be authorized by the president. Such exceptions shall be authorized on an individual basis after a review of the particular merits of the case. A statement of any such authorized exceptions and the reasons for them shall be attached to the university's payroll voucher for the payroll period affected by such authorized exceptions. Leaves of absence for faculty members who have exhausted accrued sick leave shall be granted on an individual basis by the president upon the written request and recommendation of the provost. Each department shall receive a monthly report which reflects the current sick leave balance. Questions concerning sick leave should be directed to the Human Resources Office.

4. FACULTY BENEFITS AND SERVICES

(See also <http://facultystaff.lamar.edu/human-resources/additional-benefits.html>)

- 4.1 EDUCATIONAL ASSISTANCE PLAN. The Educational assistance plan (the *Plan*) provides faculty with assistance in obtaining additional education and training, and is intended to meet the requirements of Section 127 of the *Internal Revenue Code*. Eligible faculty may be allowed to take one course, tuition-free, per semester provided the course maintains or improves the skills required for the faculty member's current job. For additional information, See Appendix O and contact the Human Resources Office.

Benefits under the plan shall be subject to the availability of specific funds in the university budget. The university shall not be required to make funds available in any given fiscal year. In the event that available funds in any given year are insufficient to support all applications for benefits, benefits shall be funded in order of receipt of properly completed applications until available funds are exhausted.

- 4.2 LAMAR UNIVERSITY TUITION ASSISTANCE PROGRAM (LUTAP). Spouses and Internal Revenue Service (IRS) dependent children (hence, "dependents") of full-time Lamar University employees may qualify for and participate in the new Employee Tuition Assistance Plan for Spouses and Dependents, hence LUTAP.

4.2.1 TUITION BENEFITS. LUTAP is designed and is intended to provide tuition assistance of 100% of resident tuition (undergraduate and graduate) to a spouse and/or eligible dependent children of full-time Lamar University employees and who are enrolled in courses.

4.2.2 ELIGIBLE COURSES. The term "course" shall include credit courses listed in Lamar University's official class schedule, including "college readiness" and "pre-collegiate" courses and laboratories. All LUTAP courses must apply and be credited toward a Lamar University degree. LUTAP will not apply to courses offered by any other institution of higher education.

4.2.3 ADDITIONAL INFORMATION. Tuition assistance is based on resident tuition rates regardless of residency status. The dollar amount of tuition assistance provided is dependent upon other student financial aid and/or scholarships available to the student per academic semester/term. Contact the Financial Aid Office for questions regarding residency qualifications and waivers.

LUTAP does not cover university fees or other non-tuition charges. A complete description of tuition, fees, and charges can be found on Lamar University's website at <http://www.lamar.edu/admissions/tuitionandfees.html>. LUTAP assistance is provided on a semester/term basis and a new application must be completed for each semester/term that assistance is requested.

Recipients of Mirabeau Scholarships, Beck Fellowships, students receiving grants from the State of Texas (e.g. Texas Grant, TPEG, SLEAP/LEAP), transient students, and retirees who do not have a spouse that is currently employed at Lamar University on a full-time basis are not eligible for the LUTAP program.

4.2.4 ELIGIBILITY. The spouse and/or eligible dependent children of an employee become eligible for LUTAP if the employee: a) has an appointment of 4 ½ months or longer, b) is appointed full-time (not less than 1.0 FTE), and c) is NOT in a position requiring student status as a condition of his/her employment as of the first class day of the semester/term for which the assistance is received.

- 4.2.5 REQUIREMENTS. The employee's spouse and/or eligible dependent children are required to:
- a) Apply and be admitted to Lamar University under the university's published admission requirements (application and admission test fees will not be waived or reimbursed);
 - b) Enroll in a specified degree or certificate program at Lamar University;
 - c) Be enrolled in course(s) for which academic credit is awarded toward the specified degree or certificate program upon successful completion of the course(s); (This does not include courses offered online through LU's Academic Partnership Programs); If the student receiving LUTAP funding has a degree plan that requires a minor, LUTAP will apply to courses listed towards the minor as well.
 - d) Submit a new application for each semester/term that assistance is requested;
 - e) Maintain good academic and disciplinary standing as defined by LU;
 - f) Maintain satisfactory academic progress (SAP) as defined by LU's Office of Student Financial Aid. SAP will be reviewed every semester for which a student is applying for LUTAP. Failure to meet SAP requirements will result in loss of LUTAP benefits.
- 4.2.6 APPEALS. Students may appeal by following the appeal letter guidelines issued by the Office of Student Financial Aid which can be found at <https://www.lamar.edu/financial-aid/resources/academic-standards.html>. The appeal form can be found at <https://www.lamar.edu/files/documents/financial-aid/SAPAppeal%20Form.pdf>.
- a) The letter of appeal must be forwarded to the Office of Student Financial Aid, which will submit it to the Student Financial Aid Appeals Committee whose ruling shall be final;
 - b) Students not maintaining SAP must submit their letter of appeal to the Office of Student Financial Aid within five (5) business days of being notified that a letter of appeal is required. The letter of appeal is required to become eligible for student financial aid and/or LUTAP.
 - c) Students who have been notified that their appeals have been granted have five (5) business days to finalize the required paperwork to complete their LUTAP application or they will forfeit their ability to receive LUTAP for that semester/term.
 - d) If a student receives a grade below a "C" in a class, the student may only take the course one additional time and still receive LUTAP funds towards that course.
- 4.2.7 APPLICATION PROCEDURES.
- a) To receive assistance for an eligible spouse and/or dependent children who are currently registered for classes at LU, the LU employee must deliver to the Office of Human Resources a LUTAP Application along with page one (1) of their most recent U.S. Individual Income Tax Return (with financial information and Social Security numbers removed).
 - b) The LUTAP Application with requested Tax Return must be received in the Office of Human Resources by 5 p.m. at least five business days prior to the semester/term's published start date. Applications received after that date will not be processed and will be returned to the employee who will need to make other arrangements for the payment of tuition for that semester/term.
 - c) A student who makes a change to his/her class schedule after submitting a LUTAP Application must complete a new LUTAP Application, mark it as "Revised" and deliver

it to the Office of Human Resources by 5 p.m. at least five business days prior to the semester/term's published start date.

- d) Incomplete revised applications will not be processed; the student will not be eligible for LUTAP for that semester/term if a complete and revised application is not submitted.
- e) A student that makes a change in his/her class schedule after the first class day must submit a "Revised" LUTAP application and must also make arrangements with the Office of Cash Management to cover the cost of tuition and fees until his/her approved LUTAP award can be placed on his/her account. Class schedule changes made after the census date (typically the 12th class day of the Fall and Spring semester) do not require a new LUTAP Application.
- f) The Office of Human Resources will certify eligibility of the LU employee before submitting the completed application to the Office of Financial Aid, which will determine the student's academic eligibility and the approved amount of financial assistance to be awarded.
- g) Once the Office of Financial Aid has determined the student's financial eligibility, the office will place the approved amount of assistance on the student's account. The Office of Student Financial Aid has until the census date to place the awarded LUTAP funds on a student's account.
- h) The student is responsible for checking his/her individual student account online to assure that tuition assistance has been applied, and to make arrangements with the Office of Cash Management to ensure classes are not dropped while waiting for LUTAP benefits to be applied.
- i) An incomplete or inaccurate LUTAP application and/or Individual Income Tax form will be returned to the employee, which can result in a delay or denial of financial assistance.
- j) A new LUTAP Application must be submitted for ANY changes to a student's schedule prior to the "census date".

4.2.8 LUTAP AND FINANCIAL AID AND SCHOLARSHIPS.

- a) LUTAP eligible students who receive Federal or Private Loans, Federal Grants, Scholarships (University, Endowment and/or Departmental) will have those funds applied to their LU student account for that semester/term before LUTAP funds are applied.
- b) University Scholarships may include assistance with legitimate costs of class attendance. To be considered for reimbursement legitimate costs must be presented to the Office of Financial Aid no later than 5 p.m. on the 12th class day.
- c) Students whose financial aid/scholarships cover the total cost of "resident tuition" for the semester/term are not eligible for LUTAP. If after all financial aid/scholarships have been applied to a student's account, a balance/charge remains to cover the cost of resident tuition the student is eligible to receive LUTAP to cover that remaining charge.
- d) LUTAP benefits will not exceed the resident tuition rate for a student's enrollment status minus any financial aid/scholarships awarded that student.
- e) Any scholarship and/or grant received after LUTAP benefits are applied could result in a reduction of LUTAP benefits. No LUTAP student receiving a "full" scholarship shall receive LUTAP and/or a cash credit.

- 4.2.9 TAX IMPLICATIONS. Federal law allows certain employer-provided education assistance benefits to be tax-free to LUTAP participants. Included in this allowance are undergraduate courses for the employee's spouse and eligible dependent children.
- 4.3 SALARY CHECKS/DEPOSIT. Salary checks shall be issued by the payroll office and either delivered to faculty members through department chairs or electronically deposited in local banks or credit unions. Automatic deposit in a local bank or credit union requires written authorization of the faculty member. Payment stubs are available online through Self Service Banner. The first salary check of each contract year shall be dated October 1 and monthly checks shall be available on the first working day of each subsequent month. New faculty members shall have their salaries paid over 12 months unless they request a change in the salary payment method prior to September 15 with the office of human resources. A change in payment method shall not be permitted after that date.
- 4.4 CREDIT UNION. Faculty members are eligible for membership in the Education First Federal Credit Union. A branch office is located near campus at 4695 Rolfe Christopher Drive.
- 4.5 FACULTY MAIL. Each academic department shall be assigned a university post office box number which should be used as the return address for faculty mail. Members of the faculty may also rent personal mail boxes for delivery of mail at the Lamar University Mail Center (880-8485, <http://www.lamar.edu/mail-center/>).
- 4.6 FACULTY USE OF TELEPHONES, INTERNET, AND E-MAIL. Telephones for local use shall be available to faculty on an unrestricted basis. Telephone, web, and e-mail for personal reasons should not interfere with one's assigned duties and should be restricted to incidental use (see <https://www.lamar.edu/marketing-communications/guidelines/policies-and-guidelines/index.html>).
- 4.7 SERVICES PROVIDED BY THE DIVISION OF UNIVERSITY ADVANCEMENT AND THE OFFICE OF MARKETING COMMUNICATIONS. Many services to faculty are offered by University Advancement (880-8419, <https://advancement.lamar.edu/>) and the Office of Marketing Communications (880-7671, <https://www.lamar.edu/marketing-communications/>). Among these are assistance in seeking funds for, or producing public relations programs with, the university's various constituencies; advertising and other promotional services for all university activities, programs, and personnel; media relations and news coverage for university events and activities, and graphics support for official university publications.
- 4.8 DUPLICATING SERVICES. Faculty materials may be duplicated by departmental offices or by an approved vendor.
- 4.9 SUPPLIES. Faculty shall obtain needed classroom supplies through their departmental office. Many supplies and materials are available through Lamar's approved vendors and may be requested, through purchasing, by the department chair.
- 4.10 FACULTY PARKING. Automobiles and other motor vehicles parked on the university's campus must be registered and must display a valid university permit. Reserved parking areas are available to faculty members and may be obtained by the payment of an annual parking fee. The parking office shall be responsible for these services (880-8696, <https://www.lamar.edu/finance-and-operations/administrative-services/parking/index.html>).
- 4.11 RECREATIONAL SPORTS PROGRAMS & TEAMS. Many recreational sports programs shall be available to faculty. Programs include weight control, swimming, tennis, golf, handball, racquetball, volleyball, basketball and other activities. These programs, located in the Sheila Umphrey Recreational Sports Complex, shall be provided through the Recreational Sports Office (880-2306, <http://students.lamar.edu/student-engagement/recreational-sports/index.html>). Faculty members are encouraged to support Lamar athletics. Admission to intercollegiate athletic events is free with a faculty identification card (see: <http://www.lamarcardinals.com/>).

- 4.12 **BOOKSTORE.** The University Bookstore, located in the Setzer Student Center, is a Barnes and Noble retail store offering textbooks, supplies, convenience items, and a rental service for commencement regalia <http://lamar.bncollege.com/webapp/wcs/stores/servlet/BNCBHomePage?storeId=31052&catalogId=10001&langId=-1>. With a valid Lamar ID, faculty and staff are eligible for a ten percent discount on all purchases. Off-campus bookstores are available as well.
- 4.13 **CAMPUS FOOD FACILITIES.** Food services are provided in several campus locations and faculty may dine in any of these locations. Chartwell's is Lamar's contracted food vendor and the Brook-Shivers Dining Hall, the Setzer Center Food Court (Jason's Deli, Panda Express, Chick-fil-A), Starbuck's Coffee in the Mary and John Gray Library, Tiny House BBQ, and the Big Red Food Truck offer meals and snacks for faculty, students and guests. Catering is available also (880-8005, <http://www.lamar.edu/student-life/places-to-eat.html>).
- 4.14 **CAREER AND PROFESSIONAL DEVELOPMENT CENTER, COUNSELING SERVICES AND TESTING.** Career counseling, advising, and testing services are provided by the Career & Professional Development Center, located in the Galloway Building (880-8878 <http://www.lamar.edu/career-and-testing-services/>). Professional staff members are available to assist students with career issues and concerns.
- Through the Student Health Center (880-8466, <https://students.lamar.edu/student-engagement/student-health-center/counseling.html>), personal and crisis intervention counseling are available. The Health Center staff members are not able to address problems of a long-term therapeutic nature; however, initial consultation is available and, if necessary, off-campus referrals can be made. Students are not charged for counseling sessions and all counseling contacts are confidential.
- The Office of Testing Services (880-8444, <http://www.lamar.edu/career-and-testing-services/testing/index.html>) coordinates testing required by the university; provides individual interest, aptitude, and personality assessment; and, as a National Testing Center, administers the following: Correspondence Testing, the Graduate Record Examination (GRE), the Law School Admissions Test (LSAT), the Graduate Management Admission Test (GMAT), the Scholastic Aptitude Test (SAT), the American College Testing Program (ACT), the College Level Examination Program (CLEP), DANTES Subject Standardized Tests (DSST), Health Education Systems Incorporated exam (HESI), Miller's Analogies Test (MAT), Mathematics Readiness Score exam (MRS), Texas Examinations of Educator Standards™(TExES™), Test of English as a Foreign Language (TOEFL), and the Texas Success Initiative Program (TSI) (for Lamar University students), remote TSI (for Lamar University students testing at a remote location, and several others. These tests are administered on scheduled testing dates and require an application and fee payment in advance of the testing day. Information and application forms may be obtained from the Center.
- 4.15 **SPEECH AND HEARING CENTER.** The Lamar University Speech and Hearing Center (880-8494, <https://fineartscomm.lamar.edu/speech-and-hearing-sciences/audiology-clinic.html>) is operated as a clinical laboratory for students and as a service for the southeast Texas area. Faculty members and their immediate families may use the center. Benefits, provided at no charge to Lamar University faculty/staff and their immediate families, include audiological (hearing) evaluation, hearing aid evaluation, communication evaluation, and therapy for correction of communication disorders.
- 4.16 **UNIVERSITY ORGANIZATIONS OF INTEREST TO THE FACULTY.** Numerous university organizations provide social, educational, and cultural activities to faculty. Among these are the Cardinal Club, which provides support for athletic programs of the university; numerous and varied summer camps for children, the Friends of the Arts, which provides support for artistic and cultural activities of the university; and the Friends of the Library, which provides support for the Mary and

John Gray Library. Faculty members and members of their family are invited and encouraged to join these organizations. 4.17 NEW FACULTY ORIENTATION AND FACULTY DEVELOPMENT. All new faculty shall attend orientation sessions prior the start of the academic year. Academic policies, benefits, mentoring opportunities, campus resources, and related topics are presented and discussed.

Orientation and faculty development programs are offered throughout the year by the Center for Teaching and Learning Enhancement (880-2393, Mary & John Gray Library, office 615, <http://www.lamar.edu/ctle/>).

APPENDICES

APPENDIX A.

SUMMARY OF ACADEMIC ADMINISTRATIVE PROCEDURES

Any employee may develop and submit an academic policy recommendation through normal administrative channels. All parties in the channel should have the opportunity to express agreement or disagreement with the recommendation.

In those areas of responsibility requiring final approval of the president and/or the Board of Regents, the resident reserves the right to make decisions without following the listed procedural steps, provided, in the resident's opinion, the best interests of the university are served and the decision is subject to the approval or ratification of the Board of Regents. None of the administrative procedures outlined above shall be construed to limit the powers of the Board of Regents as delineated in Sections 108.01 through 108.37 of the Texas Education Code, 1971.

1	FACULTY RELATIONSHIPS	ADMINISTRATIVE PROCEDURES
1.1	Employment: Recruitment, evaluation, determination of salary, rank, and appointment	Recommendation by department chair to dean to provost to president to chancellor to TSUS Board for approval. See Chapter II.
1.2	Termination: Separation of faculty member by resignation, retirement, non-reappointment or dismissal	Recommendation by department chair to dean to provost to president to chancellor to TSUS Board for approval. See Chapter II.
1.3	Workload Assignment	Assignment of faculty and staff to teaching, research, advising, and service. Recommendation by department chair to dean, approval by dean. See Chapter II.
1.4	Promotion in Rank	Recommendation by departmental personnel committee and department chair, to college personnel committee and dean, to university personnel committee and provost, to president, to chancellor, to TSUS Board; Approval by Board. See Chapter II.
1.5	Appointment to Graduate Faculty	Standards for selection of graduate faculty established by Graduate Council; recommendations by department chair and dean, to dean of Graduate Studies to Graduate Council. Approval by Graduate Council. See Chapter II.
1.6	Awarding of Tenure	Recommendation by departmental personnel committee to department Chair, to college personnel committee and dean, to university personnel committee and provost, to president to chancellor, to TSUS Board of Regents. Approval by Board. See Chapter II.

1.7	Travel and Routine Absence	For in-state or out-of-state travel, recommendation by department chair to dean, approval by dean, acting for the president. For out-of-country travel or travel to Washington D.C., recommendations through channels to president for approval and subsequent notification to chancellor and TSUS Board. For out-of-country travel, liability waiver and release of claims are required.
1.8	Leave of Absence Without Compensation	Recommendation by department chair to dean; approval by dean with notification to provost and vice president for finance and operations (VPFO).
1.9	Extended Sick Leave with Compensation	Recommendation by department chair to dean to provost to president; approval by president with notification to provost and VPFO.
1.10	Development Leaves	Faculty submits request with recommendations from department chair and dean to Faculty Senate; recommendations from Senate to provost to president. president recommends to chancellor, to TSUS Board for final approval.
1.11	Salary Administration	
	a. Equity and Merit Adjustments	Recommendation by department chair to dean to provost; approval by provost within guidelines and funding established by the TSUS Board of Regents. Departments develop merit salary increase plans, approved by dean and provost. Equity adjustments established by provost with recommendations from chairs and deans.
	b. Cost-of-Living and Across-the-Board Adjustments	For staff only, as all faculty increases shall be based on merit. Recommendation by VPFO to president to chancellor, to TSUS Board; decision by TSUS Board of Regents within legislative guidelines and policies.
1.12	Annual Evaluation	Faculty member submits completed F2.08; department chair reviews, evaluates, and forwards to dean; dean reviews and evaluates; copy of evaluation returned to faculty member and provost. See Chapter II.
1.13	Alleged Grievance	Aggrieved party seeks resolution at departmental level; unresolved issue is reviewed at college and university levels; then by provost; by president; by chancellor, by TSUS Board of Regents. See Chapter II.

2	ACADEMIC ADMINISTRATIVE RELATIONSHIPS	ADMINISTRATIVE PROCEDURES
2.1	Appointment of President	By affirmative vote of a majority of the TSUS Board of Regents. The president shall hold office without a fixed term and at the pleasure of chancellor and TSUS Board. See Chapter II.
2.2	Removal of President	By majority vote of the TSUS Board of Regents.
2.3	Appointment of Provost & Vice Presidents	Search committee may be appointed by president; input to search committee by faculty, department chairs, deans, and provost/other vice presidents; recommendation by search committee to president; by president to chancellor, to TSUS Board of Regents; final decision by Board of Regents. The president shall recommend annually the re-employment of all administrative officers; approval by Board of Regents. See Chapter II.
2.4	Removal of Vice President	Recommendation by president; approval by chancellor and TSUS Board of Regents.
2.5	Appointment of Academic Deans	Search committee may be appointed by provost; input to search committee from faculty, department chairs, deans and vice presidents; recommendation by Search Committee to provost to president to chancellor to TSUS Board of Regents; decision by Board of Regents. The president shall recommend annually the re-employment of all administrative officers; approval by Board of Regents. See Ch. II.
2.6	Removal of Academic Deans	Recommendation by provost to president; from president to chancellor to TSUS Board of Regents; approval by Board of Regents.
2.7	Appointment and Removal of Department Chairs and Program Directors	Recommendation by dean to provost, to president, to chancellor to TSUS Board of Regents; decision by Board of Regents. The president shall recommend annually the re-employment of all administrative officers; decision by Board of Regents. See Chapter II.
2.8	Workload Assignments of Department Chairs and Program Directors	Recommendation by dean to provost, approval by provost subject to guidelines and policies established by the university and TSUS Board of Regents. See Chapter II.
2.9	Development Leaves for Department Chairs	Department chair development leaves to review committee faculty, recommendation to provost, to president to chancellor to TSUS Board of Regents; approval by Board. See Chapter II.

3	STUDENT RELATIONSHIPS	ADMINISTRATIVE PROCEDURES
3.1	Admission to the University	Decision by Admissions within policies established by the university and the TSUS Board of Regents. See <i>General Catalog</i> .
3.2	Admission to Major Programs of Study	Decision by department chair
3.3	Admission to College of Graduate Studies	Decision by College of Graduate Studies with approval from department in which the degree is offered. Admissions policies are established by the Graduate Council, approved by the university and the TSUS Board of Regents. See <i>Graduate Catalog</i> .
3.4	Admission to Graduate Candidacy	Decision by department chair; verification by dean of the College of Graduate Studies. See <i>Graduate Catalog</i> .
3.5	Dropping a Course	Courses may be dropped without penalty (Q) during the first ~six weeks of the semester. The last date for dropping without penalty is established in the official university calendar. For drops after this penalty-free period, grades are recorded as Q or F, indicating that the student was passing or failing at the time of the drop. A student may not drop a course within 15 class days of the beginning of final examinations without permission of dean. See <i>General Catalog</i> .
3.6	Official Summons	If all other attempts to contact a student have been exhausted, administrative officers may ask a faculty member to deliver an official summons to a student in class. The faculty is expected to cooperate in the delivery of summons to their students in their classroom.
3.7	Special Student Admission to the University (of Parolees, Mental Patients, etc.)	Decision and conditions of admission by the vice president for student engagement upon referral by director of admissions.
3.8	Re-Admission of Academically Suspended Students	Decision by dean of the college with notification to director of admissions.
3.9	Certification of Graduates	Certification by dean of the college; verification by registrar.
3.10	Assignment of Grade	Decision by faculty member of record.
3.11	Change of Grade	Decision by appropriate member of the faculty with approval by department chair and dean. Grading subject to due process review, see Appendix H.

4	CURRICULA	ADMINISTRATIVE PROCEDURES
4.1	Addition and Deletion of Programs and Degrees	Recommendation by faculty, department chair, college curriculum committee, and dean of the college, within role and scope of the university as established by the Coordinating Board and TSUS Board of Regents; review by undergraduate curriculum council/or graduate council; recommendation by provost to president, to chancellor, to TSUS Board of Regents; approval by Board of Regents subject to approval of the Texas Higher Education Coordinating Board. New programs/deliveries must be approved by SACSCOC.
4.2	Addition and Deletion of Courses and Revisions of Degree Program	Recommendations by faculty, department chair, and college curriculum committee to dean; approval by dean subject to review by the undergraduate curriculum committee/graduate council and the provost. Final approval by TSUS Board of Regents with subsequent notification to the Texas Higher Education Coordinating Board.
4.3	Degree Requirements at the College Level	Recommendations by faculty, department chair, college curriculum committee, to dean of the college; approval by dean subject to review by undergraduate curriculum council/graduate council, and provost.
4.4	Degree Requirements at the University Level	Recommendation by undergraduate curriculum council/graduate council to provost; consultation between provost and the Academic Council of Deans and officers of the Faculty Senate and C.I.D.; recommendation by provost to president; approval by president; final approval by TSUS Board of Regents with subsequent approval by the Texas Higher Education Coordinating Board.

5	FISCAL AFFAIRS	ADMINISTRATIVE PROCEDURES
5.1	Assessment of College Needs for Financial Resources	Recommendation by faculty, department chair, dean of the college, and Budget Development Committee to president with copy to VPFO; by president to chancellor to TSUS Board of Regents.
5.2	Preparation of Budget Requests	Recommendation by faculty and department chair to dean of the college; from dean to

		provost, to president with copy to VPFO, by president to chancellor to TSUS Board of Regents, Legislative Budget Board, Legislature, and Governor.
5.3	Allocation of Budget Funds	Consultation between department chairs and faculty; recommendation by department chair to dean; by dean to provost; by provost to president with copy to VPFO, by president to chancellor to TSUS Board of Regents.
5.4	Interdepartmental and Intradepartmental Transfer of Funds	Request by department chair to dean; by dean to provost to VPFO; approval by VPFO; disapproval requires concurrence of president.
5.5	Intercollegiate Transfer of Funds	Recommendation by dean to provost; by provost to president with copy to VPFO; VPFO to president; approval by president.
5.6	Accounting, Auditing and Financial Reports	Responsibility of VPFO; monthly financial reports to custodians of accounts showing appropriate itemized account status, such as original amount budgeted, amounts spent and encumbered, and balance available.

APPENDIX B. CHARTER AND BYLAWS OF THE FACULTY SENATE

CHARTER OF THE FACULTY SENATE.

FUNCTION. The Faculty Senate shall function as the official coordinating body of faculty views relating to the academic activities of this institution and shall provide policy guidance for the administration on all matters pertaining to the welfare, conduct, and involvement of employed human resources.

The Faculty Senate shall be charged with the responsibility of providing the President and other members of the administration with a consensus of faculty thinking of the following areas of interest:

1. Academic procedures,
2. Academic standards, including admission, progress, and graduation,
3. Development leaves,
4. Faculty recruitment and employment,
5. Faculty research,
6. Faculty retirement, insurance, and fringe benefits,
7. Faculty tenure, promotion, and termination,
8. Teaching loads,
9. Oversight, review, and revision of the Faculty Handbook,
10. Fiscal affairs, and
11. Strategic Planning

Senate deliberation and action may result either from a request for policy guidance by the administration or from the request of the faculty it represents. The Senate may make recommendations to the appropriate official on any matters which it considers to be of concern to the welfare of the faculty.

PROCEDURE. The Faculty Senate shall be organized as a legislative body. It shall elect a president and other such officers as provided for in its bylaws. In its bylaws, the Senate shall establish rules to govern its general meetings, executive sessions, special hearings, and other procedural matters.

The Senate shall determine a regular meeting place, hour, and day for monthly meetings. Within a week of approval by the Faculty Senate, the minutes will be posted on a university webpage where they will be accessible to the broader Lamar community and the general public. The Senate shall meet at other times on the request of the president, the provost, the president of the Senate, or on the written request of five members of the Senate.

INITIATIVE AND REFERENDUM. Twenty percent of the voting faculty or a simple majority of the voting faculty of a particular college may petition the Faculty Senate to consider a specific

proposal. Consideration then must be given this proposal by the Faculty Senate. If 20 percent of the voting faculty requests a referendum on a specific issue, it shall be mandatory upon the Faculty Senate to submit such issue to a vote of the entire voting faculty. A simple majority of those voting are sufficient to approve such proposals. When a vacancy occurs in the Office of the President, the Faculty Senate shall ascertain the recommendation of the faculty through use of recognized research techniques and shall serve as the official voice of the faculty in relaying the recommendation to the Board of Regents with a copy to the officer in charge of the university.

STRUCTURE AND ORGANIZATION. Members of the Senate shall be elected for three-year, staggered terms (one-third being elected each year). The terms of office shall begin with the first day of each fall semester. Elections shall be held in March in each academic college under the supervision of the senate president, vice president and secretary. Vacancies shall be filled by special elections called by the senate president.

Tenured or full-time faculty members, excluding those with administrative assignments at the instructional department chair level or above, shall be eligible to vote for senators if they have completed one year's service at Lamar. These eligible voters shall constitute the voting faculty. Tenured or full-time faculty members, excluding those with administrative assignments at the instructional department chair level or above, shall be eligible to election to the Senate if they have completed three years' service at Lamar prior to assuming office. Senate faculty members who are appointed to interim or permanent administrative assignments at the department chair level or above shall resign their Senate position immediately upon appointment and the respective college shall hold an election for that replacement.

Each academic college shall be represented by at least one at-large senator, together with a number of other senators that normally should not exceed 12 percent of the college's full-time faculty computed to the nearest whole number. Each department within a college shall be represented by a senator elected by the voting faculty of that department and chosen from the eligible faculty of the college containing the department. Any department with 13 or more faculty members shall elect 2 senators. Each college shall have at least the departmental senators and one at-large senator. If any additional senators are required in order for a college to achieve its 12 percent representation, then the additional senators shall be elected as at-large senators by the faculty of the college. The Library faculty shall elect two senators. The number of senators to be elected by each academic college shall be determined by March 1 of each year by the office of the associate provost and the President of the Faculty Senate.

BYLAWS OF THE FACULTY SENATE. (Included for faculty information only and are not university policies)

NAME. The name of the organization shall be the Lamar University Faculty Senate.

PURPOSE. The object of this organization is to serve and function as the representative, deliberative, and legislative body for the faculty at Lamar University.

MEMBERS. In accordance with the Charter of the Senate, the voting membership will include elected departmental representatives, at-large representatives from each college.

OFFICERS. The officers shall be a president, vice president, and a secretary. Officers shall be elected biennially from the membership following the conclusion of the last regularly scheduled meeting of the spring semester. Newly elected officers will officially hold office from the first regularly scheduled meeting of the following fall semester.

Eligible voters will be the duly elected senators for the upcoming fall semester. Voting shall be by secret ballot.

Officers will be elected from a ballot prepared by the Nominations Committee. It will be the responsibility of the Nominations Committee to meet and propose a slate of officer candidates no later than two weeks before the May meeting. The secretary of the Senate will distribute the list of candidates to each Senator one week before the May meeting. Voting will be by secret ballot if more than one candidate is nominated for an officer position.

An officer may be elected to the same office for two successive terms. After a lapse of two years, the individual is eligible again for election to that same office. The individual may be elected to a different office without the two-year lap. An elected officer in the third year of his or her term will automatically have his or her term extended by one year.

Officers who resign their position without fulfilling the term of their office shall be replaced at the next regular Senate meeting through nominations from the floor and voting by a majority of those senators present.

The Senate shall work with each college dean to create a plan to assure the balancing of terms of Senate members in accordance with the CHARTER. Senate officers shall be responsible for monitoring each college's procedure.

The president shall preside at all meetings, appoint committees, and serve as the official representative of the Faculty Senate in situations where such representation is necessary or desirable. With the vice president and the secretary, the president shall set priorities for the monthly agenda. The vice president shall carry out all duties of the president when the president is absent.

The secretary shall write and distribute minutes and announcements, take care of general correspondence, and be custodians of all Senate records, policies, and proceedings. In the absence of both president and vice president, the secretary shall preside until a president pro-tem can be elected. The secretary shall issue the call for election of Senate members in March and shall receive results of the elections.

MEETINGS. The Senate shall hold a regular meeting during the first week of each month, September through May, or, if the university is not in session the first week of a particular month, September through May, the Senate shall hold its regular meeting during the first week the university is in session for that month. Special meetings may be called as stated in the charter under **PROCEDURE**. All full-time faculty members, exclusive of department chairs and above, are welcome to the meetings of the Faculty Senate except in rare cases when either the officers or the Senate deems a closed meeting is necessary. Visitors will be allowed the floor only by Senate invitation. A regularly-scheduled meeting may be canceled or postponed at the immediately-preceding meeting by a two-thirds vote of the membership.

An agenda for each regular meeting shall be established, and the membership informed, as far in advance as possible, but with never less than seven days' notice. New business not on the agenda may be introduced, but no action shall be taken until a later meeting. A formal agenda is not necessary when a special meeting for emergency discussion and action is called.

Each senator, including the officers, shall have one vote. Senators shall be regarded as either present or absent; there shall be no substitutes and no proxies. A quorum shall be a simple majority.

Senators are expected to attend and actively participate in regular Senate meetings, Senate committee meetings, and special called meetings. Senators who are absent from more than three regular Senate meetings or Senate committee meetings in an academic year will be notified that their attendance is unacceptable and that their name will be dropped from the Senate roster, unless the Senate president determines that there are compelling reasons for the absences. The Senate president will call a special election to replace any Senator that has been dropped from the roster.

EXECUTIVE COMMITTEE. The Executive Committee of the Senate consists of the Officers of the Senate together with the chairs of each of the standing committees.

COMMITTEES. The President of the Senate may establish such Standing and Ad Hoc Committees as is deemed appropriate. Except as may be otherwise provided, the President shall appoint the members and chair of any such committees; and such members and chair shall serve during the Senate President's term of office unless the committee is earlier dissolved or the President acts to replace a member or a committee chair.

The nominations committee shall consist of one senator from each college and the Library. Senators from the separate colleges and the Library will meet and select a Nominations

Committee representative. The president should appoint a representative to serve as the committee chair.

PARLIMENTARY PROCEDURE. In all circumstances not covered by the Charter or the Bylaws, Roberts' Rules of Order shall prevail.

AMENDMENTS. Bylaws may be amended by two-thirds majority vote, but must be proposed at the meeting prior to the taking of the vote.

Accepted 4/2020
Proposed 3/2020

APPENDIX C.
**CONSTITUTION AND BYLAWS OF THE COUNCIL OF INSTRUCTIONAL
DEPARTMENTS (CID)**

1. CONSTITUTION OF THE COUNCIL OF INSTRUCTIONAL DEPARTMENTS.

- 1.1 NAME. This organization is to be known as the Council of Instructional Departments.
- 1.2 PURPOSE. The purposes of this Council are:
 - 1.2.1 To act in an official advisory and consultative capacity to the university in its decision-making processes.
 - 1.2.2 To promote two-way communication within the organizational structure of the university.
- 1.3 MEMBERSHIP. The membership of this Council shall be limited to the Heads or Chairpersons of the instructional Departments of the university.

2. BYLAWS OF THE COUNCIL OF INSTRUCTIONAL DEPARTMENTS.

- 2.1 OFFICERS. The Executive Committee shall consist of one representative from each undergraduate college selected by and from the Council members from that college. The Council will select a president and any other officers from the membership of the Executive Committee. The executive Committee is charged with setting the agenda and with communicating the findings of the membership to the appropriate quarters within the university.
- 2.2 ELECTIONS. The Executive Committee for the ensuing academic year shall be elected during the month of April each year.
- 2.3 MEETINGS. The Executive Committee shall call meetings as the occasion demands.
- 2.4 COMMITTEES. The Executive Committee shall appoint ad hoc committees as the occasion demands.
- 2.5 VOTING. Findings shall be made by simple majority of a quorum present and voting, a quorum being at least 51 percent of the membership. Changes of the constitution and bylaws shall require a two-thirds majority vote of the full membership. Any member may require a "show-of-hands" vote. However, any five members may require a secret ballot or roll-call vote.
- 2.6 AGENDA. The Executive Committee shall set the agenda. Whenever practical, the agenda shall be distributed in advance of the meeting. Any member may add to the agenda up to three days prior to the meeting. The Executive Committee may invite any person to speak to the Council and to participate in its discussions.

APPENDIX D.

COPYRIGHT, INTELLECTUAL PROPERTY, AND PATENT POLICY

The Texas State University System

1. POLICY STATEMENTS

- 1.1 **GENERAL POLICY.** Creating, preserving, and disseminating knowledge are fundamental missions for Lamar University (hereinafter referred to interchangeably as “Lamar” or “University”). In this policy, as elsewhere, the university reaffirms its commitment to the principles of academic freedom. This policy affirms the traditional freedoms of the Lamar faculty, staff, and students in matters of copyrighted works (in all formats, including digital), through a fair and reasonable balance of rights and interests among creators, users, and the university.
- 1.2 **BENEFIT.** The University recognizes that research and scholarship by its faculty, staff, and students will result in scholarly publications, instructional materials, and other works with potential societal benefit and market value. These include manuscripts, textbooks, electronic media, computer programs, syllabi, lecture recordings, tests, assignments, monographs, papers, models, scholarly articles, dissertations, theses, graphical designs, musical compositions, works of art, and other artistic and literary works. This policy applies to all such works.
- 1.3 **APPLICATION.** This policy applies to all persons employed by the University, to all students of the University, and to anyone using University resources or under the supervision of University personnel. All University employees, faculty, staff, and students are responsible for understanding and abiding by the University’s policies related to copyright and all other forms of intellectual property.
- 1.4 **OTHER FORMS OF INTELLECTUAL PROPERTY.** Except where otherwise specified herein, the ownership and usage related to inventions, discoveries, and patents are more fully addressed in the Patent Policy of The Texas State University System (hereinafter referred to interchangeably as “TSUS” or “System”) Rules and Regulations, as amended from time to time. Questions regarding ownership and usage of university trademarks and service marks can be addressed to the staff in the Marketing Department. More information can be found on their website at: <http://www.lamar.edu/licensing>.

2. DEFINITIONS

- 2.1 **ANONYMOUS WORK.** “An ‘anonymous work’ is a work on the copies or phonorecords of which no natural person is identified as author.” 17 U.S.C. § 101.
- 2.2 **AUDIOVISUAL WORK.** “‘Audiovisual works’ are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.” 17 U.S.C. § 101. In other words, the term “audiovisual works” refers broadly to any work that includes any series of related visual images, whether or not moving, and with or without sounds, as long as a machine or device is essential to the viewing of the related series of images.
- 2.3 **AUTHOR-CREATED.** The portion of the online application that identifies the copyrightable material created by the author named in the application. In the paper application, this portion of the application is referred to as the “Nature of Authorship” space.

- 2.4 COLLECTIVE WORK. “A ‘collective work’ is a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.” 17 U.S.C. § 101. A collective work is a form of compilation.
- 2.5 COMPUTER PROGRAM. “A ‘computer program’ is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.” 17 U.S.C. § 101.
- 2.6 COPIES. “‘Copies’ are material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term ‘copies’ includes the material object, other than a phonorecord, in which the work is first fixed.” 17 U.S.C. § 101.
- 2.7 COPYRIGHT NOTICE. A statement placed on copies or phonorecords of a work to inform the public that a copyright owner is claiming ownership of the particular work. A copyright notice consists of three elements:
- The copyright symbol © (or for phonorecords, the symbol ℗), the word “Copyright”, or the abbreviation “Copr.”;
 - The year of first publication of the work; and
 - The name of the copyright owner. A copyright notice is no longer legally required to secure copyright on works first published on or after March 1, 1989, although it does provide legal benefits.
- 2.8 DERIVATIVE WORK. “A ‘derivative work’ is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a ‘derivative work.’” 17 U.S.C. § 101.
- 2.9 EXCLUSIVE RIGHTS. Any or all of the exclusive rights under Copyright Law, as set forth in Section 106 of the Copyright Act. Section 106 of the Copyright Act defines the exclusive rights of copyright owners in their works.
- Only the copyright owner has the right to do and to authorize the following:
- 2.9.1 “To reproduce the copyrighted work in copies or phonorecords.”
 - 2.9.2 “To prepare derivative works based upon the copyrighted work.”
 - 2.9.3 “To distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending.”
 - 2.9.4 “In the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly.”
 - 2.9.5 “In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly.”
 - 2.9.6 “In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.” 17 U.S.C. § 106.

These rights are subject to certain limitations that are defined in Sections 107 through 122 of the Copyright Act.

- 2.10 INFRINGEMENT. Infringement occurs when someone other than the copyright owner exercises the exclusive right of the copyright owner unlawfully. Certain limitations to the owner's rights are defined in Sections 107 through 122 of the Copyright Act.
- 2.11 JOINT WORK. "A 'joint work' is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole." 17 U.S.C. § 101.
- 2.12 LICENSE. An agreement by which a party grants another party one or more rights (but fewer than all rights), usually limited to a particular territory and/or time period. A license may be granted as an exclusive license or a nonexclusive license.
- 2.13 PERFORM. "To 'perform' a work means to recite, render, play, dance, or act it, either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible." 17 U.S.C. § 101.
- 2.14 PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS. "'Pictorial, graphic, and sculptural works' include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, and technical drawings, including architectural plans. Such works shall include works of artistic craftsmanship insofar as their form but not their mechanical or utilitarian aspects are concerned; the design of a useful article, as defined in this section, shall be considered a pictorial, graphic, or sculptural work only if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article." 17 U.S.C. § 101.
- 2.15 PUBLIC DOMAIN. A work of authorship that is not protected by copyright is in the public domain. In the United States, a copyrighted work enters the public domain when its full copyright term has expired. In addition, works published in the United States without a copyright notice on or before March 1, 1989 may be in the public domain, and works registered or published in the United States on or before December 31, 1963 may be in the public domain if the copyright was not renewed in a timely manner. The status of a creative work which, through expiration of term or failure to comply with statutory formalities, is not protected by copyright
- 2.16 PUBLIC PERFORMANCE AND PUBLIC DISPLAY. "To perform or display a work 'publicly' means:
- 1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or
 - 2) to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times." 17 U.S.C. § 101.
- 2.17 VISUAL ARTS WORKS. The U.S. Copyright Office uses the term "visual arts works" to collectively refer to "pictorial, graphic, and sculptural works" and "architectural works."
- 2.18 WORK FOR HIRE. "In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author...and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright."
- 2.19 WORK OF VISUAL ART. A 'work of visual art' is:
- 2.19.1 a painting, drawing, print or sculpture, existing in a single copy, in a limited edition of 200 copies or fewer that are signed and consecutively numbered by the author, or, in the case of a sculpture, in multiple cast, carved, or fabricated sculptures of 200 or fewer that are consecutively numbered by the author and bear the signature or other identifying mark of

the author; or

- 2.19.2 a still photographic image produced for exhibition purposes only, existing in a single copy that is signed by the author, or in a limited edition of 200 copies or fewer that are signed and consecutively numbered by the author.
- 2.19.3 A work of visual art does not include the following:
 - i) any poster, map, globe, chart, technical drawing, diagram, model, applied art, motion picture or other audiovisual work, book, magazine, newspaper, periodical, data base, electronic information service, electronic publication, or similar publication;
 - ii) any merchandising item or advertising, promotional, descriptive, covering, or packaging material or container;
 - iii) any portion or part of any item described in clause (i) or (ii);
 - iv) any work made for hire; or
 - v) any work not subject to copyright protection under this title.” 17 U.S.C. § 101. “Works of visual art” is a specific class of works that are eligible for protection under the Visual Artists Rights Act.

3. OWNERSHIP AND ROYALTIES

- 3.1 SOURCE. This policy is derived primarily from the TSUS Copyright Policy, more specifically found in Chapter III, Section 11, of TSUS Rules and Regulations, as amended from time to time. The TSUS Copyright Policy supplants this policy and shall govern if any provisions of this policy are found to be in conflict.

3.2 OWNERSHIP OF COPYRIGHT.

- 3.2.1 Lamar faculty, staff, and students own the copyright of works they create on their own initiative and own time without the use of substantial Lamar/TSUS resources.
- 3.2.2 Consistent with academic tradition, the University shall grant to their faculty and staff the copyright of works they create within the scope of their employment which are created in the fulfillment of their teaching and scholarly responsibilities. The University shall retain a non-exclusive, nontransferable, perpetual, and royalty-free license to make educational uses of such works and prepare derivative works based on the works, for such educational purposes.
- 3.2.3 Students own the copyright in works created in their role as a student, including research papers, essays, theses, dissertations, published articles, and visual works of art and/or audio/visual/digital recordings of artistic performances. Works created at the direction of or under contract with University faculty or staff as part of a student's employment with the University are considered works for hire.
- 3.2.4 Where two or more individuals create a work and their contributions are inseparable, interdependent, and intended as a single work, the work shall be deemed a joint work. Copyright of the work shall be jointly owned by the creators. Each creator may individually register, enforce, or commercially exploit the copyright with or without approval by all joint owners, provided the other joint owners receive an equal share of any proceeds, unless otherwise agreed in writing.
- 3.2.5 If a work is directed or contracted by the University on a work for hire basis, then the University owns the copyright.
- 3.2.6 Copyright ownership in works that are created pursuant to sponsored or third-party

research funding, including works funded by grants, shall be determined in accordance with the terms of any agreement governing such funding. If any such agreement is silent as to ownership, then the University shall own the copyright of such works.

4. DISTRIBUTION OF COPYRIGHT ROYALTIES

- 4.1 **ROYALTY INCOME.** Royalty income received by the University through the sale, licensing, leasing, or use of copyrightable material in which the University has a property interest may be shared with the creator(s) and the University where the material originated. When such sharing occurs, any distribution which grants the creator more than fifty percent (50%) of royalties shall require approval of the Board of Regents. In the event of multiple creators, the proper distribution of the fifty percent (50%) creators' share shall be determined by the creators through a written agreement.
- 4.2 **WRITTEN AGREEMENT.** In the event that a creator contributes a personal work to the University, a written agreement accepting such contribution shall be executed. The terms of the agreement shall include a statement governing the division of royalties between the University and the creator.
- 4.3 **EXTRAMURAL FUNDING.** In cases of extramural funding, the terms of the funding agreement shall govern the division of any royalties that may result from commercialization of materials resulting therefrom. In the event that the funding agreement vests royalty rights in the University, and does not provide any royalty share for the creator, the creator shall be entitled to the same proportionate share he or she would have received if the work had not been extramurally funded. Such a royalty payment to the creator, however, may not violate the terms of the funding agreement. Such share shall be a proportion of whatever share is owned by the University under the terms of the funding agreement and this policy.

5. REVISION AND WITHDRAWAL OF MATERIALS

- 5.1 **REVISION OF MATERIALS.** Materials owned by the University under the terms of this policy shall not be altered or revised without providing the creator a reasonable opportunity to assume the responsibility for the revision. If the creator declines the opportunity to revise such material, the assignment of responsibility for the revision will be made by the President.
- 5.2 **WITHDRAWAL OF MATERIALS.** Materials owned by the University shall be withdrawn from use when the University in consultation with the creator deems such use to be obsolete or inappropriate. No withdrawal or other discontinuance shall take place that would violate the terms of any licensing or other agreement relating to the materials.
- 5.3 **NONCOMPETITIVE USE.** Copyright of courseware developed without specific direction or significant support of the University shall remain with the employee. No royalty, rent, or other consideration shall be paid to the employee or former employee when that courseware or a modification thereof is used for instruction by the University or Components. The employee or former employee shall take no action that limits the University, Component or System's right to use the instructional materials and shall provide written notice on the courseware itself indicating the University, Component or System's right of use. (See TSUS Rules and Regulations, as amended from time to time, for the policy on noncompetitive use of employee-owned courseware).

6. USE OF COPYRIGHTED SOFTWARE

The University is committed to: 1) providing faculty, staff and students with the computer hardware and software necessary to perform their respective job tasks and instructional assignments; 2) protecting its computer environment from viruses; and, 3) maintaining compliance with the U.S. copyright laws and software license agreements and discouraging copyright infringement. This policy applies to all University computer users, including faculty, staff, and students. Employees and students, who illegally duplicate software and/or its documentation or otherwise fail to comply

with University or System third party software license agreements, will be subject to disciplinary action up to and including termination of employment or expulsion from school.

- 6.1 **USE OF HARDWARE AND SOFTWARE.** The use of University or System-owned or leased hardware or software is limited to University business or instruction-related activities. Software that has not been purchased or licensed or approved by the University or System for which the individual user cannot demonstrate or certify purchase or license for business or instructional use may not be loaded onto University or System-owned or leased computers.
- 6.2 **COPYRIGHT COMPLIANCE.** Users of licensed software must read and comply with the license agreement. When a University has contracted for a site or enterprise license, copying of the software media up to the number of licenses may be allowed, depending on the license agreement. The software user generally may: (1) Make only one backup copy of the software for archival purposes. If the underlying license is discontinued, this copy must be destroyed. (2) Make a copy if it is required as an essential step (and NOT AS A MERE CONVENIENCE) in installing the software on the computing equipment.

7. SOFTWARE RESTRICTIONS

Federal law requires compliance with the following restrictions when using software acquired by the University:

- 1) A user shall not install software on more than one computer, unless written evidence exists that the University has purchased the software and the license gives the purchaser the right to install it. Should a user find such software, the user should immediately uninstall the software, remove the files from the computer, and destroy any media copies.
- 2) Manuals, and other copyrighted materials, shall not be copied without specific, written permission of the publisher.
- 3) Upgrading a software package does not release the software user from the terms of the original agreement, unless the software developer changes the license agreement. The old version of the software may not continue to be used on a different computer or be distributed for use to others.
- 4) When concurrent use is allowed by the license agreement, the number of concurrent users of a local area network (LAN) version of purchased software may not exceed the number of licensed users.

8. SOFTWARE LICENSE AGREEMENTS

Each manufacturer includes a license agreement package with its software that details any restrictions on its use. All employees and students must comply with the vendor's license provisions regarding the use of the software, even though the individual user has not personally signed the license agreement. License agreements differ among the various software vendors and some may grant additional rights, such as allowing use on a portable or home computer. Employees and students are responsible for reading, understanding and complying with provisions of the license agreement for each software package.

University policy governing the use of computer hardware and software; computer and software use-user education; software selection, budgeting & acquisition; software inventory, audit & copyright compliance is located at <https://www.lamar.edu/it-services-and-support/policies/index.html>

9. PROCEDURES FOR USE OF COPYRIGHTED WORKS

- 9.1 APPROPRIATE USE. Lamar University is committed to complying with all applicable copyright laws, including the responsible, good faith exercise of fair use rights by faculty, staff, and students. Except as allowed by law, the reproduction, public distribution (including digital transmission), public display, public performance or creation of derivative works, without the consent of the copyright owner, is prohibited by the Copyright Act (17 United States Code, Section 106).
- 9.2 STATUTORY EXCEPTIONS. The copyright law provides for certain limited uses that do not require permission. These include the library exception (17 United States Code, Sections 108 and 109), the fair use exception (17 United States Code, Section 107), and the TEACH Act exception (17 United States Code, Section 110(2)).
- 9.2.1 Library Exception – 17 United States Code, Section 108, allows libraries to make copies of many, but not all, types of works for the following three purposes:
- 1) copies for preservation purposes;
 - 2) copies for private study by users; and
 - 3) copies for interlibrary loan services.
- 17 United States Code, Section 109, codifies the “first sale doctrine,” which provides that when an individual or institution, such as a library, buys a legally-produced copyrighted work, they may “sell or otherwise dispose” of the work, including lending or renting the work.
- 9.2.2 FAIR USE. The fair use doctrine is codified in Section 107 of the Copyright Act, and is applied on a case-by-case basis using a four-factor analysis. To claim a fair use exception, Lamar University faculty, staff, and students must complete and retain a copy of the Fair Use Checklist to document how they applied the following four factors:
- 1) purpose and character of use, including whether the purpose is commercial or nonprofit educational, and whether the character of the use is transformative;
 - 2) nature of the copyrighted work, including whether the work is creative or factual and whether the work is published or not;
 - 3) amount of the work, including quantity and substantiality of portion used in relation to the copyrighted work as a whole; and
 - 4) effect of the use on the potential market, including potential financial loss to the copyright owner or the marketability of the work.
- The U.S. Copyright Office provides more in-depth guidelines to help interpret fair use and establish a safe harbor by describing a minimal amount of usage that constitutes fair use.
- 9.2.3 TEACH ACT EXCEPTION. In 2002, the Copyright Act was amended to include a limited exemption for certain specific instructional uses of copyrighted works. The exception applies only to some digital distance education courses offered through accredited nonprofit educational institutions. Some uses that do not fall under TEACH Act may be allowed as fair use. Due to the complexities of the TEACH Act, University faculty are advised to complete the TEACH Act Checklist in consultation with the Copyright Librarian to determine whether the TEACH Act or fair use is an appropriate exception.
- 9.2.4 PUBLIC DOMAIN. Materials that are in the public domain can be freely used without permission since they are not protected by copyright. For more information on works in the public domain see the U.S. Copyright Office <http://www.copyright.gov/pr/pdomain.html>.
- 9.2.5 LICENSE AGREEMENT. Some copyrighted works are made available through license agreements, in which case the terms of the agreement supersede the copyright law. Any materials offered subject to a license may only be used in accordance with the terms of the

license. Types of agreements include Terms of Use, Creative Commons License, click-through agreements, and university-wide agreements with providers of electronic resources (e.g., library research databases, campus-wide software licenses, etc.). When using materials licensed by Lamar University, (e.g., licensed software, streaming video, images, etc.), users are expected to comply with all provisions of the agreement.

9.2.6 REQUESTING PERMISSION. Permission from the copyright holder is required if none of the preceding exemptions or exceptions apply. Examples include the use of materials for commercial purposes or use of an entire work.

9.2.7 ONLINE TOOLS AND SERVICES. Rights afforded under copyright law are protected regardless of the format or location of the work. Faculty, staff, and students shall ensure that any content placed within learning/course/content management systems (e.g., Blackboard, etc.) or Web 2.0/social media (e.g., YouTube, Facebook, Flickr, Twitter, Wordpress, Pinterest, etc.) adheres to copyright laws and the provisions of this policy.

10. VIDEOS AND STREAMING VIDEO

10.1 PERSONAL USE. Purchasing, renting, or borrowing a video or streaming video, normally allows personal use of the copy as long as the use is consistent with the distributor's (e.g., Netflix) terms of use.

10.2 UNIVERSITY-PRODUCED VIDEOS. The use of university-produced videos is also subject to copyright protection and requires prior permission.

10.3 OTHER USES. Other uses (e.g., distribution, display, duplication, creation of derivative works) are generally prohibited without permission or a license from the copyright owner.

10.4 PUBLIC PERFORMANCE LICENSE. Permission for public performance license is required for:

- 1) performances in lounges, recreation areas, auditoriums, and public areas of residence halls and apartments, the Setzer Student Center, and similar buildings;
- 2) showing a video after using publicity to invite your audience to the showing (such as mass e-mails, flyers, or Web postings); and
- 3) charging admission to the performance or to an event in conjunction with the performance

10.5 EXAMPLE NOT REQUIRING PUBLIC PERFORMANCE LICENSE. The following are examples in which the showing of a legally-obtained video does not require permission or a public performance license:

- 1) showing a video to a small group of family or personal friends;
- 2) showing a video during "face-to-face" teaching activities in a classroom or similar place devoted to instruction, viewed only by the instructor and registered members of the course, and materially related to course needs (see 17 United States Code, Section 110(1));
- 3) showing a video that has an express license authorizing the particular manner of showing (some educational videos come with licenses to show them for certain noncommercial institutional purposes); and
- 4) showing a video that is in the public domain

10.6 Specific guidelines apply to the recording of programs for classroom instruction from television broadcast companies including: ABC, CBS, NBC, and PBS. These guidelines do not apply to the recording of cable television programs. Permission must be sought from the individual cable network or channel prior to using a recorded cable program for classroom instruction purposes

11. MUSICAL PERFORMANCES

- 11.1 RULES. The recording or performance of music could require permission for a public performance license. Specifically,
- 1) the doctrine of "fair use," as detailed above, also applies to musical performances; and
 - 2) the TEACH Act provides specific exemptions for certain Non-Dramatic Musical Works

12. LIVE PERFORMANCES

- 12.1 COPYRIGHT AND LIVE PERFORMANCES. The copyright law applies to live performances by musicians, as well as to video or audio recordings regardless of media, with the exception of the items listed below:
- 1) private performances; and
 - 2) operating an ordinary radio or television in public.
- 12.2 AGREEMENTS WITH LICENSING AGENCIES. The University has entered into agreements with licensing agencies enabling public performances on Lamar University premises, of non-dramatic musical works in the portfolio of each agency. The agreements require the University to furnish these organizations with documentation of musical works performed by the University or by organizations under its control. Administrative heads must fulfill the terms and conditions of applicable licensing agreements, including any recordkeeping or reporting requirements.

13. REPRODUCTION EQUIPMENT

- 13.1 REPRODUCTION EQUIPMENT. Equipment capable of reproducing copyrighted works is available to faculty, staff, and students in publicly-accessible areas throughout the University.
- 13.2 NOTICE OF COPYRIGHT. Notice of copyright must be posted in close proximity to all such self-service equipment or at the point of electronic access where reproduction takes place. The department responsible for the equipment is also responsible for posting the appropriate notice.
- 13.3 POSTING. This notice should also be posted where appropriate in an online environment.
- 13.4 EXAMPLES OF REPRODUCTION EQUIPMENT. Examples of reproduction equipment include but are not limited to:
- 1) photocopiers;
 - 2) printers;
 - 3) microform printers;
 - 4) computers;
 - 5) analog and digital recorders (e.g., tape, CD, and DVD recorders) scanners; and
 - 6) kiosks
 - 7) cameras and cell phones.

14. COPYRIGHT LAW AND INFRINGEMENT

- 14.1 INFRINGEMENT. Copyright infringement is the act of exercising one or more of the exclusive rights granted to a copyright owner without legal authority or permission. These rights include the rights listed in Section 03.02, Ownership Rights. Copyright infringement is a violation of federal law and University policy and can result in significant civil and criminal legal penalties.
- 14.2 VIOLATION REPORTING. Suspected infringements of copyrights owned by the University

should be reported to the TSUS Office of General Counsel. Individuals who believe their own copyrights have been infringed should seek legal counsel.

- 14.3 PENALTIES. Individuals who utilize the University's network or other information resources to infringe the copyrights of others risk the loss of network access privileges. Repeat offenders are subject to additional disciplinary action up to and including expulsion or discharge. Unauthorized sharing of copyrighted digital materials (e.g., illegal peer-to-peer file sharing) violates the Digital Millennium Copyright Act (DMCA) and exposes the perpetrator to serious civil and criminal penalties. See Section 05 of Appropriate Use Policy, and the University's statement regarding Digital Copyright/P2P and File Sharing for additional information.

15. GOVERNANCE

- 15.1 COPYRIGHT LIBRARIAN. The Copyright Librarian provides expertise and support to the campus community on interpretation of copyright law, best practices, copyright education, assistance obtaining copyright permissions, and copyright policy development.
- 15.2 DISPUTE RESOLUTION. Disputes over copyright ownership or use are first taken to the Provost and Vice President for Academic Affairs for resolution.

16. REVIEWERS OF THIS POLICY

- 16.1 REVIEWERS. Reviewers of this policy include the following:

- 1) Copyright Librarian, Mary & John Gray Library
- 2) Vice Provost for Digital Learning
- 3) Provost and Vice President for Academic Affairs

17. PATENT POLICY.

- 17.1 PURPOSE. The components within The Texas State University System are dedicated to instruction, research, and public service. It is the policy of the Board of Regents of the System that each component carry out its scholarly work in an open and free atmosphere and publish results obtained therefrom freely. The Board recognizes that patentable inventions and discoveries may arise on occasion in the course of scholarly work conducted by the employees and students of its component. It is the purpose of this policy to insure that such inventions and discoveries are used and controlled in a fashion that maximizes their benefit to the public, the inventor, and the System.
- 17.2 APPLICABILITY. This policy shall apply to all persons employed by a component of The Texas State University System and to anyone using facilities owned or under the supervision of a component in connection with the development of a patentable product.
- 17.3 CONDITION OF EMPLOYMENT AND ENROLLMENT. The patent policy of the Board of Regents, as amended from time to time, shall be deemed to be a part of the conditions of employment of every employee of each component, including student employees, and of the conditions of enrollment and attendance by every student at each component.
- 17.4 OWNERSHIP. Except as otherwise described in this policy, every invention or discovery or part thereof that results from research or other activities carried out at a component, or that is developed with the aid of the component's facilities, staff, or through funds administered by the component, shall be the property of the component.
- 17.5 INVENTIONS MADE ON OWN TIME. Inventions or discoveries made by component

employees or students in their personal time and not involving the use of component facilities are the property of the inventor except in case of conflict with any other applicable agreement.

- 17.5.1 For purposes of this policy, an individual's "personal time" shall mean time other than that devoted to normal or assigned functions in teaching, extension, component service, or direction or conduct of research on component premises or utilizing "component facilities".
- 17.5.2 The term "component facilities" shall mean any facility, including equipment and material, available to the inventor as a direct result of the inventor's affiliation with the component, and which would not be available to a non-component individual on the same basis.
- 17.5.3 Persons who claim that inventions or discoveries are made on personal time and without the use of component facilities have the responsibility to disclose all such inventions to the component in accordance with the disclosure procedures applicable to inventions made on component time or with the use of component facilities. It shall be the responsibility of the inventor to demonstrate the basis of the inventor's claim that only personal time and no component facilities were utilized.
- 17.5.4 If the inventor so desires, inventions or discoveries made on personal time and without the use of component facilities may be assigned to the component. Under this arrangement, the procedures will be the same as for inventions or discoveries made by component personnel on component time or with the use of component facilities and materials.
- 17.6 PATENTS ARISING FROM GOVERNMENT SPONSORED RESEARCH. Patents on inventions or discoveries arising from research financed by federal, state, or local government may be controlled by the terms of the grants and contracts specified by the government agency sponsoring the research, or by applicable law. In some cases, the sponsoring government agency may claim rights to patents resulting from the sponsored research.
 - 17.6.1 Except as provided by law or by government-supported grants or contracts, or when no patent rights are claimed by the government agency, or when such rights are waived by the government, patents arising from government sponsored research are controlled by this Patent Policy.
 - 17.6.2 When a patent arising out of research supported under government grants or contracts is owned by a component that component will, if requested, agree to a non-exclusive royalty free license for use of such patent by the sponsoring government agency.
 - 17.6.3 If such a patent is owned by the sponsoring government agency, the component shall be free to use the invention so covered for its own scientific and educational purposes without payment of royalty or other charge, consistent with applicable law.
- 17.7 PATENTS ARISING FROM RESEARCH SPONSORED BY NON-GOVERNMENTAL ENTITIES. Each component must ensure that its facilities and the results of the work of its employees are applied in a manner which best serves the interests of the public. Likewise, the legitimate interests of a private sponsor who provides financial or other support to research carried out through the component must be considered.
 - 17.7.1 Components should normally reserve the right to ownership of patents on inventions or discoveries arising out of research supported in whole or in part by grants or contracts with nongovernmental organizations or firms. Contracts or agreements which are entered into between a component and such organizations or firms should contain clauses setting forth such a reservation unless deviations therefrom are requested by the sponsor and approved by the component consistent with the public interest.
 - 17.7.2 In the interest of fair treatment to the non-governmental sponsors of research, upon request

special provisions may be negotiated which grant ownership of patents arising out of research sponsored by a non-governmental organization or firm to the sponsor of such research. In such cases, the component should:

- 1) Retain the right to use the invention or discovery for its own research, educational, and service purposes without the payment of royalty fees,
- 2) Require the sponsor to use due diligence in the commercial use of the invention, and
- 3) Retain the right to freely publish the results of its research after a reasonable period necessary to protect the rights of the parties and to allow for the filing of a patent application.

17.8 COMPONENT PATENT COMMITTEE. The president of each component shall appoint a Component Patent Committee, consisting of no less than three members, one of whom shall be designated by the president to serve as chairman of the committee. Such committee shall perform the duties delineated in this policy and such other duties as may be assigned to it by the president.

17.9 DUTY TO DISCLOSE DISCOVERIES AND INVENTIONS. All individuals covered by this policy have a duty to disclose in writing their inventions and discoveries promptly to the pertinent Component Patent Committee.

17.9.1 The duty to disclose arises as soon as the individual has reason to believe, based on his or her own knowledge or upon information supplied by others, that the invention or discovery may be patentable.

17.9.2 Certainty about patentability is not required before a disclosure should be made.

17.9.3 Individuals shall execute such declarations, assignments, or other documents as may be necessary in the course of invention evaluation, patent prosecution, or protection of patent rights, to ensure that title in such inventions shall be held by the component, where this policy indicates the component shall hold title, or by such other parties as may be appropriate under the circumstances.

17.10 REVIEW BY PATENT COMMITTEE. The Component Patent Committee, after receiving disclosure of an invention, shall forward a recommendation to the component president concerning such discovery. Such recommendation shall include:

- 1) the committee's opinion whether the component has an ownership interest in the invention in question, or whether such invention was one developed on personal time and without use of component facilities, and
- 2) whether and how the component should assert and exploit its ownership interest in any invention or discovery.

17.11 WAIVER OF COMPONENT INTERESTS.

17.11.1 If the component president, after reviewing the recommendation of the component Patent committee, concludes that an invention or discovery is one developed on personal time and without the use of component facilities, the president shall advise the inventor that the component asserts no ownership interest in the invention or discovery.

17.11.2 If the component president, after reviewing the recommendation of the component Patent Committee, concludes that a component should not assert and exploit its interest in an invention developed on component time or with the use of component facilities, the inventor shall be notified that he is free to obtain and exploit a patent in his own right, and the component shall not have any further rights, obligations or duties thereto except as it may specifically reserve.

- 17.12 PATENT MANAGEMENT. The president of each component, or any person designated by him, is authorized to negotiate with reputable agencies or firms to secure for each component arrangements for the management of inventions and discoveries in which the component decides to assert and exploit its ownership interest.
- 17.12.1 Such management may include, but is not limited to, competent evaluation of invention and discovery disclosures, expeditious filing of applications for patents, and licensing and administration of patents.
- 17.12.2 A component is authorized to administer its own patent management and licensing program without the use of a patent management agent, if it determines that such arrangement may better serve component and public interests.
- 17.13 LICENSES. The president of each component may grant licenses for the use of inventions and discoveries in which the component has an ownership interest.
- 17.13.1 It is recognized under some circumstances the granting of an exclusive license may be appropriate because in the absence of such a condition some inventions or discoveries may not reach the market place for the public benefit.
- 17.13.2 Normally, an exclusive license may be granted for a period not to exceed five years, although the president may grant a longer period of exclusive license when he deems it advisable.
- 17.14 ROYALTIES.
- 17.14.1 In consideration of the disclosure and assignment of invention rights, the inventor, or the inventor's heirs, successors, and assigns, normally shall receive fifty percent (50%) of the net royalties or other net income arising from an invention or discovery, after a deduction for administrative and patent management costs. Administrative and patent management costs include, but are not limited to, the costs associated with the patenting, licensing, and protection of patent rights. The remaining fifty percent (50%) of net royalties shall accrue to the component responsible for the invention or discovery. Special facts concerning an invention or discovery may warrant a different distribution of royalties.
- 17.14.2 Agreements with respect to royalties shall be in writing and signed by the inventor and the president of the component.
- 17.14.3 Any agreement which grants the inventor more than fifty percent (50%) of the net royalties shall require approval of the Board of Regents.
- 17.15 DISPOSITION OF INCOME. In the disposition of any net income accruing to a component from patents, first consideration will be given to the promotion of research.
- 17.16 AVOIDANCE OF CONFLICTS.
- 17.16.1 Any employee covered by Sections 1.(17)2, 1.(18)1, or 1.(18)2 of this Chapter shall report in writing to the component president, or his designee, the name of any business entity as referred to therein in which the person has an interest or for which the person serves as a director, officer, or employee and shall be responsible for submitting a revised written report upon any change in the interest or position held by such person in such business entity. These reports shall be accumulated in the office of the president (or designee), who shall immediately thereafter file his report with the System Administration. Upon approval by the Board of Regents, the report shall be submitted to the Governor and Legislature as required by the Texas Education Code, Section 51.912).
- 17.16.2 Prior to signing any consulting agreement that deals with patent rights, trade secrets, or the like, where any component time, facilities, materials, or other resources are involved,

component personnel and students must bring the proposed agreement to the attention of the appropriate administrators of the component and either obtain a waiver of component rights or otherwise modify the consulting agreement to conform with this policy, as is determined by the component in its discretion.

17.17 EQUITY INTERESTS.

- 17.17.1 Owned by the Component. In agreements with business entities relating to rights in inventions and discoveries owned by a component, the component may receive equity interests as partial or total compensation for the rights conveyed.
- 17.17.2 Owned by an Employee. In accordance with Texas Education Code, Section 51.92, and subject to review and approval by the president of a component, employees of a component who conceive, create, discover, invent, or develop inventions or discoveries may hold an equity interest in a business entity that has an agreement with the component relating to the research, development, licensing or exploration of those discoveries or inventions.
- 17.17.3 The component may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the component and a business entity relating to inventions and discoveries conceived, created, discovered, invented, or developed by the employee and owned by the component.
- 17.17.4 Dividend income and income from the sale or disposition of equity interests held by a component pursuant to agreements relating to inventions and discoveries shall belong to the component and shall be distributed in accordance with the provisions of this policy. Dividend income and income from the sale or disposition of an equity interest held by a component employee pursuant to an agreement between the component and a business entity relating to rights in inventions and discoveries conceived, created, discovered, invented, or developed by such employee shall belong to the employee.

17.18 BUSINESS MANAGEMENT PARTICIPATION.

- 17.18.1 By Employees. Any component employee who conceives, creates, discovers, invents, or develops an invention or discovery shall not serve as a member of the board of directors or other governing board, or as an officer or an employee (other than as a consultant in accordance with component and Regent policies and regulations) of a business entity that has an agreement with the component relating to the research, development, licensing, or exploitation of that invention or discovery without prior review and approval by the president of the component.
- 17.18.2 For the Component. When requested and authorized by the Board of Regents, an employee may serve on behalf of the Board as a member of the board of directors or other governing board of a business entity that has an agreement with a component relating to the research, development, licensing, or exploitation of inventions and discoveries.

APPENDIX E.

POLICIES AND PROCEDURES FOR RESEARCH AND SPONSORED PROGRAMS

1. NON-STATE SUPPORTED RESEARCH AND PROGRAMS.

- 1.1 PROPOSAL DEVELOPMENT. All sponsored research and programs are based on agreement to perform certain functions by members of the university. Therefore, a formalized application and acceptance procedure has been established. This involves presentation of ideas, negotiation of terms of the contract, acceptance, and structure for administering the project at hand.
- 1.2 PROPOSALS. All sponsored programs must have a principal investigator or director, who is free to select the program's subject matter within the limits of institutional policy. The investigator/director should devote a significant portion of time to the contracted undertaking and assure the agency in question of performance in the successful completion of the project.
- 1.3 PROPOSAL PREPARATION. Proposal preparation is largely the responsibility of the principal investigator/director. However, the Office of Research and Sponsored Programs and its support services are readily available for the efficient production of proposals. Basic services of the Office of Research and Sponsored Programs include typing, graphics and assistance with budgeting and cost projections in conjunction with the research analyst of the vice president for finance and operations. In addition, information concerning agency guidelines and funding programs are available through this office and in the reference section of the library.

A proposal checklist (available from the Office of Research and Sponsored Programs) for the preparation of a proposal should be completed before a final draft is submitted to assist principal investigators in preparing the proposal as well as to assist department chairs, deans, and administrators in evaluating the administrative and budgetary aspects of these proposals. The checklist includes many factors which are easily overlooked at the time a proposal is prepared but which can cause annoying problems later.

All submitted proposals must have an approval form for Proposals for Special Projects. These forms may be obtained from the Office of Research and Sponsored Programs.

- 1.4 REVIEWS. All proposals must be reviewed and formally approved by department chairs, deans, directors and the provost and/or delegated representative. All proposals must be in the Office of Research and Sponsored Programs a minimum of 10 working days prior to the deadline specified in the contract or grant. Factors considered in the proposal review may include:
 - a) Eligibility of the Investigator--The individual initiating the proposal must be eligible under the policies of the institution to be a principal investigator.
 - b) Educational Component--The proposal should include an educational component that contributes to the academic programs of the institution and provides training and support of students. The proposal should assist in achieving the objectives of the department and the college.
 - c) Freedom to Publish--Questions regarding the investigator's right to publish his or her findings should be ascertained.
 - d) Presence at the Institution--Will the proposed activity require the investigator to be absent from the institution for extended periods of time? Is such absence warranted, and will this absence be approved by the department chair and dean?

- e) Percentage of Effort--The amount of effort committed by the investigator to the project should be consistent with other duties.
 - f) Human Subjects--If the proposed research or project involves the use of human subjects, does the research protocol comply with governmental requirements and with assurances to be filled by the institution?
 - g) Care of Laboratory Animals--If warm blooded animals are to be used in the conduct of the research, have provisions been made to insure adequate and humane care in accordance with prescribed institutional and legal standards?
 - h) Budget--Is the budget sufficiently detailed, and is it consistent with the subsequent accounting to be rendered for actual costs? Have all the potential cost items been covered in the estimated budget?
 - i) Staff Benefit and Indirect Cost Rates--Have the institution's staff benefit and indirect cost rates been properly applied and included in the proposed budget?
 - j) Radiation Hazards--In the event that the proposed activity contemplates use of materials or devices that may pose a radiation hazard, such as isotopes or radiation-producing machines, is there evidence of appropriate planning for safety and control?
 - k) Safety and Health--Does the proposed project comply with federal Occupational Safety and Health Act and state industrial safety regulations?
 - l) Patent Agreements--Have the sponsor's patent terms been considered? Are patent agreements on file for all persons who may be in a position to make, conceive, or first use inventions, improvements or discoveries under the project?
 - m) Copyrights and Rights in Data--Have the sponsor's copyright and rights in data terms been considered? Are they acceptable?
 - n) Insurance--Does the proposed activity pose any special property or liability insurance questions?
 - o) New Staff--Will the proposed activity require new staff? Would such expansion be consistent with the institution's policies?
 - p) Space and Equipment--Can the project be housed within existing space? Is it adequately equipped? If not, are requirements for additional space and equipment consistent with the department's priorities?
 - q) Cost-Sharing--Is any cost-sharing commitment made in the proposal accurate and consistent with the institution's plans and budgets?
 - r) Long-Term Commitments--Does the proposal commit the institution to continue the proposed activity beyond the period of sponsor funding? If so, do budgeting and planning appropriately support such commitments?
- 1.5 FINAL APPROVAL AND SUBMISSION. After final review and approval have been obtained, the proposal information is returned to the Office of Research and Sponsored Programs for submission to the contracting or sponsoring agency.
- 1.5.1 Negotiation. During the application process for support for extramural sponsors, negotiations often take place at various stages to establish the scope of the activity and terms and conditions under which the work will be performed. These negotiations often take place between principal investigators and an agency official during the preliminary stages of the proposal development and should not involve specific administration of funds received by the institution. These negotiation aspects are the special concern of the Office

of Research and Sponsored Programs.

Once the formal proposal is submitted, the terms and conditions governing work are established in negotiations between the sponsoring agency and the authorized individuals in the university. The responsible administrative officer will take the initiative in requesting the sponsor to modify provisions to accommodate policy needs of the institution, again coordinating, when appropriate, with the person responsible for conduct of the project and with the other officials of the university.

All salaries and wages of research personnel will correspond to the existing salary and wage policies of the university. Any exceptions must be approved by the department chair, dean, and the appropriate vice president in the rough draft proposal writing stages. If, for example, the principal investigator proposed to devote one-half time to a project and the department chair and dean concur that the research project will require one-half time for one year, the principal investigator may list one-half of the yearly salary rate in the grant application. If the grant application is for more than one year, or overlaps a calendar year, the salary for the second year may not exceed the annual salary rate of the principal investigator plus an anticipated salary adjustment. Laboratory and research assistants are to be compensated at established university rates. Exceptions must be justified and approved by the associate provost for research and sponsored programs.

- 1.6 ACCEPTANCE. Most grants do not require acceptance by a university official. Based on the submitted proposal, the grant becomes a binding contract when awarded. However, some grants and all contracts require acceptance by an authorized official; the associate provost for research and sponsored programs has this responsibility.

Notification of the award of the grant shall be immediately relayed to the Office of Research and Sponsored Programs. The recipient of a contract or grant shall file with the Office of Research and Sponsored Programs, as they become available, all contracts, forms, and correspondence which materially alter the basic contracts and responsibilities of the institution.

The requested number of copies of all reports by a particular agency should be submitted to the Office of Research and Sponsored Programs at least 14 days prior to the deadline date required by the grantor. All materials submitted to the Office of Research and Sponsored Programs will be forwarded to the proper offices of the university for review and approval.

- 1.7 IMPLEMENTATION. Following the award to the institution, the principal investigator will be furnished a copy of the complete agreement to insure understanding of its provisions. The university, through its established procedures in the Finance Office, will authorize the principal investigator/director to commit funds against the project. Responsibility for compliance with terms of the contract rests first with the principal investigator. Monthly budget print-outs will be provided to the associate provost for research and sponsored programs.
- 1.8 PATENT, COPYRIGHT AND ROYALTY AGREEMENTS. All specific matters pertaining to patents, copyrights, and royalties must be in accord with current policy as approved by the Board of Regents. See Appendix D: Copyright, Intellectual Property, and Patent Policy, of this *Handbook*.
- 1.9 DELINQUENT REPORT POLICY. The project director/principal Investigator is expected to comply with the conditions of the award as specified by the sponsor and agreed by the institution. Faculty are expected to submit reports as required by the sponsor and meet deadlines for those reports. Faculty with delinquent reports shall not be permitted to submit proposals for additional sponsored projects until past due reports have been submitted.

2. STATE-SUPPORTED RESEARCH AND SPECIAL PROGRAMS.

- 2.1 ORGANIZATION AND ADMINISTRATION. Faculty Research Grants are administered through the Office of Research and Sponsored Programs. The associate provost for research and sponsored programs (AVPRSP) is responsible for the administration of all such grants funded through the university budget. In addition, the AVPRSP serves as chairman of the Research Council. The AVPRSP's responsibilities include communication with the faculty regarding deadlines for the submission of proposals, consultation with faculty members engaged in the preparation of proposals, acceptance and the administration of projects including the handling of progress reports and final reports. The AVPRSP also prepares the research budget and supervises all aspects of the faculty research programs.

A Research Council is appointed to award all grants. The membership of this committee consists of a regular member from each college of the university. This Council recommends policies and procedures, determines priorities for use of funds, reviews all submitted proposals, and makes grant awards. To conduct its business the Council meets at regular intervals throughout the academic year.

2.2 GENERAL REQUIREMENTS.

2.2.1 Eligibility.

- a) All full-time members of the faculty and professional staff are eligible to apply for a research grant.
- b) If any eligible member of the university has had a previous research grant from state funds, terminal or progress reports on such research projects must have been submitted and approved by the Office of Research and Sponsored Programs
- c) A proposal by a member who has a thesis or dissertation in progress, but not completed, will not be approved.

- 2.2.2 Use of Funds. Research grants are intended to support research which will be completed within the year during which application is made. These grants are made for no more than one year, and application for renewals are considered on their merits.

2.3 PROPOSALS.

- 2.3.1 Submission. Each fall and spring semester, written notice is sent to all faculty members stating that applications for research grants are being accepted for the ensuing academic year and indicating the spring deadline for submitting applications. Faculty members who wish to submit proposals may obtain an application form from the Office of Research and Sponsored Programs or any college representative serving on the Research Council. Although this cover form is standard for all proposals, it permits each investigator to use initiative in making the presentation. The investigator should visit with the member of the Research Council representing the college who will review the proposal before its submission to the Council and will present the proposal to the Council when it is in session. After consultation, the investigator is requested to submit twelve (12) copies of the proposal for the members of the Research Council.

- 2.3.2 Procedure for Processing Applications. The associate provost for research and sponsored programs distributes copies of the project proposals to the members of the Research Council for their study. A subsequent meeting of the Council is called to make disposition of the proposals which have been submitted. In this meeting,

the following actions may be taken:

- a) The proposal may be funded.
- b) The proposal may be tabled and the investigator requested to provide further information.
- c) The proposal may not be funded.

No specific statement can be made as to what the Council will or will not approve. Generally the Council looks favorably upon proposals that are pilot efforts to investigate the feasibility of larger efforts that could qualify for external sponsorships. Thus, to some extent the Organized Research funds are considered to be "seed capital." This should not be construed to mean, however, that only proposals for research which hold promise for future extra-state support will be considered by the Council. In general, the Research Council is not likely to look favorably upon research proposals which include renewal of seeding efforts that have not been fruitful, exclusively summer research efforts, travel to meetings, and all requests that can be justifiably handled through other sources.

The Research Council will apply the following guidelines in the evaluation of faculty research proposals:

- a) The individuality of the proposal and its significance to the researcher.
- b) Evidence of interdisciplinary project planning, where appropriate.
- c) The use of sound research methodology and/or creative processes.
- d) The reasonableness of the budget request relative to the proposed project.
- e) Evidence of the applicant's awareness of related research in his or her field.
- f) Evidence that the proposal may result in publication or some other creative product of professional merit.

2.4 PROCEDURES FOR GRANT HOLDERS. Monies allocated for faculty research are state monies and are distributed through the university budget. Therefore, procedures for expenditures are governed by the same regulations as all other university operations in which state funds are involved. To facilitate the administration of the faculty research program, the following procedures are routed through the Office of Research and Sponsored Programs.

2.4.1 Expenditures. On April 15, the Research Council will review progress made by each Research Council grantee. If, in the opinion of the Council, progress has not been satisfactory in terms of the original proposal, the grantee will be invited to review his or her summer research budget.

Normally, state research funds will not be utilized for extended travel to places outside the state. For this purpose, extended travel is defined as a trip that requires more than seven days at destination. Exceptions to this must have the approval of the president of the university.

All purchases must be approved by the university purchasing agent. No purchase will be paid by the university unless the purchase order carries a university purchase order number. Funds may not be used to purchase duplications of university-owned equipment already available to the researcher. Upon request, a list of equipment on inventory to the Office of Research and Sponsored Programs and available to researchers will be provided by the AVPRSP.

The employment of anyone, except full-time faculty members, must comply with

the Federal minimum wage. Notice of any increase required by law will be provided.

2.4.2 Reports.

2.4.2.1 Progress Reports. Twelve copies of a written progress report will be submitted by January 15 and April 20 by each recipient of a research grant for evaluation by the Research Council. This report may be a brief but comprehensive written description of the status of the project. No standard form is required. This report, together with other relevant materials, becomes a part of the permanent record of the project.

2.4.2.2 Final Report. Twelve copies of a formal terminal report are required of each Faculty Research Grant recipient. This is a written account which contains a summary of the project, its findings, and its conclusion. Two copies of an unpublished manuscript, resulting from the supported research, will satisfy this requirement. A proposal for a new project submitted by a former recipient will not be considered until the AVPRSP has approved the final report of the prior project.

2.4.3 Patent, Copyright, and Royalty Agreements. All specific matters pertaining to patents, copyrights, and royalties must be in accord with current policy as approved by the Board of Regents. See Appendix D: Copyright, Intellectual Property, and Patent Policy of this *Handbook*.

2.4.4 Publications. Recipients of faculty research grants are encouraged to submit articles resulting from their research projects to professional journals. It is required that acknowledgment of the fact that project support was conducted through a Lamar University Organized Research Grant be given in the article.

2.4.5 Return of Equipment. Equipment purchased with research funds is the property of Lamar University and will be on the inventory and subject to the jurisdiction of the Office of Research and Sponsored Programs. When an individual completes the use of a piece of equipment, the AVPRSP should be notified. Equipment on inventory to the Office of Research and Sponsored Programs and assigned to a faculty member is to be maintained out of his or her research budget during the period the research is being conducted and subsequently by the department in which the equipment may be placed by the AVPRSP.

2.5 FISCAL MATTERS, REPORTING REQUIREMENTS AND SALARIES.

2.5.1 Expenditures. All funds received for a contract or grant shall be deposited in a special university account designated for the purpose by the Finance Office and each requisition for expenditure of these funds shall be directed to the Purchasing Agent. Each requisition for expenditure of these funds shall indicate against which item in the approval budget the requisition is to be charged. All projects, grants, and special programs are subject to university regulations concerning federal compliance.

2.5.2 Reassigned Time and Salary. It is the policy of the university that the first duty of a member of the faculty is to be a highly competent teacher. Research work, projects, and special grant programs should not interfere with teaching or assigned university duties. However, faculty members are permitted to conduct research during the academic year on reassigned time when the research project is able to compensate for such reassigned time. The amount of reassigned time will be determined with the approval of the appropriate department chair, dean, and vice

president. Reassigned time related to research programs should be negotiated at least two months prior to the beginning of the semester or term in which the research shall begin.

The compensation rate for work on special projects is pro-rated and based on the faculty member's nine month salary. It may not exceed the proportionate share of the base salary for any given period. Compensation for services performed outside of the nine-month academic year is permitted (e.g., all or part of a summer term), with the rate of pay based on the regular nine-month salary rate. For example, assume a faculty member has a nine-month base of \$45,000 (\$5,000 per month) and has 25% FTE reassigned time during the Fall and Spring semesters plus three months of 100% FTE summer employment through a sponsored project. In this example, the nine-month salary would remain at \$45,000 and an additional \$15,000 would be paid for the summer (3 months at the \$5,000/month base).

It is the policy of Lamar University not to provide additional compensation above 100% FTE to faculty and professional/administrative employees in sponsored projects except in unusual circumstances. For those engaged in sponsored projects, additional compensation in excess of 100% FTE may be granted only with advanced approval from both the provost and the sponsoring agency, and then only when it can be clearly demonstrated that, because of an individual's specialized knowledge or expertise, he/she is the most appropriate individual to provide the services. Further it must be clear that the services are outside the scope of normal job responsibilities and cross college or departmental lines and/or occur at a separate or remote site.

Since intra-university consulting is assumed to be undertaken as a University obligation requiring no compensation in addition to full-time base salary, faculty members who function as consultants or otherwise contribute to a sponsored project conducted by another faculty member of the same institution should receive no financial compensation through the sponsored project unless the project budgets for their reassigned time. Further, as noted above, this additional compensation should be based on the normal nine-month pay rate and the FTE should not exceed 100% except in unusual circumstances.

In accordance with federal and state tax laws, the university deducts from each paycheck the appropriate withholding tax. As individual circumstances require, the university will make payroll deductions for social security tax, annuity premiums, medical insurance, and other such deductions as may be required.

APPENDIX F.
POLICY GOVERNING THE ACCEPTANCE OF GIFTS, BEQUESTS, AND
DONATIONS TO LAMAR UNIVERSITY

It shall be the policy of Lamar University to actively pursue the acquisition of gifts and bequests within the following policy guidelines:

1. The Board of Regents delegates to the president authority to act in its behalf in accepting gifts, and the president shall render at least quarterly reports to the Board of Regents regarding such activities.
2. The Lamar University Foundation shall normally take title to any personal or real property tendered to the university as a gift where such property is not to be used directly by the university. The acceptance of such property shall be in compliance with policies and procedures established by the Trustees of the Foundation.
3. Any non-monetary gifts or bequests which have been tendered to the university shall not be sold or disposed of unless such action is specifically approved by the Board of Regents. All such commitments to expend funds shall be considered in advance of the acceptance of the gift or bequest involved.
4. It shall be the policy of the university to accept real property only when there is a specific anticipated use of such real property or when there is a reasonable expectation of being able to dispose of the property without due delay. It shall not be the policy of the university to accept indiscriminately gifts of real property for the purpose of speculating in the property or merely to assist a donor in disposing of a piece of property for tax purposes. It is anticipated that the Board of Regents will be notified and approve of the acceptance of a gift involving real property in advance of a commitment being made on the part of the university to take title to the property. Any deviation from this procedure shall be approved by the president and only under unusual circumstances. The university shall not establish the value of the personal or real property for tax purposes on behalf of the donor. Where appropriate, the university may require or accept a valid and appropriately prepared appraisal in accepting a gift or in disposing of property in order to substantiate values.
5. Any equipment, books or similar gifts offered to the university shall be accepted only after appropriate consideration by the officials of the University who would have the responsibility and/or the authority to use, employ or otherwise have reason to accept such items on behalf of the university.

APPENDIX G.

FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

All Lamar University employees are required to abide by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) a Federal law that protects the privacy of student education records. This law applies to all schools that receive funds under an applicable program of the U.S. Department of Education (more information can be found at: <http://www.ecfr.gov/cgi-bin/text-idx?SID=0f762a319c259920aa9d90007b29ea6f&mc=true&node=pt34.1.99&rgn=div5> .

FERPA applies to any person enrolled in an institution of higher education, regardless of age. FERPA stipulates that certain student information, including but not limited to grades, grade point average, academic probation/suspension and social security/student identification number, may NOT be given to a third party without the WRITTEN consent of the student who “owns” the information.

Students have the right to inspect and review their own student education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for students to review the records. Schools may charge a fee for copies.

Students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

Generally, schools must have written permission from the student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation of compliance with educational programs;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the education institutions;
- Accrediting organizations;
- Releasing the results of a disciplinary hearing to an alleged victim of a crime of violence;
- Disclosure to parents of any student under the age of 21, a violation of federal, state, local or institutional laws/regulations related to substance abuse;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies;
- State and local authorities, within a juvenile justice system, pursuant to specific State law; and
- Disclosure to parents of *dependent students* (IRS definition), with appropriate documentation on file.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, major field of study, classification, participation in officially recognized activities and sports, weight/height of members of athletic teams, honors and awards, dates of

attendance and the last educational agency or institution attended. However, schools must tell students about directory information and allow students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a bulletin, student handbook, website or newspaper article) is left to the discretion of each school. FERPA rights end at death.

Lamar University employees may not post grades by social security/student identification number (even a partial number) or in any other manner that personally identifies the student. Employees may not allow anyone other than the student or an agent of the university who has a legitimate need to know to see student information on a monitor or hard copy or to have access to such information, unless they have written permission from the student. Parents are not allowed access to such information unless they file a dependent's statement with a photocopy of the page of their federal income tax form listing dependents as proof that the student is their dependent.

Employees, who fail to take proper measures to safeguard this information, place Lamar University at risk. Such employees may be denied access to university data systems. The penalty for FERPA violations could result in the loss of federal funds for the university, including the ability to provide Federal Financial Aid to our students.

Employees using the University Student Information System (SIS, BANNER STUDENT) must be constantly aware of FERPA issues. In particular, students may place a "Directory Hold" on release of ANY information about themselves. In those situations, a privacy notice will be displayed in SIS whenever someone authorized to enter the SIS system keys in the student's identification or social security number. When this occurs a warning will appear stating "**Warning, information about this person is confidential.**" If this statement appears no information including that the person is a student at Lamar University may be released. If the person requesting the information is not the student, please refer them to the Records Office of Lamar University.

All Lamar University personnel must acknowledge that they understand and accept the responsibility of protecting the privacy of students.

The following information concerning student records maintained by Lamar University is published in compliance with the Family Education Rights and Privacy Act of 1974 (PL 93-380).

1. **ACCESS TO RECORDS.** Access to educational records directly related to a student will be granted to him or her unless the type of record is exempt from the provision of the law. Prior consent is not required from a student to disclose information to the Comptroller General of the United States, the Attorney General of the United States, the Secretary of State and State and local educational authorities.
2. **CHALLENGE OF RECORDS.** A student has the right to challenge records and information directly related to him or her if it is considered to be inaccurate, misleading or otherwise inappropriate. Issues may be resolved either through an informal hearing with the official immediately responsible or by requesting a formal hearing. The procedure to be followed in a formal hearing is available in the Records Office.
3. **RELEASE OF INFORMATION.** Access to records by persons other than the student will be limited to those persons and agencies specified in the statute. Records will be maintained of persons granted such access and the legitimate interest in each case.

The release of information to the public without the written consent of the student will be limited to the categories of information which have been designated by the university as *directory information* which will be routinely released. The student may request this information be withheld from the public by making written request to the Records Office. Directory information includes name, local and permanent address, telephone listing, e-mail*, major, classification, participation in officially recognized activities and sports, weight and height of members of

athletic teams, dates of attendance, degrees and awards received, with dates and the last educational agency or institution attended.

If a student does not want the information published or given out the student can come by the Records Office in Wimberly 112 and sign a Directory Hold form. If the student does not revoke this form in writing, records remain sealed which includes future employers checking the conferral of a degree. Please be aware that a directory hold prevents anyone from receiving information about the student.

4. **PARENTS ACCESS TO RECORDS.** The right of parental access to student records may be established by either of two methods: first, by the student filing a written consent statement, or second, by the parent validating the student's dependence as defined by the Internal Revenue Service.
5. **EXPUNGING OF RECORDS.** Lamar University purges files and records in accordance with the Texas State Records Retention Schedule. A copy of this schedule is kept by the Records Retention Officer in the Mary and John Gray library. Examples of Records purged are student's enrollment verification letters, graduation applications, and transcript request.
6. **TYPES AND LOCATIONS OF RECORDS.** The types, locations and names of custodians of educational records maintained by the university are listed in the table below.

<u>AREA OF ADMINISTRATION</u>	<u>TITLE & OFFICE LOCATION</u>	<u>TYPES OF RECORDS</u>
Admissions	Director of Admissions, John Gray Center	Admissions Data
Academic Colleges	Dean of College	Academic Personnel
Academic Departments	Chair of Academic Department	Academic Personnel
Administration	Vice President Finance & Operations, Reaud Building	Employee Personnel
Athletic Records	Athletic Director, Montagne Center	Athletics
Computer Center	Vice President Information Technology, Reaud Building	Academic/Financial/IT
Finance	Vice President Finance & Operations, Reaud Building	Financial/Obligatory
Financial Aid	Director of Student Financial Aid, Wimberly Building	Financial Aid
Personnel	Assoc. VP Human Resources, Human Resources Building	Personnel Records
Student Records	Registrar, Wimberly Building	Permanent Academic
Student Engagement	Vice President Student Engagement, Wimberly Building	Student Government, Personnel, Housing, Disciplinary, Student Organizations & Activities, Placement
Note: Medical, policy, and guidance records are exempt from access provisions.		

APPENDIX H.

UNIVERSITY PROCEDURES IN REFERENCE TO STUDENT ACADEMIC GRIEVANCES

To provide for the resolution of alleged academic grievances in a prompt, fair, and equitable process throughout the university, departments, colleges and other academic divisions of the university shall follow the grievance and appeals procedures as published in this appendix. There shall be in each college a Student-Faculty Relations Committee. It shall be comprised of four faculty members, two undergraduate students, and one graduate student. Department chairs may not serve as a member of this committee. The members of the committee shall be chosen by procedures established by the college. The chair of the committee shall be selected from the faculty members. Upon appointment of the committee, the dean of the college shall provide a membership listing to the provost. In the event that any member of the committee is a party to the alleged grievance or is unavailable for an extended period of time, the dean shall appoint a substitute member.

The Student-Faculty Relations Committee should be involved in an alleged grievance only after normal procedures for resolving issues have been exhausted. The initial step in the normal procedure should be for the aggrieved party (henceforth referred to as *student*), to discuss the issue with the offending party (henceforth referred to as *instructor*). If the issue is not resolved satisfactorily, the student's second step should be to consult with the instructor's department chair. If the department chair cannot resolve the issue satisfactorily, the matter should be referred to the dean, who may convene the college's Student-Faculty Relations Committee. The grievance procedure should be initiated within ten working days of the alleged offense.

The aggrieved student should deliver a written statement of the alleged grievance to the dean within one calendar week of the written response from the department chair. The dean, at his or her discretion, may render a decision about the appeal or convene the Student-Faculty Relations Committee. If the dean chooses to convene the committee, the written statement shall be submitted to the committee in a timely fashion with the charge to the committee that it will fully investigate the alleged grievance and present appropriate findings and recommendations to the dean of the college. To be forwarded, committee findings and recommendations must receive a majority vote. The dean shall notify all involved persons and the provost by separate written communication of the committee's findings and recommendations, and his or her decision regarding the grievance. To assure prompt resolution of alleged grievances, the Student-Faculty Relations Committee shall make every reasonable effort to complete its report within two weeks from the date of receipt of the statement of grievance.

In the event that any party involved in the alleged grievance should seek to appeal the decision and/or recommendation of the dean, a written appeal should be delivered to the provost within one calendar week of receiving the dean's decision. The provost, at his or her discretion, may render a decision or choose to appoint a review committee from the several college Student-Faculty Relations Committees to hear the appeal and offer findings and recommendations before rendering a decision.

Each review committee appointed by the provost shall be composed of four members of the faculty selected from the Student-Faculty Relations Committees in colleges other than the college from which the appeal originated, and three student members, one of whom shall be a graduate student, and all of whom shall be majors in departments other than the department from which the appeal originated. The review committee shall include both men and women, and members shall elect a chair and assign other responsibilities and adopt appropriate rules of procedure before the initial presentation of the appeal.

Each review committee shall at the conclusion of its considerations report to the provost one of the following:

- a) *"In the considered opinion of the review committee, the alleged grievance is in fact a grievance resulting from an institutional policy, procedure, or combination of factors, and the specific redress recommended by the committee is..." or,*
- b) *"In the considered opinion of the review committee, the alleged grievance is not in fact a grievance resulting from institutional policy or procedures, and the appeal is rejected."*

The report of the review committee shall be completed within two weeks following the appointment of the review committee unless an extension is requested and granted by the provost.

In the presentation of recommendations by the review committee, reference to instructional personnel must comply with the established policies and procedures regulating tenure and the academic administrative procedures as published in this *Handbook*. The president and Board of Regents reserve the right to hear any further appeal.

Additional procedures of grievance/appeal are provided to university students in the following areas of university service:

- a) Student Academic dishonesty (see Section IV, also *Student Handbook*)
- b) Traffic and Parking Regulations (see *Student Handbook*)
- c) Residency Appeals (see *Student Handbook*)
- d) Discrimination and Harassment (see Appendix I and Section II)

Grades remain as recorded by the instructor of record and can be changed, normally, only by the instructor. In the absence of the instructor, the department chair and dean are charged with the responsibility for changing grades. Grades may be changed by the department chair, dean of the college, or provost if and when, as a result of the appeals process, it is determined that a faculty member has failed to implement a previously announced grade policy or violated a university or TSUS rule or policy.

All academic grades and grading methods are subject to review by the appropriate chair and dean when review is requested by a student regarding a specific grade. The chair and dean must approve any change in grade requested by an instructor after final grades are recorded.

APPENDIX I.

GRIEVANCE PROCEDURES FOR FILING, PROCESSING, AND RESOLVING COMPLAINTS OF ALLEGED DISCRIMINATION BASED UPON RACE, COLOR, RELIGION, SEX, AGE, DISABILITY, NATIONAL ORIGIN, VETERAN STATUS, SEXUAL ORIENTATION, OR GENDER IDENTITY AND EXPRESSION

Because the procedures under the former version of this policy were found to conflict with controlling Texas State University System ("TSUS") policy, this policy has been removed. Pending TSUS approval of a replacement policy, faculty are directed to the procedures in chapter V, section 2.14 of the TSUS Rules and Regulations (Adopted September 1, 1980, Amended August 22, 2019) [https://gato-docs.its.txstate.edu/jcr:8107d675-b45d-4f40-bc44-500035a30dce/2019%20Rules%20and%20Regs%20\(rev%20thru%2008-22-19\).pdf](https://gato-docs.its.txstate.edu/jcr:8107d675-b45d-4f40-bc44-500035a30dce/2019%20Rules%20and%20Regs%20(rev%20thru%2008-22-19).pdf).

APPENDIX J.

ETHICAL STANDARDS AND CONFLICT OF INTEREST REGULATIONS

Lamar University recognizes and encourages the involvement of university personnel in private enterprise. Such involvement benefits the community economically and the employee both personally and professionally. However, certain business arrangements or employment opportunities may constitute a breach of ethical standards resulting in a conflict of interest between the university and the employee. The policy of Breach of Ethical Standards, promulgated by the *Texas Government Code*, Chapter 572 and The Texas State University System's *Rules and Regulations*, Ch. VIII. is applicable to Lamar University as follows:

1. **BREACHES OF ETHICAL STANDARDS.** Breach of ethical standards may occur in any of the following cases:
 - a) conflict of interest,
 - b) failure to disclose financial interests,
 - c) gratuities and kickbacks,
 - d) contingent fees,
 - e) restrictions on employment of university employees,
 - f) contemporaneous employment prohibited, and
 - g) use of confidential information.
2. **DEFINITIONS.** The following words and terms, when used in this section shall have the following meanings, unless the context clearly indicates otherwise.
 - 2.1 **CONFIDENTIAL INFORMATION.** Information which is available only because of one's status as a university employee.
 - 2.2 **DIRECT OR INDIRECT PARTICIPATION.** Involvement through decision, approval, disapproval, recommendations, preparation of any contract, or of any part of a procurement process, influencing the content of any specification of procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.
 - 2.3 **EMPLOYEE.** Employee shall broadly include members, officers and employees of the university, as well as members, officers and employees of other state agencies acting pursuant to delegated authority from the university, or in connection with any matter involving that agency with the university.
 - 2.4 **FINANCIAL INTEREST.** Financial interest shall refer either to a personal receipt, or right to receive, money or other valuable property or benefits under the actual or proposed contract; the holding of a position in a business such as an officer, director, trustee, partner, employee, or the like, or holding any position of management; or the ownership of substantial stock, or other interest in a business. Substantial in this context shall not include token ownership or ownership which would not normally be able to influence the decisions of the business.
 - 2.5 **IMMEDIATE FAMILY.** Immediate family shall include spouses, parents, brothers, and sisters and sons and daughters of the employee.
 - 2.6 **PERSON.** A person shall be an individual or business entity.

3. CONFLICT OF INTEREST.

- 3.1 **CONTRACTS.** It shall be a breach of ethical standards for any employee to participate directly or indirectly in the procurement of any university contract when the employee knows that:
- a) the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
 - b) the employee or any member of the employee's immediate family has a financial interest in a business or organization submitting a bid for that contract;
 - c) any other person with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- 3.2 **BLIND TRUSTS AND RETIREMENT PROGRAMS.** Employee participation in blind trusts, or retirement programs of business entities, submitting bids to the university shall not be a breach of ethical standards provided disclosure of such participation is made to the university, and no other conflict is shown.
- 3.3 **FAILURE TO DISCLOSE.** Failure to disclose financial interests in business entities.
- 3.3.1 It shall be a breach of ethical standards for an employee to fail to report a financial interest in a procurement, or in a business entity submitting a bid in response to a procurement.
- 3.3.2 Upon discovery of an actual or potential conflict of interest due to a financial interest in a business entity submitting a bid in response to a procurement, an employee shall promptly file a written statement of disqualification and shall withdraw from further participation, if any, the employee may have in the transaction.

4. GRATUITIES AND KICKBACKS.

- 4.1 **GRATUITIES.** It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee, or for any employee to solicit, demand, accept, or agree to accept from another person, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any processing or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or any contract or subcontract, or to any solicitation or proposal therefore.
- 4.2 **KICKBACKS.** It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made to an employee by or on behalf of a contractor or subcontractor in connection with the award of a contract.

5. PROHIBITION AGAINST CONTINGENT FEES.

- 5.1 **CONTINGENT FEES.** It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a contract from the university upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.
- 5.2 **REPRESENTATION OF CONTRACTOR.** Every person, before being awarded a contract

by the university, shall represent, in writing, that such a person has not retained anyone in violation of Paragraph (1) above. Failure to do so is a breach of ethical standards.

6. RESTRICTIONS ON RECRUITMENT OF EMPLOYEES.

- 6.1 **EMPLOYMENT.** No person shall offer an employee of the university, or of any agency exercising delegated authority from the university, employment with the offeror, if that employee is involved significantly in the handling of a procurement in which the offeror is interested.
- 6.2 **APPEARANCE OF FORMER EMPLOYEES.** A former employee may not appear before the Board of Regents on behalf of any person having business before the university, if the former employee is paid for such appearance, and the appearance involves a specific transaction the former employee was significantly involved with while an employee. Other than such a situation there are no restrictions on former employees in making appearances before the Board.
- 6.3 **BUSINESS.** It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than Lamar University, in connection with any:
 - a) judicial or other proceeding, application, request for a ruling, or other determination;
 - b) contract;
 - c) claim; or
 - d) charge of controversy in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of the employee's official responsibility, where Lamar University is a party or has a direct and substantial interest.

7. CONTEMPORANEOUS EMPLOYMENT PROHIBITED.

It shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement or contracting process to become or be, while such an employee, the employee of any person contracting with Lamar University.

8. USE OF CONFIDENTIAL INFORMATION.

It shall be a breach of ethical standards for any employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

9. DISCLOSURE OF BUSINESS.

The university provides a Disclosure of Business Affiliation available through the Human Resources Office. In order to assure compliance with state policies and laws and to protect our employees, each employee of Lamar University with an affiliation with an organization that does business with the university must advise the university by means of the Disclosure of Business form.

10. BREACH OF CONTRACT.

A breach of ethical standards enumerated in this appendix shall bar the offending person from receiving a contract which may have been awarded to such person except for the breach. If a contract has already been awarded, the university may decide to cancel the contract, or, where applicable remove the person from university bidders' lists. An employee who breaches ethical standards as set out in this section may be reprimanded, suspended or dismissed.

APPENDIX K.

GENERAL WORLD WIDE WEB USE POLICY

This policy is a summary of the World Wide Web (WWW) policy found in the Information Resources Security Manual (IRSM). Refer to the IRSM for details concerning WWW usage.

Lamar University recognizes the value and potential of utilizing the Internet and so allows and encourages students, staff, and faculty to use this facility within established guidelines. Units may create electronic home pages, personal pages and publications pages that carry out official university business in support of the university's mission. Contents of all electronic pages must be consistent with Lamar University and Texas State University System policies and local, state, and federal laws. This includes links to other pages or computers; therefore, a page may be considered in violation if it contains links to a page that violates the policy.

All unit websites and pages that are the electronic equivalent of a printed publication will be in a format as prescribed by the Web Advisory Committee. Copyright laws apply to electronic publishing as well as print publishing. Electronic publications are subject to the same university policies and standards as print publications.

Lamar University resources may not be used to create web pages primarily for personal business or personal gain, except as permitted by other university or System policies. Personal pages that provide information about individuals are allowed and encouraged. All web authors publishing to pages or sites housed on Lamar University web servers are required to be familiar with and abide by the standards and policies set forth within.

1. **OVERVIEW.** Lamar University, through its connection to the Internet computer network, provides Lamar faculty, staff and students with access to the World Wide Web (WWW) information facility. Throughout the WWW, information is made available through online documents called "pages." An organized group of pages is referred to as a website, and the base page (similar to a table of contents) is commonly known as the "home page." Pages are stored and maintained on network-connected computers called Web servers.

The World Wide Web is a powerful tool used to present information in a convenient and dynamic format to users of the Internet or an intranet. Recognizing the scope of the WWW and its impact on the university, the president shall appoint a Web Advisory Committee. The committee will meet at least once each semester and will act as the general manager of the Class I Official Lamar University website and its policies.

For purposes within this document, the term "webmaster" refers to one or more Lamar University employees assigned by the department of Systems and Programming to perform tasks as set forth in this document.

For the purposes of clarification, the Lamar University website will be divided into three separate classifications as follows:

Class I Official Pages are pages that represent the university as a whole and do not represent a particular unit, department, or college. These pages are developed and maintained by the webmaster, and the Division of Institutional Advancement is responsible for its content, timeliness, and adherence to these policies.

Class II Official Pages are sub-sites of the Lamar University website that represent individual departments, units, or colleges. These pages are developed and maintained by each department individually, and each department is responsible for its content, timeliness, and adherence to these policies.

Unofficial pages are personal pages that do not represent Lamar University and belong to and are maintained by faculty, staff, or students. Their respective owners are responsible for their content, timeliness, and adherence to these policies.

2. **PURPOSE.** The purpose of policies set forth by the Web Advisory Committee for World Wide Web publishing at Lamar University shall be to define the scope of the Official Lamar University website and its appropriate use. It is also the purpose of these policies to ensure that everyone creating university Unit web pages, as well as personal pages, is working from the same assumptions and understands and complies with all policies and laws governing such endeavors.

- 2.1 **GENERAL.** Contents of all electronic pages must be consistent with Lamar University and Texas State University System (TSUS) policies and all local, state and federal laws. This includes links or automatic refreshes to other pages or computers; therefore, a page may be considered in violation if it contains links or automatic refreshes to a page that violates the policy. Violations will result in appropriate corrective action.

All web publishers are responsible for knowing Lamar University's publishing policies. These policies will be shown on a page linked from the Official Lamar University website and will include statements about relevant TSUS policies, copyright laws, intellectual property policies, and relevant state and federal statutes. The Lamar University Computer Use policy will also be linked.

World Wide Web servers, or the material contained within these servers, operating within Lamar University's telecommunications infrastructure, may not be used in any manner prohibited by law or disallowed by licenses, contracts or university regulations. University units that create web pages are accountable for the information they publish and should be aware of university policies regarding confidential records, nondiscrimination policies, harassment policies, use of university property policies, and intellectual property policies. The Web Advisory Committee reserves the right to refuse the use of the university's telecommunications infrastructure for the dissemination of information that is inappropriate or which violates policies or laws. Should any of these guidelines or related regulations or laws be violated, the offending material may be removed from the network while the matter is referred to the appropriate authority or authorities. Violators will be subject to university rules and regulations.

- 2.2 **CLASS I OFFICIAL LAMAR UNIVERSITY HOME PAGE GUIDELINES.** The Official Lamar University Home Page supports the mission and purposes of the university by providing an online channel for distributing information about the university to the world. The page contains a wide range of information that may be of interest to members of the Lamar University community and to those seeking information about the university. It should serve as a means of fostering collegiality and communication. Because of its potentially vast global audience, it is important that Web pages associated with Lamar University present accurate information in ways that enhance the university's mission.

Page information must be accurate, current and appropriate for online use. One manager must be responsible for the content and timeliness of the page and this person's name and e-mail address must appear on each page along with the date of last revision.

1. Pages must comply with style guidelines established by the Web Advisory Committee.
2. Pages must avoid unnecessary duplication of information and effort as well as contradictory or erroneous information.
3. Pages must comply with all policies and laws, especially those governing copyright.

4. Pages must be treated as if they were being published in a hard copy format and are subject to university publication regulations and policies.
5. Official pages are the only documents allowed to display the official Lamar University logo and should be denoted by that logo. This logo is subject to the graphic policies as set forth by University Advancement.
6. An online version of these policies will be linked from the Official Lamar University website.
7. Pages should be reasonably attractive and quick to load. If this determination cannot be made by the webmaster, the Web Advisory Committee shall determine whether these standards are met.
8. Pages must be easily accessible from and have a standard graphic link returning to the official Lamar University Home Page.
9. Pages may be in any digital form including audio, video, graphics, and text.
10. Public domain information contained in Official pages must have requisite permission and appropriate citations.
11. Official pages must be updated as necessary or at least once a semester. This should include checks of the validity of all hypertext links.
12. Examples of appropriate material:
 - a) Policy statements, reports, and procedures.
 - b) Course descriptions and schedules.
 - c) Instructional materials including syllabi, lecture notes, tutorials, etc. (All copyrighted materials must be used with permission).
 - d) Campus calendars and guides.
 - e) Announcement of events.
 - f) Descriptions of units, their services, resources, and locations.
 - g) Research project descriptions.
 - h) Faculty information and publications.
13. Examples of inappropriate materials:
 - a) Derogatory or libelous materials or materials that infringe on the rights of others.
 - b) Materials which violate policies or laws.
 - c) Confidential materials including records protected by the Family Educational Rights and Protection Act.
 - d) Materials that are abusive, profane or sexually offensive.
 - e) Advertisements for commercial products or enterprises.

2.3 CLASS II OFFICIAL LAMAR UNIVERSITY WEB PAGE GUIDELINES. All academic and administrative departments and other university units are encouraged to publish information about themselves and to be linked to the Official Lamar University Home Page, provided such information supports the mission of the university. Deans and Department Chairs may decide how to publish departmental and college Web pages. All aspects of

page development are the responsibility of the deans and chairs. It is the responsibility of the creating unit to designate whether the information contained in their Web Pages is intended for Internet-wide use or university-only use. For those units wishing to display Web Pages, the following guidelines shall be followed:

Page information must be accurate, current and appropriate for online use. One manager must be responsible for the content and timeliness of the page and this person's name and e-mail address must appear on each page along with the date of last revision.

- a) Pages must comply with style guidelines established by the Web Advisory Committee.
- b) Pages must avoid unnecessary duplication of information and effort as well as contradictory or erroneous information.
- c) Pages must comply with all policies and laws, especially those governing copyright.
- d) Pages must be treated as if they were being published in a hard copy format and are subject to university publication regulations and policies.
- e) Official pages are the only documents allowed to display the official Lamar University logo and should be denoted by that logo.
- f) Pages should be artistically appealing and quick to load. The Web Advisory Committee shall determine whether these standards are met.
- g) Pages must be easily accessible from and have a standard graphic link returning to the Official Lamar University website.
- h) Pages may be in any digital form including audio, video, graphics, and text.
- i) Public domain information contained in Official pages must have requisite permission and appropriate citations.
- j) Pages must be updated as necessary and at least once a semester. This should include checks of the validity of all hypertext links.
- k) Examples of appropriate material:
 - 1) Policy statements, reports, and procedures.
 - 2) Course descriptions and schedules.
 - 3) Instructional materials including syllabi, lecture notes, tutorials, etc. (All copyrighted materials must be used with permission).
 - 4) Campus calendars and guides.
 - 5) Announcement of events.
 - 6) Descriptions of units, their services, resources, and locations.
 - 7) Research project descriptions.
 - 8) Faculty information and publications.
- l) Examples of inappropriate materials:
 - 1) Derogatory or libelous materials or materials that infringe on the rights of others.
 - 2) Materials which violate policies or laws.

- 3) Confidential materials including records protected by the Family Educational Rights and Protection Act.
- 4) Materials that are abusive, profane or sexually offensive.
- 5) Advertisements for commercial products or enterprises.

2.4 UNOFFICIAL HOME PAGES. Unofficial Home pages are personal pages that are created and maintained by individual faculty, staff, and students. The university expects and, in an effort to foster creativity and individuality, encourages unofficial Web pages. Guidelines for such pages linked from the Official Lamar University Home Page are presented above. Students, faculty and staff may create unofficial pages linked from the Official Lamar University website. The following disclaimer must appear on all unofficial personal websites on the entry page:

"The views and opinions expressed in this document are strictly those of the author(s) and do not necessarily reflect the views or opinions of the State of Texas, the Regents or officials of The Texas State University System, the Lamar University Administration, and Lamar University colleges or departments, or any recognized Lamar University organization. Comments on the contents of this document should be directed to the author(s)."

2.4.1 Examples of appropriate materials:

- a) Original works of art.
- b) Original writings.
- c) Resumes and biographical materials
- d) Research results, data and/or discussion.

2.4.2 Examples of inappropriate materials:

- a) Derogatory or libelous materials or materials that infringe on the rights of others.
- b) Materials which violate policies or laws.
- c) Confidential materials including records protected by the Family Educational Rights and Protection Act.
- d) Materials that are abusive, profane or sexually offensive.
- e) Advertisements for commercial products or enterprises.

3. CONSEQUENCES.

- 3.1 NOTIFICATION. If pages are found not to comply with guidelines, the webmaster or other authorized personnel will contact the owner of the account under which the offending page resides to request that changes be made to conform to these policies. The account holder must make these changes within ten working days and notify the webmaster that such changes have been made. Serious violations may require immediate disconnection with notification and authority of the appropriate vice president or president, and notification of the offending party.
- 3.2 CORRECTIVE ACTION. If compliance has not been achieved in the specified time period, the appropriate vice president (see below) will be notified and, with his/her authority, corrective action will be taken. This may include, but is not limited to, removal of the link to the offending personal page(s) and notification of Computer Center personnel for assessment of adherence to Computer Use Policy. Serious violations may require

immediate disconnection with notification and authority of the appropriate vice president or president, and notification of the offending party.

Students - Vice President of Student Engagement

Faculty - Provost

Staff - Vice President of Finance and Operations

In the event that a person or department repeatedly violates these policies, the webmaster or other authorized party may require that the person or department is temporarily refused access to publish on university servers pending a final decision by the Web Advisory Committee.

- 3.3 APPELLATE PROCESS. Any student, staff, or faculty member who feels that he or she has been wrongly accused of violating these policies may appeal the decision by filing an appeal with the Web Advisory Committee. Written requests to appear before the Web Advisory Committee must contain the following information and be sent to the appropriate vice president at the address noted below. A hearing will be scheduled with the Web Advisory Board and the accused party may present his or her argument. The Web Advisory Committee will make a written recommendation to the appropriate vice president, who will then render a final decision. All violations and actions taken will be reported to the Web Advisory Committee.

3.3.1 Name

3.3.2 Social Security Number/Lamar ID

3.3.3 Telephone number, email address, or other means of contact during business hours (8 a.m. - 5 p.m.)

3.3.4 URL of offending web page(s)

3.3.5 Reason for appeal

3.3.6 Signature/printed name

3.3.7 Please send appeal(s) to the appropriate vice president's office as listed below:

- 1) Students-Vice President for Student Engagement

Re: WWW General Use Policy Appeal

P.O. Box 10006

Beaumont, Texas 77710

- 2) Faculty-Provost

Re: WWW General Use Policy Appeal

P.O. Box 10002

Beaumont, Texas 77710

- 3) Staff-Vice President for Finance and Operations

Re: WWW General Use Policy Appeal

P.O. Box 10003

Beaumont, Texas 77710

APPENDIX L.
EVALUATION OF ACADEMIC ADMINISTRATION
Deans and Associate/Assistant Deans

1. GENERAL PROCEDURES.

- 1.1 Except during those years when comprehensive evaluations occur, deans and associate/assistant deans shall be evaluated annually by their respective supervisors. In conducting an annual evaluation, the supervisor of the administrator being evaluated may obtain input from faculty and other constituencies served by the administrator being evaluated. The supervisor may use both objective and subjective measures in annual evaluations.
- 1.2 After three full years of service, and every third year hence, each dean or associate/assistant dean shall receive a comprehensive evaluation. The comprehensive review will occur during the fall semester that begins a fourth year of service. This evaluation shall consider performance during the previous three years. To assist in the evaluation, an Administrator Review Committee (ARC) shall be constituted as described below.
 - 1.2.1 The ARC normally shall be comprised of four faculty members and a department chair. In the case of the library dean, there shall be five faculty. All members of the ARC shall be tenured.
 - 1.2.2 Two of the faculty members (three in the case of the library dean) of the ARC shall be elected by a vote of the college faculty or relevant faculty constituents (e.g., in the case of the Graduate Dean, constituents would be the Graduate Faculty and those faculty who make use of the services of the Research Office; in the case of the dean of the College of Business, constituents would be faculty from the College of Business). The two elected faculty shall not be from the same academic department. The elections shall be conducted by a member of the Faculty Senate and the associate provost.
 - 1.2.3 Except in the case of the library dean, one of the committee members shall be a department chair elected by a vote of the chairs within the relevant administrative unit. In the case of the associate provost for research and the graduate dean, the department chair shall be elected by the Council of Instructional Departments.
 - 1.2.4 After consultation with the administrator to be evaluated, the provost and the president of the Faculty Senate shall appoint the remaining two faculty members of the ARC. One shall be from a college or unit other than that of the administrator being evaluated. The other shall be appointed from within the college and shall be chosen to seek balance on the committee. In the case of the graduate dean, the faculty members may be from any college.
 - 1.2.5 The provost is the supervisor for deans, and the deans are the supervisors for associate and assistant deans.
- 1.3 The comprehensive review will be conducted using an evaluation procedure and instrument approved first by the provost.
 - 1.3.1 The ARC shall develop a review instrument which relates to the administrator's

job description and follows, in substance, the attached model. The instrument shall be designed to elicit faculty views pertinent to an evaluation of college leadership and programs.

- 1.3.2 The supervisor shall provide the administrator being evaluated an opportunity to review the proposed instrument and make suggestions concerning the deletion, addition, or revision of items.
- 1.3.3 The administrator being evaluated may provide faculty with a written list of relevant accomplishments, achievements and activities.
- 1.3.4 The provost shall maintain a data bank of previously-used survey items to be made available to subsequent ARCs as they create new survey instruments.
- 1.4 The ARC shall administer the approved instrument to all full-time faculty with at least one year of service in the College or unit directly affected by the administration of the person being evaluated, except faculty on leave who are not in residence. In order to affirm a valid process, the Committee should take such steps as are reasonable to ensure that only those faculty members who should provide input do so (e.g., only eligible faculty from a dean's college should complete and return the evaluation instrument) and that no faculty member submits more than one evaluation instrument.
- 1.5 The ARC shall collect and tabulate the responses and produce for the appropriate supervisor a statistical summary of the data. In addition, the Committee shall compile and forward the written responses to specific items. The raw or primary data gathered by the Committee will be considered strictly confidential, will not be made available to the administrator being reviewed, and will be returned to the supervisor.
- 1.6 The activities listed below shall be performed by the supervisor.
 - 1.6.1 Prior to initiating the evaluation, the supervisor should meet with the administrator to hear his or her personal assessment of his or her work, and to raise any issues pertinent to the evaluation.
 - 1.6.2 The supervisor may solicit constructive input, as appropriate, from any individual or group (e.g., staff, students, other university administrators, external constituencies) concerning the performance of the administrator.
 - 1.6.3 The supervisor will meet with the ARC to discuss the entire evaluation, including the manner in which results will be made available to the faculty in the college or unit.
 - 1.6.4 The supervisor will meet with the administrator to review and discuss the evaluation.
 - 1.6.5 The supervisor will write an evaluation with recommendations and forward it to the provost (in the case of associate/assistant deans) or to the president (in the case of deans). The supervisor's evaluations shall include a summary of noted strengths and weaknesses. When weaknesses are noted, the supervisor should present suggestions for remediation.
 - 1.6.6 Once the provost or president, as appropriate, has accepted the supervisor's review/recommendations, the supervisor should take such actions as are appropriate to the recommendations. This will include meeting with the administrator who has been evaluated and discussing the outcome, recommendations, and actions to be taken. At this meeting, the evaluated administrator will be presented with a copy of the supervisor's summary and recommendations. Following the meeting, all faculty within the administrator's unit

will be provided with suitable summary information on the outcome of the evaluation process.

- 1.6.7 Documents generated as part of this comprehensive review process shall be kept as a confidential file by the provost. These documents shall be made available to subsequent ARCs when the administrator in question again receives a comprehensive review.

2. RECOMMENDED TIMETABLE.

- 2.1 The ARC should be formed by April 1 of the semester preceding the evaluation.
- 2.2 The survey instrument(s) should be prepared and delivered to the provost by September 15 of the formal evaluation year.
- 2.3 Administration of the survey instrument should be completed by October 15 of the formal evaluation year.
- 2.4 Additional input from staff, students, and others should be collected by November 1 of the formal evaluation year.
- 2.5 The summary document and associated recommendations should be completed by December 1 of the formal evaluation year.
- 2.6 The provost or president, as appropriate, will review the summary document and recommendations, take action, and provide the unit's faculty with suitable summary information on the outcome of the review by February 1 of the formal evaluation year.

APPENDIX M.
PROCEDURES FOR THE EVALUATION OF DEPARTMENT CHAIRS

1. **INTRODUCTION.** It is the responsibility of the dean of each college to complete the evaluation of department chairs in their unit in a timely manner. In the completion of the evaluation, each dean shall draw upon the results of a university approved survey instrument administered as described in these procedures, F2.08C reports from the review period, and other documented sources of information as deemed appropriate by the dean. To assist in the review process, the dean will work with three faculty members chosen as described below.
2. **GENERAL PROCEDURES.**
 - 2.1. The dean shall inform the department chair prior to initiating the formal review.
 - 2.2. The dean shall conduct an election among the tenured faculty within the department to select the first faculty member to assist in the review. The dean, after consultation with the elected faculty member and the department chair, will appoint two additional tenured faculty members to assist in the review. One of them will be from the department, and the other will be from another department (either within or outside of the college), chosen to seek balance on the committee.
 - 2.3. The assisting faculty will arrange for the administration of the survey instrument to the departmental faculty in a manner that preserves confidentiality. The assisting faculty will compute summary statistics and provide the summary and raw instruments to the dean.
 - 2.4. All full-time faculty who have been with the department for at least one year may participate in completing the survey.
 - 2.5. The dean and assisting faculty will survey adjunct faculty and/or staff as appropriate.
 - 2.6. The dean and the assisting faculty will meet to discuss the results of the survey, the manner in which the outcomes should be summarized, and how the outcome will be communicated to the department. The summary evaluation shall include, but not be limited to, the overall faculty evaluation, as well as strengths and weakness of the chair.
 - 2.7. The dean shall complete the administrative evaluation form for chairs and also prepare a written evaluation of the chair, taking into consideration all information available.
 - 2.8. The dean shall discuss outcomes and recommended action(s) with the provost.
 - 2.9. The dean shall provide the written evaluation to the chair and arrange a meeting with the chair to discuss outcomes and indicated actions (if any).
 - 2.10. The dean shall convey the summary information to the department as agreed above.
 - 2.11. All steps in the evaluation process shall be completed during the fall semester in which the review is initiated.

APPENDIX N.

POLICY ON FINANCIAL INCENTIVES TO ENCOURAGE FUNDED RESEARCH¹

1. **PURPOSE.** The purpose of this policy is to encourage the attraction of competitive external² funding for research, scholarship, and/or creative activity by full-time, E&G faculty (i.e., those whose positions are supported completely via State-appropriated and/or designated funds, but not excluding the holders of endowed positions which may be partially supported via such funds) through a financial incentive program. There are two phases of this effort, each of which will be administered at the college level by a committee consisting of the dean, an elected department chair, and two elected senior faculty members (preferably, Regents'/University Professors, but in any case they must be research-active). The first phase is designed to encourage faculty without prior substantial external funding to begin to develop a track record, and thus be able to move into the second phase. The second phase involves the identification of a percentage of time to be devoted to this activity, the computation of an increase in salary based upon that percentage, and a three-year, salary *hold harmless* period. This approach provides the potential for enhanced compensation for the faculty member while increasing his/her research mission, allows for lulls in the funding cycle, and under certain circumstances gives additional incentive to department chairs to encourage such activity.

While variations in this umbrella policy are permissible with approval of the faculty member, college committee, provost, and VPFO, this policy applies to all full-time, tenure track and tenured E&G faculty at Lamar University, and must be in compliance with applicable laws and policies of the Texas State University System, the State of Texas, and U.S. Government agencies.

2. **GUIDELINES.**

General guidelines are as follows:

- 2.1 **PHASE 1.** For faculty who have not attracted over the past three years an average of at least \$75,000/yr. in external funding³.

Process: Qualification for this phase requires the faculty member to attract external funding which includes at least 25% released time during the academic year (i.e., agency provision of 25% of the 9-month salary). In this case, a one-time payment of 10% of the academic year salary will be made to the faculty member, and the home department will receive both \$2080 each long semester for an adjunct to cover the faculty member's reassigned time and an amount equivalent to 5% of the academic year salary to enhance research initiatives. For 50% of 9-month salary released time attracted (i.e., agency support of half-time release during the academic year), a one-time payment of 20% of academic year salary will be made to the faculty member, an amount equivalent to 10% of the academic year salary will be given to the home department, and \$4160 for each long semester will be provided for the hiring of adjuncts to support the reassigned time. Maximum payment will be 40% of 9-month salary for 100% released time during academic year (along with 15% and \$16,640 to the department). Payments will be made at end of the funding period, which is September 1 through May 31 each year. For amounts greater than 25% but less than 100%, a pro-rata share will be paid. The college committee may establish additional guidelines and will create the process -- which must be approved by the provost and VPFO -- through which a faculty member moves into Phase II.

- 2.2 **PHASE 2.** For faculty who have attracted over the past three years an average of at least \$75,000/yr. in external funding³. Process:

- 2.2.1. The request for participation in this program must be initiated, in writing, by the

faculty member and approved by the college committee and provost. There will be no reduction in teaching assignment as part of such an agreement, except as stipulated by the funding agency when a portion of the salary is paid via grant/contract.

- 2.2.2. The base salary of a faculty member who is selected for such an assignment will be determined through an algorithm including the following components: establishment of an agreed-upon percentage of research effort, calculation of a reduction in State funding based upon the percentage, increase in salary based upon potential grant funds, and a supplemental allocation based upon the percentage of research effort to the home department for use in enhancing research⁴. For example:

- a) Prof. Jones, a 1.0 FTE faculty member who earns \$50,000 per academic year, is accepted into this program.
- b) It is agreed among Prof. Jones, the chair, and the college committee that his non-research FTE will be 0.90, with 10% of his time devoted to the attraction of competitive external funding.
- c) Thus, his base salary from the State becomes \$45,000, and he may increase this amount through competitive grants and contracts up to an additional \$10,555.
- d) For a three-year period, Prof. Jones' salary will be increased to \$55,555, whether or not he is able to attract the additional \$10,555 per year in external funds.
- e) Jones' home department will receive the \$5000 in savings from his salary (see c. above)⁴, and will retain any amount above \$10,555 released through agency funding.
- f) Prof. Jones' success will be reviewed annually by the chair and college committee, and if after three years he has been successful (i.e., has attracted an average of at least \$10,555/year in released time salary support from funding agencies, assuming that the college/department has not decided to waive the department allocation as described in endnote #4), he may -- at the discretion of his chair and the college committee -- be continued in the program at the same or higher percentage of research effort. On the other hand, if he has not been successful as determined by his chair and the college committee, Jones will be returned to 100% State funding at the salary he held when entering the program (plus any applicable merit and equity raises).

3. OTHER POLICIES.

- 3.1 Research effort percentages must be in multiples of .05 FTE, with a maximum of 0.20. (For example, in Jones' case above, if his non-research FTE were .85, the State-funded base salary would be \$42,500; the 3-year annual salary would be \$58,824; Jones would have to attract an average of \$16,324 in academic year cash release monies from funding agencies annually over the 3-year period to be considered successful; and the home department would receive \$7500 per year⁴).

The research effort percentage must be approved by the chair, college committee, and provost based upon a written college policy.

- 3.2 A faculty member with such an assignment can thus not only increase the academic year

salary by the amount described above, but also will increase the summer stipend which is based upon the academic year salary.

- 3.3 Faculty selected for such an assignment by the college committee must have demonstrated the ability to attract competitive external support for their research, scholarship, and/or creative activity according to the guidelines above; must show promise for continued success; and must complete annual milestones established by the chair and college committee with respect to proposal submissions, publications, presentations, direction of theses and dissertations, etc. Each college committee shall develop guidelines as to the circumstances under which a faculty member will be returned to complete State funding of the 1.0 FTE. Again, when this occurs the salary will return to the original amount, plus any raises granted during the period of enhanced research assignment.
- 3.4 If a faculty member participating in this program returns to the previous State funded 1.0 FTE status, he/she may not be reconsidered for such an assignment for a period of at least three academic years.

4. NOTES (from superscripts above).

1. This policy will be implemented effective with the beginning of FY05, and may be reviewed for possible modification at least every three years.
2. For the purposes of this policy, *external* funding is defined to be monies awarded for research, creative activity, and/or teaching initiatives on a competitive basis (i.e., there is a quality and competence review conducted as a rationale for making the award) in response to a written (or, in some cases, oral) solicitation by an agency with no official ties to Lamar University (i.e., its budget is not primarily supported by appropriated and/or designated funds).
3. For the purposes of this policy, the \$75,000 includes all direct costs provided by the funding agency, excluding institutional match. The amount counted toward the \$75,000 in a given year for a multiple year project will be the total direct costs divided by the number of years of project support as contained in the funding letter. Only awards for those projects for which full indirect costs as allowed by the agency are collected by Lamar University qualify toward the \$75,000 total. In the case of multiple principal investigators, an appropriate percentage of total direct costs counting toward the \$75,000 threshold for each principal investigator will be established by the P.I.s and approved by the college committee prior to the final funding notification.
4. A college committee may decide, via majority vote and upon approval by the dean and provost, to waive the departmental allocation for the entire college or a specific department. In this case, the amount of salary support/released-time funding the faculty member must attract in order to be successful will be reduced by that amount. It should be noted that State funds replaced as a result of agency provided cash release will be recovered, and money required to hire adjuncts to provide reassigned time must be provided via department/college resources and/or additional external funding.

8/31/04

APPENDIX O.

COMMONLY-USED UNIVERSITY FACULTY FORMS

All of the following forms are available at: <http://facultystaff.lamar.edu/academic-affairs/forms/index.html>

MISCELLANEOUS

- 2017 Julie & Ben Rogers Community Service Award (PDF)
- Academic Action Plan (PDF)
- Advanced Standing Examinations (PDF)
- Advanced Standing Examinations for Online Students (PDF)
- Emeritus Status Nomination (PDF)
- Faculty Development Leave (PDF)
- Faculty PIN (PDF)
- Grade Appeal Policy and Forms - Campus Students (PDF)
- Grade Appeal Policy and Forms - Online Students (PDF)
- Request for Continuation of Small Class (PDF)
- Six Drop Petition & Procedures (DOC)
- Stipend/One Time Pay (PDF)
- Tuition and Fees Waiver Approval for Certain Full-Time Doctoral Students (PDF)
- Undergraduate Research/Creative Activity Funds Request (PDF)
- Request for Professional Development Travel (PDF)

FACULTY EVALUATION AND REVIEW

- Adjunct/Graduate Teaching Assistant Evaluation Form (DOC)
- F2.08c Chair Annual Review (DOC)
- F2.08 Faculty Annual Review (DOC)
- F2.12 for 2nd and 4th Year Tenure Reviews (PDF)

FACULTY FELLOWSHIPS

- Distinguished Faculty Research/Creative Activity Fellowship
- Distinguished Faculty Teaching Fellowship

FACULTY HIRING

- F2.01 Employment Recommendation (PDF)
- Documentation of Faculty Qualifications (PDF)
- English Language Proficiency (PDF)
- Routing Slip - Hiring Full Time Faculty (PDF)
- Routing Slip - Hiring Part Time Faculty (PDF)
- Tenure/Rank Evaluation of External Applicants (DOC)

FACULTY OUTSIDE AND SUPPLEMENTAL EMPLOYMENT

- Outside Employment Form (PDF)
- Supplemental Employment Form (PDF)

TENURE AND PROMOTION

F2.11 for Tenure & Promotion

Form with Instructions (PDF)

Format for Tenure and Promotion Files (PDF)

Tenure and Promotion Process with Volume I Posted Online (PDF)

Foundational Guidelines Guiding the T&P Process Beginning Fall 2011(PDF)

Addendum to Foundational Agreements on T&P for Fall 2011(PDF)

CURRICULUM COUNCIL FORMS

Course Addition (PDF)

Use when adding a new course. Please check your course inventory to insure the new course number is not currently in use. Additions must be approved by the Board of Regents.

Course Change (PDF)

Use when changing a course title, course description, prerequisites, and the like. Only changes in the course title must be approved by the Board of Regents.

Course Deletion (PDF)

Use when deleting a course from the course inventory. Deletions must be approved by the Board of Regents.

APPENDIX P.
SEXUAL MISCONDUCT POLICY AND PROCEDURES
TEXAS STATE UNIVERSITY SYSTEM

1. INTRODUCTION

- 1.1 Institutional Values. The Texas State University System, its colleges, and universities (collectively referred to as "System" and/or "Components" and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued. The System diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. The System's focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct. Any report of behavior that threatens our institutional values, and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, and fairness to all parties involved.
- 1.2 Purpose of Policy. The Texas State University System and its components are firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual Misconduct, as defined in this policy, is a form of sex discrimination and will not be tolerated. The System and components will maintain an environment that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. The components will take prompt and appropriate action to eliminate Sexual Misconduct when such is committed, prevent its recurrence, and remedy its effects. This policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.
- 1.3 Notice of Nondiscrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in this Sexual Misconduct Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.
- 1.4 Applicability of this Policy. This Policy applies to all students, faculty, staff, and third parties within the System's or its components' control. This policy prohibits sexual misconduct committed by or against a student, faculty, staff, or third parties. This policy applies to sexual misconduct:
 - 1.41 on component premises;
 - 1.42 at component-affiliated educational, athletic, or extracurricular programs or activities;
 - 1.43 that has an adverse impact on the education or employment of a member of the component community; or
 - 1.44 that otherwise threatens the health and/or safety of a member of the component community.
- 1.5 Extent of Authority. While the Texas State University System is committed to investigating all complaints of sexual misconduct and there is no geographical limitation to invoking this policy, sexual misconduct that is alleged to have occurred at a significant distance from the component and/or outside the component property may be difficult for the component to

investigate. Additionally, the component's disciplinary authority may not extend to third parties who are not students or employees of the component.

- 1.6 Effect of Criminal Prosecution. Proceedings under this policy will not be dismissed or delayed because criminal investigation or prosecution is pending or charges have been reduced or dismissed. Proceedings may also continue if a party is no longer employed with or currently enrolled as a student of the component.
- 1.7 Supersedes Existing Policies. In the case of allegations of sexual misconduct, this policy supersedes any conflicting procedures and policies set forth in other component documents.
- 1.8 Campus Sexual Assault Policy. This policy shall be adopted by each component as its campus sexual assault policy. It shall be made available to students, faculty and staff by including it in the component's student, faculty and personnel handbooks and by creating and maintaining a web page on the component's website dedicated solely to the policy.

2. DEFINITIONS

- 2.1 Complainant refers to the person making a complaint of sexual misconduct, and shall be referred to herein as either complainant, survivor, or victim, and these terms may be used interchangeably throughout this Policy.
- 2.2 Component refers to all member institutions of the Texas State University System, including but not limited to, Lamar University, Lamar Institute of Technology, Lamar State College- Orange, Lamar State College - Port Arthur, Sam Houston State University, Sul Ross State University, Sui Ross State University Rio Grande College and Texas State University.
- 2.3 Component Affiliated Program or Activity refers to any program or activity, on or off campus, that is initiated, aided, authorized or supervised by the component or by an officially-recognized organization of, or within, the component.
- 2.4 Component Premises. Buildings or grounds owned, leased, operated, controlled or supervised by the component including property that is within or reasonably contiguous to the premises owned by the component but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- 2.5 Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011.) <https://statutes.capitol.texas.gov/Docs/PE/htm/PE.22.htm>
 - 2.51 The component will consider the following factors in determining whether consent was provided:
 - 2.511 consent is a voluntary agreement or assent to engage in sexual activity;
 - 2.512 someone who is incapacitated cannot consent;
 - 2.513 consent can be withdrawn at any time;
 - 2.514 past consent does not imply future consent;
 - 2.515 silence or an absence of resistance does not imply consent;

- 2.516 consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
 - 2.517 coercion, force, or threat invalidates consent; and,
 - 2.518 being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.
- 2.6 Dating Violence is violence committed by a person:
- 2.61 who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - 2.62 where the existence of such a relationship shall be determined by the victim with consideration of the following factors:
 - 2.621 the length of the relationship;
 - 2.622 the type of relationship; and
 - 2.623 the frequency of interaction between the persons involved in the relationship (Texas Family Code Section 71.0021). see: <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.71.htm>
- 2.7 Dean of Student's Office includes the Student Affairs Office, the Student Services Office and the Dean of Student Life Office.
- 2.8 Family (Domestic) Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas (Texas Family Code Section 71.004). <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.71.htm>
- 2.9 Incoming Student refers to a student in their first semester of enrollment.
- 2.10 New Employee refers to a faculty or staff member who has not been previously employed by the component or whose previous employment with the component was more than one year from his or her latest date of hire with the component.
- 2.11 Parties refers to the complainant and respondent.
- 2.12 Preponderance of the Evidence means the greater weight and degree of credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this policy. Preponderance of the evidence is satisfied if the action is more likely to have occurred than not.
- 2.13 Respondent refers to the person accused of sexual misconduct and shall be referred to herein as either Respondent, Alleged Perpetrator, Accused, or Perpetrator, and these terms may be used interchangeably throughout this Policy.
- 2.14 Responsible Employee refers to a campus employee who has the authority to redress sexual misconduct; who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or whom a student could reasonably believe has this authority or duty. Responsible employees shall include all administrators, faculty, staff, student workers, except:
- 2.141 any employee with confidentiality obligations as described in Section 3 below;
 - 2.142 cafeteria staff who are not assigned administrative duties;

- 2.143 custodial staff who are not assigned administrative duties;
- 2.144 groundskeeper staff who are not assigned administrative duties;
- 2.145 maintenance staff who are not assigned administrative duties;
- 2.146 ranch/agricultural staff who are not assigned administrative duties; or
- 2.147 staff of campus physical plant who are not assigned administrative duties.
- 2.15 Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.
- 2.16 Sexual Assault means any form of non-consensual sexual activity representing a continuum of conduct from forcible rape to nonphysical forms of pressure designed to compel individuals to engage in sexual activity against their will (Texas Penal Code Section 22.011). <https://statutes.capitol.texas.gov/Docs/PE/htm/PE.22.htm>
 - 2.161 Examples of sexual assault include, but are not limited to, the following non-consensual sexual activity:
 - 2.1611 sexual intercourse (vaginal or anal);
 - 2.1612 oral sex;
 - 2.1613 rape or attempted rape;
 - 2.1614 penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
 - 2.1615 unwanted touching of a sexual nature;
 - 2.1616 use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
 - 2.1617 engaging in sexual activity with a person who is unable to provide consent; or
 - 2.1618 knowingly transmitting a sexually-transmitted disease to another.
- 2.17 Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.
 - 2.171 Examples can include, but are not limited to, the following behaviors:
 - 2.1711 prostituting another;
 - 2.1712 non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;
 - 2.1713 voyeurism (spying on others who are in intimate or sexual situations);
 - 2.1714 going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
 - 2.1715 distributing intimate or sexual information about another person without that person's consent.
- 2.18 Sexual Harassment is any unwelcome verbal, nonverbal, written, electronic or physical behavior of a sexual nature directed at someone, or against a particular group, because of

that person's or group's sex, or based on gender stereotypes, severe or pervasive, and where it meets either of the following criteria:

2.181 Submission, consent, or rejection of the behavior is believed to carry consequences for the individual's education, employment, on-campus living environment or participation in a component-affiliated activity.

2.1811 Examples of this type of sexual harassment include, but are not limited to:

2.18111 pressuring another to engage in sexual behavior for some educational or employment benefit; or

2.18112 making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.

2.182 The behavior has the purpose or effect of substantially interfering with another's work or educational performance by creating an intimidating or hostile environment for employment, education, on-campus living or participation in a component-affiliated activity. Examples of this type of sexual harassment can include, but are not limited to:

2.1821 persistent unwelcome efforts to develop a romantic or sexual relationship;

2.1822 unwelcome commentary about an individual's body or sexual activities;

2.1823 unwanted sexual attention;

2.1824 repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present; or

2.1825 gratuitous use of sexually-oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present.

2.19 Sexual Intimidation includes but is not limited to:

2.191 threatening another with a non-consensual sex act;

2.192 stalking or cyber-stalking; or

2.193 engaging in indecent exposure as defined in Texas Penal Code 21.08. <https://statutes.capitol.texas.gov/docs/pe/htm/pe.21.htm>

2.20 Sexual Misconduct is a broad term encompassing a range of nonconsensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

2.21 Sexual Violence Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. All such acts are forms of Sexual Misconduct.

2.22 Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

2.221 fear for his or her safety or the safety of others; or

2.222 suffer substantial emotional distress (Texas Penal Code Section 42. 072).

<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.42.htm>

- 2.23 Student refers to any person who has been accepted for admission, or who is currently or was previously enrolled in the component on either a full-time or part-time basis.
- 2.24 Third party refers to any person who is not a current student or employee of the component, including but not limited to vendors and invited and uninvited visitors.
- 2.25 Third-Party Reporting refers to the submission of a complaint of sexual misconduct by a person on behalf of another person.
- 2.26 Title IX Coordinator is the person who has been designated by each component to coordinate efforts to comply with and implement this policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Each component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the component's website; the student's handbook; the Dean of Student's Office; Human Resources; and Campus Police or Security; or their equivalents.
- 2.27 Title IX Investigator refers to the person who conducts the Title IX investigation.

3. CONFIDENTIALITY

- 3.1 Limited Confidentiality of Reports to Employees. When considering reporting options, Victims should be aware that certain component personnel can maintain strict confidentiality, while others have mandatory reporting and response obligations. Component personnel that are not confidential reporters as described in 3 .4 and who receive a report of alleged sexual misconduct are required to share the information with appropriate administrative authorities for investigation and follow up. The component will protect a complainant's confidentiality by refusing to disclose his or her information to anyone outside the component to the maximum extent permitted by law. As for confidentiality of information within the component, the component must balance a Victim's request for confidentiality with its responsibility to provide a safe and nondiscriminatory environment for the component community.
- 3.2 Confidentiality Requests and Interim Measures. The component's inability to take disciplinary action against an alleged discriminator or harasser because of a complainant's insistence of confidentiality, will not restrict the component's ability to provide appropriate measures for the reasonable safety of the component community. The complaint may also be used as an anonymous report for data collection purposes under the Clery Act.
- 3.3 Victim Identity Protected from Open Records. The Texas Public Information Act permits the identity of victims of sexual assault to be withheld from those seeking records under the Act (Texas Attorney General Open Records Decision 339 (1982)). [https://www.texasattorneygeneral.gov/opinions/openrecords/46white/ord/1982/pdf/ORD 19820339.pdf](https://www.texasattorneygeneral.gov/opinions/openrecords/46white/ord/1982/pdf/ORD%2019820339.pdf)
- 3.4 Employees Required to Maintain Confidentiality. The following individuals are required to maintain confidentiality and shall not report any information about an incident to the Title IX Coordinator without a victim's permission:
 - 3.41 physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the school community, and those who act under the supervision of a health care employee; and

- 3.42 individuals whose scope of employment include confidentiality requirements under Texas law.
 - 3.43 Each component will identify and provide complete contact information of such individuals in various locations, including but not limited to the component's website; the student's handbook; the Dean of Student's Office; and Campus Police or Security.
 - 3.44 These individuals will maintain confidentiality in accordance with the law and their professional rules of conduct. They will assist in a crisis situation and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services and criminal prosecution. They will not reveal the victim's identity to anyone without the victim's permission except under very limited exceptions (e.g., if an immediate threat to the victim or others is present, or if the victim is a minor). Victims need not reveal their names if calling these individuals for information.
- 3.5 Employees Who Must Report-Responsible Employees. A responsible employee who receives a report of sexual misconduct must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the victim. A responsible employee should not share information with law enforcement without the victim's consent, or unless the victim has also reported the incident to law enforcement.
- 3.51 Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.
 - 3.52 If the victim chooses to tell the responsible employee what happened but also states that she or he wants to maintain confidentiality or does not want the matter investigated, the employee should tell the victim that the component will consider the request but cannot guarantee that the component will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the Victim's request for confidentiality.
 - 3.53 When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the component will consider a range of factors, including the following:
 - 3.531 the increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - 3.532 whether there have been other sexual misconduct complaints about the same alleged perpetrator;
 - 3.533 whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - 3.534 whether the alleged perpetrator threatened further sexual misconduct or other violence against the Victim or others;
 - 3.535 whether the alleged sexual misconduct was committed by multiple perpetrators;
 - 3.536 whether the alleged sexual misconduct was perpetrated with a weapon;
 - 3.537 whether the victim was a minor at the time of the alleged conduct;

- 3.538 whether the component possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or
 - 3.539 whether the victim's report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.
- 3.6 Breaches of Confidentiality. Breaches of confidentiality or privacy committed by anyone receiving a report of alleged sexual misconduct or investigating the report of alleged sexual misconduct, may be considered a separate violation of this policy and may result in disciplinary sanctions.

4. REPORTING POLICIES AND PROTOCOLS

- 4.1 Reporting Options. A victim of sexual misconduct is encouraged to report to any of the sources below. Although the victim of sexual misconduct may decline to report the incident, the component supports, encourages and will assist those who have been the victim of sexual misconduct to report the incident to any individual or entity listed in 3.4, 3.5 above and/or in this Section.
- 4.11 Local Law Enforcement. An individual may report an incident of sexual misconduct directly with local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to pursue a complaint through the Title IX Coordinator.
 - 4.12 A criminal investigation into the matter does not preclude the component from conducting its own investigation. The result of a criminal investigation does not determine whether sexual misconduct, for purposes of this policy, has occurred.
 - 4.13 Component Police or Security. An individual may also report an incident of sexual misconduct to the component police or security. Reporting to such officials helps protect others from future victimization; apprehend the alleged assailant; and maintain future options regarding criminal prosecution, component disciplinary action and/or civil action against the alleged wrongdoer. For components that employ sworn peace officers, a victim may request that his or her identity be kept confidential when reporting sexual misconduct to a sworn peace officer. Filing a police report does not obligate the victim to continue with criminal proceedings or Component disciplinary action. Components shall provide the victim contact information for their campus police or security personnel.
 - 4.14 Title IX Coordinator. Any incident of sexual misconduct can be brought to the attention of the Title IX Coordinator. Although the component strongly encourages reporting sexual misconduct to the police, a victim may request administrative action by the component with or without filing a police report.
 - 4.15 Dean of Student's Office. Any incident of sexual misconduct can be brought to the attention of the Dean of Student's Office. Although the component strongly encourages reporting sexual misconduct to the police, a victim may request administrative action by the component with or without filing a police report. The Dean of Students Office will promptly inform the Title IX Coordinator of the complaint.
 - 4.16 Campus Security Authority. A complaint of sexual misconduct can be brought to a Campus Security Authority (CSA) as defined in each component's Annual Security Report. The CSA will promptly inform the Title IX Coordinator of the complaint. Each Component will identify and provide complete contact information for their

CSA in various locations, including but not limited to the Component's web page; the student's handbook; the annual security report; and the Dean of Student's Office.

- 4.17 Human Resources. A complaint of sexual misconduct may be brought to the Human Resources Department, which will promptly inform the Title IX Coordinator of the complaint.
- 4.18 Responsible Employee. An individual may report alleged sexual misconduct to a responsible employee, as that term is defined in 2.14 above. A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of sexual misconduct (other than those individuals identified in section 3.4 above) must report the incident to the component police or security or the component's Title IX Coordinator. No employee is authorized to investigate or resolve complaints without the involvement of the component's Title IX Coordinator.
- 4.19 Individuals may also file anonymous reports. Each component shall provide the phone number and web address available for anonymous reports. Individuals who choose to file anonymous reports are advised that it may be very difficult for the component to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.
- 4.2 Preservation of Evidence. Preservation of evidence is critical in instances of sexual misconduct. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to prove sexual misconduct or to obtain a judicial order of protection), the support of crisis counseling, and immediate police response.
- 4.3 Interim Measures. When an incident of sexual misconduct is formally reported, the component will consider interim measures to protect the alleged victim while the incident is investigated and adjudicated through this policy. The Title IX Coordinator and other appropriate component administrators cooperate together to identify alternative arrangements to preserve the rights of both the alleged victim and the accused, as well as provide a safe overall educational or working environment until (and perhaps after) the conclusion of the process.
 - 4.31 Interim measures may include changing academic, living, transportation or working situations; and, any interim disciplinary action must comply with System Rules and Regulations Chapters IV§ 2.2(14), V § 2.141, and VI§ 5.(14).
 - 4.32 Failure to adhere to the parameters of any interim measures may be considered a separate violation of this policy and may result in disciplinary sanctions.
 - 4.33 Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

5. RETALIATION

The component takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of sexual misconduct, or otherwise participating under this Policy. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct, or the participation in proceedings

relating to sexual misconduct may be considered a separate violation of this Policy and may result in disciplinary sanctions. Any person who believes that she or he has been subjected to retaliation should immediately report this concern to their Title IX Coordinator.

6. IMMUNITY

The component considers the reporting and adjudication of sexual misconduct cases of paramount importance. The component does not condone underage drinking, illegal use of drugs or other criminal behavior; however, the component may extend limited immunity from punitive sanctions when appropriate for those reporting incidents and/ or assisting victims of sexual misconduct, provided they are acting in good faith in reporting or participating in an investigation.

7. PROHIBITION ON PROVIDING FALSE INFORMATION

Any individual who knowingly files a false complaint under this policy, or knowingly provides false information to component officials, or who intentionally misleads component officials who are involved in the investigation or resolution of a complaint shall be subject to disciplinary action.

8. RISK REDUCTION STRATEGIES

8.1 Purpose. The component will engage in the risk reduction strategies outlined below to limit the risk of sexual misconduct for the campus community.

8.2 Training.

8.21 Primary Prevention Training. Every incoming student, including undergraduate transfer student, and new employee shall attend prevention and education training or orientation regarding sexual misconduct and the campus sexual assault policy during the first semester or term of enrollment or employment. The component shall establish the format and content of the training or orientation. Primary prevention training programs shall be designed to promote awareness of sexual offenses and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The Component training will be based upon research and will be assessed periodically for effectiveness. Specifically, training will include:

8.211 awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking;

8.212 definitions of sexual misconduct offenses which are prohibited by the component as defined by Texas law;

8.213 definition of consent as defined by Texas law;

8.214 risk reduction, such as recognition of warning signs of possible sexual misconduct, situational awareness and safety planning;

8.215 bystander intervention to encourage identification of situations that might lead to sexual misconduct and promote safe intervention as a means to prevent the misconduct - bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking

- action to intervene;
 - 8.216 procedures for reporting, investigating, and accessing possible sanctions for sexual misconduct as described in this policy;
 - 8.217 options for reporting sexual misconduct and the confidentiality that may attach to such reporting;
 - 8.218 campus and community resources available to complainants or respondents;
 - 8.219 interim safety measures available for complainants; and,
 - 8.21(10) descriptions of additional and ongoing sexual misconduct training.
 - 8.3 Ongoing Sexual Misconduct Training. The component's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education in the form of annual training, lectures by faculty, staff, mental health professionals, and/or trained non-component personnel. Ongoing training may include dissemination of informational materials regarding the awareness and prevention of sexual misconduct.
 - 8.4 Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year including, knowledge of offenses, investigatory procedures, due process, and component policy and procedures related to sexual misconduct.
- 9. INFORMAL RESOLUTION (Mediation)
 - 9.1 Eligibility for Mediation. Informal resolution is available and appropriate for claims of sexual harassment, only if:
 - 9.12 both parties are both willing to engage in mediation and consent to do so in writing;
 - 9.13 the complainant and the respondent are both students or are both employees of the component;
 - 9.14 the Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the complaint; and
 - 9.15 the Complaint involves only sexual harassment as described in this Policy and does not involve any other sexual offense.
 - 9.2 Mediation and Agreements. When the Title IX Coordinator determines informal resolution is appropriate and the parties consent in writing, the Title IX Coordinator will arrange or facilitate mediation in attempt to resolve the complaint. Agreements reached in mediation will be reduced to writing and signed by both parties. Agreements will be maintained by the Coordinator and shared only as necessary to implement the agreed resolution or as required by law.
 - 9.3 Referral for Investigation. When mediation is not successful, or, if in the course of facilitating informal resolution the Title IX Coordinator learns of sexual offenses beyond sexual harassment, the informal resolution process will immediately terminate. The matter will then be referred for investigation in accordance with the procedures outlined below.
- 10. INVESTIGATION PROCEDURES AND PROTOCOLS
 - 10.1 Actions Upon Receiving Report. Upon Component's receipt of a report of sexual misconduct:

- 10.11 Assignment. The Title IX Coordinator will review the complaint and investigate the matter. Alternatively, the Title IX Coordinator may assign the investigation to a Deputy Coordinator or investigator and advise the complainant of the name and contact information of the individual assigned. Subsequent references to investigator in this section refers to the individual investigating the complaint, whether a Title IX Coordinator, Deputy Coordinator, or investigator.
- 10.12 Initial Meeting with Complainant. As soon as is practicable, the investigator shall contact the complainant (subsequent references to complainant in this section include the alleged victim if the original complainant was not the victim) and schedule an initial meeting. At the initial meeting the Investigator will:
 - 10.121 provide an electronic and/or hard copy of this policy which explains the process and rights of all parties;
 - 10.122 request additional information regarding the reported incident;
 - 10.123 explain the investigatory process;
 - 10.124 explain the options for reporting to law enforcement authorities, whether on campus or local police;
 - 10.125 discuss confidentiality standards and concerns with the complainant and advise that confidentiality may impact the component's ability to investigate fully;
 - 10.126 determine whether the complainant wishes to pursue a resolution (formal or informal) through the component or seeks no resolution;
 - 10.127 refer the complainant, as appropriate, to the Counseling Center or other resources which may include law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, component disciplinary action, immigration services, and criminal prosecution; and
 - 10.128 discuss with the complainant, as appropriate, possible interim measures as described herein.
- 10.13 Interim Measures. The investigator will determine and implement interim measures as appropriate and necessary for the complainant's safety and to limit potential retaliation. Such measures may include, but are not limited to:
 - 10.131 campus no-contact orders;
 - 10.132 reassignment of housing or work assignments;
 - 10.133 temporary withdrawal or suspension from the component, in accordance with System Rules and Regulations Chapters IV§ 2.2(14), V § 2.141, and VI§ 5.(14);
 - 10.134 escort or transportation assistance;
 - 10.135 modification of class schedules; or
 - 10.136 restrictions from specific activities or facilities. The component shall maintain as confidential any measures provided to the victim, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures. Failure of any party to adhere to the parameters of any interim measure may be considered a separate violation of this policy and may result in disciplinary sanctions.
- 10.2 Prompt, Fair, and Equitable Investigation.
 - 10.21 Timing of Investigation and Resolution. The component shall make every

reasonable effort to ensure that the investigation and resolution of a complaint occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within sixty (60) calendar days of the complaint, absent extenuating circumstances. The Title IX Coordinator may modify this and any other deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the investigation and semester breaks.

- 10.22 Notice of Allegations to Respondent. At the outset of an investigation, the Investigator will provide the respondent prompt notice of the allegations against him or her in writing together with a copy of this Policy. Written Notice of Allegations will be provided to the complainant concurrently with respondent.
- 10.23 Equitable Treatment.
 - 10.231 Investigator will remain neutral throughout the investigation and provide both the complainant and respondent opportunities to respond in person and in Sexual Misconduct Policy writing, to submit relevant documents, and to produce relevant witnesses.
 - 10.232 The complainant and respondent will receive a minimum of forty-eight hours' notice of any sanction meeting, due process hearing, or appellate meeting, if any.
 - 10.233 Both complainant and respondent may have one representative and/or one advisor present at all meetings a party has with the Investigator, Title IX Coordinator, Deputy Coordinator or other component administrator related to a complaint. The representative or advisor may provide support, guidance or advice to the complainant or respondent, but may not otherwise directly participate in the meetings.
 - 10.234 The complainant, respondent, and appropriate officials will, at least forty-eight hours' in advance, be provided access to any information that will be used after the investigation but during disciplinary meetings.
- 10.24 Investigation Activities. Investigator will gather and review information from complainant, respondent, and witnesses. Investigator shall conduct site inspection, if necessary, and obtain other information from sources as appropriate given the nature of the complaint.
- 10.25 Report of Investigation. The investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When the investigator is not the Title IX Coordinator the Investigative Report will be submitted to the Title IX Coordinator for review and finding.

11. STANDARD OF REVIEW AND FINDING

- 11.1 Review. The Title IX Coordinator will review the Report of Investigation under the "preponderance of the evidence" standard as defined in Section 2.12 of this Policy.
- 11.2 Finding. The Title IX Coordinator will make a written finding as to whether:
 - 11.21 no reasonable grounds exist that the Sexual Misconduct Policy was violated and the matter is closed, or

- 11.22 it is more likely than not that Respondent violated the Sexual Misconduct Policy, and which specific sections of the Policy were violated.
- 11.3 Rationale and Recommended Sanctions. The finding shall include the Title IX Coordinator's basis for the decision and recommended sanctions, if any. The Title IX Coordinator will communicate the Finding in writing simultaneously to the complainant, respondent, and component administrator (as defined in 12.2 below) with authority to determine and issue appropriate sanctions, if any.

12. SANCTIONS

- 12.1 Possible Sanctions. Sanctions for a Finding of a policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. Sanctions may include:
 - 12.11 withholding a promotion or pay increase;
 - 12.12 reassigning employment;
 - 12.13 terminating employment;
 - 12.14 barring future employment;
 - 12.15 temporary suspension without pay;
 - 12.16 compensation adjustments;
 - 12.17 expulsion or suspension from the Component and/or System;
 - 12.18 no-contact orders,
 - 12.19 probation (including disciplinary and academic probation);
 - 12.20 expulsion from campus housing;
 - 12.21 restricted access to activities or facilities;
 - 12.22 mandated counseling (e.g. educational programs such as batterer's intervention);
 - 12.23 disqualification from student employment positions;
 - 12.24 revocation of admission and/or degree;
 - 12.25 withholding of official transcript or degree;
 - 12.26 bar against readmission;
 - 12.27 monetary restitution; or
 - 12.28 withdrawing from a course with a grade of W, F, or WF.
- 12.2 Sanction Decision. The responsible component administrator will issue a decision regarding sanctions simultaneously to the complainant, respondent, and Title IX Coordinator in writing within seven (7) class days of receipt of the Finding. Administrators responsible for imposing sanctions are:
 - 12.21 Student Respondent Sanctions. The dean of students will issue sanctions for students.
 - 12.211 Student Employees. Where the respondent is both a student and an employee, the Title IX Coordinator will determine whether the respondent's status is that of student, staff, or faculty for disciplinary purposes. When the Respondent's status is determined to be that of a student employed by the component, the dean of students will consult with

the AVP of human resources or their equivalent prior to issuing sanctions.

12.212 Due Process Hearing. Complainant or student respondent may elect to dispute the Finding and/or the sanction through a due process hearing. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI §§ 5. 7-5.9 and the component's Student Discipline Procedures, with exceptions as follows:

12.2121 The component representative for student due process hearings related to Sexual Misconduct shall be the component's Title IX Coordinator or his or her designee;

12.2122 The role of the hearing adjudicator(s) is to review the investigation and the appropriateness of the sanction for significant procedural errors or omissions;

12.2123 Parties may question their own witnesses, but they shall not ask questions of each other or the other party's witnesses;

12.2124 Each party shall receive notice of the hearing and has a right to be present; however, neither party shall be compelled to attend any hearing; and

12.2125 When a finding of sexual misconduct is upheld, sanctions listed in section 12.1 of this policy shall be imposed.

12.213 Staff Employee Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue sanctions in consultation with Human Resources.

12.214 Faculty Employee Respondents. The dean, who may consult with the department chair as appropriate, will issue sanctions in consultation with the provost.

12.2141 Tenured Faculty Due Process Hearing. Tenured faculty receiving a sanction that impacts the faculty member's continued employment, full-time salary (not including administrative positions or summer teaching) or demotion in rank may elect to dispute the Finding and the sanction through a due process hearing.

12.2142 Non-Tenured Faculty Due Process Hearing. A non-tenured faculty member receiving a sanction impacting the faculty member's continued employment, full-time salary (not including possible summer teaching) or demotion in rank termination sanction before the expiration of the stated period of his or her appointment may elect to dispute the Finding and sanction through a due process hearing.

12.2143 Procedures for Faculty Due Process Hearing. Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 and the component's faculty grievance procedures or its equivalent with the following exceptions:

12.21431 The role of the hearing adjudicator(s) is to review the investigations and the

appropriateness of the sanction for significant procedural errors or omissions; and

12.21432

Complainant shall receive notice of the hearing and has a right to be present. Complainant shall neither be compelled to attend any hearing, nor be questioned by the respondent.

12.215 In any situation where the responsible administrator has a conflict, the employee next in line in authority will impose sanctions.

13. APPEAL OF FINDING OR SANCTIONS

13.1 Right to Appeal. If either complainant or the respondent is dissatisfied with the Title IX Coordinator's Finding, sanction, and/or determination of a due process hearing, either party may appeal to the appropriate Component Appellate Authority as indicated below. References to "parties" in this section and in the System Rules and Regulations refer to the respondent, component representative (Title IX Coordinator or designee), component administrator who imposed sanctions, and complainant.

13.2 Grounds for Appeal. The grounds for any appeal are limited to the following:

13.21 previously unavailable relevant evidence;

13.22 substantive procedural error in the investigation or hearing; or

13.23 sanction is substantially disproportionate to the Finding;

13.24 the finding was not supported by the evidence.

13.3 Procedure for Appeal.

13.31 An administrator receiving notice of appeal will provide a copy of the notice to the parties concurrently with receipt.

13.32 Students. Any appeal of the finding, sanction or determination of a due process hearing is governed by the procedures outlined in the Student Conduct and Discipline Procedures in the System Rules and Regulations, Chapter VL § 5.(10) and the component's Student Code of Conduct. However, the appeal officer (Component Appellate Authority) may only approve, Sexual Misconduct Policy reject, or modify the decision and the appeal officer's decision is final.

13.33 Staff Employees. Any appeal of the Finding or sanction against a staff employee is governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the component's staff/employee grievance procedures or its equivalent.

13.34 Non-Tenured Faculty.

13.341 Should the sanction against a non-tenured faculty member result in the termination of the faculty member during his/her contract period, the faculty member is entitled to a due process hearing pursuant to section 12.2152, and the faculty member may appeal the findings and/or sanctions resulting from such due process hearing. Such appeal is governed by the System Rules and Regulations, Chapter V, § 4.5.

13.342 Should the sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member after expiration of

his/her contract period, the faculty member is not entitled to a due process hearing pursuant to section 12.2152. However, the faculty member may appeal the findings and/or sanctions and such appeal is governed by the System Rules and Regulations, Chapter V, § 4. 4.

- 13.343 All other appeals of the finding or sanction against a non-tenured faculty member is governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the component's staff/employee grievance procedures or its equivalent.

13.35 Tenured Faculty

- 13.351 Should the sanction against a tenured faculty member result in revocation of tenure, termination of employment, and/or reduction of his/her academic year base salary (not including possible administrative roles or summer teaching) or demotion in rank, the faculty member shall be entitled to a due process hearing under the System Rules and Regulations, Chapter V, § 4.5.

- 13.3 52 All other appeals of a finding or sanction against a tenured faculty member are governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the component's Staff/Employee Grievance Procedures or its equivalent.

- 13.4 Sanctions Pending Appeal. Any sanction(s) imposed will remain in place while any appeal is pending, unless, in the discretion of the component administrator imposing the sanction, good cause exists to stay the sanction.

14. FINAL DECISION

- 14.1 No Appeal. Decisions and sanctions imposed under this Policy are final when the period for appeal under the rules and policies referenced in paragraph 13 above have expired without initiation of an appeal by either party.

- 14.2 Conclusion of Appeal. An appealed decision is final as outlined in the rules and policies referenced in section 13 above.

- 14.3. Notification of Outcomes.

- 14.31 The Title IX Coordinator will simultaneously notify the Complainant and the Respondent in writing of the outcome of the following stages of the process:

14.311 the Finding;

14.312 the sanction;

14.313 the outcome of a due process hearing, if any; and

14.314 the outcome of due process appeal, if any.

- 14.32 Any notice of outcome must include:

14.321 whether the alleged conduct occurred;

14.322 any sanctions imposed on the respondent that directly relate to the complainant,

14.323 and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence.

- 14.33 The Respondent should not be notified of the individual remedies offered or

provided to the Complainant.

15. BIENNIAL POLICY REVIEW

Each biennium, this Policy shall be reviewed. Any revisions determined necessary shall be brought before the System's Board of Regents for approval.

APPENDIX Q.

REPORTING SUBSTANTIVE CHANGES

After curricular and programmatic changes have been approved by Lamar University, The Texas State University System, and if appropriate, the Texas Higher Education Coordinating Board, the Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC must be notified, and in some case, grant approval.

Examples of different types of substantive change, the specific procedure to be used for each, their respective approval/notification requirements, and their reporting time lines are included in the table that follows. Current information may be obtained at www.sacscoc.org. The three procedures include:

Procedure 1 – Review of Substantive Changes Requiring *Notification and Approval Prior to Implementation*

Procedure 2 – Review of Substantive Changes Requiring *Only Notification Prior to Implementation*

Procedure 3 – Review and Approval of Closing a Program, Site, Branch Campus or Institution

Types of Change	Procedure	Prior Notification Required	Time Frame for Contacting COC	Prior Approval Required	Documentation
Initiating coursework or programs at a different level than currently approved	1	NA	NA	Yes	Application for Level Change Due dates: April 8 or September 15
Expanding at current degree level (<i>significant departure from current programs</i>)	1	Yes	6 months	Yes	Prospectus
Initiating a branch campus (See definition of "branch campus" on p. 3 of this document.)	1	Yes	6 months	Yes	Prospectus
Relocating a main or branch campus	1	Yes	6 months	Yes	Prospectus
Moving an off-campus instructional site (serving the same geographic area)	2	Yes	Prior to implementation	NA	Letter of notification with new address and starting date
Initiating degree completion programs	1	NA	NA	Yes	Prospectus
Initiating a certificate program at employer's request and on short notice					
...using existing approved courses	NA	NA	NA	NA	NA
...at a new off-campus site (previously approved program)	1	NA	NA	Yes	Modified prospectus
...that is a significant departure from previously approved programs	1	Yes	Approval required prior to implementation	Yes	Modified prospectus

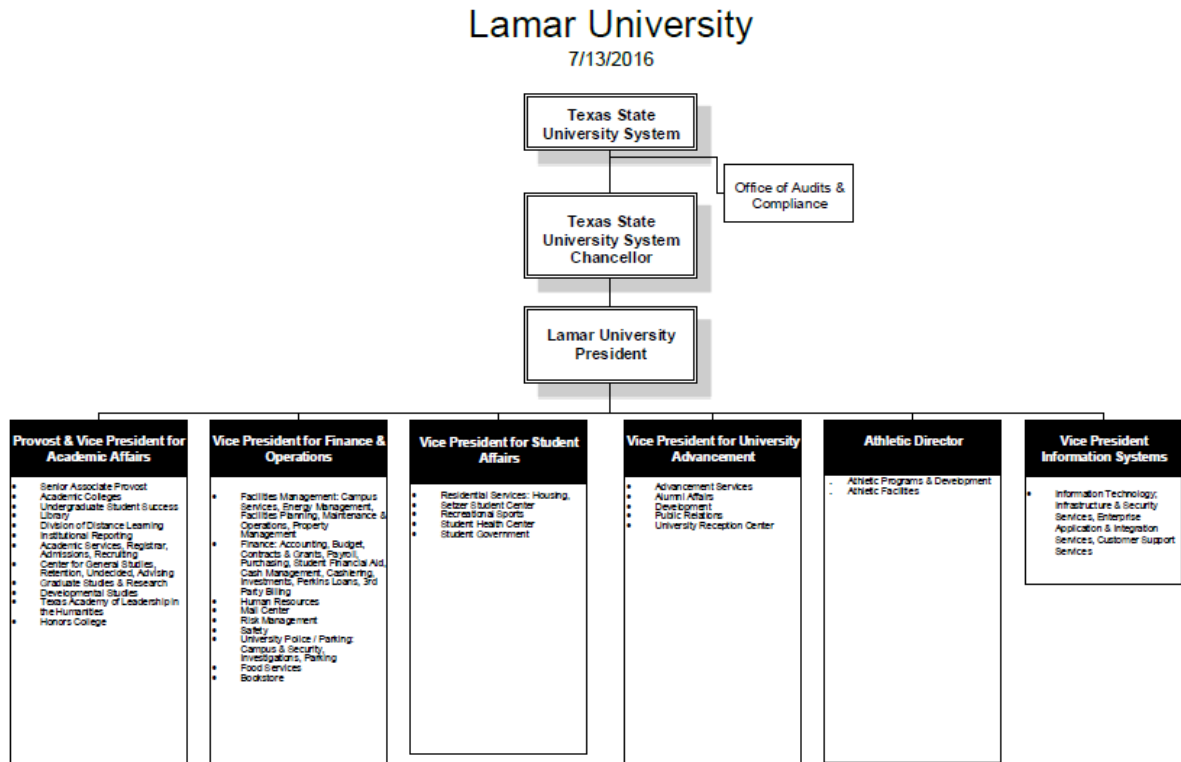
Types of Change	Procedure	Prior Notification Required	Time Frame for Contacting COC	Prior Approval Required	Documentation
Initiating other certificate programs					
...using existing approved courses	NA	NA	NA	NA	NA
...at a new off-campus site (previously approved program)	1	NA	NA	Yes	Prospectus
...that is a significant departure from previously approved programs	1	Yes	6 months	Yes	Prospectus
Altering significantly the educational mission of the institution	1	NA	NA	Yes	Contact Commission Staff (Also see page 16, item 9)
Initiating joint or dual degrees with another institution: (See " Agreements Involving Joint and Dual Academic Awards " policy)					
Joint Programs: with another SACSCOC accredited institution	2	Yes	Prior to implementation	NA	Copy of signed agreement and contact information for each institution
Joint Programs: with an institution not accredited by SACSCOC	1	Yes	6 months	Yes	Prospectus
Dual Programs	2	Yes	Prior to implementation	No	Copy of signed agreement and contact information for each institution
Initiating off-campus sites (including Early College High School and dual enrollment programs offered at the high school)					
Student can obtain 50% or more credits toward program	1	NA	NA	Yes	Prospectus
...Student can obtain 25-49% of credit	2	Yes	Prior to implementation	NA	Letter of notification
...Student can obtain 24% or less	NA	NA	NA	NA	NA

Types of Change	Procedure	Prior Notification Required	Time Frame for Contacting COC	Prior Approval Required	Documentation
Expanding program offerings at previously approved off-campus sites					
...Adding approved programs that ARE NOT significantly different from current programs at the site	NA	NA	NA	NA	NA
...Adding approved programs that ARE significantly different from current programs <u>at the site</u> but NOT at the institution	NA	NA	NA	NA	NA
Adding programs that ARE significantly different from current programs <u>at the site</u> AND at the institution	1	Yes	6 months	Yes	Prospectus
Altering significantly the length of a program	1	NA	NA	Yes	Modified Prospectus
Changing from clock hours to credit hours	1	NA	NA	Yes	Justify reasons for change, indicate calculation of equivalency, and other pertinent information
Initiating a direct assessment competency-based program	See SACSCOC Policy " Direct Assessment Competency-Based Educational Programs "	Yes	6 months	Yes	Submit "Screening Form" with letter of notification. If Prospectus is required, due dates: April 8 or September 15.
Initiating distance learning...					
Offering 50% or more of a program <u>for the first time</u>	1	NA	NA	Yes	Prospectus
...Offering 25-49%	2	Yes	Prior to implementation	No	Letter of notification
...Offering 24% or less	NA	NA	NA	NA	NA
Initiating programs or courses offered through contractual agreement or consortium	2	Yes	Prior to implementation	NA	Letter of notification and copy of signed agreement

Types of Change	Procedure	Prior Notification Required	Time Frame for Contacting COC	Prior Approval Required	Documentation
Entering into a contract with an entity not certified to participate in USDOE Title IV programs					
...if the entity provides 25% or more of an educational program offered by the COC accredited institution	1	NA	NA	Yes	Prospectus
...if the entity provides less than 25% of an educational program offered by the COC accredited institution	2	Yes	Prior to implementation	NA	Copy of the signed agreement
Initiating a merger/consolidation with another institution	See SACSCOC policy " Mergers, Consolidations, Change of Ownership, Acquisitions, and Change of Governance, Control, Form, or Legal Status "	Yes	6 months	Yes	Prospectus Due dates: April 8 or September 15
Changing governance, ownership, control, or legal status of an institution		Yes	6 months	Yes	Prospectus Due dates: April 8 or September 15
Acquiring any program or site from another institution		Yes	6 months	Yes	Prospectus
Adding a permanent location at a site where the institution is conducting a teach-out for students from another institution that is closing		Yes	6 months	Yes	Prospectus

Types of Change	Procedure	Prior Notification Required	Time Frame for Contacting COC	Prior Approval Required	Documentation
Closing a program, approved off-campus site, branch campus, or institution					
...Institution to teach out its own students	3	Yes	Immediately following decision to close	Yes	Description of teach-out plan included with letter of notification
...Institution contracts with another institution to teach-out students (Teach-out Agreement)	3	Yes	Immediately following decision to close	Yes	Description of teach-out plan, copy of signed teach-out agreement detailing terms included with notification

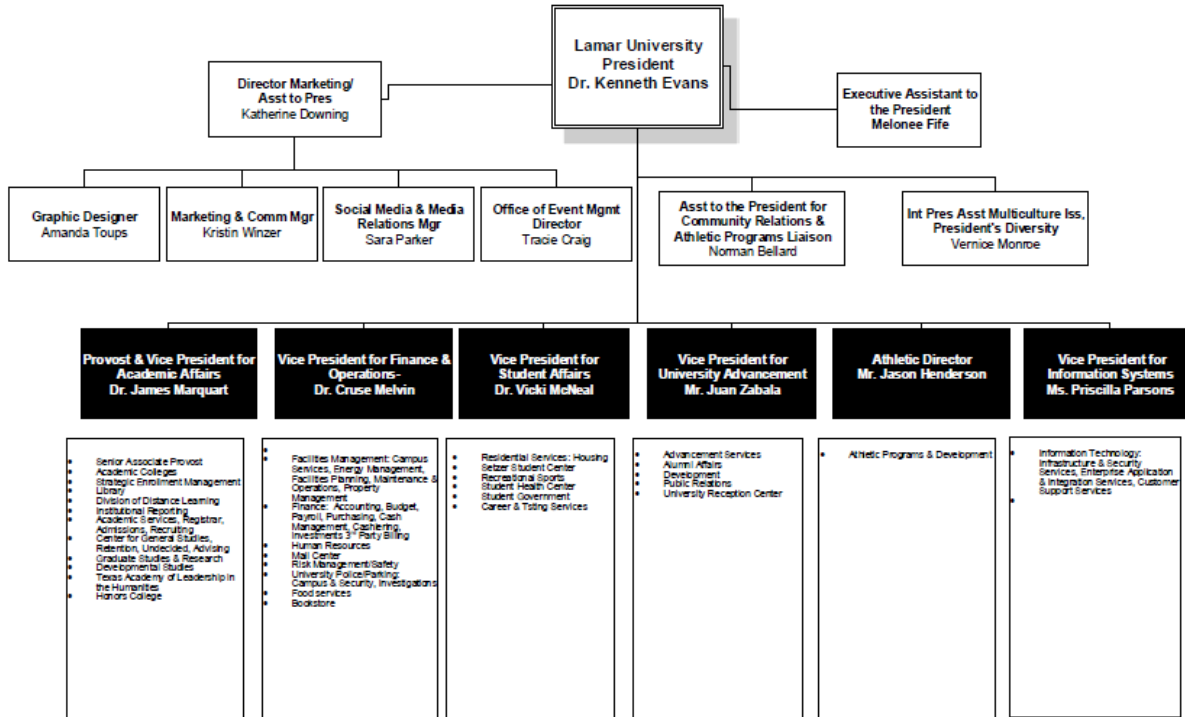
APPENDIX R.
LAMAR UNIVERSITY ORGANIZATIONAL CHARTS
TEXAS STATE UNIVERSITY SYSTEM AND LAMAR



OFFICE OF THE PRESIDENT

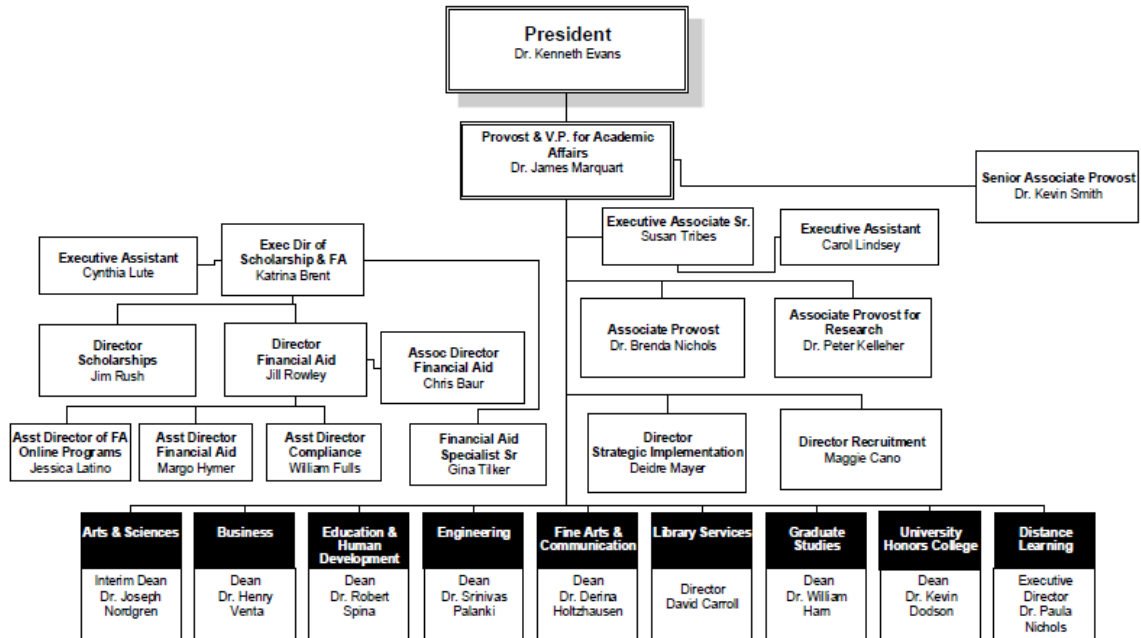
Lamar University

7/13/2016



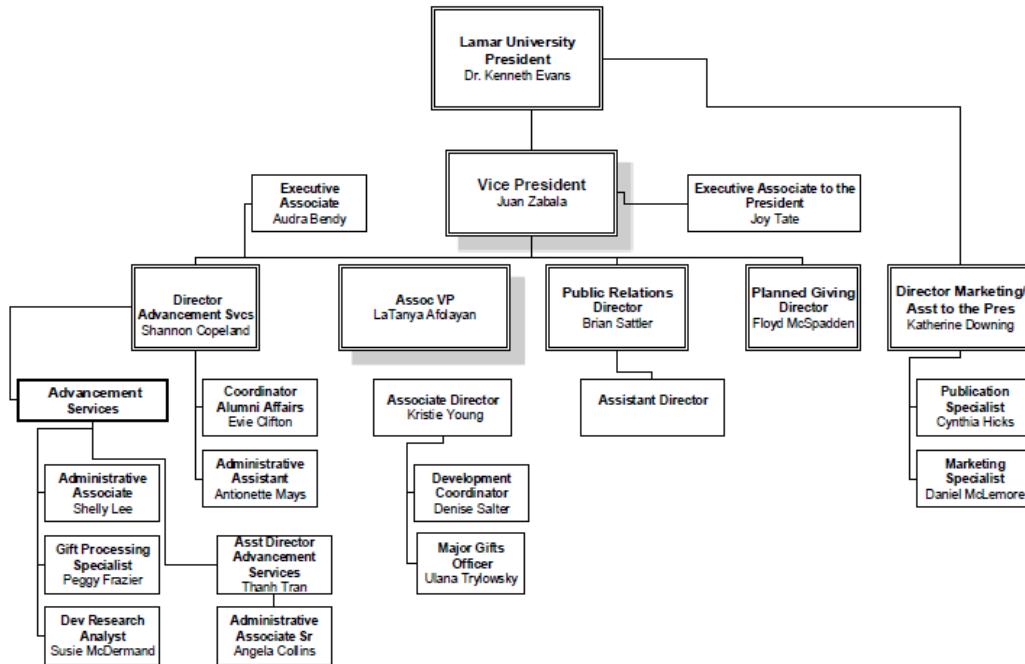
OFFICE OF THE PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS

Office of the Provost & Vice President For Academic Affairs 7/13/2016



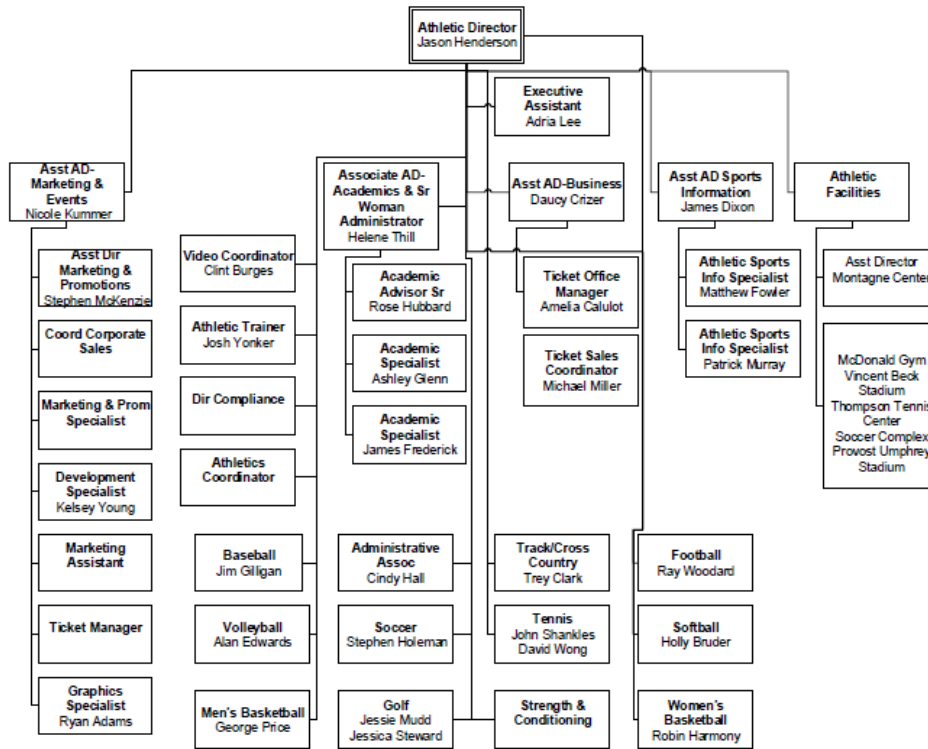
DIVISION OF UNIVERSITY ADVANCEMENT

University Advancement
7/13/2016



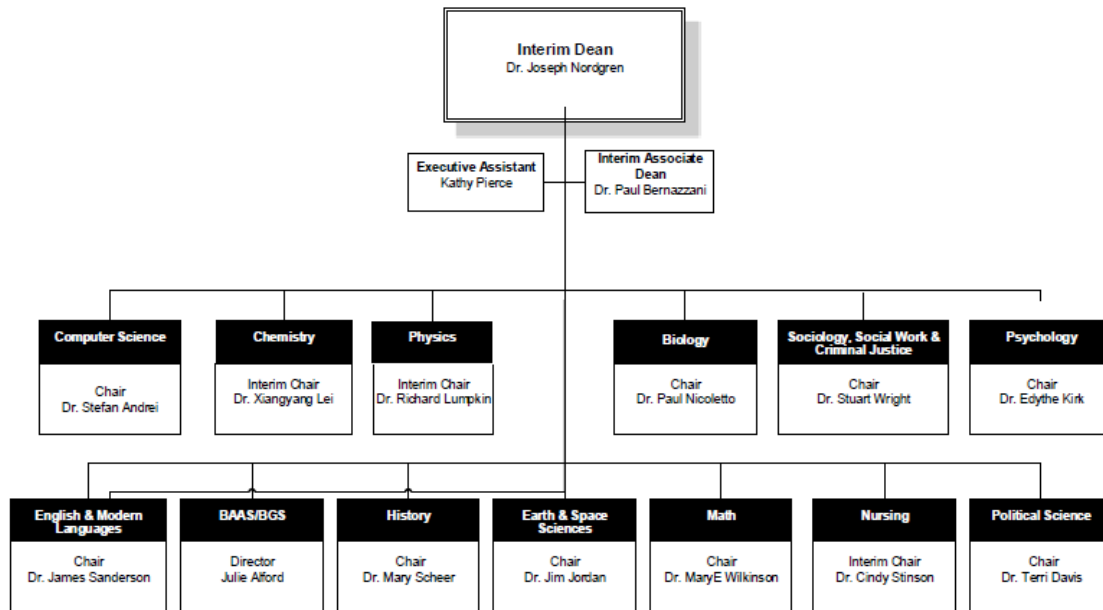
LAMAR ATHLETICS

University Athletics
7/13/2016



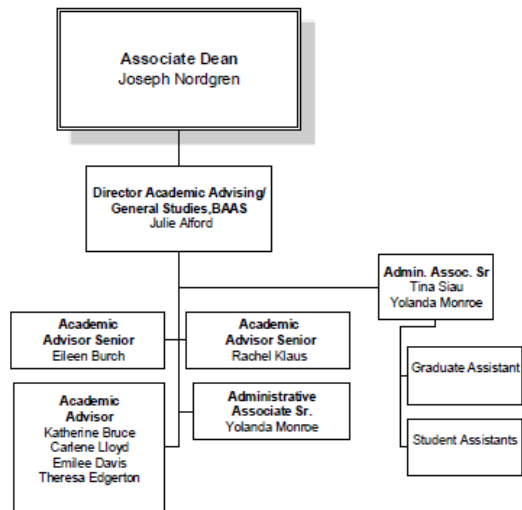
COLLEGE OF ARTS AND SCIENCES

College of Arts & Sciences
7/13/2016



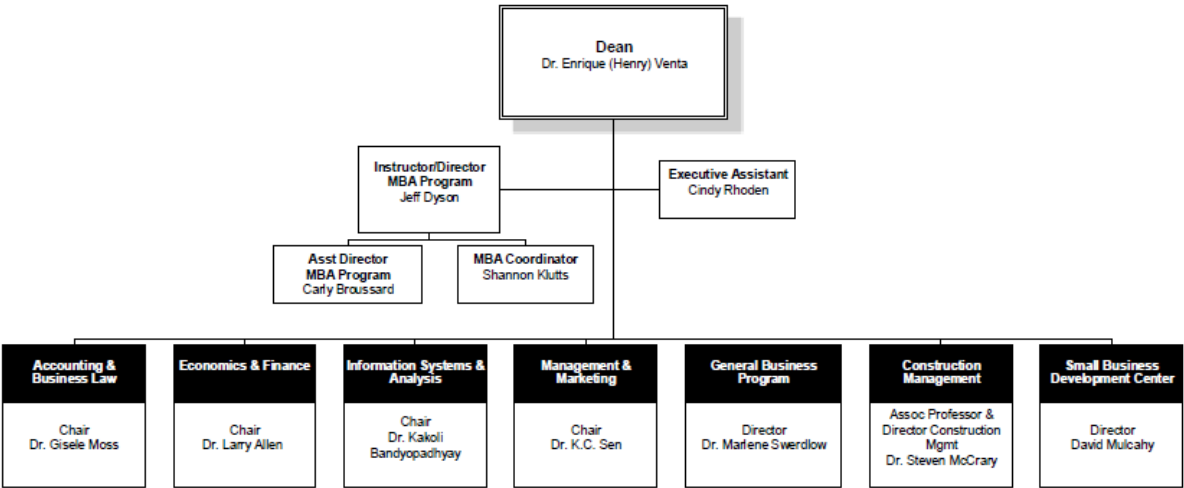
ARTS AND SCIENCES ADVISING CENTER

College of Arts & Sciences-Advising Center
7/13/2016



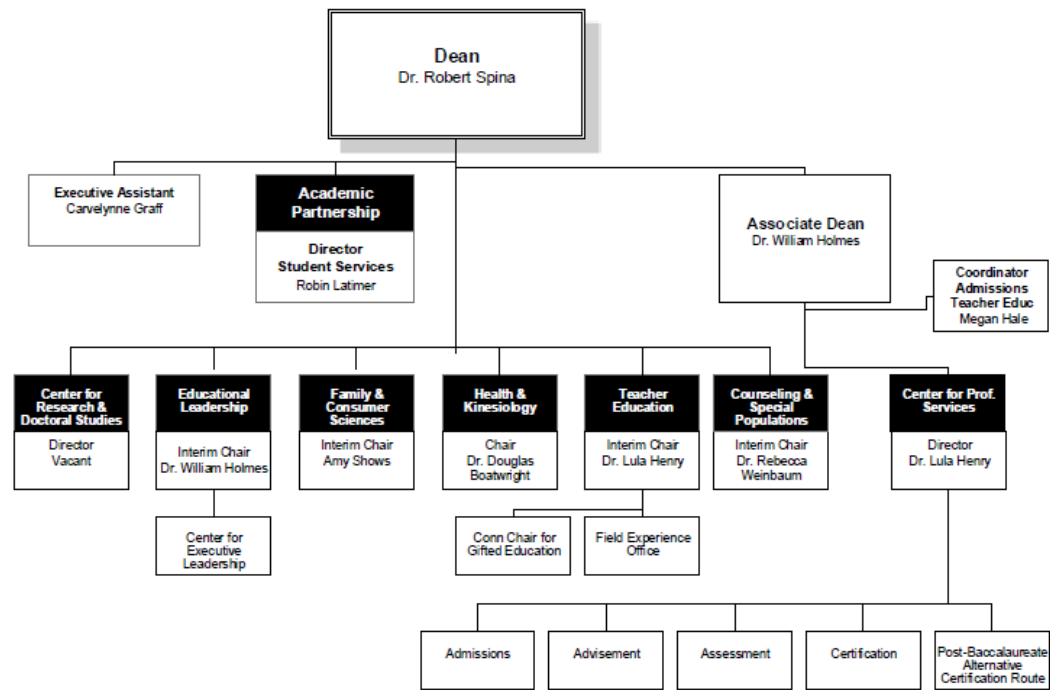
COLLEGE OF BUSINESS

College of Business
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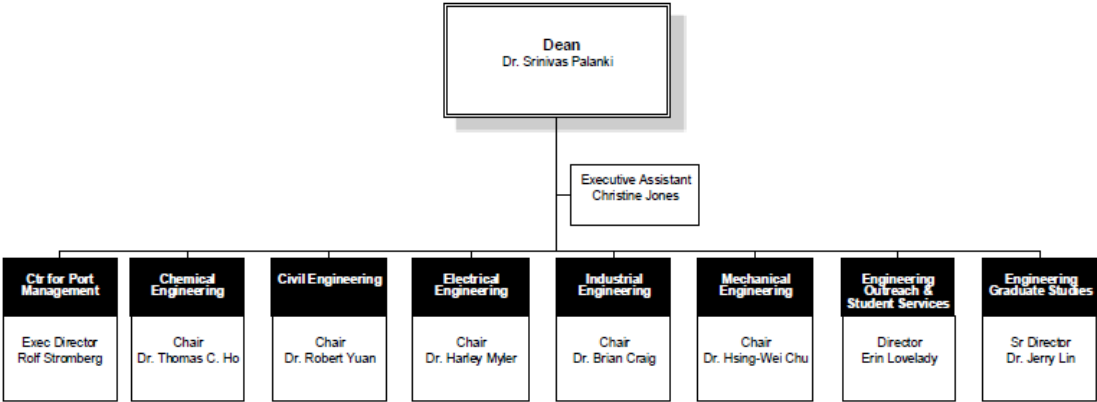
COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT

College of Education & Human Development
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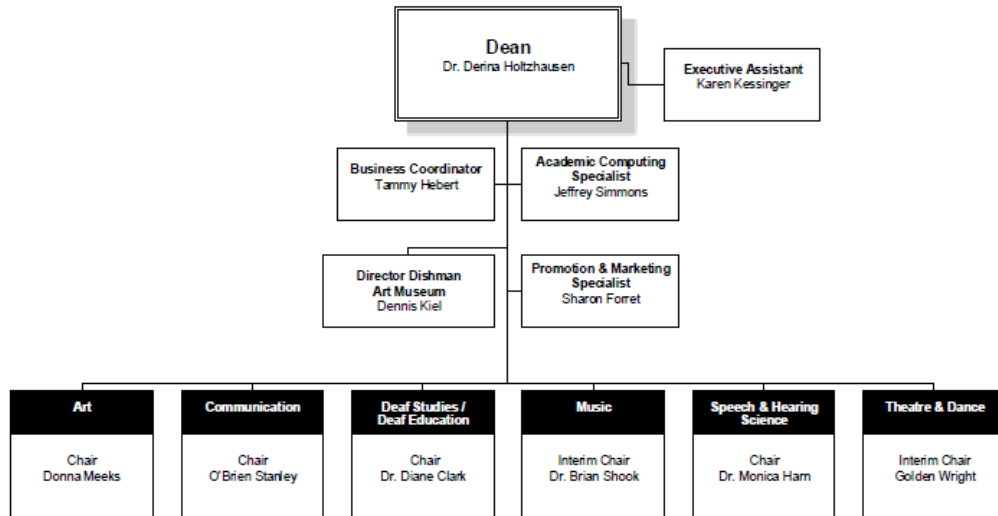
COLLEGE OF ENGINEERING

College of Engineering
7/13/2016



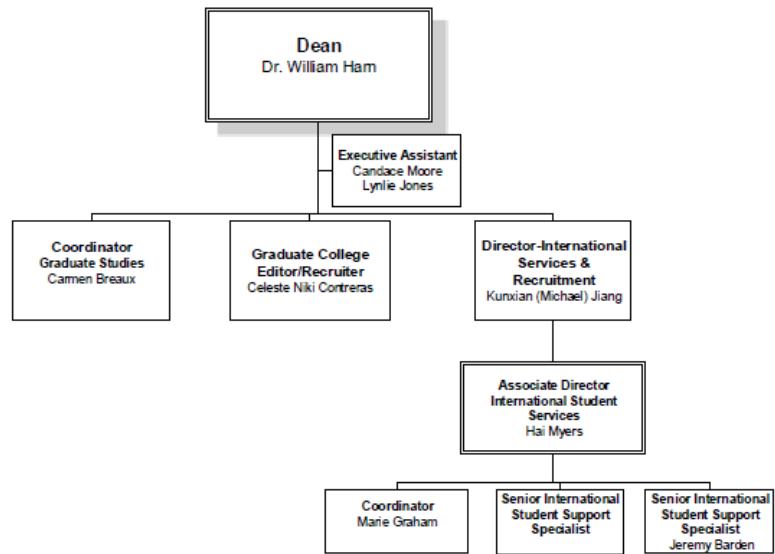
COLLEGE OF FINE ARTS AND COMMUNICATION

College of Fine Arts & Communication 7/13/2016



COLLEGE OF GRADUATE STUDIES

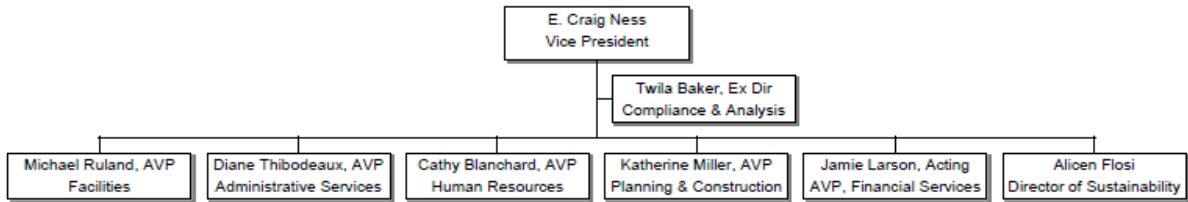
College of Graduate Studies
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DIVISION OF FINANCE AND OPERATIONS

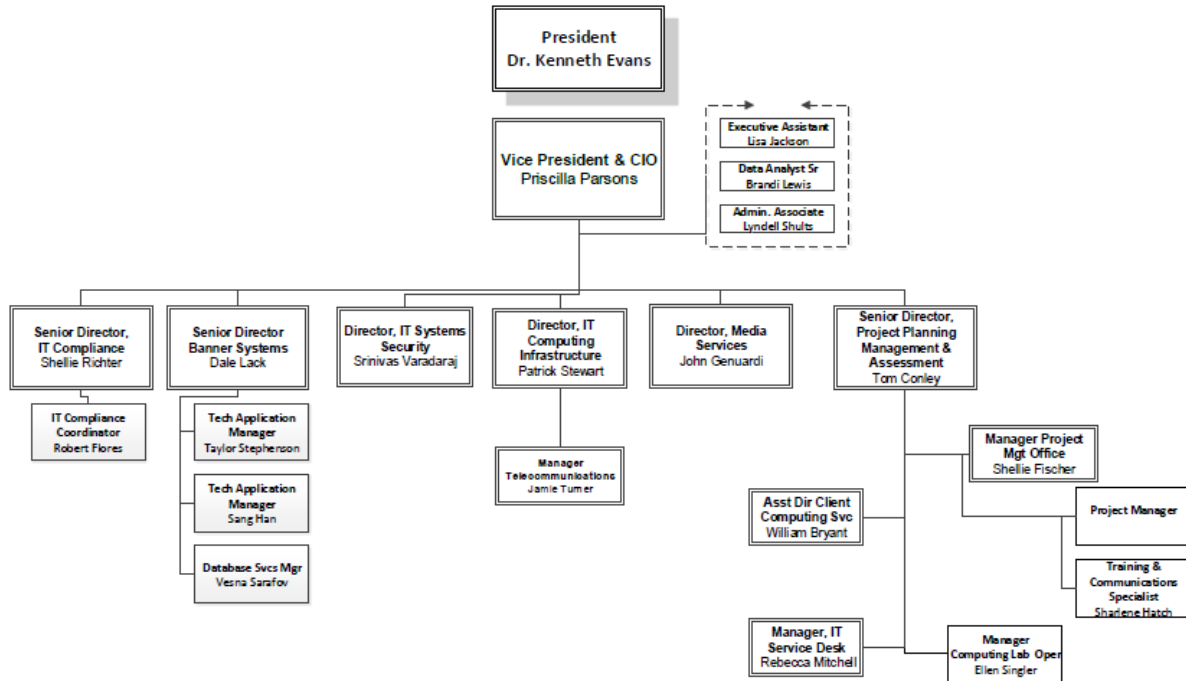
VP, Finance and Operations

May 10, 2017



DIVISION OF INFORMATION TECHNOLOGY

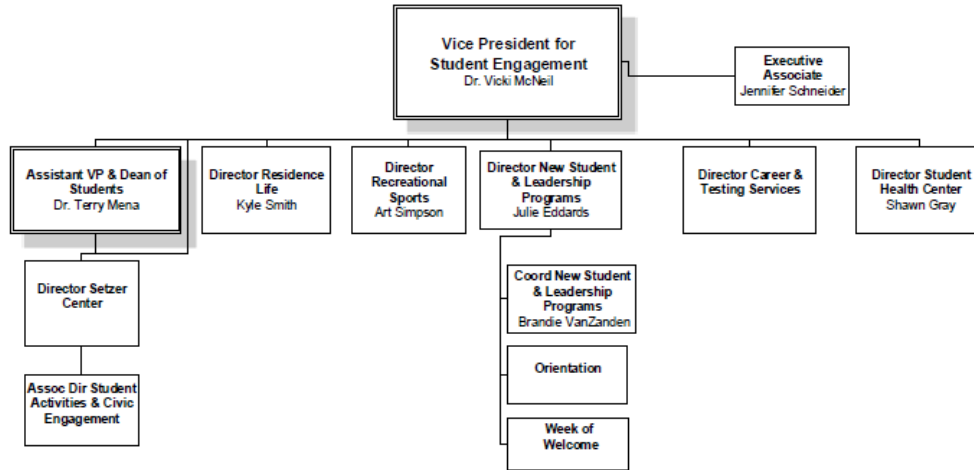
Information Technology Services
7/13/2016



DIVISION OF STUDENT ENGAGEMENT

Vice President for Student Engagement

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