

THE FACULTY MANUAL
THE UNIVERSITY OF SOUTH CAROLINA
COLUMBIA

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The University of South Carolina System is committed to the policy and practice of affirmative action and equal opportunity in education and employment for all qualified persons regardless of race, sex, age, color, religion, national origin, disability or veteran status.

PREAMBLE

The Faculty Manual embodies the essential elements of the employment relationship between the faculty, individually and collectively, and the university. It establishes the terms of employment, the manner of appointment, the procedures and standards for tenure and promotion, the duties of faculty members, and the procedures and standards for termination of employment. It delineates faculty organization and confirms the authority of the faculty to participate in the governance of the university, especially in regard to academic matters. Amendments to The Faculty Manual are generally presented for the consideration and approval of the faculty and the administration before submission to the Board of Trustees.

Through the years, much information of interest and importance to the faculty has been added to The Faculty Manual. Such information has been placed in appendices in this edition, clarifying what material is part of the essential contract between the faculty and the university. The appendices may be amended in appropriate cases by the university without faculty or trustee approval.

FOREWORD

The Faculty Manual is designed primarily for faculty members teaching in undergraduate and graduate programs on the Columbia campus. Contained herein is information concerning university regulations and procedures considered to be of particular interest to faculty on the Columbia campus. Manuals pertaining to faculty on the other university campuses are issued separately.

Faculty members and staff are urged to examine regularly the agenda and minutes of the General Faculty and Faculty Senate. Action by these bodies may modify the content of this Manual (subject to the approval of the University Board of Trustees). Changes in policies and regulations go into effect following the requisite approvals. The most current official version of The Faculty Manual is on the University's web site at URL: <http://www.sc.edu/policies/facman/fmhome.html>.

The Faculty Manual has been edited by the Chair of the Faculty Senate and the Faculty Advisory Committee, with the cooperation of the Office of the Provost. Members of the faculty are invited to make suggestions and recommendations for the improvement of future editions of the Manual.

Mark P. Becker
Executive Vice President for Academic Affairs and Provost

1/ FACULTY ORGANIZATION

UNIVERSITY FACULTY

FUNCTIONS

The Board of Trustees is the governing body of the university, and it delegates to the president and the faculty their powers. The faculties of the Aiken, Columbia, and Spartanburg campuses, subject to the review of the president and the board, have legislative powers in all matters pertaining to standards of admission, registration, requirements for and the granting of earned degrees, curriculum, instruction, research, extracurricular activities, discipline of students, educational policies and standards of the university, and all other matters pertaining to the conduct of faculty affairs, including the discipline of their own members.

Proposals from any academic unit that pertain to the faculty's legislative competency shall be forwarded to the board by the president only after such proposals have been considered by the appropriate faculty committees and shall be accompanied by the legislative judgment of the Faculty Senate or of the university faculty, as appropriate.

As such occasions arise, the faculties shall consider candidates for president and other pertinent academic officers. Through an appropriate committee, the faculty shall communicate its views to the board.

MEMBERSHIP

The faculty consists of the president, provost, and deans; professors, associate professors, and assistant professors; full-time academic instructors and full-time lecturers who are not degree candidates in the units of their appointments; clinical and research professors; visiting faculty and emeriti professors; librarians; and such other persons as the faculty chooses to elect to its ranks.

VOTING

The following members of the faculty shall have the right to present motions and vote at meetings of the university faculty: the president; the provost; deans; tenure-track faculty; librarians; and full-time ROTC faculty. Full-time faculty may exercise the right to vote during temporary absences from the university, such as sabbaticals or leaves of absence. However, voting by proxy is not permitted at meetings of the university faculty. Individuals who hold research faculty appointments are not voting members of the university faculty.

OFFICERS

The president shall be the chair of the faculty and its presiding officer. In the absence of the president, the president's designee shall preside. The secretary of the Faculty Senate shall serve as the secretary of the faculty. The secretary shall distribute copies of the minutes and shall notify faculty members in writing of all regular and called meetings at least three days before the meeting date. The secretary shall publish an annual summary of actions taken at general faculty meetings.

MEETINGS OF THE UNIVERSITY FACULTY

CALL OF MEETINGS

A meeting of the university faculty will be held in the fall semester, not later than during the first full week of September, and in the spring semester, not later than the end of the examination period. At these meetings, it may hear reports from various committees and councils of the university and may recommend proposals to the senate, the administration, or the board; it may also alter decisions of the senate.

The president may call a special meeting of the faculty. Such a meeting may also be called by twenty-five voting members of the faculty who shall submit a written request to this effect to the secretary. Upon receipt of this request, the secretary shall set a date for a meeting to be held within seven days.

CONDUCT OF BUSINESS

The university faculty shall follow *Robert's Rules of Order*. Annually, the president shall appoint a parliamentarian. All elections shall be conducted by secret ballot; other votes shall be by voice or show of hands unless at least ten members present request a secret ballot.

The secretary shall prepare an agenda before each meeting from items submitted by the faculty. This agenda shall include elections to committees, when appropriate; statements from the president on major policy; committee reports; old business; and new business.

FACULTY COMMITTEES

The faculty may establish regular or special committees and shall elect members in accordance with existing faculty rules. All regular committees shall consist of six faculty members, elected for terms of three years, with two members elected annually unless there is specific provision to the contrary. Vacancies shall be filled by special elections unless the remaining term to be filled is for one academic year or less, in which case the vacancy shall be filled by the Senate Steering Committee. The chair of a faculty committee shall be a faculty member except as otherwise indicated in The Faculty Manual. Every committee shall meet at least once a year and whenever new members are elected or appointed. Committees shall meet as often as necessary to complete their business. Voting by proxy is not permitted. All student members of regular faculty committees shall be voting members.

With the approval of the members of the committee, the chair of an elected committee may request that the chair of the senate remove an elected member for excessive absences or nonparticipation.

Other than student members or ex officio members, only voting members of the university faculty shall be members of faculty committees, whether elected or appointed, unless there is specific provision to the contrary in The Faculty Manual. Faculty members shall be from academic units properly concerned with the functions of the committee.

No voting member of a committee, whether elected or appointed, may serve more than three consecutive years on the same faculty committee. No faculty member may at any one time be an elected member of more than two faculty committees. Except where otherwise noted, ex officio faculty committee members cannot vote. Student members shall be selected in accordance with student government procedures.

Special committees are appointed by the Faculty Senate Steering Committee annually, but under no circumstances may an individual be appointed to a special committee for more than three consecutive years. Special committees normally cease to exist after one year; however, justification for their continued existence may be submitted to and approved by the Steering Committee. Special committees shall be listed in *University Committees*, published by the provost.

The committees named below are agencies of the faculty. By August 15, committee chairs shall submit annual reports containing a summary of the committee's activities and actions to the Faculty Senate office. These reports shall be in the minutes of the September senate meeting.

COMMITTEE ON ACADEMIC RESPONSIBILITY

This committee shall consider appeals of cases decided by college academic responsibility committees when any party to the case formally appeals on grounds set forth in the university Academic Disciplinary Procedures. This committee shall perform any other functions provided for in the Academic Disciplinary Procedures. It shall also review periodically the Rule of Academic Responsibility and Academic Disciplinary Procedures and propose changes to the Faculty Senate.

This committee shall consist of five faculty members, two undergraduate students, and two graduate students. The faculty members shall be elected for staggered three-year terms. No more than two faculty members shall be from the same college. Faculty members shall hear all cases. Undergraduate members shall hear cases involving undergraduate students; graduate members shall hear cases involving graduate students.

COMMITTEE ON ADMISSIONS

This committee shall consider policies on undergraduate entrance examinations, admissions, and readmissions and may recommend changes in policy to the Faculty Senate. To assure conformity with undergraduate admissions policies, the committee may review policies and changes proposed

by faculties of the various academic units. The committee shall act on appeals of applicants for admission who fail to fulfill established standards of admission or readmission.

Of the ten members, five shall be elected by the faculty and five appointed by the president. Two faculty representatives shall be elected each year for a term of three years, except every third year, when only one member shall be elected. The director of admissions shall serve as secretary, ex officio.

FACULTY ADVISORY COMMITTEE

This committee shall advise the faculty and administration on all matters pertaining to the general policies and operations of the university that lie outside or cut across the responsibilities of other standing committees. It shall initiate studies and make recommendations to the faculty and administration regarding any matters affecting the general welfare of the university that faculty members, faculty bodies, and administrative officers refer to it. It also shall review proposals of other standing committees and recommend procedures for their implementation. The provost is a member, ex officio.

UNIVERSITY ATHLETICS ADVISORY COMMITTEE

The committee shall review and monitor admissions decisions and the academic performance of all student-athletes by regularly receiving appropriate and relevant information regarding the academic eligibility and progress of student-athletes, including graduation rates. The committee also receives reports on, reviews and advises, as appropriate, the Faculty Senate, the NCAA Faculty Athletic Representative (FAR), the president, the director of athletics, and the Board of Trustees on the following: annual inter-collegiate athletic program schedules and major changes to them; the annual budget of the Athletics Department; admissions decisions for athletes receiving grants-in-aid; NCAA certification reports, including Title 9 reports; major requests for waiver of any institutional athletic policies; major changes in Athletics Department personnel (specifically the director of athletics, director of the academic support unit, and head coaches for each sport); the needs, interests, and concerns of student athletes; all other issues regarding inter-collegiate activities as referred to it by University officials. The committee shall make at least an annual, written report of its activities to the Faculty Senate, the president, and the director of athletics.

Membership of the committee shall be six elected faculty members; three student members, (one undergraduate student-athlete who serves as either president or president-elect of the Student Athletics Advisory Committee; one undergraduate student appointed by the president of the student body; and one graduate student appointed by the student government with the consent of the Association of Graduate Students); one member of the Intercollegiate Activities Committee of the Board of Trustees appointed by the chair of that committee; and four presidential appointees (one at-large representative from the faculty, the staff, or the administration; the NCAA faculty athletics representative (FAR); one representative from the Division of Student Affairs; and the director of athletics).

The chair shall be a member of the faculty. The chair and the NCAA faculty athletics representative (FAR) shall sit with the Intercollegiate Activities Committee at its meetings, ex officio.

FACULTY - BOARD OF TRUSTEES LIAISON COMMITTEE

This committee shall serve as liaison between the faculty and the Board of Trustees. Members shall be the chair and chair-elect of the Columbia Faculty Senate, the chairs of the Faculty Advisory and Faculty Welfare committees, one person appointed by the president upon nomination by the Regional Campuses Faculty Senate, and the chair of the faculty government at one of the four-year campuses. The representation of the four-year campuses shall rotate annually among these campuses. The chair of the Columbia Faculty Senate shall be chair of the committee and shall sit with the Board of Trustees as provided by the bylaws of the board.

The committee shall meet with the Academic Affairs Committee of the Board of Trustees, which deliberates on matters of mutual concern to the faculty and the Board of Trustees.

BOOKSTORES COMMITTEE

This committee serves to mediate any disputes between students or faculty and local bookstores whose primary purpose is to serve the university community. Faculty members, students, or bookstores with problems should contact the chair of this committee. The committee should also report any major problems to the Faculty Senate with recommendations. In addition to the six elected faculty members, one graduate and one undergraduate student shall serve on the committee.

FACULTY BUDGET COMMITTEE

The committee shall consist of ten members: three elected members, the current and immediate past chairs of the Faculty Advisory Committee and the Welfare Committee, the chair of the Faculty Senate, and the past chair or the chair-elect of the Faculty Senate; the provost shall serve ex officio.

COMMITTEE ON CURRICULA AND COURSES

This committee shall consider, and recommend to the faculty, action on all requests for new or revised curricula leading to any formal recognition other than graduate degrees or first professional degrees in law and medicine. The committee shall also consider, and recommend to the faculty, action on all requests for the institution, modification, or deletion of courses and of any prescribed programs of study that do not fall within the purview of the graduate faculty. The committee shall review the various university curricula with special attention to duplication or obsolescence of courses. In addition to the members elected by the faculty, there shall be one member appointed by the president to serve ex officio, one representative from the regional campuses, and two student members.

FACULTY GRIEVANCE COMMITTEE

This committee shall consider individual grievances, including grievances regarding salary matters (see also "Terms of Employment"), brought before it by members of the faculty including full-time and part-time members, research professors, lecturers, and visiting professors. When, in its judgment, a grievance is determined to be well-founded, the committee shall attempt to resolve the matter through mediation or other appropriate action. See also "Academic Grievance Procedures." The committee shall consist of nine elected members for staggered three-year terms and one ex-officio member from the Faculty Salary Equity Oversight Committee appointed by the provost. All members of the committee shall be tenured full professors or tenured librarians, and, at the time they commence a term of service on the committee, a year shall have elapsed since their last service, if any, on the University Committee on Tenure and Promotions.

COMMITTEE ON HONORARY DEGREES

This committee shall recommend recipients of honorary degrees to the president and the Board of Trustees. The provost or appointed representative shall be ex officio chair.

COMMITTEE ON INSTRUCTIONAL DEVELOPMENT

This committee shall initiate studies and make recommendations to the faculty and administration on enhancing the practice and status of teaching.

The membership of the committee shall include nine faculty members elected for staggered three-year terms. The provost shall appoint six other faculty members, for staggered three-year terms, to guarantee broad representation of the colleges and academic ranks. The president of the student body shall appoint one undergraduate and one graduate student to one-year terms, to be confirmed by the Student Senate. A representative from the provost's office shall serve ex officio.

INTELLECTUAL PROPERTY COMMITTEE

This committee shall consider cases involving intellectual property, including patent and copyright matters, and shall be the intellectual property advisory body within the university. In addition to the six elected faculty members, there shall be three members appointed by the president. The director of the Office of Technology Transfer, or a representative of that office, shall serve ex officio.

COMMITTEE ON LIBRARIES

This committee shall consider and review matters concerning the status and funding of the libraries that are under the supervision of the vice provost and dean of libraries and informational services.

The committee shall consist of eleven members: seven elected from the faculty, including one member of the teaching faculty of the regional campuses elected by the Regional Campuses Faculty Senate; three presidential appointees; and the vice provost and dean of libraries and informational

services, ex officio. No college shall have more than two elected members, and no department shall have more than one elected member.

COMMITTEE ON SCHOLASTIC STANDARDS AND PETITIONS

This committee shall consider matters concerning university academic requirements, standards, policies, and practices. It shall review changes proposed by colleges and shall make recommendations to the appropriate faculty or the Faculty Senate.

Decisions of a college committee concerning academic regulations may be appealed to the university committee by either the student involved or the dean of the college. Grounds for appeals shall be limited to a contention that a university academic regulation was misinterpreted or that the college committee hearing was fundamentally unfair. The appealing party shall describe in writing the basis for the appeal and shall provide available supporting information.

If the committee considers an appeal, it may confirm the decision of the college committee, return the case to the college for reconsideration, or under exceptional circumstances reverse the decision of the college committee in matters involving the interpretation of university regulations.

In addition to the six elected faculty members, there shall be two student members. The director of admissions and the registrar, or representatives of those offices, shall serve as ex officio members.

UNIVERSITY COMMITTEE ON TENURE AND PROMOTIONS

This committee shall publish guidelines for departmental tenure and promotion criteria and procedures, approve departmental tenure and promotion criteria and procedures, review all tenure and promotion cases, and make tenure and promotion recommendations to the president. It shall be composed of twenty-four tenured full professors, fifteen elected by the faculty and nine appointed by the president. No more than three elected members may be from any single college or school except the College of Liberal Arts, which may have up to six elected members.

The elected members shall be nominated by a committee composed of the members of the Faculty Advisory Committee, the Faculty Welfare Committee, and the eight persons completing their terms on the Tenure and Promotions Committee. The nominating committee shall nominate a slate of ten, from which the voting members of the faculty shall elect five persons. Each voting faculty member may vote for up to five nominees. No person shall serve more than three years consecutively, and no department chair, assistant or associate dean, or dean shall be a member of the committee.

FACULTY WELFARE COMMITTEE

This committee shall consider university policies and the enforcement of policies regarding the welfare of the faculty, such as faculty salaries, other compensation and benefits, and any matters affecting the workplace environment. The committee may recommend appropriate changes or the enforcement of existing policy, propose new policies, or comment upon proposed university action

affecting faculty welfare. Major changes in policy should be forwarded with a recommendation to the Faculty Senate for its consideration and transmittal to the provost, president, or Board of Trustees.

FACULTY SENATE

The Faculty Senate shall consist of ten percent of the voting members of the faculty, elected by each college, school, or regional campus.

Senators shall be elected for a three-year term in the spring, with the term to commence with the fall semester. Every spring semester, colleges and schools shall elect senators to replace those whose terms have expired and to fill unexpired terms. Vacancies occurring after the spring election shall be filled promptly by a method determined by each college or school (such as by special election or appointment by the dean).

Each spring semester, the Faculty Senate office shall calculate appropriate senate representation for each college and school.

Every faculty member has the right to attend and address the senate, but only senators may vote. The minutes of the senate shall be available to all members of the faculty.

The general faculty's powers may be changed only by the general faculty. The Faculty Senate may execute these powers on behalf of the general faculty.

The bylaws and the standing rules of the Faculty Senate appear in the appendices.

FACULTY SENATE OFFICERS

The senate elects its chair and secretary from among voting members of the university faculty. The secretary may vote in the Faculty Senate only if also a senator. The chair may vote in the Faculty Senate only to break a tie. The chair shall serve a two-year term and shall be elected at the beginning of the second year of the preceding chair's term. The secretary shall serve a three-year term and shall be elected at the beginning of the third year of the preceding secretary's term.

The person designated to serve as chair of the Faculty Senate shall serve for a total of four years on the Senate Steering Committee: in the first year as chair-elect, the second and third years as chair, and the fourth year as past chair of the Faculty Senate. A chair-elect shall be elected at the beginning of the second year of the chair's two-year term—that is, at the beginning of the third year of service on the Steering Committee.

The secretary shall serve a four-year term on the Steering Committee: the first year as secretary-elect and the second, third, and fourth years as secretary of the Faculty and Faculty Senate. The secretary-elect shall be elected at the beginning of the third year of the secretary's three-year term—that is, at the beginning of the fourth year of service on the Steering Committee.

SENATE STEERING COMMITTEE

This committee shall serve as a nominating committee and as a planning body that studies issues confronting the university and recommends action to be taken by existing faculty committees, the faculty, and the administration. The committee is composed of the seven chairs of the following committees: Admissions, Athletics Advisory, Curricula and Courses, Faculty Advisory, Faculty Budget, Faculty Welfare, and Scholastic Standards and Petitions, and of two faculty members appointed by the chair of the Faculty Senate. The provost shall serve ex officio.

Ad hoc committees shall be created as needed, and the Faculty Senate chair shall consult with the Senate Steering Committee before appointing their members.

FACULTIES OF THE COLLEGES, SCHOOLS, OR DEPARTMENTS

The faculty of a college, school, or department shall consist of its professors, associate professors, assistant professors, full-time instructors, and full-time lecturers. Voting rights within a college, school, or department shall be based upon the same standards as for the university faculty, unless otherwise provided within an academic unit.

The unit may extend the right to vote on matters within the unit to instructors, lecturers, and clinical faculty who are not degree candidates in the units of their appointments. Such persons shall not be defined as faculty members for purposes of determining faculty representation for the Faculty Senate. The power to extend the voting right shall be reserved to that segment of the unit faculty that holds voting privileges within the university faculty. Colleges, schools, and departments shall hold regularly scheduled meetings. The dean or chair of the college, school, or department shall call a meeting of the college, school, or department faculty whenever requested to do so by five members or one-fourth of the membership of its faculty, whichever is smaller. A meeting of a college, school, or department faculty also may be called by the president of the university, by its dean, or by its chair. A majority of a college, school, or department faculty shall constitute a quorum for the transaction of business, unless otherwise provided within an academic unit.

SCHOLASTIC STANDARDS AND PETITIONS

Each college shall elect from its faculty a committee on scholastic standards and petitions to oversee the academic progress of undergraduate majors in its degree programs. This committee may formulate regulations concerning the scholastic standards of degree programs within the college, provided that these shall not be lower than the general university standards. Such regulations shall govern criteria for entrance into degree programs, criteria for determining scholastic eligibility of majors enrolled in degree programs, the number of majors that a degree program may accommodate, and attendance.

In order to become effective, such regulations formulated by a college committee and approved by the college faculty, must be submitted to the university Committee on Scholastic Standards and

Petitions during the semester prior to the proposed implementation date. If approved, the proposed regulations must be submitted to the Faculty Senate. Approved regulations shall take effect after their publication in the university *Undergraduate Studies Bulletin* unless rescinded by action of the university faculty or the Faculty Senate.

The college committee shall also act on petitions concerning college and university academic regulations. Procedures for appeals of college committee decisions are set forth under the Committee on Scholastic Standards and Petitions.

In the event that a student who meets the requirements to continue enrollment in the university is not allowed to continue in a particular degree program, no record of that action shall be made in the student's file.

By September 1, the college committee shall make an annual report to the university committee on the number of petitions received and their disposition.

GRADUATE SCHOOL FACULTY

The principal responsibilities of members of the Graduate Faculty are to teach graduate students effectively, to conduct scholarly research and/or engage in creative activity of high quality, and to direct the research of graduate students. In order to fulfill these responsibilities, the Graduate Council recognizes regular and term membership in the Graduate School Faculty. In judging the appropriateness of an applicant for the Graduate Faculty, primary consideration shall be given to whether the faculty member is an active and productive scholar and an effective teacher at the graduate level.

REGULAR MEMBERSHIP

Regular members of the Graduate School faculty on the Columbia campus shall include the president; provost; associate provost and dean of The Graduate School; associate dean of The Graduate School; and chairs of academic departments offering degrees conferred by The Graduate School. Faculty members holding the Ph.D. or other terminal degree in their respective field of study are eligible to become regular members of the Graduate School faculty upon appointment to a tenured or tenure-track position at the University's Columbia campus. Nominations of eligible faculty for appointment to The Graduate School faculty are made by the appropriate academic unit (college, department, or school) to the Dean of The Graduate School. The appointment is made by the Dean of The Graduate School in consultation with the Graduate Council.

REVIEW AND RETENTION

Consistent with the University of South Carolina's mission as a major research university committed to high quality graduate instruction, the university reviews scholarly and graduate teaching performance on a periodic basis to assure that each member of the Graduate Faculty continues to

satisfy the unit's criteria for Graduate Faculty membership. Units shall establish procedures and criteria for review and retention of membership on the Graduate School faculty. Such procedures and criteria must be approved by the Graduate Dean in consultation with the Graduate Council. Retention reviews shall coincide with third-year reviews, tenure and promotion reviews, and post-tenure reviews. Review of chaired professorships, department chairs, and deans for retention on the Graduate School faculty shall coincide with their normal periodic reviews.

Regular members of the Graduate School faculty shall be retained on the Graduate School faculty unless they are judged by their peers, in a manner consistent with unit procedures and criteria, to be performing unsatisfactorily in terms of graduate teaching or research. A faculty member who is evaluated as unsatisfactory in graduate teaching or research by his or her unit may submit a letter of appeal to the unit requesting reconsideration. Upon receipt of an evaluation of unsatisfactory performance from the unit, the decision to retain or deny the request for retention on the Graduate School Faculty rests with the Graduate Dean in consultation with the Graduate Council. Appeals of such decisions may be made to the Grievance Committee of the Graduate Council. Persons who have been denied membership on the Graduate School faculty may reapply annually through the unit's normal procedures.

FUNCTIONS

Regular membership in the Graduate School faculty confers the right to direct theses and dissertations, to participate in graduate student committees (subject to unit restrictions), to serve on Graduate Council or its committees, and to vote on matters coming before the Graduate School faculty. The Graduate School faculty shall meet at least once a semester. Special meetings may be called by the Graduate Council or on the written request of any ten members of the graduate faculty. The associate provost and dean of The Graduate School shall serve as the presiding officer, assisted by a secretary elected annually by the Graduate School faculty. The Graduate School faculty shall have the right to act on new graduate programs, Graduate School regulations, and related academic matters brought before it by individual members, the Graduate Council, or the administration.

TERM APPOINTMENTS

Faculty members and scholars not otherwise eligible for regular membership on the Graduate School faculty may be appointed to term appointments. Term appointments to the Graduate School faculty are granted upon nomination by an academic unit to the Dean of The Graduate School for a period not to exceed 3 years. Term appointments to the Graduate School faculty confer the rights only to teach graduate courses and serve on graduate students' committees. Persons with term appointments are eligible for reappointment. Term appointments are appropriate for USC faculty in the School of Law and the School of Medicine, emeriti USC professors, clinical faculty, research professors, faculty members at other institutions (including other campuses of the USC system), and others holding an appropriate terminal degree or other credentials.

GRADUATE COUNCIL

The council shall be composed of nine members selected by the Graduate School faculty, nine members appointed by the president of the university, and the associate provost and dean of the Graduate School, who serves as secretary. The council acts in an advisory capacity to the associate provost and dean of the Graduate School and to the administration, takes action on graduate students' petitions and on faculty requests for graduate grade changes, and performs other duties assigned to it by the graduate faculty or the administration of the university.

The council is responsible for the approval of major changes in Graduate School policy, new courses, course changes, new programs, and modifications of existing degree programs so long as such modifications are in accord with general regulations of the graduate faculty. Actions of the council in these areas shall be published to the faculty and shall become final if not challenged within thirty days by ten or more members of the graduate faculty. A challenge shall consist of a written statement of disagreement with an action or actions of the council that is addressed to the chair or the secretary and signed by ten or more members of the graduate faculty. If a challenge cannot be resolved by the council to the satisfaction of the challengers, the matter shall be referred to the graduate faculty for resolution at a meeting called by the associate provost and dean of the Graduate School. Any decision made by the graduate faculty at a called meeting will supersede the decision of the council. A quorum for a called meeting shall be ten percent of the graduate faculty.

2/ REGULATIONS AND POLICIES AFFIRMATIVE ACTION POLICY STATEMENT

The University of South Carolina is committed to the policy and practice of affirmative action and equal opportunity in education and employment for all qualified persons regardless of race, sex, age, color, religion, national origin, disability, or veteran status.

NATURE OF POLICY CHANGES

Changes in the rights, privileges, and benefits accorded faculty members may be made as conditions warrant. Changes providing additional rights, privileges, and benefits shall apply to all faculty members, regardless of when employed.

APPOINTMENTS

QUALIFICATIONS AND REQUIREMENTS

Qualifications for appointment, set forth below, are not intended as justification for automatic promotion; conversely, justified exceptions may be made.

Professor. To be eligible for the rank of professor, a faculty member must have a record of outstanding performance usually involving both teaching and research, or creativity or performance

in the arts, or recognized professional contributions. The faculty member normally is expected to hold the earned doctor's degree and have at least nine years of effective, relevant experience.

Associate Professor. To be eligible for the rank of associate professor, a faculty member must have a record of effective performance usually involving both teaching and research, or creativity or performance in the arts, or recognized professional contributions. The faculty member normally is expected to hold the earned doctor's degree and must possess strong potential for further development as a teacher and scholar.

Assistant Professor. To be eligible for the rank of assistant professor, a faculty member normally is expected to hold the earned doctor's degree or its equivalent and must possess strong potential for development as a teacher and scholar.

Instructor. To be eligible for the rank of instructor, a faculty member normally is expected to hold the master's degree plus substantial additional graduate study, such as having fulfilled the requirements for admission to candidacy for the doctor's degree. The rank of instructor is an annual appointment and a non-tenure track position.

The qualifications for appointment to positions bearing other titles, such as lecturer or research professor, are in the *Policies and Procedures Manual*.

APPOINTMENT PROCEDURES

When the provost, the vice president for health sciences where appropriate, dean, and department chair agree that a vacancy exists, the dean or chair shall recommend appointment as prescribed in the *Policies and Procedures Manual*. All vacancies shall be advertised in accordance with the university's affirmative action policy and state and federal law.

NEPOTISM POLICY

State law forbids nepotism. See also the *Policies and Procedures Manual*.

AAUP POLICY

The University of South Carolina generally adheres in principle to the most recent standards of the American Association of University Professors regarding the rights, privileges, and benefits accorded faculty members. Where university policies differ from those standards, the regulations stated herein, or as subsequently modified by the university, shall apply.

TENURE AND PROMOTION PROCEDURES

The procedures set forth below governing tenure and promotions shall apply to all academic units of the university. The primary responsibility for the operation of all tenure and promotion procedures shall rest with the tenured members of the faculty of each academic unit. Final authority for recommending tenure or promotion to the University Board of Trustees shall reside with the president, and final authority for approving recommendations of tenure and promotion rests with the Board of Trustees.

ESTABLISHMENT AND REVIEW OF UNIT CRITERIA AND PROCEDURES

The university is committed to achievement in research (including scholarship, visual arts, or performing arts), teaching, and service. Collectively, the faculty profile of the university and of any academic unit should reflect performance consistent with that of major research universities. Unit criteria should reflect that if a candidate is weak in teaching or research, promotion or tenure might not be in the best interest of the university. Although the tenured members of each academic unit formulate specific criteria and procedures for tenure and promotion, individual unit criteria and procedures shall be consistent with the Faculty Manual and shall generally conform to guidelines established by the University Committee on Tenure and Promotions (UCTP).

Unit criteria for tenure and for promotion of a faculty member shall provide clear standards for the assessment of past achievements. Criteria for all tenure and promotions decisions should require a record of accomplishment indicative of continuing development of the faculty member in research, teaching, and service. Criteria for promotion from associate professor to professor and for tenure at the rank of professor should require evidence of national or international stature in a field. Unit criteria for promotion or tenure generally shall require, at a minimum, evidence of excellence in either research or teaching, accompanied by a strong record in the other areas.

In every instance, the record of teaching, research, and service shall be thoroughly documented, as suggested in the UCTP guidelines. Unit procedures for the evaluation of the teaching component of the file must require peer and student evaluations. For units in which the primary focus of the faculty is on public service, criteria for tenure and promotions shall require evaluation of the quality of the public service work and the relationship of the service to research or teaching.

Each unit shall submit its proposed tenure and promotions criteria and procedures through the dean to the provost, who shall forward the proposed criteria and procedures to the UCTP along with his or her comments. Deans of health science units shall forward the proposed criteria and procedures through the vice president for research and health sciences to the provost. If the UCTP finds that the proposed criteria and procedures are consistent with the general guidelines in The Faculty Manual and are sufficiently clear, the UCTP shall approve the criteria and procedures, which then become effective immediately unless otherwise specified. If the UCTP disapproves the proposed unit criteria and procedures, it shall return them to the unit with an explanation of the deficiencies. The unit shall then revise and resubmit its proposed criteria or procedures to the UCTP. Existing criteria and procedures shall be resubmitted to the UCTP for periodic review on a rotating basis as determined by the provost.

New members of the faculty and persons transferred into tenure track positions will be informed in the offer of appointment of the tenure regulations applicable to the position. Any change in these regulations prior to the effective date of the appointment will be communicated to, and receipt acknowledged by, the new faculty member in writing and made a part of the faculty member's official record. The appointment of a non-tenured faculty member to an administrative position does not excuse the faculty member from the unit criteria for tenure and/or promotion. A full-time administrator later appointed as a faculty member is not excused from the unit criteria for tenure and/or promotions.

The tenured faculty of each academic unit shall serve as that unit's tenure and promotions committee. Departments or units with fewer than five tenured members are required to submit to the UCTP a policy for constituting the unit tenure and promotions committee so that the committee has at least five tenured members. The unit tenure and promotions committee may create subcommittees to assist the full committee in the performance of its work. Where possible, on matters other than consideration of a full professor for tenure or consideration of an associate professor for promotion to full professor, a subcommittee shall include both professors and associate professors.

By April 15 of each year, each unit tenure and promotions committee shall elect a chair for the upcoming year and report the chair's name to the provost and Faculty Senate office.

UNIT CONSIDERATION OF TENURE AND PROMOTION FILES

At the unit level, all nontenured faculty are considered for tenure, and all faculty members below the rank of professor are considered for promotion each year. Consideration at the unit level is automatic unless the faculty member requests in writing that consideration be deferred until the following year (provided that nontenured faculty cannot defer tenure consideration beyond the penultimate year of their maximum probationary period). Unless prohibited by unit tenure policies and procedures, candidates for faculty appointments may be recommended for tenure on appointment by a favorable vote of the tenured faculty of equal or higher rank in the unit. However, consistency and durability of performance are relevant factors in evaluating faculty for tenure; therefore, the length of service which a faculty member has completed in a given rank is a valid consideration in formulating a tenure recommendation. Faculty members appointed at the rank of assistant professor who have not previously held tenure-track positions at another college or university normally will not be recommended for tenure until they are in at least their fourth year at the University of South Carolina. Faculty members appointed at the rank of associate professor or professor who have not previously held tenure-track positions at another college or university normally will not be recommended for tenure until they are in at least their third year at the University of South Carolina.

Potential candidates for tenure or promotion should be advised in writing by the dean, department chair, or other appropriate administrator by May 1 (or within two weeks of the candidate's date of initial appointment) of the timetable for the submission and consideration of files. This early notification of candidates will be in addition to the official notification of potential candidates that is

performed by the dean, department chair, or other appropriate administrator at least one month in advance of the date when the file is due.

A candidate and the academic unit should follow UCTP guidelines for putting files together. The unit is responsible for providing a synthesis of evaluations of the candidate's teaching performance and obtaining at least five outside evaluations of the candidate's research. A majority of the outside evaluators must be selected by the unit. The unit should include in the file a summary of the professional qualifications of each outside evaluator or a copy of each evaluator's curriculum vita, along with a copy of a letter requesting the evaluation and informing the evaluator of the unit's relevant criteria for tenure or promotion. The dean and the unit chair or other appropriate administrator shall be notified by the unit committee chair of the pending meeting of the committee.

Each unit shall apply its criteria and procedures to determine whether a candidate qualifies for promotion, tenure, or both. With regard to tenure recommendations, all committee members of rank equal to or higher than the candidate shall vote by secret ballot. With regard to promotion recommendations, all committee members of higher rank than the candidate shall vote by secret ballot. Each member eligible to vote shall vote "yes" or "no" or "abstain." Whether an abstention vote in units counts towards the total votes for candidates in determining an appropriate majority shall be decided at the unit level. A record of the votes is made in all instances and must be forwarded through appropriate channels. Written justification of all votes at the unit level shall be mandatory and shall state specifically how the candidate meets or does not meet the unit's criteria.

Recommendations from the unit tenure and promotions committee, including the recording of votes and all written comments, are forwarded to the unit chair or other appropriate administrator. The unit chair or other appropriate administrator shall vote "yes" or "no" or "abstain" and shall forward his or her vote with written justification, along with all other recommendations, statements, and endorsements to the dean. The dean shall forward the file with his or her recommendation to the provost, who shall forward the file with his or her recommendation to the UCTP.

A candidate's file will be sent forward if the unit tenure and promotions committee recommends tenure or promotion. The file of a candidate for both tenure and promotion who is recommended by the unit tenure and promotions committee for tenure or promotion, but not both, will be sent forward for consideration of only that aspect favorably recommended by the unit. Upon written request of any candidate dissatisfied with a negative decision by the unit tenure and promotions committee, the unit committee shall send that candidate's file through all appropriate channels for endorsement to the president for appropriate action. A list of those persons considered but not recommended must be forwarded through appropriate channels. Failure to recommend a candidate favorably for tenure or promotion is without prejudice with respect to future consideration (unless a candidate for tenure is in the penultimate year of the candidate's maximum probationary period). The University Grievance Committee hears appeals from any person dissatisfied with the president's decisions regarding tenure or promotion (See "Academic Grievance Procedure").

REVIEW OF TENURE AND PROMOTION FILES AFTER UNIT VOTE

The UCTP receives recommendations for tenure and promotions through the appropriate administrative officers (unit chairs, deans, and the provost) of the university, who forward to the UCTP the results of all votes and statements by the appropriate faculty. The committee assesses whether the candidate's unit criteria were fairly and appropriately applied at all levels in evaluating the candidate's file and forwards its recommendation on the file, including each member's vote justification, to the president. The members of the UCTP shall consider all votes and vote justifications in the file and shall apply the candidate's unit criteria in justifying their own votes toward the overall UCTP recommendation.

The proceedings of the UCTP are confidential with respect to all written materials reviewed and all discussions of individual cases by the committee. The committee has the authority to remove members who fail to maintain confidentiality.

Final decisions regarding the grant or denial of tenure or promotion shall be communicated to the candidate in writing.

The provost will report annually to the General Faculty the results of the tenure and promotion process. The report must contain statistics that show the percentage of agreement between the president's, UCTP's, provost's, deans', and chairs' recommendations in tenure and promotion decisions, and the positive and negative vote of local units taken as a whole.

AMENDMENTS AND TRANSITIONAL PROVISIONS.

No change shall be made in the universitywide tenure and promotion regulations except by vote of the full voting membership of the university faculty or by direction of the Board of Trustees. In no event shall any change in tenure and promotion regulations be made retroactive for faculty hired before January 1, 1995, unless the faculty member chooses otherwise; except that any changes in tenure and promotion regulations shall apply to all faculty, including those hired before January 1, 1995, who are subject to the provisions of Tenure and Promotion in Cases of Reorganization as set forth herein.

Faculty members hired into the tenure track after January 1, 1995, shall be responsible within their probationary period for meeting the unit tenure and promotion criteria and university standards in effect at the time of their hiring. For all subsequent promotions the faculty member shall be responsible for meeting unit criteria and university standards in effect at the time of their application for that promotion.

PROBATIONARY PERIOD AND REAPPOINTMENT PROCEDURES

Before the end of the probationary period, a decision will be made to grant or deny tenure. If the decision is to deny tenure, notice will be given in writing before the end of the penultimate year of the maximum probationary period. If notice is not given by the specified time, the appointment of the faculty member will thereafter be a continuous (or tenured) appointment.

MAXIMUM PROBATIONARY PERIODS

The maximum probationary period for all full-time faculty members appointed at the rank of assistant professor is service for seven years at the University of South Carolina.

The maximum probationary period for all full-time faculty members appointed at the rank of associate professor or professor is service for six years at the University of South Carolina.

The maximum probationary period for all professional librarians is service for seven years at the University of South Carolina.

CALCULATION OF PROBATIONARY PERIOD

Time during which the faculty member is on leave, either with or without pay, will not be counted as part of the probationary period. Only full-time faculty members holding the rank of assistant professor, associate professor, professor, and professional librarian are eligible for tenure. Appointments to all other faculty ranks are on an annual basis and service under such appointments is not considered part of a probationary period for tenure consideration.

APPOINTMENT AND REAPPOINTMENT DURING PROBATIONARY PERIOD

Within the probationary period, all faculty appointments are on an annual basis. Written notice will be given each year of reappointment or non-reappointment for the following year. The termination of an appointment prior to its scheduled expiration shall only be for cause. What constitutes cause and the procedures to be followed are those set forth in the provisions for termination of tenured faculty. If an appointment is not to be renewed, adequate notice will be given.

Adequate notice is as follows:

If the faculty member is in the first year of the probationary period, notice of non-reappointment will be given in writing by March 1 (July 1 for a second semester appointment).

If the faculty member is in the second year of the probationary period, notice will be given in writing by December 15 (April 15 for a second semester appointment).

Thereafter, notice of non-reappointment will be given in writing at least twelve months prior to the effective date.

If there is termination for cause, these notification requirements do not apply.

The tenured faculty of equal or higher rank in the unit annually shall make a recommendation by majority vote as to whether a faculty member within the probationary period is making sufficient progress toward tenure so as to be reappointed.

In non-departmentalized schools or colleges, the recommendation of the tenured faculty shall be forwarded to the dean. In departmentalized schools or colleges, the recommendation of the tenured faculty shall be forwarded to the department chair, who shall add his or her recommendation and forward both recommendations to the dean. Based upon the candidate's file, including the recommendations received from the tenured faculty of the unit and from the department chair in departmentalized colleges, the dean shall determine whether the faculty member is making sufficient progress toward tenure so as to be reappointed. If the dean agrees with the recommendation of the tenured faculty, the dean's decision shall be final. The dean shall notify the provost of the decision to reappoint or not reappoint. Deans of health sciences units shall also notify the vice president for research and health sciences. If the dean disagrees with the recommendation of the tenured faculty, then the recommendation of the dean shall be added to the recommendation of the faculty, as well as that of the department chair in departmentalized colleges, and shall be forwarded with the candidate's file to the provost, who shall review the file and all recommendations and make the final decision on reappointment. Deans of health sciences units shall forward the recommendations and file through the vice president for research and health sciences to the provost.

APPOINTMENT AND TERMINATION OF NON-TENURE TRACK FACULTY

Appointments of non-tenure track faculty shall be in writing and shall specify the beginning and ending date of appointment. Appointments shall terminate on the date specified and no further notice of non-reappointment is required. If a non-tenure track faculty member is appointed without a specified ending date, notice of non-reappointment shall be given in writing to the faculty member at least twelve months prior to the termination date.

GRIEVANCE UPON NON-REAPPOINTMENT

Non-reappointment during the probationary period is different from a decision of non-reappointment in conjunction with a denial of tenure in the penultimate year of the maximum probationary period and as such constitutes grounds for a grievance only under the limited grounds stated in the Academic Grievance Procedures.

Non-reappointment in conjunction with denial of tenure in the penultimate year may be grounds for a grievance under the full provisions of the Academic Grievance Procedures.

Tenure and Promotion in Cases of Reorganization

1. If independent tenure units are merged to form a new tenure unit, or if one or more tenure units are subsumed by another tenure unit, or if a tenure unit is divided into several separate tenure units, tenure and promotion criteria and procedures for each new unit or units, or for the newly augmented unit, shall be developed by the affected tenured faculty and approved in accordance with the standard practice.

2. These new tenure and promotion criteria and procedures should reflect and accommodate differences in faculty activities and specializations.
3. Until new tenure and promotion criteria and procedures have been finally approved for a new or reorganized unit, faculty members in the new or reorganized unit who are being considered for tenure or promotion or both, shall be evaluated under the criteria applicable to them prior to the reorganization. These faculty members may elect to have their file considered by the tenure and promotion committee of their prior unit as it existed before reorganization, or by the tenure and promotion committee of their new or reorganized unit. The file and recommendations of the committee shall then be forwarded, as appropriate, to the unit chair and to the dean of the new or reorganized unit.
4. Faculty in their probationary period who were hired before reorganization is completed, who are being considered for tenure or for their first promotion after reorganization, or both, may choose to have applied to them either the newly established criteria and procedures or the criteria and procedures applicable to them that were in effect when hired in the tenure unit preceding the reorganization. For all subsequent promotions, such faculty shall be subject to the criteria and procedures of the new unit.
5. Faculty hired prior to January 1, 1995, may, within five years of final approval of the new tenure and promotion criteria and procedures, choose to have applied to them the criteria and procedures applicable to them prior to reorganization. At the conclusion of the five-year period, the newly approved criteria and procedures for the reorganized unit must be applied.

ACADEMIC GRIEVANCE PROCEDURES

For grievances involving nonreappointment, see section I (below); for those involving denial of tenure or denial of promotion, see section II (below). For grievances involving termination of a tenured faculty member, see section III (below). For grievances or procedures other than those stated in sections I, II, and III, including material breaches of special contractual obligations of the university, the faculty member shall attempt to resolve the issue at the department level. If a solution cannot be obtained at this level, the redress may be pursued through the offices of dean, provost, and president. For faculty members in health sciences units, redress may be pursued through the office of dean, vice president for research and health sciences, provost and president. If redress cannot be obtained from any of these officers, the faculty member may appeal to the Faculty Grievance Committee. If this committee finds that there are grounds for a grievance, it shall try to resolve the matter through mediation or other appropriate action. The committee shall report its recommendations and reasons to the faculty member and to the president. The president shall be the final university authority to whom a grievance may be submitted.

All days referred to in this procedure are calendar days; however, when the last day of such a period falls on a weekend or university holiday, the effective date shall be the next regular business day. The first day in the period shall be the day after the actual day of notification.

I. GROUNDS FOR GRIEVANCE OF NON-REAPPOINTMENT

Grievances concerning nonreappointment are limited to the grounds of denial of academic freedom or denial of procedural due process. Due process applies particularly to required annual faculty evaluation and the observance of the timely notice requirements.

If these grounds are believed to exist, the faculty member shall have access to the grievance procedures outlined in section II (below).

II. GRIEVANCE PROCEDURE FOR DENIAL OF TENURE OR PROMOTION

Upon receiving notice of denial of tenure or promotion, the faculty member may seek relief by taking the steps outlined below.

The grievance procedure may turn out to be lengthy, and the faculty member who initiates a grievance procedure is advised to maintain a file of dated correspondence sent or received, as well as dates and notes of conferences held concerning the case. Failure of any administrative official or reviewing authority to comply with the deadlines for action specified herein shall not operate to reverse or modify a tenure or promotion decision, but shall permit the faculty member to proceed directly to petition the Faculty Grievance Committee for consideration.

1. The first recourse of the faculty member shall be to request an immediate oral explanation from the member's administrative officer for the denial of tenure or promotion.

2. If the faculty member does not receive an oral explanation or believes that it is unsatisfactory, the faculty member may request from the dean of the college a written summary of the evaluations and reasons advanced pertaining to the faculty member's case upon which judgments were made and actions taken. The written request must be submitted to the dean within seven days of notification of denial of tenure or promotion. The dean will provide a summary within fifteen days of the request. The dean, after consultation with the provost, shall respond with a detailed summary of the evaluations included in vote justifications, in letters from external referees, and in administrative reviews, and with the vote of the UCTP. Such a summary will be made so as to protect the identity of the referees and faculty members.

3. Within seven days of receiving the dean's summary of the case, if the faculty member believes there are grounds for reconsideration of the case, the member may state in writing the grounds for this belief and submit them to the president. The president may order a review, at any faculty or administrative level, on the grounds for reconsideration set forth by the faculty member if the president believes the findings of the review could substantially alter the basis upon which the initial decision of denial of tenure or promotion was reached. The president shall inform the faculty

member in writing of the president's decision upon reconsideration and the reasons for it. At that time, in the event of a negative decision, the president shall also inform the faculty member about the right of review by the Faculty Grievance Committee, including the name of the chair of the committee and the applicable review procedures. The presidential review, including any unit reviews, must be completed within a reasonable time not to exceed 120 calendar days.

4. After a negative decision upon reconsideration, a faculty member who believes that there is cause for grievance may petition the Faculty Grievance Committee. Such a petition must be made in writing to the chair of the Faculty Grievance Committee no later than seven days from receipt of the president's letter.

a. The petition must be based on one or more of the following allegations: inadequate consideration of unit criteria, use of impermissible criteria, denial of procedural due process, or denial of academic freedom. The petition shall state the factual basis for the allegations and the relief requested. The committee shall use the following procedures in reviewing the petition:

i. The chair shall notify the faculty member of the time and place of the review and inform the faculty member about the specific procedures governing the review. The review shall be closed and nonadversarial.

ii. The proceeding shall be recorded on tape, which shall be for the confidential use of the committee only.

iii. For the review, the faculty member shall be permitted to choose as advisor either a faculty member or an academic administrator or privately retained counsel.

iv. The committee shall assist the faculty member in securing the attendance of those whose testimony may be of assistance to the committee in making its findings and recommendations. In addition to the summary provided to the faculty member by the dean of the college, the committee will provide the faculty member with a detailed summary of letters and evaluations included in the file. To retain confidentiality, the summary shall be prepared by the committee without attribution.

v. The review is to be held as speedily as possible taking into account the necessity to maintain a quorum and availability of parties essential to the proceeding. If a review cannot be completed within 120 calendar days the committee should notify the grievant of the schedule for completion of the review.

b. If the Faculty Grievance Committee finds that there has been inadequate consideration of the unit criteria, the use of impermissible criteria, denial of procedural due process, or denial of academic freedom, the committee shall remand the case to the faculty or administrative level at which the inadequacy or denial occurred, and the evaluation of the faculty member shall begin anew at that point. The committee shall send a statement of its findings and decisions, including the reasons for them, to the faculty member, to the unit or administrative officer involved, and to the

president. If the new consideration still results in denial of tenure or promotion, the level to which the case was remanded shall state the reasons in writing to the faculty member and to the committee.

c. If the committee finds that the faculty member has cause for grievance but concludes that a new consideration of the case would not be worthwhile, it shall recommend to the president an equitable resolution of the case and provide the faculty member and the unit involved a statement of its findings and recommendations and the reasons for them. The committee, however, will not substitute its judgment for the qualitative professional judgments of the faculty in determining whether the relevant unit criteria have been adequately met. Thus, disagreement with such faculty judgment is not sufficient basis for the committee to recommend modification of the decision. The committee shall be limited to considering whether there is a factual basis in the record, taken as a whole, upon which an individual acting in good faith could rationally reach the result being grieved.

d. If the committee recommends that the president modify or reverse a decision that is unfavorable to the faculty member, the president may implement the recommendation. If the president rejects the recommendation, the reasons for the rejection shall be stated in writing to the faculty member and to the committee. The president shall act on the committee's recommendation within twenty days.

The president shall be the final university authority to whom a grievance may be submitted.

III. TERMINATION OF TENURED FACULTY CAUSES

Termination or dismissal of a tenured member of the faculty shall be only for cause. Cause shall mean one or more of the following:

1. failure to perform adequately the duties of the position so as to constitute incompetence and/or habitual neglect of duty;
2. misconduct related directly and substantially to the fitness of the faculty member in the professional capacity as teacher or researcher;
3. conduct or action not protected by the Constitution or laws and which is a clear interference with the academic functions of the University;
4. prolonged inability for medical reasons to perform the duties required for the position; termination of a tenured member of the faculty for medical reasons will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of appointment;

5. lapse or withdrawal of licensure to practice in the state of South Carolina or withdrawal of admitting privileges to affiliated teaching hospitals with respect to clinical faculty in the School of Medicine; the loss of licensure in any other professional area may also be considered as a cause for termination if the license is necessary for the performance of one's academic duties;

6. bona fide reduction in staff, which may be caused by financial exigency or by discontinuance or reduction in size of a program or instructional unit for reasons not related to financial exigency.

Failure to make substantial progress toward meeting the performance goals of a development plan established through the post-tenure review process may expose a faculty member to proceedings for termination of tenure under this chapter.

PROCEDURES

A. TERMINATION FOR FAILURE TO PERFORM DUTIES DUE TO INCOMPETENCE AND/OR HABITUAL NEGLECT OF DUTY; TERMINATION FOR CONDUCT AS SPECIFIED IN 2 AND 3 ABOVE; MEDICAL REASONS; TERMINATION FOR LAPSE OR WITHDRAWAL OF LICENSE.

1. Discussion with the president.

After it becomes evident to the president that termination may be desirable, there must be discussion between the faculty member and the president with the intent of arriving at a mutually agreed upon resolution.

2. Re-Assignment.

The president may assign the faculty member to new duties if the faculty member's continuance in normal duties threatens immediate harm to that faculty member or to others.

3. Faculty Advisory Committee Review.

If the president and the faculty member are unable to reach a resolution, the president shall inform the Faculty Advisory Committee of his or her desire to terminate a tenured member of the faculty. The president shall give this committee a statement of charges, framed with reasonable particularity, and the factual basis for these charges, also stated with reasonable particularity. The function of the committee shall be to determine whether the facts alleged, if true, would establish the charge and whether the charge is of such a nature as to warrant termination. The discussions, records, and recommendations of the committee shall remain confidential.

The committee shall inform in writing both the president and the faculty member of its recommendations and its reasons therefor. Should the president then wish to pursue termination proceedings he or she shall, by letter, inform the faculty member of the intention to terminate,

including a precise statement of specific charges. The letter shall also inform the faculty member of the member's right to request a hearing on this decision by the Tenure Review Board. (See below)

If the faculty member takes no action within ten days of receipt of notification by the president, the president, without recourse to further proceedings, may send a written letter of termination.

4. Tenure Review Board Hearings.

If the faculty member desires a hearing by the Tenure Review Board, the member must so inform the board and the President in writing within ten days of receipt of notification by the president of the proposed termination.

Upon receipt of a written request for a hearing, the chair of the Tenure Review Board shall schedule a hearing no sooner than 20 days and no later than 60 days from the date of receipt. All parties must be given written notice as to time, date, and place.

The board may hold joint prehearings with the parties in order to simplify the issues, effect stipulations of facts, or for other appropriate objectives as will make the hearing fair, effective, and expeditious. At this stage, members of the board may disqualify themselves for bias or interest, and the parties involved may raise the question of disqualification. The Senate Steering Committee shall appoint new members to fill vacancies created on the Tenure Review Board for this particular hearing.

The following standards and procedures shall apply in the conduct of the hearing:

- a. The hearing shall be closed.
- b. A verbatim record of the hearing or hearings will be taken and a copy made available to the faculty member on request and without cost.
- c. The burden of proof that adequate cause exists rests with the president and shall be satisfied only by clear and convincing evidence in the record, as established at the hearing, considered as a whole.
- d. The faculty member may choose an academic advisor and/or counsel to be present during the proceedings.
- e. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The president will cooperate with the board in securing witnesses and making available documentary and other evidence.
- f. The board may grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.

g. The faculty member and advisor or counsel and the president or representative will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear but the board determines that the interests of justice require admission of their statements, the board will identify the witnesses, disclose statements, and, if possible, provide for interrogatories.

h. The board will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

i. The findings of fact and the decision of the board will be based solely on the hearing record.

If the Tenure Review Board concludes that adequate cause for termination has been established, it shall so inform the President and the faculty member.

If the board concludes that action short of termination would be more appropriate, it shall so inform the president and the faculty member, together with supporting reasons, and the termination proceedings shall stop at this point.

If the board concludes that adequate cause for termination has not been established, it shall so inform the president and the faculty member, together with supporting reasons, and the termination proceedings shall stop at this point.

5. Final Disposition and Appeals

Within ten days of receipt of the board's report, the president shall inform in writing the faculty member and the board of his or her decision together with supporting reasons. The president shall inform the faculty member of the right to appeal an adverse decision to the Academic Affairs Committee of the Board of Trustees, sitting in consultation with the Faculty Liaison Committee. If the faculty member takes no action within ten days of receipt of notification by the president, the president may send a letter of termination.

The decision by the Academic Affairs Committee is final within the university. If the committee's decision is to support the intention of the president, the president may then send formal notification of termination.

B. TERMINATION BECAUSE OF BONA FIDE REDUCTION IN STAFF

1. Termination Because of Financial Exigency.

Financial exigency shall mean an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic measures than termination of tenured faculty members.

A committee of the faculty must participate with the administration in the decision that a condition of financial exigency exists or is imminent and that all feasible alternatives to termination of tenured appointments have been pursued. This committee shall consist of nine members of the faculty, no more than two from the same college, appointed by the Chair of the Faculty Senate with the concurrence of the Faculty Advisory Committee. The committee must participate in the formulation of criteria for determining termination. Length of service may be appropriately included among the criteria. The committee itself or through appointing persons and/or groups as agents must participate in the decision as to which individuals shall be terminated.

A faculty member receiving notification of an intention to terminate because of financial exigency is entitled to a hearing before the Tenure Review Board as specified in Section A.

The issues in this hearing may include

- a. the existence and extent of the condition of financial exigency. The burden will rest with the President to prove the existence and extent of the condition;
- b. the validity of the educational judgments and criteria for determining termination;
- c. whether the criteria are being properly applied in the individual case

2. Termination Because of Reduction in Program or Instructional Unit.

The decision to discontinue or reduce a program or instructional unit will be based upon long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance in contrast to considerations which reflect cyclical or temporary conditions.

The decision to discontinue or reduce a program or instructional unit must be arrived at jointly by the President and the faculty committee as described in Section B.1.

Every effort must be made to place faculty members affected by discontinuance in another suitable position within the institution. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. Only if no position is available may a tenured member of the faculty be terminated for reasons of discontinuance.

A faculty member receiving notification of an intention to terminate because of discontinuance is entitled to a hearing before the Tenure Review Board as specified in Section A. 4 and 5.

A faculty member receiving notification of an intention to terminate because of discontinuance or reduction in program or instructional unit shall be given a year's notice.

3. In all cases of termination of appointment, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

TENURE REVIEW BOARD

This board conducts hearings and rules on cases involving the dismissal of tenured faculty members for cause. It also resolves disagreements between the provost and any unit over the content of unit post-tenure review standards and procedures. The seven members of the board shall be tenured faculty, two appointed by the president and five elected by the faculty for staggered three-year terms.

TERMS OF EMPLOYMENT

In the absence of special arrangements, employment of the members of the faculty shall be for a period of nine months. The salary for one semester shall be one-half that of the nine-month period.

Faculty members may teach in a summer session for 15 percent of the salary received during the previous academic year, state funds permitting. Faculty members must advise the department chair or dean before December 1 of their summer school intentions and at that time may be assigned to teach in a summer session, as conditions warrant; but on the recommendation of the dean and the provost and with the approval of the president, faculty members may be assigned special duties for this period. Summer school teaching in the case of faculty hired after September 1, 1973, for employment beginning September 1974 or later, may depend on the availability of funds or the size of enrollment.

For the fall and spring semesters, all faculty members shall be available from the fourth calendar day before the first day of classes through commencement.

Faculty members may be permitted to do professional work of an expert character outside the university and to receive pay for it when the work in question contributes to their professional development. Faculty members shall not undertake outside professional work without the approval of their dean. The university reserves the right to declare a conflict of interest at any time. See also the *Policies and Procedures Manual*

No member of the teaching staff shall receive compensation for tutoring students in any course for which the member is empowered to grant the student credit or over which that member has any authority. This regulation does not prohibit tutoring for remuneration in subjects over which the tutor has no control.

Employees are subject to state law regulating dual employment. See also the *Policies and Procedures Manual*.

Faculty members dissatisfied with decisions affecting their salaries may forward a documented appeal through their dean to the provost. Faculty in health sciences units dissatisfied with decisions affecting their salaries may forward a documented appeal through their dean, the vice president for research and health sciences, to the provost. Only after following this procedure may faculty members refer the matter to the Faculty Grievance Committee.

RESEARCH FACULTY

Research professors and research associates on fixed-term contracts are subject to the same terms of employment as other fixed-term appointees for leave, sick pay, and vacations and to annual employment reviews by their dean or director, as described in the unit policies and procedures manual. Individuals hired on fixed-term contracts as research professors and research associates shall be ineligible for tenure. Their employment may be terminated by either party upon ninety days' written notice.

INTEGRITY IN RESEARCH AND SCHOLARSHIP

The integrity of university programs requires that faculty eschew misconduct, that allegations of misconduct be resolved justly, and that a person making a good-faith allegation of misconduct not be subjected to recrimination.

"Misconduct" in this regard shall be defined as serious deviation from accepted standards and practices in proposing, carrying out, or reporting the results of scholarly undertakings, such as fabrication, falsification, or plagiarism; material failure to comply with university, government, or professional requirements for protection of researchers, human subjects, or the public, or for ensuring the welfare of laboratory animals; or failure to meet other material professional standards or legal requirements governing research.

Honest error and differences in interpretation or judgment of data do not constitute misconduct. See also the *Policies and Procedures Manual*.

TEACHING RESPONSIBILITY

At the beginning of each term, instructional staff members shall state clearly in a syllabus the instructional objectives of each course they teach. They shall seek to fulfill these objectives and give examinations consistent with them. Instructional staff members shall follow the course descriptions published in the university *Undergraduate Studies Bulletin* and *Graduate Studies Bulletin*.

Instructional staff members shall inform their students about how they determine final grades and any attendance requirements that differ from the university attendance policy. At the request of a student, a faculty member should provide, before the free drop date, an evaluation of the student's progress.

Instructional staff members shall retain final examinations for one semester and should review graded examinations and papers with their students, if the students desire. They should grade and return examinations promptly.

Instructional staff members should meet their classes regularly at scheduled times. If unable to meet their classes, they shall notify the dean or department chair.

Instructional staff members should post a reasonable number of convenient office hours, as determined administratively, with the option of appointments.

Instructional staff members shall refrain from engaging in romantic or sexual relations with students over whom they have academic or supervisory control.

Instructional staff members responsible for academic advising should be in their offices at specified hours during registration.

ANNUAL PERFORMANCE REVIEW, THIRD-YEAR REVIEW AND POST-TENURE REVIEW

I. Purpose

The University of South Carolina's mission as a major teaching and research institution is founded on the teaching, research (including creative activities), and service efforts of a strong and dedicated faculty. Affirming its commitment to tenure as essential to its mission, the university supports faculty in reaching their maximum professional development and assuring their full contribution to the academic life of the institution.

To further these goals, the university adopts annual performance review and post-tenure review policies to recognize and reward faculty for superior achievement, and to assure that each faculty member's contribution to the university through teaching research/creative activities, and service is at a satisfactory level of performance.

II. Definitions

Pursuant to the guidelines of the Commission on Higher Education as noted in Best Practices for a Performance Review and for the purposes of this policy:

Superior performance means performance at the very highest level.

Satisfactory performance means performance that meets the expectations of the unit.

Unsatisfactory performance means performance, taken as a whole, which fails to meet relevant unit post tenure review standards in teaching, research/creative activities, and service.

III. Obligations of Each Tenuring Unit for Policies on Annual Performance Review, Third-Year Review and Post-Tenure Review

Each tenuring unit must adopt procedures and standards for:

1. An annual written performance review for all tenure track faculty.

2. A third-year review for all untenured faculty, regardless of rank.

3. A post-tenure review for all tenured faculty, regardless of rank. A post-tenure review for all tenured faculty in administrative positions by their immediate supervisors. Unit chairs will be evaluated by their immediate supervisors in consultation with their units. Written copies of all annual performance reviews, third year reviews, post-tenure reviews and development plans (see V.C.3. infra) will be given to the faculty member who is reviewed and will be permanently retained by the office of the department chair and the office of the dean. Copies of unsatisfactory post-tenure reviews and the associated development plans will also be sent to the Provost; for health sciences units, copies of unsatisfactory post-tenure reviews and the associated development plans will also be sent to the vice president for research and health sciences.

Unit post-tenure review standards and procedures must be forwarded to the dean and the provost for approval. Any disagreements between the dean and the unit over the content of the post-tenure review standards or procedures may be resolved by the provost. In health sciences units disagreements between the dean and the unit over the content of the post-tenure review standards or procedures shall be forwarded through the vice president for research and health sciences for resolution by the provost. Any disagreement between the Provost and the unit over the content of the post-tenure review standards or procedures shall be referred to the Tenure Review Board for final resolution.

IV. Minimum Unit Standards and Procedures

A. For Annual Performance Reviews of Faculty

1. Annually, each faculty member, including tenured faculty and those in departmental administrative positions, must receive a written review that provides specific evaluative information and an administrative assessment of the faculty member's performance in the categories of teaching, research/creative activities, and service. The review should be sufficiently detailed to aid the faculty member in professional growth and development.

2. The review on teaching must incorporate student evaluations. Peer evaluations will be included for non-tenured faculty.

3. In each category the process must identify those faculty members whose level of performance is superior.

4. The annual review of faculty in a development plan as defined in V.C.3 shall be undertaken with reference to the goals and timetables in the development plan.

B. For Third Year Review

1. In the third year after appointment, all untenured faculty members must be given a written comprehensive evaluation of their progress toward tenure and promotion.

2. This evaluation may be performed by the unit tenure and promotions committee or as otherwise provided by unit procedures. If not performed by the unit tenure and promotions committee, the evaluation will be reviewed by the unit tenure and promotion committee. The tenure and promotion committee will recommend to the next level of file review (i.e., unit chair or dean) whether or not the untenured faculty member should be retained.

C. Each unit's post-tenure review must conform to the following:

1. Each tenured faculty member, regardless of rank and including those in departmental administrative positions, will be reviewed every six years unless, during the previous six year period, the faculty member is reviewed and advanced to or retained in a higher position (e.g., dean, a chaired professorship, promotion to a higher professorial rank). However, post-tenure review will be waived for any faculty member who notifies the unit chair in writing of retirement within three years of the next scheduled review.

2. Upon completion of post-tenure review, the faculty member must receive a written statement that provides specific evaluative information of the faculty member's performance in the categories of teaching, research/creative activities, and service. The review should be sufficiently detailed to aid the faculty member in professional growth and development.

3. The post-tenure review must incorporate annual performance reviews accumulated since the initial tenure review or since the last post-tenure review.

4. The post-tenure review must include peer and student evaluations; research/creative activities, evaluated by peers outside the unit (although not necessarily outside the university); and service. Refereed publications or other reviewed research/creative exercises may be considered as having been peer-reviewed outside the unit. The post-tenure review must include detailed information about the outcomes of any sabbatical leave awarded during the pre-review period.

5. In each category the process must identify those faculty members whose performance is superior.

V. Outcomes in Annual Performance Review and Post-Tenure Review

A. A Superior Review

A superior evaluation will be noted in a faculty member's personnel file when both the academic unit and the dean assess the faculty member's performance as superior. Any faculty member who receives a superior evaluation in a post-tenure review may receive a permanent merit increase to base pay as determined by the provost, in addition to any annual raise.

B. A Satisfactory Review

A satisfactory evaluation will be noted in the faculty member's personnel file when both the academic unit and the dean assess the faculty member's performance as satisfactory, and as otherwise noted below in Subsection D.

C. An Unsatisfactory Review

1. A faculty member who receives an unsatisfactory review from the local unit and does not contest either the evaluation itself or the action plan for improvement will have the unsatisfactory review noted in his/her personnel file. The academic unit shall forward both its justification for the unsatisfactory review and its recommendations for restoring the faculty member's performance to the satisfactory level to the dean.
2. A faculty member who receives an unsatisfactory review from the local unit and disagrees with the evaluation or any aspect of the unit's recommendations for improvement may appeal to the local unit tenure and promotion committee, in general or about any particulars. The findings of the unit tenure and promotion committee, together with its recommendations for action and a statement by the faculty member, will be forwarded to the dean for the final determination of whether the faculty member's performance will be recorded as satisfactory.
3. According to the procedures of the unit, the unit, in consultation with and concurrence of the faculty member, must establish a development plan. The plan may include the appointment of a development committee to assist the faculty member in improving performance. The development plan will form the basis for evaluations of the faculty member until satisfactory performance is restored.
4. In the event that the faculty member consults with the unit development committee but does not concur with the development plan, both the faculty member and the development committee will submit development plans to the dean for final determination of the plan. In the event that the faculty member waives the right, overtly or by non-participation, to consult or concur with the development committee, the committee will write the plan and forward the plan to the dean for final determination.
5. At the next annual review, the unit chair and the development committee, if any, will make an assessment of the progress of the faculty member. The evaluation will be forwarded to the unit tenure and promotion committee. The committee will review the chair's assessment and state in writing its concurrence or dissent, in general or in any particular. The chair's assessment and the unit tenure and promotion committee's response will be forwarded to the dean and copies provided to the faculty member. The dean will make the final determination on progress or the lack thereof, and whether or not further measures may be necessary.

D. Summary

In summary, the matrix of outcomes for post-tenure review ratings would be as follows:

<u>Unit Vote</u>	<u>Dean Vote</u>	<u>Recorded Evaluation</u>
Superior	Superior	Superior
Superior	Satisfactory	Satisfactory
Satisfactory Satisfactory	Superior Satisfactory	Satisfactory Satisfactory
Satisfactory	Unsatisfactory	Satisfactory
Unsatisfactory	Satisfactory	Satisfactory
Unsatisfactory (no appeal from the candidate)	Unsatisfactory	Unsatisfactory
Unsatisfactory	Unsatisfactory	Unsatisfactory
(candidate appeals to unit)	(Dean agrees with unit)	
Unsatisfactory (candidate appeals to unit)	Satisfactory (Dean agrees with candidate)	Satisfactory

NORMAL WORK SCHEDULE

The work schedules of full-time faculty are necessarily flexible, but the normal teaching assignment shall be twelve hours or its equivalent. Teaching assignments will be affected by the number of students in the class, the level of the course, research, and other factors.

All absences of faculty members shall be reported to the dean. Faculty members shall obtain approval of absences from their chair or, in nondepartmentalized units, the dean. Faculty members'

sick leaves in excess of five consecutive days shall be reported to the provost by memorandum. Department chairs shall notify their dean if they expect to be absent from campus. In the event of any absence by a dean, chair, or faculty member for an unusual amount of time, the dean should notify the provost. Deans of health sciences units shall also notify the vice president for research and health sciences in the event of any absence by a dean, chair, or faculty member for an unusual amount of time.

LEAVE

ANNUAL LEAVE

Faculty members employed on less than a twelve-month basis shall not earn annual leave.

Faculty members on twelve-month appointment with no stipulation of term and who work at least half-time shall accumulate annual leave at the rate of one and one-quarter days per month of continuous employment. After ten years of service, they shall earn additional annual leave for each year in excess of ten years of service, up to a maximum accrual of thirty days per calendar year. Part-time employees earn annual leave on a pro-rata basis. All time taken off from normal duties must be reported and will be deducted from accrued leave.

Faculty members working on grants or contracts and earning annual leave may be required to use all accumulated annual leave prior to the termination of the grants or contracts.

Faculty members who change to other than a twelve-month appointment may be required to use all accumulated annual leave prior to the change.

No more than thirty days of annual leave may be used in any calendar year. Upon separation from employment, faculty members shall be paid for a maximum of forty-five days of unused annual leave. See also the *Policies and Procedures Manual*.

SICK LEAVE

Faculty members who are not on a term appointment and who are scheduled to work at least half time will be eligible to earn sick leave that accrues at the rate of one and one-quarter work days per month of active employment. Part-time faculty shall earn sick leave on a pro-rata basis. No more than 195 days of sick leave may be accrued; however, no more than 180 days of sick leave may be carried over into a new calendar year. Any faculty members who, prior to January 1, 1969, accrued and carried over unused sick leave in excess of 180 days will not lose the excess leave but will retain that amount of leave which will then become the maximum amount the faculty member may carry over into future years. If the faculty member subsequently reduces the amount of sick leave carried over to 180 days, that amount will become the maximum amount of sick leave the faculty member may thereafter carry over.

Sick leave should be deducted in whole or partial work days. Faculty members should report sick leave taken on any normal work day, even though not scheduled to teach a class on that particular day.

Sick leave may be used for periods of illness, injury, maternity, or medical appointment. If faculty members miss more than ten work days for one of these reasons, they shall submit an application for disability leave to their chair or dean and to the Division of Human Resources. If a physician-certified period of absence exceeds the amount of accrued sick leave, the faculty member may use annual leave, if available, or apply for leave without pay. The request for leave may not be denied for physician-certified illness or disability of a faculty member not on term appointment. The amount of sick leave shall not exceed the time certified by a physician. The total period of leave normally shall not exceed 180 work days of leave with pay or 180 calendar days of combined leave with and without pay. In extenuating circumstances and at the discretion of the president or the president's designee, the period of authorized leave may be extended up to a total of 365 calendar days of combined leave.

Faculty members may take up to eight days of available sick leave in each calendar year to care for a member of their immediate family.

Up to six weeks of available sick leave may be used for the adoption of a child, provided the person applying for the leave is the primary care-giver.

Sick leave shall accrue for faculty members on leave with pay.
See also the *Policies and Procedures Manual*.

FAMILY MEDICAL LEAVE

The university will grant eligible faculty members up to 12 work weeks of unpaid leave during a calendar year for any of the following reasons:

1. The birth or adoption of a child or the foster care placement of a child; (NOTE: Eligibility expires 12 months after the date of the birth or placement.)
2. To care for the faculty member's spouse, child, or parent with a serious health condition;
3. A serious health condition that renders the faculty member unable to perform the essential functions of the faculty member's employment responsibilities.

To be eligible, a faculty member must have been employed by the State of South Carolina for at least 12 months and have completed at least 1250 hours of service during the 12-month period preceding the faculty member's request for family medical leave. In some cases, paid leave may be used for FMLA purposes. See also the *Policies and Procedures Manual*.

LEAVE TRANSFER PROGRAM

Faculty members who earn annual or sick leave may donate to or apply for leave from the university system leave transfer program. Sick-leave donors shall maintain no less than a fifteen-day sick leave balance, and they may donate no more than half the amount of leave earned during the calendar year of the donation. Donated leave may not be restored or returned, nor may leave donors designate the recipient. Requests to use leave from the pool shall be based on a catastrophic personal emergency requiring a prolonged absence that would result in a substantial loss of income because of the unavailability of paid leave. Leave transfer requests shall be granted only if the chair or dean certifies that funds are available to pay for the leave; they also must be approved by the vice president for human resources. See also the *Policies and Procedures Manual*.

COURT LEAVE

Faculty members summoned to jury duty or subpoenaed as witnesses for litigation in which they are not parties shall be granted leave with pay. See also the *Policies and Procedures Manual*.

MILITARY LEAVE

Faculty members not on term appointment who are members of the United States armed forces reserves, including the Coast Guard Reserve and the National Guard, shall be entitled to leave with pay for up to fifteen regularly scheduled work days in any calendar year for training or other duties ordered by the governor or any department or agency of the United States government having authority to issue such orders. Such duty or training should be arranged so as to interfere as little as possible with regular duties.

Faculty members who are commissioned, enlist, or are selected for military service shall be granted leave without pay. Faculty members shall be reinstated to active employment in a position comparable to that held at the time such leave was granted if they apply for reemployment within ninety days of release from service.

See also the *Policies and Procedures Manual*.

DEATH IN FAMILY

Faculty members who are not on term appointment shall be allowed up to three consecutive days of leave with pay for a death in the immediate family. See also the *Policies and Procedures Manual*.

LEAVE WITHOUT PAY

Leave without pay may be granted for active military service or for an extended period of disability because of illness, injury, or maternity.

The president may grant leave without pay on the recommendation of the appropriate administrators if the best interest of the university will be served. If a faculty member fails to return after the period

for which leave has been granted, the appointment shall be terminated. The authorization of leave without pay shall be a matter of administrative discretion and may be considered for extended absence in the interest of the university, such as advanced academic training, research, or experiences leading to increased competence of the faculty member. Such leave may be granted for a maximum continuous period of one year, unless extended by the president.

Leave without pay for personal reasons may be granted by the chair or dean for up to ten consecutive calendar days. Upon request by the chair or dean, the vice president for human resources, or this person's designee, may grant leave without pay in excess of ten consecutive calendar days.

Failure to obtain approval prior to taking leave without pay may result in the absence being charged as unauthorized leave.

Annual and sick leave shall not accrue during periods of leave without pay, but accumulated leave totals shall not be forfeited. Before starting leave, faculty members should contact the Division of Human Resources about the continuation of retirement credit, insurance, and other benefits.

SABBATICAL LEAVE

Sabbatical leave allows full-time faculty members relief from normal duties in order to pursue significant projects designed to improve them as teachers and researchers and increase their contributions to the university. It permits faculty members to achieve educational goals that could be reached, if at all, only over an extended period of time when pursued under the demands of regular university duties. Consequently, recipients shall be released from all university duties during their sabbaticals.

A faculty member requesting such leave shall demonstrate, by means of a written proposal, how planned activities will serve the purposes for which the leave is intended.

Only tenured associate professors and tenured full professors shall be considered for sabbatical leaves. Awards shall be based on seniority, merit, and six or more years of service as a full-time faculty member. Faculty members shall not be granted sabbatical leave more frequently than every seventh year, excluding leave without pay.

At no time shall more than ten percent of a department, school, or college be on sabbatical leave. In departments with fewer than ten members eligible for leave, only one of them may be on leave at any time. Deviation from this policy shall be granted by the Provost only in exceptional circumstances.

A sabbatical leave provides half pay for a full academic year or full pay for half an academic year. Because the granting of sabbatical leaves is dependent on the budget, work loads, and other considerations, it is a matter of administrative discretion.

Before starting sabbatical leave, faculty members should contact the Division of Human Resources about the continuation of retirement credit, insurance, and other benefits.

Annual leave shall not be accrued by faculty on sabbatical leave.

SABBATICAL LEAVE PROCEDURES

To apply for leave, a faculty member shall complete a formal sabbatical leave request form and submit it to the chair or, if none, dean detailing the reason for the leave. The member shall submit this letter at least one year before the leave is expected to begin.

Upon approval of a request for sabbatical leave, a faculty member shall agree, in writing, to return to the member's current position at the university for at least one year. A member who fails to fulfill this obligation shall be liable to the university for repayment of all money received during the leave. If the member becomes permanently disabled or dies while on leave, the university shall not exercise the right of repayment.

Within three months of completing leave, a faculty member shall submit to the chair or, if none, dean a written report detailing the member's accomplishments during the leave. The reviewing administrator shall forward this report, with a written evaluation of whether adequate use was made of the leave, through the usual channels to the provost. If a member fails to file this report or the provost determines, after consultation with the chair or dean, that the member has failed to act in a manner consistent with the sabbatical leave request, the member may be required to repay all or part of the money received from the university while on leave.

ACADEMIC FREEDOM

The university adheres in principle to the American Association of University Professors' "Statement of Academic Freedom." The university shall defend academic freedom against any encroachment.

Faculty members are entitled to full freedom in research and in the publication of its results, subject to the adequate performance of all other academic duties, but research for pecuniary return shall be based upon an understanding with the appropriate university authorities. See also "Copyright Policy."

Faculty members are entitled to freedom in the classroom in discussing their subjects, but shall not introduce controversial matters that have no relation to the subjects.

When faculty members speak or write as citizens, they shall be free from institutional censorship or discipline. They shall indicate that they are not speaking for the university.

Faculty members who believe their academic freedom has been compromised may request in writing that the president initiate an investigation. The request should clearly and concisely describe the event and circumstances upon which the charge is based. The president may refer the request to an appropriate faculty committee. See also "Academic Grievance Procedures."

POLITICAL ACTIVITY

Faculty members may seek public office if the candidacy will not interfere with their normal duties or present a conflict of interest. Before a faculty member announces for public office, the president must approve each and every candidacy. If the president determines that the candidacy would interfere with the faculty member's normal duties, the president may require the faculty member to take leave without pay or resign before announcing for office.

Full-time faculty members normally shall not engage in or manage statewide campaigns or seek political positions that pay compensation.

DISTINGUISHED PROFESSOR AND EMERITUS TITLES

The title distinguished professor shall be awarded to tenured full professors who do not hold named or chaired professorships in their final year of service. Upon retirement, this title shall change to distinguished professor emeritus. A professor who holds a named or chaired professorship at the time of retirement shall be awarded that title emeritus upon retirement. The title emeritus professor normally shall be conferred on any tenured assistant or associate professor at the time of retirement. Citations shall be presented to emeritus recipients, and every effort shall be made to provide them office space, parking privileges, and other professional amenities.

ENDOWED CHAIRS AND NAMED PROFESSORSHIPS

Awards of named chairs and professorships are intended to attract, retain, and reward faculty members with records of outstanding and continuing achievement in scholarship, teaching, service, creative or artistic accomplishment. Normally, only tenured, full professors shall hold such positions, but faculty members of lower rank may be awarded them if allowed by the terms of the endowment or justified by circumstances specifically set forth by the dean in his or her recommendation. An appointment for a named chair or professorship shall be between three and five years.

To ensure that named chairs and professorships are appointed in a manner consistent with these purposes, vacancies for all such positions shall be announced to the faculty. The provost shall announce the availability of these positions to, and shall solicit nominations for such positions from, the faculty of all colleges in which chair or professorship vacancies occur. The notice shall provide a reasonable time period for nominations. Nominations may be made by any member of the faculty; self-nominations will also be accepted for review. All nominees will be

asked by their deans to provide files containing information concerning their qualifications for appointment.

The file of each nominee for a named chair or professorship shall be reviewed by a committee of tenured faculty, the size and composition of which shall be determined by the faculty of each college in conjunction with the dean of that college. Each committee shall normally consist of at least five members; in cases where the chair or professorship is specific to a department, a majority of the committee membership shall be tenured faculty in that department. The committee shall then forward in writing to the dean its recommendations for appointment. When there are multiple qualified nominees, the committee may, but is not required to, rank the nominees in order of the committee's preference. The dean's recommendation, along with the file of the recommended nominee and the recommendation of the college committee, shall be forwarded to the provost. Deans of health sciences units shall forward the recommendations and file through the vice president for research and health sciences to the provost. The file shall then be subsequently reviewed by the University Committee on Named and Distinguished Professorships and the President of the University. The president shall have sole authority to award endowed chairs and professorships, except when that authority has been reserved by the Board of Trustees.

The policy outlined above governs only chair searches limited to faculty currently tenured or on tenure track at the University of South Carolina. When time is critical, the provost may impose an expedited schedule for consideration of an internal chair appointment, but shall not exclude any of the steps set forth above.

CLASSROOM PROCEDURES

EXAMINATION AND GRADING SYSTEM

Each semester, faculty members shall give final examinations, including laboratory examinations, in accordance with the published schedule and shall not deviate from it without prior approval from their dean. All deviations shall be reported to the registrar by the dean.

In any course or laboratory that meets weekly, no quiz, test, or examination shall be given during the last class session before the regular examination period. In any course or laboratory that meets two or three times a week, no quiz, test, or examination shall be given during the last two class sessions before the regular examination period. In any course or laboratory that meets more than three times a week, no quiz, test, or examination shall be given during the last three sessions before the regular examination period.

The *Undergraduate Studies Bulletin* and the *Graduate Studies Bulletin* describe the university grading system.

Faculty members shall meet the stated deadlines for submitting grade reports. All grades shall be submitted to the chair or dean no later than seventy-two hours after the date of the scheduled

final examination. Grades for graduating students may be required earlier than other grades, but in no case shall faculty members be required to submit grades before noon of the day after the final examination. All students listed on the grade sheet shall be given a grade.

CHANGE OF GRADES (UNDERGRADUATE)

Grade changes based on transcription or computation errors shall be reported directly to the office of the university registrar on the appropriate grade-change form signed by the instructor and the head of his or her academic unit. A request for a grade change must be submitted by the instructor no later than one calendar year from the date on which the grade was reported. Beyond this period, grade changes shall be considered only in exceptional circumstances and must be handled through the petition procedure of the student's college. Any other grade change request resulting from enrollment discrepancies, medical withdrawals, or perceived administrative errors (changes to W, WF, AUDIT, CREDIT, S/U, or to I) must be submitted on the appropriate forms with signatures and documentation to the dean of the student's college for review through the petition procedure. This does not apply to the routine makeup and extension of an I (incomplete) and posting of a permanent grade to replace the recorded NR mark. An I turns into a grade of F after one year; a NR turns into a grade of F after one semester. Special make-up work or examinations to change grades already recorded are not permitted.

CHANGE OF GRADES (GRADUATE)

In case of errors in reporting final grades, instructors shall complete grade-change forms and send them to the Graduate Council within one year of the course completion date. Beyond this period, grade changes shall be considered only in exceptional circumstances. The council shall forward its decision to the dean of the Graduate School. Special make-up work or examinations to change grades already recorded are not permitted.

BOOKS FOR CLASSES

Instructors normally shall order textbooks on a nonexclusive basis through the Russell House Bookstore.

Instructors experiencing difficulty with textbook orders should discuss it with the director of the bookstore. If the problem persists, instructors should present the problem in writing to the Bookstores Committee. If the problem is not resolved to the satisfaction of the instructor, the textbook order may be placed exclusively with other stores. When doing so, the instructor shall inform the director of the Russell House Bookstore.

Instructors shall not sell textbooks or other materials to their classes. For information on copying materials for class that are copyrighted by third parties, see the *Policies and Procedures Manual*.

3/ RESEARCH

RESEARCH POLICY

The university encourages research by its faculty members and students to expand their knowledge and to broaden their professional competence.

SUPPORT

University Funds

Annually, the university assigns a moderate sum for research purposes through the Research and Productive Scholarship Fund.

Outside Funds

Faculty members interested in externally sponsored research should consult with their department chair, dean, and the office of Sponsored Programs and Research. To facilitate such support, the university will serve as the contracting authority, and the office of Sponsored Programs and Research will assist in the preparation of proposals and in locating interested sponsors. A university signatory authority must approve any commitment to an outside agency that involves university participation. The university shall contribute to sponsored research when the work involved is significant to the purpose of the university.

PAYMENTS FOR RESEARCH

Normally, payments to researchers are limited to the rate of pay they receive as members of the faculty.

RELATION OF RESEARCH TO TEACHING DUTIES

Faculty members who have received a reduction in teaching in order to conduct research or perform other university duties shall be permitted, only with the approval of their dean and the provost, to teach courses in the Division of Continuing Education for additional compensation.

GRANT ADMINISTRATION

The principal investigator or project director of sponsored research, training, or special projects shall be a faculty or staff member, normally the person who conceived and proposed the activity that resulted in the grant or contract. This person shall not be changed without the approval of the sponsor and the university. The principal investigator or project director is responsible for the technical direction of the project, for making all required technical reports, for administering all direct funds allocated to the project, and for complying with the terms and conditions of the grant or contract. The office of Sponsored Programs and Research shall assist the principal

investigator or project director in resolving procedural or administrative problems.

OUTSIDE PROFESSIONAL ACTIVITIES

Faculty members may conduct remunerated, professional work of an expert nature outside the university when the work contributes to their professional development and when it does not interfere with their research, teaching, and university service obligations. No such outside work shall be undertaken without prior approval of the dean of the school or college concerned. See specific requirements in ACAF 1.50, *Outside Professional Activities for Faculty* (University Policy for Academic Affairs).

USE OF CONSULTANTS

The university policy regarding the use of and payment for consultants on funded research and training projects is as follows:

The need for the services of consultants shall be justified in the contract or general proposal approved by the granting agency. The principal investigator or project director shall state **(1)** that the consultants selected are the best-qualified people available to perform the desired tasks and **(2)** that their fees are appropriate considering the qualifications of the consultants, the consultants' normal charges, and the nature of services to be provided.

Within the university, consultation is part of normal professional duties. However, in unusual circumstances where consulting is in addition to regular assigned duties and either crosses departmental lines or is to be performed at a remote location, extra compensation may be authorized. In these cases, advance approval of the provost and the sponsor is required and the principal investigator shall certify as required above (1 and 2).

CONFLICTS OF INTEREST

The Office of Sponsored Programs and Research, upon requests made through a department chair or dean, shall consider all suspected conflicts of interest in the area of grants and research. Should the Office of Sponsored Programs and Research determine there is a possible conflict of interest, it shall ask the individuals concerned to clarify and, if appropriate, rectify the situation. If requested to do so, this office shall advise individuals about and assist them with consulting agreements and issues relating to potential conflicts of interest. See also *On Preventing Conflicts of Interest in Government-Sponsored Research at Universities* (ACE-AAUP Joint Statement, December 1964); ACAF 1.50, *Outside Professional Activities for Faculty* (University Policy for Academic Affairs).

PATENT AND COPYRIGHT POLICY

I. PURPOSE AND SCOPE

Patents

Although the search for commercially exploitable inventions is not a specific function of the university, a discovery leading to such an invention may be a by-product of creative endeavors undertaken for other purposes. When such a discovery is made, the university shall assist the inventor in evaluating, patenting, and exploiting the discovery, while safeguarding the interests of all concerned parties. This policy pertains to all undergraduate, graduate, and postgraduate students, part- and full-time members of the faculty and staff, all other agents and employees of the university, and all other individuals who have made substantial use of university resources.

This policy excludes any university claim to a discovery resulting from endeavors not supported by the university or endeavors to which the university's contribution is negligible. To determine whether such exclusions apply, all inventors must submit their discovery to the Intellectual Property Committee. On the recommendation of the committee, the provost shall determine the university's involvement. The university shall provide a written opinion to the inventor and shall include in it, when appropriate, release of any university claim to the discovery.

Nothing in this policy shall control any conflicting provisions in an agreement executed by the university with an outside agency. Outside sponsorship, particularly by federal agencies, usually involves agreement on patent matters, and principal investigators shall ensure that they and any fellow investigators understand any such agreement. The Office of Sponsored Programs and Research shall try to obtain terms as favorable as possible for university personnel and shall ensure that the inventor understands the final agreement.

Copyrights

The university shall try to assist faculty members in developing instructional and literary materials. The creation of literary works and application of new technology to instruction often require equipment that individual faculty members and departments cannot own or operate economically. In such cases, the university shall try to provide the necessary resources. Additionally, the development and production of educational, media, literary, and other materials often require specialized skills. Because data about the learning process, teaching modes, and new concepts in education tend to increase rapidly, faculty members may need assistance keeping abreast of such developments. Therefore, they may use university consulting specialists and other types of support to bring themselves up to date. Consequently, new instructional materials and other literary creations may reflect a collaborative effort between faculty members and other individuals or units on campus.

This policy concerns the ownership, use, distribution, and rights to income produced by these and other university-commissioned materials, but it does not apply to materials or resources that are not university-commissioned, as defined in the Copyright Policy below. This policy applies to educational, media, literary, and other materials, regardless of the medium used.

II. ADMINISTRATION

Review Procedures

All undergraduate, graduate, and postgraduate students, part- and full-time members of the faculty and staff, all other agents and employees of the university, and all other individuals who have made substantial use of university resources who believe they have invented something (for example, discovery, computer program, process, method, use, or combination), whether patentable or not, or a university-commissioned copyrightable work shall inform the chair of the Intellectual Property Committee through the Intellectual Property Office. Usually within thirty days of receiving this notification, the committee shall consider the invention or work. Within thirty days of the committee meeting, the committee shall recommend a disposition of the case within the options detailed in this policy and submit a written report of its findings and recommendations to the provost. The committee can recommend an equity distribution that is different from the standard distribution. The committee shall take reasonable steps to ensure that any joint inventors or authors, including students, are identified and, when appropriate, shall recommend distribution of income among the inventors or authors. ("Authors" means the people responsible for producing a copyrightable work.)

The provost shall notify the inventors or authors, promptly and in writing, about the decision of the university, courses of action open to them, and their equity in any income resulting from the discovery or work.

Appeal

Upon receiving official notification from the provost of the university's decision, inventors may submit a written appeal to the president that shall include the specific points to which they object. The decision of the president shall be final.

III. PATENT POLICY

Documenting a Discovery

"Discovery" connotes inventions and discoveries. Individuals believing that they have conceived an invention must notify the Intellectual Property Office and describe the invention on a completed invention disclosure form. This form will help substantiate the date they conceived the invention. The information on this form should be only supplementary to the careful keeping of regular laboratory notebooks. Included as part of the disclosure must be all drawings, sketches, names of all co-inventors, and other pertinent data to illustrate the principle of operation of the invention and its performance. Inventors should date and sign each notebook page and the disclosure form, including all data, sketches, and data sheets. Two witnesses capable of understanding the invention and who are not joint inventors of or interested in it should also date and sign each page. Because priority of filing a patent application is often a decisive factor in awarding a patent, the notebook should be kept current and the disclosure

document should be prepared as soon as possible; these records can corroborate dates of conception and reduction to practice. The disclosure document should be submitted to the Intellectual Property Office for review by the committee in accordance with the procedures below.

Law provides that inventors are not entitled to a United States patent if the invention has been described anywhere in a printed publication more than a year before the patent application is filed. Patent rights may be lost in other countries if any publication describing the invention precedes the application for a United States patent. Because extensive developmental work is often required before a patent application can be filed, inventors should consider the desirability of delaying publication for a reasonable period of time.

Invention Categories

The committee shall determine that the discovery belongs to one of three categories.

Category 1 includes discoveries resulting from endeavors to which the university did not contribute or contributed insignificantly. In such cases, the university shall relinquish any equity, and inventors may dispose of the discovery as they wish. A determination that a discovery belongs to Category 1 indicates that the inventors did not receive financial support from the university other than salary and related benefits; did not use release time; had no assistance from other faculty members, staff, or students unless such assistance was on their own time; and made no use of university facilities, supplies, or equipment. Further, it indicates that the inventors' association with the university was not a major factor in obtaining non-university support. A Category 1 discovery could also result from university support that the committee judges to be insignificant.

Category 2 includes discoveries resulting from endeavors supported by nonuniversity agencies but with university sponsorship. In most cases, a degree of university support will be evident, although in some instances association with the university as a factor in obtaining outside support may be the only university contribution. In cases in this category, the university reserves the right to patent and exploit the discovery, subject to such limitations as may be imposed by prior agreement with the external sponsors. Federal regulations require written invention disclosures and written assignments of such inventions made under programs sponsored in whole or in part by the federal government. The Intellectual Property Office shall be responsible for notifying federal agencies of such discoveries. Forms for announcing the inventions, disclosures, and assignments may be obtained from the committee or from the Intellectual Property Office.

Category 3 includes discoveries resulting from endeavors supported by the university. In such cases, the university reserves the right to patent and exploit the discoveries.

Developing Marketable Discoveries

In cases where university support is evident (Categories 2 and 3), the university reserves the right to assume full title to the discovery, obtain a patent, and exploit the discovery. The complexity and cost of the discovery may result in the university not assuming this responsibility. If the university declines to assume responsibility for the development of a discovery, the inventors may proceed independently or use the services of a patent development organization with which the university has entered into agreement. However, in the case of federally sponsored projects, the terms of the sponsors' agreement shall take precedence. The decision of inventors to proceed independently shall release the university from any further responsibility, but for its contribution to the discovery the university shall receive a share of any income realized from commercial exploitation of the discovery. This share of income shall be determined at the time that the university declines to assume responsibility for development.

Patent Development Organizations

If the university has formal agreements with patent development organizations, it may submit to them discoveries for evaluation, patentability, marketability, and technical analysis. Upon acceptance of these discoveries, the organization will take title to the inventions and proceed to obtain patents and negotiate licenses. Any income resulting from the discoveries shall be divided among the organization, the university, and the inventors.

Normally, the inventors shall recommend the organization to use in developing discoveries. All agreements between the university and the patent development organizations shall be filed in the Intellectual Property Office, where they will be available for review.

Latent Discoveries

External agencies may frequently solicit materials or devices from university projects for investigation by the agencies' staff for any patentable discovery. Such solicitations shall be referred to the Intellectual Property Office, which shall determine if any apparent discovery should be developed under this policy. For cases involving an apparent discovery, the inventors shall prepare a disclosure form for review by the Intellectual Property Committee. The Intellectual Property Office and the Office of Sponsored Programs and Research shall determine if proposed arrangements with the soliciting agencies are reasonable from the point of view of the university and university personnel involved.

Equity

The equity in any marketable invention shall be expressed as a percentage of net income. Nothing in this policy shall control any conflicting provisions in an agreement signed between the university and external sponsors as a condition for receiving support from those sponsors.

In cases where the inventors proceed independently, but in which the university has established an interest (Categories 2 and 3), the university shall receive a maximum of 15 percent of income after deducting any expenses, including research and development, patenting, licensing, and

litigation.

In cases where patent development organizations assume responsibility for the discovery, the share of royalty income the organizations retain shall be dictated by the agreement between the university and the organizations. All agreements will be on file in the Intellectual Property Office. The division of the university's share shall be in accordance with this policy.

In cases where the university assumes responsibility for development of a discovery, 40 percent of income shall be paid to the inventors after deducting any expenses, including research and development, patent, licensing, and litigation.

With a Category 1 discovery, the inventors may elect to submit the discovery to a patent development corporation. In such cases, the distribution of income between the university and inventors shall be adjusted in favor of the inventors.

COPYRIGHT POLICY (also see *Policies and Procedures Manual*)

Definition of University-Commissioned Educational and Other Literary Materials and Media Materials.

The university recognizes the right of all employees to engage in the uncommissioned creation of scholarly, pedagogical, and artistic works subject to copyright and to copyright such works and to receive royalties from their use. "Uncommissioned" activities means works that do not receive substantial aid from the university or from an outside agency through university channels. The university does not normally construe the provision of office and library facilities and modest routine secretarial assistance as constituting substantial aid, nor does it construe the payment of salary as substantial aid except in situations where the funds are paid specifically to support the development of original materials subject to copyright. Scholarly books and articles, textbooks resulting from usual teaching activities, painting, musical compositions, graphic art, and media materials are examples of work that might be uncommissioned.

The university gains a right to materials subject to copyright when such materials result from activity commissioned by the university or by an outside agency through university channels.

The substantial aid that constitutes a commission may be in the form of directly allocated funds or of university facilities and resources. Educational, literary, and media materials that might be commissioned by the university include, but are not limited to, books, periodicals, lectures, or other productions prepared for oral delivery and the notes to them, study guides, texts, syllabi, workbooks, bibliographies, and tests; programmed instructional materials; works of art and models and designs for works of art; slides, transparencies, charts, maps, photographs, drawings, prints, pictorial illustrations, labels, and other graphic materials; photographic or similar visual materials and film strips; computer programs; dramatic and musical productions and musical compositions; three-dimensional works of a scientific, technical, or instructional character; three-dimensional materials and exhibits; motion pictures; recorded video and audio tapes or live

transmissions; contributions to or component parts of any of these materials, including notes, drafts, models, story outlines, scripts, shooting scripts, production outlines, and out-takes; combinations of these and other types of materials, such as multimedia and other instructional or educational, literary, and media packages; and reproductions of any of these materials in any quality and in any form.

Faculty members, students, or staff members having questions about whether educational, literary, and media materials they are preparing or planning to prepare should be considered university-commissioned shall petition their department chair, who will notify the Intellectual Property Office of the circumstances surrounding the projects. The petition should contain brief descriptions of the materials to be produced and the resources to be used, as well as a statement concerning the time the authors or creators will devote to its preparation. The Intellectual Property Office shall request that the Intellectual Property Committee review a production of the works in accordance with the procedures described above.

Ownership and Copyright

The legal title to all university-commissioned educational, literary, and media materials as defined above shall be vested in the university with the following exception: materials produced on grants from the federal government or other outside sponsors shall be subject to the conditions of the contract or grant (to be negotiated solely by the university) with respect to ownership, distribution, use, and other residual rights of and to such materials. All such materials shall bear the required statutory notice of copyright and shall name the university as the copyright proprietor. The university shall advance the copyrights on those materials that legal counsel deems eligible for new copyright. After consultation with the authors, the university, at its discretion, may use, assign, transfer, license, lease, or sell all or part of its legal rights in educational, literary, and media materials.

Pre-Production Agreement

Before beginning production, the authors and university shall develop written agreements to define the rights and responsibilities of the parties because conditions of production, use, and final disposition of materials can vary. Such agreements shall be subject to the guidelines set forth herein, be complete, and specify any exclusions. The university counsel will develop appropriate contractual details and maintain a final copy of all contracts.

Internal University Use

"Internal" means all university campuses and extensions by television or other means. Use of university-commissioned materials by any unit of the university for instruction or other purposes shall be subject to the following conditions. Use internal to the university requires approval of the college, department, or individuals primarily responsible for the materials, so long as these materials are used within the context of their intended use. Use outside this context requires special permission of the creators and the academic department. The users shall explicitly

recognize and note the contributions of faculty members, students, or staff members involved in the production of university-commissioned materials.

External Use

After consultation with the authors, the university as owner and copyright holder, at its discretion, may assign, license, transfer, lease, sell, or otherwise convey all or part of its rights in university-commissioned materials. Charges to external users shall be negotiated with such users solely by the university or its assignees and might vary. The university has the exclusive right to set per-unit package prices and conditions for the sale, lease, reproduction, or use of materials.

Revision

Faculty members, students, or staff members involved in the creation of university-commissioned material may revise it if the revision does not require substantial university resources. Approval for revision must be obtained from the creators' department.

The responsible faculty member may recommend the discontinuance of the distribution or use of materials that are no longer appropriate or that are detrimental to the faculty member's professional reputation. Mutual agreement shall be required for revision or discontinuance in such cases. After a significant period of non-use (at least three years), materials that have not been revised shall be reviewed by the authoring faculty members, students, or staff members; thereupon, the university unit or units most directly involved in their production and the authors may request their withdrawal, erasure, or destruction. The university, in its sole discretion, may require such withdrawal, erasure, or destruction, and its decision in this regard shall be final.

Equity

The university shall not make any payment to the university-employed faculty members, students, or staff members involved in the production of university-commissioned educational, literary, and media materials for production and internal use other than the compensation regularly received from the university except in the following instances. At the discretion of the department chair or dean, faculty members shall normally be accorded release time at a declining level through the stages of planning, production, and presentation, including the first and subsequent semesters of use. Faculty members eligible for release time include those responsible for the project and others assigned by the unit to work on the project. If the faculty members, students, or staff members leave the university, further internal use of materials upon reasonable terms shall be arranged; payments to them or their estates for such internal use of the material shall continue, subject to reproduction agreements. Faculty members, students, or staff members not on assignment to the university (during summer sessions or on leave, for example) but personally and prominently appearing in or involved in producing educational, literary, or media materials may receive compensation when such materials are used.

Preproduction Agreement

The unit involved and faculty members, students, or staff members shall agree on compensation based on the amount of continual responsibility of the parties involved for monitoring revision of lessons or supervision of the work of a course, if known; whether the course is completely or partially recorded; the extent to which the participating faculty members', students', or staff members' time and creative efforts have been previously compensated; and any other relevant factors.

The university shall have the perpetual right to market or license external use of university-commissioned materials. The financial benefits of external distribution shall be shared by the unit involved; the responsible faculty members, students, or staff members; and the university, with a negotiated portion designated for outside or nonuniversity production as required.

The division of income accruing to the university under this policy shall be 25 percent to the faculty members, students, or staff members (to be divided equitably if there is more than one originator); 25 percent to the unit that authorized and supported the development and production of the materials; 25 percent to the Instructional Development Fund; and 25 percent to the university as general income. The money distributed to the unit and to the Instructional Development Fund shall be used to encourage further educational and instructional activities by the faculty. Exceptions to distribution percentages or payment provisions may be made for incentive purposes, but must be negotiated in preparation agreements.

If the university licenses an external agency to produce or market the materials, the university and the external agency shall negotiate the total royalties. The net income from royalties accruing to the university shall be divided equally among the faculty members, students, or staff members; the university; and the department.

The share of each unit shall be devoted to teaching-load adjustment necessitated by the production; the development of new course materials or other educational, literary, and media works; or the revision or upgrading of the original materials.

This distribution shall continue except in the case of termination or death of the creator, as described below.

The foregoing does not apply to "work-for-hire" arrangements or to the production of copyrightable materials as an assigned duty.

The right of the university to use materials shall continue regardless of the employment status of the responsible faculty members, students, or staff members. The share of the authors in external distribution revenues shall remain the same for a ten-year period and shall accrue to the authors' heirs in the event of death.

Protection and Liability

Protection

The university shall be responsible for the investigation of recorded allegations of unauthorized use or infringement of copyrighted materials. Where the university deems legal action necessary to enforce copyrights, it agrees that all costs and expenses incidental to such actions shall be borne by the university and that any proceeds of litigations in excess of costs shall be shared equally by the parties.

Liability

The faculty members, students, or staff members responsible for the creation of university-sponsored educational, literary, and media materials shall obtain appropriate releases-giving all necessary rights to the university-from individuals prominently appearing in or giving support to the materials. Release forms are available from the university counsel, with whom all original releases shall be filed.

Before any external use is made of university-sponsored material, the faculty members, students, or staff members authoring or creating the material shall certify in writing to the university that, to the best of their knowledge, the material does not violate any existing copyright or other personal or property right of any legal or natural person. If this statement proves false because of misrepresentation or negligence, the faculty members, students, or staff members shall indemnify the university for all costs and expenses to which it has been subjected as a result of such representation.

In the event that other people allege violations of personal or property rights by the university, or by the faculty members, students, or staff members, or producers of university-sponsored educational and other literary materials, the university shall assume responsibility for defense of any litigation and for the satisfaction of any judgment rendered against the university, faculty members, students, or staff members. This provision is subject to conditions explained above.

CONSULTANT ACTIVITIES

When the university hires a consultant, specific arrangements should be included in the consulting agreement to protect the rights of the university. Ownership of patents and copyrights arising out of such approved consultant activities shall be determined at the outset of the consultant relationship. The Intellectual Property Office shall be consulted before the consultant agreement is made final. See also ACAF 1.50, *Outside Professional Activities for Faculty* (University Policy for Academic Affairs).

When the university has an established interest in a faculty/external agency activity (*e.g.*, use of university facilities in performance of research), specific arrangements should be included in the consulting agreement to protect the rights of the university. Ownership of patents and copyrights

arising out of such approved consultant activities shall be determined at the outset of the consultant relationship. The Intellectual Property Office shall be consulted before the consultant agreement is made final. See also ACAF 1.50, *Outside Professional Activities for Faculty* (University Policy for Academic Affairs).

Ownership of patents and copyrights arising out of approved faculty consultant activities shall be determined by the faculty members and outside agencies. See also ACAF 1.50, *Outside Professional Activities for Faculty* (University Policy for Academic Affairs).

4/ BENEFITS AND PRIVILEGES

All benefits are subject to state regulations, university policies and procedures, the individual plan document, and the duly executed and recorded Notice of Election forms.

INSURANCE PROGRAMS

In conjunction with the state of South Carolina, the university has a comprehensive program of insurance and annuity plans for eligible members of the faculty and staff and their eligible dependents. These plans include state health insurance, health maintenance organizations, dental insurance, life insurance, long-term disability insurance, auto and homeowners' insurance, and long-term care insurance. Information about these plans may be obtained from the Division of Human Resources.

DEFERRED COMPENSATION AND TAX-DEFERRED ANNUITIES

The university offers a variety of tax-deferred programs and will make payroll deductions for tax-sheltered annuities, but cannot contribute to their cost

RETIREMENT

Faculty members are entitled to all available benefits under law and through the state retirement system or the optional retirement program. The university may provide part-time employment for retired faculty on an annual basis. It may approve part-time service upon the written request of a retired faculty member, the recommendation of the chair or dean, and the approval of the provost and president.

THE SOUTH CAROLINA RETIREMENT SYSTEM

This section is subject to interpretation by the South Carolina Retirement System and to changes the General Assembly might enact.

The state guarantees a formula return based on average salary and years of credited service with

the retirement system. Any retirement system member may retire with full-formula benefits at age sixty-five or with twenty-eight years of credited service. Members with fewer than twenty-eight credited years may retire with reduced benefits at age fifty-five with twenty-five credited years or at age sixty regardless of the number of credited years.

Members who leave state employment before retirement may withdraw the sum of their contributions plus interest. Members with five or more credited years may leave their contributions with the retirement system and qualify for deferred retirement income at age sixty. Members with twenty-five or more credited years may purchase the additional service needed for them to qualify for full-formula benefits provided that they retire within ninety days of the purchase. Members who leave the university and who have twenty-five or more credited years may continue contributing to the retirement system until they qualify for full-formula benefits.

Faculty members may purchase service credits for certain military, federal, or out-of-state service, or for nonmember prior service with a South Carolina public agency.

Any member who becomes permanently disabled after completing five years of creditable service may apply for disability retirement benefits.

At the death of a contributing member who has at least twelve months of credited service, the retirement system shall pay to the member's beneficiary a death benefit equal to the member's annual base salary. If the deceased contributing member has at least fifteen years of creditable service, the beneficiary has other survivor options.

OPTIONAL RETIREMENT PROGRAM

Faculty members hired on or after July 1, 1987, may choose to enroll in the optional retirement program. State law requires that they contribute at the same rate as faculty members contribute to the state retirement system. Members of the optional retirement program are immediately vested for both the employee and employer contributions. This program does not include the group life and disability benefits provided by the state retirement system. Retirement, death, and disability benefits are based on the cash value of the member's account.

WORKERS' COMPENSATION

Faculty members injured on the job or suffering an occupational illness or disease may be eligible for workers' compensation benefits. If a work-related accident or illness occurs, faculty members should promptly receive medical care; notify their immediate supervisor, chair, or dean; and submit a "First Report of Injury" form, which is available from the Division of Human Resources. Failure to submit a form promptly can jeopardize a claim. When faculty members miss work because of a work-related injury, they must state in writing on forms available from the Division of Human Resources whether they will use available leave time or receive workers' compensation for the time lost from work.

EMPLOYEE ASSISTANCE PROGRAM

The university offers an employee assistance program for faculty who need help solving personal or work-related problems. Information about this benefit may be obtained from the Division of Human Resources.

TUITION ASSISTANCE PROGRAM

Eligible faculty and staff members may apply to their supervisor, chair, or dean to take, tuition-free, one three-hour course (or a four-hour laboratory course) per academic term.

TRUSTEES ENDOWMENT FUND

The Trustees Endowment Fund provides funds for faculty assistance and is administered by the chair of the Faculty Senate, the provost, and the president.

ATHLETICS TICKETS

Admission to athletic events is available to the faculty and members of their immediate families at substantially reduced season-ticket rates. Tickets at these special prices shall not be sold or transferred. Notices giving details of application procedures are sent to the faculty; incoming faculty members should contact the business manager of the athletic department promptly after their arrival, as faculty seating is limited.

APPENDIX I

ADMINISTRATIVE ORGANIZATION

BOARD OF TRUSTEES

The University of South Carolina was chartered by the South Carolina General Assembly in 1801. The university is a body corporate and politic, in deed and in law under the name of the University of South Carolina. Several sections of the university's enabling legislation and bylaws are summarized below.

COMPOSITION OF THE BOARD OF TRUSTEES (Section 59-117-10, as amended)

The Board of Trustees of the University of South Carolina shall be composed of the governor of the state (or designee), the state superintendent of education, and the president of the Greater University of South Carolina Alumni Association, which three shall be members ex officio of the board; and seventeen other members including one member from each of the sixteen judicial circuits to be elected by the general vote of the general assembly as herein after provided, and one at-large member appointed by the governor. The governor shall make this appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. The officers of the Board of Trustees are the ex officio chair who is the Governor of South Carolina; the permanent chair; the vice chair; the chair emeritus, if applicable; and the secretary of the university and the board.

TERMS OF ELECTED MEMBERS (Section 59-117-20, as amended)

The regular term of office of each trustee elected by the general assembly shall be four years; however, such trustee shall continue to function as a trustee after the term has expired until a successor shall have been elected and qualified.

VACANCIES; COMPENSATION (Section 59-117-30, as amended)

In case a vacancy should occur in the board among the members elected by the general assembly, the governor may fill it by appointment until the next session of the general assembly. Any vacancy occurring in the office of the member appointed by the governor shall be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment. Each member of the board shall draw such per diem and expenses as from time to time may be allowed boards, commissions and committees.

DUTIES OF THE BOARD; POWERS

The Board of Trustees of the University of South Carolina is and is hereby constituted a body corporate and politic, in deed and in law under the name of the University of South Carolina. Such corporation has the following powers:

1. Elect a president of the university to serve at the will of the board or for such term and compensation as the board may prescribe;
2. Elect a secretary of the university and of the board to serve at the will of the board or for such term and compensation as the board may prescribe;
3. Elect a treasurer of the university to serve at the will of the board or for such term and compensation as the board may prescribe;
4. Establish policies and goals of the university and direct the president to implement and achieve those policies and goals;
5. Review and approve academic plans, including new programs and new units, and major modifications or deletions in existing programs and units;

6. Approve, upon recommendation of faculties and the president, the earned degrees awarded;
7. Designate academic chairs and professorships, award honorary degrees and name buildings or major portions thereof, other structures, streets and geographic areas;
8. Levy fines and charges and examine from time to time admissions policies as established by the faculties and the administration;
9. Review and approve requests for appropriations;
10. Review and approve annual budgets and budget changes;
11. Approve all gifts where restrictions are indicated, designate the use of unrestricted gifts, and approve and designate the use of testamentary gifts;
12. Approve all loans, borrowing, and issuance of bonds;
13. Approve or authorize the executive committee to approve appointments and salaries of principal officials which shall be defined as those persons elected by the board as provided in paragraphs 1, 2, and 3 above, as well as university officers having the rank of vice president or chancellor or equivalent rank;
14. Approve compensation policy for faculty and staff, honorary faculty titles, and extension of service;
15. Approve all long-range development plans for the university including major capital projects;
16. Approve or delegate authority for approval of all major contractual relationships and other major legal obligations executed in the name of the university;
17. Approve or authorize the executive committee to approve all sales or purchases of real property, and ensure that all properties of the university are preserved and maintained;
18. Establish investment policies and procedures which will provide for the prudent investment and preservation of funds entrusted to the university;
19. Establish auditing policies and standards and appoint independent auditors; and
20. Establish and maintain within the administrative procedures of the university the policy and practice that the administrators of the university covered under paragraphs 1, 2, and 3 above shall serve in such capacities at the will and pleasure of the board; that the administrators of the university having the rank of vice president, chancellor, university campus dean, academic dean, director or the equivalent thereof, and any other person reporting directly to the president shall serve in such capacities at the will and pleasure of the president. It is understood that the employment of such administrators shall be on customary terms of university employment and there shall be no separate employment agreements; provided, however, it is further understood that no athletic department administrators will be given employment agreements in excess of one year without prior approval of two-thirds vote of the entire Board of Trustees (14 or more.)

The powers of the board are prescribed by the provisions of sections 59-117-40, et seq., code of laws of South Carolina (1976), as amended.

THE EXECUTIVE COMMITTEE

The executive committee shall consist of the permanent chair of the Board of Trustees, the vice chair of the Board of Trustees, the chair emeritus of the Board of Trustees, if applicable, and not more than three other elected members of the board who shall be elected as herein above

provided.

The executive committee, during the interim between meetings of the board, shall have all the powers of the Board of Trustees not inconsistent with the established policies of the board or with any action theretofore taken by the board provided, however, that the executive committee shall not preempt the role of a standing committee as stated in section 1 of article VI except in those emergency circumstances which do not permit the handling of a matter in the normally prescribed manner. The executive committee shall function as a continuous planning and financial committee of the board, exercising general supervision of the finances of the university; shall review in advance the proposed budget for the succeeding year; and shall review in advance the proposed application for appropriations for the succeeding fiscal year in the light of overall university plans. It shall make reports to the board at each meeting on all such matters occurring since the previous meeting.

The executive committee shall provide for an appropriate fidelity surety bond or bonds covering all officers, agents, and employees of the university who at any time shall hold any property or funds of the university and for appropriate officers' and directors' insurance to insure the officers and members of the board against liability arising by virtue of the acts of such officers or board members in their official capacity with the university.

THE ACADEMIC AFFAIRS AND FACULTY LIAISON COMMITTEE

[Note: Authorized by Article XIV of the Bylaws of the University of South Carolina, revised February 19, 1993, as amended.]

The academic affairs and faculty liaison committee shall consist of not less than three nor more than eight members of the board appointed by the executive committee following the October board meeting of each even year. The members so appointed shall elect a chair of the committee at the first scheduled meeting following such appointment. The term of the office of committee chair shall be for two years, from the date of election until the appointment of committees by the executive committee in the next even year. The committee chair shall be eligible for reelection for not more than one additional consecutive term. In the event a vacancy occurs in the office of committee chair, the remaining members of the committee shall elect a new chair to complete the term of the vacating chair at the first meeting of the committee following the occurrence of such vacancy. Such service in completing a term shall not limit the board member so elected from serving two additional consecutive terms as chair provided above.

The committee shall be kept informed of all academic programs; of the conditions affecting recruitment and retention of faculty members; of the adequacy of instructional facilities; of the proposal of new degrees, major programs, or institutes; of the proposal to eliminate existing degrees, major programs, and institutes; and of such other matters relating to the educational policies and programs as may be brought before it or referred to it by the board. It shall consider the development of new programs, degrees, institutes, and research for submission to the State Commission on Higher Education. It shall consider and make recommendations to the board with respect to the naming of any academic centers, institutes, or other such programs. It shall

report on all such matters to the board from time to time with such recommendations as it may consider relevant to the achievement of the university's goal of academic excellence. The committee shall consider recommendations for tenure and promotion; honorary faculty titles; extensions of service; and appointments with tenure.

The committee shall meet from time to time with the faculty-designated representatives, who shall have been chosen by the university faculty, on matters of concern to the faculty, and to the board, and shall keep the board informed of all such matters.

The committee shall review from time to time all recommendations made by the president or the faculty committee on honorary degrees and shall recommend therefrom to the board appropriate recipients of such degrees. Approval by a three-fourths vote of the members present at the board meeting next following the meeting at which the recommendation is made shall be required to approve the granting of such honorary degrees.

The committee shall likewise serve as the final forum of appeal in all faculty matters pertaining to (a) dismissal of tenured faculty members; (b) dismissal of faculty prior to the conclusion of a contract term; (c) discrimination in compensation, promotion, and work assignments; (d) non-reappointment; (e) denial of tenure; or (f) denial of promotion, all as provided in the academic grievance procedures policies of the university system. The committee shall also serve as the final forum of appeal in all student academic matters.

FACULTY AND STUDENT REPRESENTATIVES TO THE BOARD OF TRUSTEES

The board, in June 1976, adopted a resolution clarifying references in its bylaws to temporary and non-voting representation at open meetings of the board from the university faculty and student government. The president of the student government at Columbia and the chair of the Faculty Senate shall be invited to sit personally in all meetings of the full board, except executive sessions thereof, with full right to participate in the board's discussions but without the right to vote on any matter. It is a non-transferable privilege.

OFFICERS OF THE UNIVERSITY

PRESIDENT

The president of the university shall be the chief executive officer of the university system and shall exercise such executive powers as necessary for its appropriate governance under the authority of the board. The president shall be the primary spokesperson for the university to the alumni of the institution, the news media, the educational world, and the general public and shall administer university policies as promulgated by the board, speak for the university as its official head, and coordinate all activities of each campus of the institution directly or through designated representatives. The president shall report directly to the board the current affairs of all components of the university system and shall discuss with the board basic issues, new or alternative directions, and recommendations on new policies. The president shall direct,

coordinate and implement the planning, development, and appraisal of all activities of the university system and shall be directly responsible to the board for its operation.

The president is assisted in directing the affairs of the university by an executive assistant and the vice presidents of the university.

EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS AND PROVOST

The executive vice president for academic affairs and provost is the second ranking officer of the university and is empowered to act for the president in the absence of the chief executive officer.

The provost has the responsibility for the overall supervision of academic affairs of the university. This officer is appointed by the president and confirmed by the Board of Trustees and is responsible for curriculum development and academic standards in the schools and colleges of the Columbia campus and represents all campuses of the university system on academic issues to the Commission on Higher Education. The provost also supervises such academic support services as the university libraries, records and registration, and the university press and will, when requested to do so by the president, represent the president at such times and places as may be appropriate. Serving under the executive vice president for academic affairs and provost are the vice president and chief information officer, vice provost and executive dean for regional campuses and continuing education, associate provosts, the academic deans and department chairs.

SECRETARY OF THE UNIVERSITY AND THE BOARD OF TRUSTEES

The secretary of the university and of the Board of Trustees shall be elected by the board to serve at the will of the board and shall be one of the principal officers of the university system. The secretary of the board shall serve as the official medium of communication within the university system between the Board of Trustees, on the one hand, and the university faculty, administrative officers, individual members of the staff, student organizations and students, on the other. The sole exception to this rule of procedure shall be communications made directly to the board or its members by the president. The secretary shall perform other duties as may be assigned to him by the board or by the president.

TREASURER OF THE UNIVERSITY

The treasurer shall be elected by the board. Under the supervision of the president, this officer shall be responsible for all accounting functions and for all funds of the university system and shall furnish to the board or to the president at any time requested a financial statement of the university and shall at least once during each fiscal year supply all members of the board with a combined revenue and expenditure report of the university. The treasurer shall also perform other duties as may be assigned by the board or by the president.

VICE PRESIDENTS

The vice president for business and finance and chief financial officer supervises the overall functions of budgets and systems, business affairs, housing, auxiliary services, controller, contract and grant accounting, payroll, purchasing and central stores, and inventory control.

The vice president and chief information officer is responsible for coordinating and facilitating the University information technology infrastructure.

The vice president for human resources has the primary responsibility for the development and direction of comprehensive personnel programs for the university system.

The vice president for medical affairs supervises the medical practice activities within the School of Medicine, and serves as a liaison between USC and its affiliated health care institutions.

The vice president for research and health sciences is responsible for policies and services that support the University's research and economic development activities. Serving under the vice president for research and health sciences are the deans of the health sciences colleges (i.e., School of Medicine, College of Nursing, College of Pharmacy, Arnold School of Public Health, and College of Social Work).

The vice president for student affairs and dean of students provides leadership and supervision for the staff and programs of the division of student affairs, and serves as a liaison between students and the university administration.

The vice president for university advancement is responsible for university development (fundraising), alumni affairs (Carolina Alumni Association), university communications (media relations, communications, publications and printing), advancement administration (special events, constituent relations and constituent data management), community affairs, and government relations.

ACADEMIC DEANS

The dean of a school or college, appointed by the president, is the chief academic administrator of the unit and as such is responsible for the personnel and program administration of that division and reports directly to the provost. The dean of a health sciences school or college reports directly to the vice president for research and health sciences. The dean reviews curricula and programs in the school or college, appoints chairs of departments and assigns their duties, supervises the use of funds, space, and equipment allotted to the academic unit, and supervises the preparation of the budget of the division. The dean is the presiding officer of the faculty of the school or college. Deans of undepartmentalized colleges or schools also have the duties and responsibilities of department chairs (see below).

ASSOCIATE PROVOST AND DEAN OF THE GRADUATE SCHOOL

The associate provost and dean of the graduate school, appointed by the president, establishes and enforces standards of graduate work, recommends and coordinates plans for the development of graduate programs, and formulates policies to implement such plans. The dean serves ex officio on the graduate council, chairs meetings of the graduate faculty, coordinates graduate curricula, has administrative responsibility for admission to graduate study, and nominates candidates for graduate degrees. The associate provost and dean of the graduate school reports directly to the provost.

ASSOCIATE PROVOST AND DEAN OF UNDERGRADUATE AFFAIRS

The associate provost and dean of undergraduate affairs, appointed by the president, establishes and enforces standards of undergraduate work, recommends and coordinates plans for the development and improvement of undergraduate programs, and formulates policies to implement such plans. The associate provost and dean of undergraduate affairs reports directly to the provost.

DEPARTMENT CHAIRS

Department chairs are appointed by the dean of a school or college and confirmed by the president and the provost. The chair has a responsibility to departmental faculty in matters relating to teaching and research and is responsible also to the dean of the college and other officers of the university for implementing university policies as they apply to the affairs of the department.

The department chair is responsible for the general conduct of departmental affairs and has authority in all matters concerning appointments and nonreappointments, promotions and tenure (except as delegated to the faculty in The Faculty Manual), resource allocation, and all other matters relative to the successful implementation of the department's educational and scholarly objectives. The chair will consult with and seek the advice of appropriate committees of the faculty with respect to educational policy and departmental governance.

A department chair will be evaluated in that position every five years or at the end of the term if appointed for a specific term of office. A decision as to retention in that position will be made by the dean concerned after consultation with the departmental faculty and the provost.

EXECUTIVE ASSISTANT TO THE PRESIDENT FOR EQUAL OPPORTUNITY PROGRAMS

This individual, appointed by the president, is responsible for planning, developing, administering, and evaluating affirmative action/equal opportunity policies and practices to ensure compliance with federal and state statutes relating to non-discrimination in employment and education.

ADVISORY COUNCILS

SYSTEM ACADEMIC ADVISORY COMMITTEE

The system academic advisory committee is composed primarily of faculty representing all eight campuses and is chaired by the provost. The purpose of this committee is to provide recommendations regarding the academic mission of the university and academic issues affecting more than one campus to the president, provost, or other committees and governing bodies.

CAPITAL PLANNING COMMITTEE

The committee is composed of the provost, who serves as chair, the vice president for business and finance, the vice president for student affairs, the director of facilities management, and a representative of the council of deans. The committee is charged with making recommendations on capital improvement projects to the president.

PROVOST'S COUNCIL

The council is composed of representatives from the major administrative divisions on the Columbia campus. It is appointed by the provost and serves in an advisory capacity to the provost on all administrative matters affecting the academic mission of the Columbia campus.

COUNCIL OF ACADEMIC DEANS

The council is composed of the president, the provost, the associate provosts, the academic deans of the Columbia campus, the vice provost and dean for libraries and information systems, and the vice provost and executive dean for regional campuses and continuing education.

The council serves in an advisory capacity to the president on academic matters including academic planning and the setting of priorities for the university. The council annually elects a chair from among the membership.

APPENDIX II

ORGANIZATIONS

THE WOMEN'S CLUB OF THE UNIVERSITY OF SOUTH CAROLINA

Faculty spouses and women members of the faculty have an active organization which elects its own officers and sponsors programs throughout the academic year. The club coordinates groups and activities designed to appeal to a wide variety of hobbies and interests. New comers are particularly welcome.

RELIGIOUS LIFE

Throughout the Columbia area, churches and religious organizations welcome all faculty members. The University's Rutledge Chapel, located on the Horseshoe, has been reconditioned in the original style of 1801 and is used for vesper services, weddings, and other university events of a religious or ceremonial nature.

Several major religious denominations maintain centers immediately adjacent to the campus. These centers welcome participation of faculty members in their programs.

CULTURAL AND SPECIAL EVENTS

University faculty members provide leadership for, and are welcome members of, many cultural endeavors and other activities in the Columbia area. The list presented below is a representative selection of activities associated with the university.

SCHOOL OF MUSIC

Faculty members and their families are cordially invited to attend recitals and concerts sponsored by the School of Music. These events are listed on the concert calendars distributed on the Columbia campus and are frequently free of charge. Of particular interest are the guest artist and faculty recitals, stellar jazz festival, master classes, and composer-in-residence series. The USC Orchestra, Concert Choir, Symphonic Band, and Opera Theater perform regularly at the Koger Center for the Arts.

DEPARTMENT OF THEATRE AND DANCE

The Department of Theatre and Dance offers performances on campus throughout the year in Longstreet Theatre and in Drayton Hall. Seasons memberships as well as tickets for each performance are available to faculty, staff, and students at reduced rates. In addition to these performances the department sponsors the University of South Carolina Dance Company as well as regional theatre festivals.

MCKISSICK MUSEUM

McKissick Museum offers collections, exhibitions and educational activities in the areas of art, history, and science. It is located at the head of the historic Horseshoe and features six major exhibit areas. Guided tours and special programs are available year-round. McKissick Museum also administers the Museum of Education which is located in the College of Education in Wardlaw College, and the University of South Carolina Archives program.

COLONIAL CENTER, COLISEUM AND KOGER CENTER FOR THE ARTS

Colonial Center, Carolina Coliseum and the Koger Center schedule various types of music, sports, and entertainment programs during the year. Announcements are found in local and campus newspapers. The box office is located at the Greene Street entrance to the Coliseum.

APPENDIX III

FACILITIES AND SERVICES

THE UNIVERSITY LIBRARY SYSTEM

The dean of libraries and information services is responsible for the operation of five libraries on the Columbia campus:

1. **THOMAS COOPER LIBRARY** -- Central library and depository for both general use and research purposes.
2. **BUSINESS ADMINISTRATION LIBRARY** -- located in the Darla Moore School of Business.
3. **MATHEMATICS LIBRARY** -- Located on the third floor of Leconte College.
4. **MUSIC LIBRARY** -- Located in the School of Music.
5. **SOUTH CAROLINIANA LIBRARY** -- Houses mainly state and regional manuscripts and materials.

There are also a medical library in the School of Medicine and a law library located in the Law Center.

Faculty members enjoy borrowing privileges from these libraries in accordance with restrictions and authorization provided for various categories of material. When books are not available locally, arrangements are easily made to secure them through inter-library loans.

Faculty members wishing to have books placed on reserve for their students should notify the

appropriate library in writing at least two weeks in advance of the need for the reserves in their classes.

UNIVERSITY PRESS

The USC Press is a publisher in the full sense of the term with a staff that evaluates, edits, designs, produces, and markets books to make enduring contributions to scholarship and the cultural life of the state and region. The press is a major publisher in the following areas: international relations, international business, contemporary literature, American history, religious studies, rhetoric/communication, southern history and culture. All press publications are subject to the approval of the university press committee. Faculty members are encouraged to submit appropriate manuscripts for consideration to the press or to contact the press with questions concerning publication in general. A catalog of publications and author's guide are available upon request.

COUNSELING AND HUMAN DEVELOPMENT CENTER

The Counseling and Human Development Center (CHDC) is the primary counseling service at USC. It is committed to the educational, personal, social, and emotional development of the student. The CHDC provides a variety of confidential services with a staff of counseling psychologists, a psychiatrist, a social worker, counselors, and supervised interns. Services are available to faculty and staff on a limited basis.

The major emphases of the CHDC are: individual and group personal-social counseling, marital, and relationship counseling, crisis intervention, psychological assessment, biofeedback training, and outreach programming. The center also offers consultative services to faculty members and has a variety of programs and workshops which may be requested by faculty in support of their personal professional development as well as for use in conjunction with their classes. The CHDC is fully accredited by the International Association of Counseling Services. The internship program is fully accredited by the American Psychological Association.

OFFICE OF MEDIA RELATIONS

This department handles news media contacts on the local, state, and national levels to promote activities of colleges, departments, and faculty. Services are offered in the design of marketing programs to meet special promotional needs of academic units and in support of institutional goals.

RECREATIONAL FACILITIES

Specific information regarding costs, activities, and operations are available on the website of each facility.

SOLOMON R. BLATT PHYSICAL EDUCATION CENTER

Located on Wheat Street, the Blatt PE Center is available to all USC students, faculty and staff with a valid USC-Columbia ID Card. Dependents and spouses of full-time USC-Columbia students, faculty, and staff members with the purchase of a family membership are eligible to utilize the Blatt PE Center.

PARKING

The university's practice is to register vehicles of faculty members with the Parking and Vehicle Registration Services Office, Pendleton Street Parking Garage. Vehicles are required to have a current parking decal. Decals are not transferable, and registrants agree to remove them on disposing of vehicles or on severance of their University connection. Temporary permits for vehicles used as replacement for vehicles with the permanent decal may be obtained at the Parking and Vehicle Registration Services Office. Traffic and parking regulations are published annually. Copies may be obtained from the Parking and Vehicle Registration Services Office.

UNIVERSITY POLICE AND EMERGENCIES

In case of an emergency dial (on campus) 7-9111.

The University Police Department is located at the corner of Senate and Bull Street. This department handles all security matters, including traffic control. Reports of thefts, vandalism, traffic accidents, and other matters occurring on the campus and normally handled by the police should be reported promptly to the University Police Department (777-4215).

MAIL SERVICE

The University Station of the U.S. Post Office is a contract station located at 600 Hampton Street and furnishes all postal services. U.S. Mail is collected and delivered twice daily to all departments by the campus mail service. Internal correspondence between departments and divisions of the university is also handled by this agency. The privilege of franking mail is limited to university business only.

PRINTING SERVICE AND PUBLICATIONS

Services are provided in writing, editing, design, and photography in support of publication needs of individual departments and colleges as well as the institution as a whole. Publications include *Carolina Magazine*; the alumni magazine, *Carolinian*; and the faculty/staff newspaper, *USC Times*.

Full-service typesetting, printing, binding, and duplicating service is provided for all university units. High-speed, high-volume duplicating equipment is available for production of classroom handout materials. Forms for placing orders are available in department offices and payment is

processed through departmental accounts. The bulk mail processing unit is also located in the printing department.

UNIVERSITY BOOKSTORE

The University Bookstore, located in the Russell House complex, offers to both students and faculty required textbooks and other course related materials. In addition to a large selection of general trade books -- paper and cloth -- it also makes available supplemental, campus oriented merchandise including health aids, art, and engineering supplies. At the appropriate times academic regalia and class rings are offered through the bookstore.

CHECK CASHING SERVICE

At the Depository located in Room 206, Petigru College, faculty members may cash university checks up to \$100 and obtain limited sums of cash on presentation of their personal checks. A charge of \$.25 per check is made.

SALARY CHECKS

All employees are paid semi-monthly, on the fifteenth and the last working day of the month. By filling out a card in the payroll department, members may have their checks deposited in the bank of their choice. State law prohibits any advance in salary.

CREDIT UNION

For the benefit of members of the faculty, a credit union is available to provide a savings and loan system. Full banking services are available including checking accounts and an automatic teller machine. More information can be obtained from the credit union office.

UNITED STATES SAVINGS BONDS

United States Savings Bonds are available through the payroll deduction plan. Interested employees should contact the payroll department for further information.

APPENDIX IV

BYLAWS OF THE FACULTY SENATE THE UNIVERSITY OF SOUTH CAROLINA-COLUMBIA

ARTICLE I -- PURPOSE AND POWERS

The Faculty Senate of the University of South Carolina, having been created by direction of the University Faculty to act by and for that body, is endowed with all the powers and authority of the University Faculty except for those powers specifically reserved by that body to itself, provided that the University Faculty may amend or repeal any general policy decisions adopted by the Faculty Senate.

ARTICLE II -- MEMBERS

Section 1. The Faculty Senate is composed of the voting members of the University Faculty chosen by each college or school or other academic units for membership in the Senate. For the purpose of these bylaws, the term "voting members" is defined to mean full-time faculty members holding the rank of Assistant Professor or above and professional librarians.

Section 2. The number of Senate members allocated to each college, school, or Regional Campus is ten (10) percent of the total voting members of the University faculty in such college, school, or Regional Campus. Each college, school, or Regional Campus shall establish and publish rules and procedures governing the election of its members to the Senate and the filling of vacancies. Those colleges or Regional Campuses which are departmentalized shall allocate the Senators amongst the departments so as not to exceed the ten (10) percent limit for the total college or Regional Campus (Table 1). At the first election of members to the Senate, each college, school, or Regional Campus shall designate terms of one, two, or three years for its members so that approximately one-third of its members will be allotted each of the terms. Thereafter, members elected to the Senate shall have terms of three years, unless chosen to fill unexpired terms. No Senator shall be eligible for an additional term in the Senate until one year following the expiration of the term of service.

TABLE I

Number of full-time (not full-time equivalent) faculty at or above Assistant Professor level	Number of senators for the college, school, or University Campus	Number of full-time (not full-time equivalent) faculty at or above Assistant Professor level	Number of senators for the college, school, or University Campus
1 - 14	1	135 - 144	14
15 - 24	2	145 - 154	15
25 - 34	3	155 - 164	16
35 - 44	4	165 - 174	17
45 - 54	5	175 - 184	18
55 - 64	6	185 - 194	19
65 - 74	7	195 - 204	20
75 - 84	8	205 - 214	21
85 - 94	9	215 - 224	22
95 - 104	10	225 - 234	23
105 - 114	11	235 - 244	24
115 - 124	12	245 - 254	25
125 - 134	13		

Section 3. No later than the opening of the fall term each year, the dean of each college or school and the academic administrator of each University Campus should recalculate the number of members of the Senate to which that college, school, or University Campus is entitled and revise the number of vacancies to be filled accordingly, provided that a reduction in appointments in the Senate of a college, school, or University Campus shall not result in the removal of any senators from such college, school, or University Campus until the expiration of their terms. Elections to fill these vacancies (either new or unexpired terms) shall then be held in time to submit a full roster of senators to the Secretary of the Faculty no later than the first Wednesday in September. The term of office of newly elected senators shall begin with the Senate meeting in September. Vacancies which may occur during the year may be filled by special election, and such Senators shall serve the unexpired term of the seat to which elected. Expansion of faculty during the year shall not increase the number of seats to which a college, school, or University Campus is entitled for that year.

Section 4. Only members of the Faculty Senate, as defined in Section 1 of this Article, may present motions and vote. The chairs of Faculty and Special Advisory Committees are

empowered to move the adoption of committee reports, however, and any member of the University Faculty may attend Senate meetings and speak on matters brought before the Senate.

ARTICLE III -- OFFICERS

Section 1. The officers of the Senate shall be a Chair, Chair-elect, a Secretary, a Secretary-elect, and such other officers as the Senate may from time to time establish. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority and rules adopted by the Senate. The Chair and the Secretary shall serve for periods of two years and three years respectively. The person designated to serve as Chair will serve for a total of four years on the Senate Steering Committee.

TABLE 2

Four-year tenure on the Steering Committee of persons selected to chair the Faculty Senate: first year (1), chair-elect; second and third years (2,3), chair; fourth year (4), past chair. Four year tenure on the Steering Committee of the Senate Secretary: first year (1), secretary-elect; second, third, and fourth years (2,3,4), secretary.

	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
1998												
Chr.A	3	4										
B	1	2	3	4								
C			1	2	3	4						
D					1	2	3	4				
E							1	2	3	4		
F									1	2	3	4
G											1	2
3												
Sec.A	1	2	3	4								
B				1	2	3	4					
C							1	2	3	4		
D										1	2	3
4												

The first year shall be as Chair-elect, the second and third years as Chair, and the fourth year as Past Chair. The Secretary shall serve a four-year term on the Steering Committee, the first year as Secretary-elect and the second, third, and fourth years as Secretary.

Section 2. The Chair-elect shall be elected at the beginning of the second year of the Chair's two-year term, that is, at the beginning of the latter's third year of service on the Steering Committee (Table 2). Nominations for Chair-elect shall be made at the first regular fall meeting with election at the next regular meeting. Any voting member of the faculty may offer a nomination for Chair-elect from the floor; however, only members of the Senate may vote in the election of the Chair-elect. The Chair-elect may be, but need not be, a member of the Senate; provided, however, that only voting members of the University faculty shall be eligible and no one whose primary functions are administrative in nature shall be eligible for election to Chair-elect. The Chair-elect shall assume the office of Chair at the first meeting of the fall (i.e. at the beginning of the second year of service on the Steering Committee) and shall preside at that meeting. The Secretary-elect shall be elected at the beginning of the third year of the Secretary's three-year term, that is, at the beginning of the fall term and the secretary's fourth year of service on the Steering Committee (Table 2). In this election, the same procedure and rules of eligibility specified for selection of the Chair-elect shall apply.

Section 3. If the Chair becomes unable to serve in the first year in that capacity, the Past Chair shall preside at the next regular meeting and shall receive nominations for a new Chair. The new Chair shall be elected in the following regular meeting and shall serve as Chair the remainder of that term and then serve on the Steering Committee as Past Chair. If the Chair becomes unable to serve in the second year in that capacity, the Chair-elect shall assume the office and serve the remainder of that term plus the term to which regularly elected. A new Chair-elect shall then be elected at the time specified in Section 2 of this article.

Section 4. Should the Secretary become unable to serve in the first or second years of the three-year term, a successor shall be nominated and elected at the next regular meeting. Should the Secretary become unable to serve in the third year of the term, the Secretary-elect shall assume the office and serve the remainder of that term plus the term to which regularly elected. A new Secretary-elect shall be elected at the time specified in Section 2 of this article.

ARTICLE IV -- MEETINGS

Section 1. Regular meetings of the Senate shall be held monthly during the academic year and once during the Summer Session unless otherwise ordered by the Senate.

Section 2 . Special meetings of the Senate can be called by the Chair and such a meeting

shall be called upon written request of ten (10) members of the Senate. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least three (3) days' notice shall be given, and the meeting must be held within ten (10) days from the receipt of the written request.

Section 3. A majority of the members of the Senate shall constitute a quorum, provided however that for the summer meeting a quorum shall consist of the members present.

ARTICLE V -- ELECTIONS

Section 1. In the case of any positions to be filled by election by the Faculty Senate, nominations for such positions shall be made from the floor, except as provided in Article VI of these bylaws. Voting shall be by secret ballot, and a majority is required for election.

Section 2. If one position is to be filled, a candidate receiving a majority on the first ballot shall be declared elected. If no candidate receives a majority, the candidates receiving the highest and the next highest number of votes shall be the nominees for a second vote.

Section 3. In multiple-seat elections, as in the case of selection of a committee, for example, the following rules shall operate:

1. Each person voting shall be expected to vote for as many persons as there are positions to be filled, but no ballot shall be invalidated solely because of failure to vote for as many candidates as there are positions to be filled.
2. If the number of candidates receiving majorities is equal to the number of positions to be filled, those receiving majorities shall be declared elected.
3. If the number of candidates receiving a majority is fewer than the number of positions to be filled, any candidate receiving a majority shall be declared elected. For succeeding votes, the number of candidates shall not exceed twice the number of remaining positions. Whenever it becomes necessary under this rule to strike the names of candidates from the list of nominees, the person receiving the fewest number of votes shall be dropped first, and this order shall be followed until the necessary number is dropped.
4. If more candidates receive majorities than there are positions to be filled, the necessary number of candidates having the largest majorities shall be declared elected.

5. When varying terms are to be served by persons elected to multiple-seat positions, the length of term to be served by each shall be determined by lot among those elected.

6. A majority shall consist of one plus the quotient of the total number of the votes cast for all candidates divided by twice the number of vacancies on a given committee.

ARTICLE VI -- COMMITTEES

Section 1. The regular standing committees established by the University Faculty shall constitute standing committees for the Faculty Senate and shall report to the Senate and discharge such duties as the Senate may assign to them. The Senate may establish such additional standing committees as it may deem necessary.

Section 2. Regular election of members to faculty committees shall take place in March of each year. At the March meeting of the Senate, the Faculty Senate Steering Committee shall present a slate of nominees to replace committee members whose terms are expiring. Nominations may also be made from the floor by any member of the University Faculty, and nominations shall remain open at that meeting until adjournment.

Within seven (7) days thereafter, the Committee shall send a ballot containing all nominations for contested committee positions to each voting faculty member, with instructions to return the marked ballot within ten (10) days. The election provisions in Article V of these bylaws shall govern the determination of the persons elected and also the procedure if a runoff is necessary. The result of the election shall be certified to the Secretary of the Senate by the Chair of the Steering Committee.

As early as practicable after the certification of committee elections, the newly created and continuing members of each committee will meet to select the chair for the following year.

Election of members to new committees or to fill vacancies occurring in existing committees may take place as the need arises during the year and will follow the procedure outlined above, except that such special elections need not be held in May.

Section 3. Committee members elected in March will assume office with the beginning of the summer session. The term of outgoing members will end with the close of the summer session. There will thus be a larger than normal number of committee members available for service during the summer.

Section 4. Special committees may be established as the Senate from time to time deems

necessary, with the numbers to be selected as directed by the Senate.

ARTICLE VII -- PARLIAMENTARY AUTHORITY

The rules contained in the current edition of *Robert's Rules of Order* shall govern the Senate in all cases to which they are applicable and in which they are not inconsistent with these bylaws or the special rules of order the Senate adopts.

ARTICLE VIII -- AMENDMENT OF BYLAWS

These bylaws may be amended at any regular meeting of the Senate by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting.

ARTICLE IX -- PUBLICATION OF BYLAWS AND RULES

The Bylaws and Standing Rules of the Faculty Senate shall be published in *The Faculty Manual* and in such other form as may be convenient for distribution, and such publication shall be revised from time to time as deemed necessary.

APPENDIX V

STANDING RULES OF THE FACULTY SENATE

THE UNIVERSITY OF SOUTH CAROLINA

RULE I -- GENERAL

The Faculty Senate shall operate under the standing rules of the University Faculty, except as those rules are modified herein or by the Bylaws of the Faculty Senate.

RULE II -- MEETINGS

The Faculty Senate shall meet on the first Wednesday of each month from October to April except January. The Chair of the Faculty Senate will select dates for meetings which will be held in the early fall, late spring, mid-summer and January. Each date will be published no later than two weeks prior to the meeting. All members of the University Faculty shall receive notification of meetings, copies of the minutes, and the published agenda for any pending meeting.

RULE III -- ORDER OF BUSINESS

The order of business in the Faculty Senate shall be as follows:

1. corrections to and approval of minutes;
2. reports of officers, to include reports of the President and any Vice-Presidents of the University who have matters to report to the Faculty Senate;
3. reports of faculty committees, in the following order:

Athletics

Curricula and Courses

Grievance

Faculty Senate Steering

Faculty Welfare

Faculty Advisory

Student Faculty Relations

Scholastic Standards and Petitions

Honorary Degrees

Faculty and Board Liaison

Board of Governors, Faculty House

Admissions

4. reports of special committees;
5. report of the Secretary;
6. special orders (including elections);

7. unfinished business;
8. new business;
9. announcements.

RULE IV -- AGENDA

Section 1. An agenda shall be prepared and circulated to each member of the University faculty before each regular meeting of the Faculty Senate, along with the minutes of the previous meeting, at least three (3) working days prior to such meetings. In order to accomplish this purpose, chairs of standing or special committees, and individual members of the Senate who have business to bring before the Senate shall so notify the Secretary of the Senate by no later than the twentieth (20) of the month preceding the meeting at which such business is to be presented. Failure to notify the Secretary in time to include an item of business on the printed agenda shall not bar consideration of such item, but priority shall be given to the business on the published agenda.

Section 2. Members of the University Faculty who are not members of the Senate but who wish the Senate to consider a matter which would otherwise not appear on the published agenda shall notify the Secretary, who shall list the matter as a request for consideration.

Section 3. The Senate shall not give final consideration to any substantive legislative matters not included on the published agenda of the meeting at which introduced, unless by a two-thirds vote the Senate shall agree to consider such matters.

RULE V -- ELECTIONS

Elections shall be conducted in the manner provided in the Bylaws of the Faculty Senate.

RULE VI -- VOTING

Except in the case of elections, voting shall be by voice vote or, upon request of the Chair, a show of hands. If the outcome of the vote is in doubt, the Chair may call for a show of hands or a division and order a count. Upon request of any member and a twenty-five (25) percent vote in support of such request, the Chair shall order a count. Upon request of any member and a majority vote in support of such request, the Chair

shall order a roll-call vote, which shall be recorded in the minutes.

RULE VII -- EXECUTIVE SESSIONS

The Senate may, in extraordinary circumstances, by majority vote go into Executive session for the conduct of any business. While in Executive Session only members of the Senate, other voting members of the University Faculty, and special invitees may be present.

RULE VIII -- VISITORS

Section 1. The Senate may, by majority vote, permit any person to attend and address the Senate during part or all of any Senate meeting.

Section 2. The Chair of the Board of Trustees of the University of South Carolina, or a designated representative, is invited to attend all open meetings of the Faculty Senate, with the privilege of the floor.

Section 3. The President of the Student Body, the Vice-President of the Student Body, and the student members of the Student-Faculty Relations Committee may attend all open meetings of the Faculty Senate and, when requested by the Senate, may make reports thereto.

Section 4. The Director of University Publications and Printing, or the Director of Media Relations, and accredited members of the press may attend all open meetings of the Faculty Senate.

RULE IX -- RELEASES TO THE PRESS

The Chair and Secretary of the Faculty Senate may, after each meeting of the Senate, inform any members of the press, upon request, of any matters transpiring in such meeting, unless otherwise ordered by the Senate.