The 2010-2011 Miami University Policy and Information Manual contains general policies and procedures that apply to our conduct and behavior as members of the University community. It may be consulted at the University’s website (www.muohio.edu/mupim).

Members of the faculty and administrative staff should also be familiar with the contents of The Student Handbook, including the Code of Student Conduct, and The Miami Bulletin—General Bulletin which contain policies that may apply to them. In addition, faculty and administrative staff who work with graduate students and programs should know the policies in The Handbook for Graduate Students and Faculty.

Nothing in this Manual should be construed to supplant the special jurisdictions and procedures set forth in the Ohio Revised Code and the Ohio Administrative Code.

Miami University is committed to providing equal opportunity and an educational and work environment free from discrimination on the basis of sex, race, color, religion, national origin, disability, age, sexual orientation, gender identity, pregnancy, military status, or veteran status. Miami shall adhere to all applicable state and federal equal opportunity/affirmative action statutes and regulations.

The University is dedicated to ensuring access and equal opportunity in its educational programs, related activities, and employment. Retaliation against an individual who has raised claims of illegal discrimination or cooperated with an investigation of such claims is prohibited.

Students and employees should bring questions or concerns to the attention of the Office of Equity and Equal Opportunity, Hanna House, Miami University, Oxford, Ohio 45056, (513) 529-7157 (V/TTY) and (513) 529-7158 (fax). Students and employees with disabilities may contact the Office of Disability Resources, 19 Campus Avenue Building, Miami University, Oxford, Ohio 45056, (513) 529-1541 (V/TTY) and (513) 529-8595 (fax).
PROCEDURES FOR UNIVERSITY POLICY DEVELOPMENT

University policies can be found in the *Miami University Policy and Information Manual*, the *Handbook for Graduate Students and Faculty*, and the *Student Handbook*. For SATSS staff, employment policies are published in the *SATSS Handbook*. A University policy is a rule that has University-wide applicability. A policy may include governing principles; it may either mandate or constrain action; it may ensure compliance with law; or it may mitigate the University's risk. A proposed policy must be approved by the President and, in some instances, the Board of Trustees before it becomes official.

Many departmental or divisional policies and procedures, although useful and important, do not meet the criteria above and, therefore, are not considered University policies. Departments and divisions are authorized to adopt appropriate policies and procedures for the discharge of responsibilities and governance of the unit. All departmental and divisional policies and procedures that define or elaborate University policies and procedures must be consistent with University policies and procedures. To the extent that any departmental policy or procedure conflicts with any divisional policy or procedure, the divisional or University policy or procedure prevails. To the extent that any divisional policy or procedure conflicts with any University policy or procedure, then the University policy or procedure prevails.

POLICY FORMAT

**PROPOSED UNIVERSITY POLICIES MUST CONTAIN THE FOLLOWING INFORMATION:**

- Proposed Policy Title:
- Originating Office/Body:
- Recommended/Approved By:
- Reviewed By:
- History: Proposed Effective Date:
- Amends Current Policy:

**APPROVED POLICIES MUST CONTAIN THE FOLLOWING INFORMATION:**

- Policy Title:
- Originating Office/Body:
- History: Original Effective Date:
- Dates Amended:
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Section 1 MISSION AND DISTINCTIVE FEATURES OF MIAMI UNIVERSITY

1.1 Miami University Mission Statement

“The Engaged University”
Miami University, a student-centered public university founded in 1809, has built its success through an unwavering commitment to liberal arts undergraduate education and the active engagement of its students in both curricular and co-curricular life. It is deeply committed to student success, builds great student and alumni loyalty, and empowers its students, faculty and staff to become engaged citizens who use their knowledge and skills with integrity and compassion to improve the future of our global society.

Miami provides the opportunities of a major university while offering the personalized attention found in the best small colleges. It values teaching and intense engagement of faculty with students through its teacher-scholar model, by inviting students into the excitement of research and discovery. Miami’s faculty are nationally prominent scholars and artists who contribute to Miami, their own disciplines and to society by the creation of new knowledge and art. The University supports students in a highly involving residential experience on the Oxford campus and provides access to students, including those who are time and place bound, on its regional campuses. Miami provides a strong foundation in the traditional liberal arts for all students, and it offers nationally recognized majors in arts and sciences, business, education, engineering, and fine arts, as well as select graduate programs of excellence. As an inclusive community, Miami strives to cultivate an environment where diversity and difference are appreciated and respected.

Miami instills in its students intellectual depth and curiosity, the importance of personal values as a measure of character, and a commitment to life-long learning. Miami emphasizes critical thinking and independent thought, an appreciation of diverse views, and a sense of responsibility to our global future.

1.2 Distinctive Features of Miami University

1.2.A General
A university is its people — its alumni, students, faculty, and staff. Ideally, to come to know Miami is to know its people. This may be done by studying statistical profiles of Miami's faculty, staff, and student body; by reading The Miami Years and Men of Old Miami; and, most appropriately, by visiting its people on the campuses.

A close look at the history and present state of Miami University reveals several basic themes as dominant features that define its uniqueness and give it a special character. Enunciated by the University Senate and the Board of Trustees, they are:

1.2.B A Liberal Arts Heritage
A feature in which Miami takes pride is its liberal arts heritage. The educational focus of the University has always been the liberal arts. Even as the University established professional schools in Education and Allied Professions, Business, Fine Arts, and Engineering and Applied Science, the liberal arts have continued to be the integrating element of the student's education. Every undergraduate student is required to take courses selected from the humanities, the natural sciences, and the social sciences.

1.2.C A Public University with Many Qualities of a Liberal Arts College
As a second important feature, Miami University is a multi campus, publicly assisted institution which has many qualities frequently associated with a liberal arts college. The strong emphasis on liberal arts already mentioned is part of this picture. Another part is that Miami has, in the recent decades of growth in higher education, limited itself in the development of associate, baccalaureate, and graduate programs to those endeavors, international as well as local, which it believes it can do well. Emphasis has been on a human scale, on quality over quantity, on selective excellence rather than comprehensive coverage.

Still another part of this liberal arts emphasis is that, since the legislation creating Miami University stated that a leading mission of the University was to promote "good education, virtue, religion, and morality,"
the University has been striving to emphasize the supreme importance of dealing with problems related to values.

An additional characteristic of Miami is that there has been traditionally a deep concern for the student as an individual. A broad range of programs is offered to meet not only the intellectual and aesthetic needs of the student, but also a wide variety of personal and social needs. The residential program and the commitment of individual faculty and staff to counseling and advising have been important factors in maintaining this emphasis.

Miami places its major educational emphasis on undergraduate instruction of superior quality. One of the means by which it has been able to ensure such quality has been the admission of students having high intellectual ability and promise, including significant numbers of talented students from out of state. As graduate study has been expanding, the commitment to a strong undergraduate program has remained undiminished. Several important facts bear this out. In the student body, there is a very high proportion of undergraduate to graduate students. A major portion of faculty time throughout the University is devoted to undergraduate instruction. Senior faculty regularly teach lower division courses. Moreover, an indispensable qualification for faculty recruitment and advancement is the ability to teach well at the undergraduate level.

1.2.D A Modern University Committed to Graduate Study and Research

No less strong and distinct is Miami's commitment to graduate and advanced professional education. A third feature, one differentiating Miami University from the liberal arts college, may be discerned in its broad range of master's degree programs and in its continuing support and development of doctoral programs selected on the basis of faculty strength, mutual reinforcement and balance, and the needs of the society. With limited resources, the University must limit the number and scope of the programs. In the main, the expansion of graduate education has been stabilized.

The emphasis upon graduate study at Miami represents a consensus of faculty and administration. It brings with it the clear recognition that graduate programs require additional talents, efforts, and resources over and above those required by undergraduate education. The growth in graduate education belongs to the post World War II era, beginning with the differentiation of master's degrees and reaching the present stage of offering selective Ph.D. programs in the College of Arts and Science and the School of Education, Health, and Society. Giving impetus to the developments in graduate education are the demonstrated benefits to a university community from faculty with advanced teaching and research capabilities, substantially expanded library resources, new and improved laboratories, facilities such as the IT Services and Instrumentation Laboratory, scholar exchanges, and a scholarship and teaching office. Closely allied to the expansion of graduate education at Miami is the increased formal support given by the University to research as an integral part of the learning and teaching experience.

Given its progress in graduate education and research, Miami views itself as a modern university with the capacity to function at the highest degree levels.

1.2.E A Residential University Aiming at Total Student Development

A fourth major feature of the University is its residential character. All of Miami’s first-year undergraduate students on the Oxford campus are required to live on campus. For students in residence, the University community is designed to be, as much as possible, a total living environment. For commuter students on all campuses, the University offers co curricular programs and activities like those available to residential students. Provision is made for many of the personal, cultural, social, and economic needs of the individual. A wide variety of services from healthcare to career placement and counseling are provided. Contacts between students and faculty outside the classroom are encouraged and activities in which students and faculty can participate together are frequently scheduled. Special care is taken to enhance the physical environment. In these and other ways, the University manifests a commitment to the development of the students.

As a publicly assisted institution, Miami recognizes its obligation to assist in meeting the critical needs of the state and nation, but it is dedicated to the proposition that the best way of doing this, in terms of the long-range benefits for all involved, is to help individuals develop themselves into persons who are intellectually mature, morally aware, and aesthetically sensitive.
1.3 University Statement Asserting Respect for Human Diversity

Miami University is a community dedicated to intellectual engagement. Our campuses consist of students, faculty, and staff from a variety of backgrounds and cultures. By living, working, studying, and teaching, we bring our unique viewpoints and life experiences together for the benefit of all. This inclusive learning environment, based upon an atmosphere of mutual respect and positive engagement, invites all campus citizens to explore how they think about knowledge, about themselves, and about how they see themselves in relation to others. Our intellectual and social development and daily educational interactions, whether co-curricular or classroom related, are greatly enriched by our acceptance of one another as members of the Miami University community. Through valuing our own diversity and the diversity of others, we seek to learn from one another, foster a sense of shared experience, and commit to making the University the intellectual home for us all.

We recognize that we must uphold and abide by University policies and procedures protecting individual rights and guiding democratic engagement. Any actions disregarding these policies and procedures, particularly those resulting in discrimination, harassment, or bigoted acts, will be challenged swiftly and collectively.

All who work, live, study, and teach in the Miami community must be committed to these principles of mutual respect and positive engagement that are an integral part of Miami’s focus, goals, and mission.

1.4 Values Statement

Miami University is a scholarly community whose members believe that a liberal education is grounded in qualities of character as well as of intellect. We respect the dignity of other persons, the rights and property of others, and the right of others to hold and express disparate beliefs. We believe in honesty, integrity, and the importance of moral conduct. We defend the freedom of inquiry that is the heart of learning and combine that freedom with the exercise of judgment and the acceptance of personal responsibility.
Section 2 GOVERNANCE

2.1 The Corporation

The Corporation of the University, designated as "The president and trustees of Miami University," was established by legislative enactment, 17 February 1809. Subsequent changes in government are recorded in the Regulations of the Board of Trustees, which provide for and authorize the present system of governance.

2.2 The Board of Trustees

The Board of Trustees consists of eleven members: nine voting members and two student nonvoting members. The nine voting members are appointed one each year for a nine-year term by the Governor of Ohio, with the advice and consent of the Ohio Senate. The two student nonvoting members are appointed for two year staggered terms by the Governor, with the advice and consent of the Ohio Senate. Their names and terms of office are given in both the most recent issues of The Miami Bulletin - General Bulletin. A maximum of three (3) nonvoting National Trustees are authorized to serve on the Board, each serving a three-year term and each eligible for appointment to two consecutive terms. National Trustees are not eligible to become officers of the Board, but will otherwise participate in all Board activities, including committee membership. National Trustees will have voting privileges on committees and may serve as committee chairs. The Board meets at times established by the Chair of the Board.

2.3 Administrative Organization of the University

2.3.A Office of the President

The following individuals, in addition to the five vice presidents, report directly to the President:
- General Counsel
- Associate Vice President for University Communications
- Associate Vice President for Institutional Diversity
- Director of Equity and Equal Opportunity
- Director of Intercollegiate Athletics
- Secretary to the Board of Trustees and Executive Assistant to the President
- Assistant to the President for Event Planning
- Assistant to the President

2.3.B Academic Affairs

Interim Provost and Executive Vice President for Academic Affairs
- Dean, College of Arts and Science
- Dean, Farmer School of Business
- Dean, School of Education, Health, and Society
- Dean, School of Engineering and Applied Science
- Dean, School of Fine Arts
- Dean and University Librarian
- Dean of the Regional Campuses and Associate Provost
- Dean of the John E. Dolibois European Center
- Secretary of the University
- Senior Associate Provost and Associate Vice President for Academic Affairs
- Associate Provost and Associate Vice President for Academic Affairs (2)
- Associate Provost for Research and Dean of the Graduate School
- Associate Provost
- Director of Admission
- Director of International Education
- Director of Student Financial Assistance

2.3.C Finance and Business Services Division

Vice President for Finance and Business Services and Treasurer
- Associate Vice President for Finance and Associate Treasurer
- Associate Vice President for Auxiliaries
Associate Vice President for Facilities Planning and Operations
Senior Director for Human Resources
Chief of Police
Director of Environmental Health and Safety
Director of Internal Audit and Consulting Services
Manager for Administrative Services

2.3.D Student Affairs Division
Vice President for Student Affairs
Associate Vice President and Dean of Students
Assistant Vice President for Student Affairs (2)
Director of Development for Student Affairs
Director of Student Affairs Budget and Technology
Director of Myaamia Project
Assistant to the Vice President for Parent Programs and Divisional Initiatives

2.3.E University Advancement Division
Vice President for University Advancement and Executive Director of the Miami University Foundation
Associate Vice President for University Advancement
Assistant Vice President for Alumni Relations
Senior Director of Advancement Services
Senior Director of Principal Gifts
Director of University Advancement Administration
and Assistant Executive Director of the Miami University Foundation
Director of Western College Alumnae Association
Director of Intercollegiate Athletic Fundraising
Director of University Advancement Budget

2.3.F Information Technology Division
Interim Vice President for Information Technology
Associate Vice President for Business and Infrastructure Services
Assistant Vice President for Academic and Institutional Technology Support
Senior Director of Enterprise Information Systems
Senior Director of Strategic Communications and Planning
Information Security Officer

2.4 Administrative Deliberative Bodies

2.4.A President’s Executive Council
An advisory body to the President, this group meets on call. It is chaired by the President, and its members are the Provost and Executive Vice President for Academic Affairs, the Vice President for Finance and Business Services and Treasurer, the Vice President for Student Affairs, the Vice President for University Advancement, the Vice President for Information Technology, the Associate Vice President for University Communications, the Associate Vice President for Institutional Diversity, the General Counsel, the Secretary to the Board of Trustees and Executive Assistant to the President, and the Director of Intercollegiate Athletics.

2.4.B Council of Academic Deans
This Council serves as an advisory body to the Provost and normally meets biweekly. It is chaired by the Provost with membership composed of the deans of the academic divisions, Graduate Dean, the Dean of the Regional Campuses, Dean of the John E. Dolibois European Center, the Dean and University Librarian, and others as determined by the Provost.

2.4.C University Promotion and Tenure Committee
The Committee consists of the Provost as chair, the deans of the academic divisions, the Graduate Dean, the Dean of the Regional Campuses, and six tenured members of the instructional staff (at least one of whom is based on a regional campus) appointed by the President as members for staggered three-year terms. The Committee is charged with making promotion and tenure recommendations to the Provost. These recommendations may relate to University wide promotion and tenure policies and procedures or to
individuals being recommended for promotion and/or for the conferral of tenure. The Secretary of the University serves as secretary without vote.

2.5 Faculty Assembly

2.5.A General
Faculty Assembly is chaired by the President of the University who has responsibility for the preparation of the agenda for meetings. The agenda shall be mailed to each member of Faculty Assembly at least seven (7) class days prior to the meeting and shall provide sufficient detail for reasonably clear identification of the nature of the items.

The actions of the University Senate are subject to the authority of Faculty Assembly to review and refer actions back to the University Senate and to recommend matters for Senate's consideration.

Faculty Assembly includes all tenured and tenure-track faculty and all librarians who hold the rank of Assistant Librarian, Associate Librarian, or Principal Librarian.

Faculty Assembly hears reports from its committees and from the President, the Chair of Senate, and other vice presidents. It may propose, debate, and recommend matters for Senate consideration or for presentation to other officials or administrative bodies. It may also challenge and refer back any University Senate action. Faculty Assembly has the right of initiative and referendum. Such action shall be considered as tantamount to University Senate action.

Faculty Assembly may raise questions, offer comments, debate, and forward recommendations based on votes taken during meetings or by mail ballot. It may discuss matters affecting Miami University and its environment.

Faculty Assembly normally meets in the fall. Additional meetings may be called upon request of fifty (50) members of Faculty Assembly filed with the Secretary of the University or upon the call of the President. The exact time and location of the meetings will be determined by the President.

A quorum must be present in order for Faculty Assembly to return an action to University Senate. If a quorum is not present at a duly scheduled or called meeting of Faculty Assembly for which a challenged University Senate action is on the agenda, said action by University Senate shall be deemed to be sustained. A quorum shall be twenty five (25%) percent of the membership of Faculty Assembly. This number shall be determined by the Secretary of the University and announced at the first meeting of the Assembly each year. The number constituting a quorum shall be the same for every meeting during an academic year.

Voting in Faculty Assembly is on a motion to refer back to Senate one of its items and to provide opinions to individuals or groups on issues as Assembly deems appropriate. The usual method of taking a vote in Faculty Assembly shall be by voice vote or by show of hands. Voting shall be by secret ballot if requested by at least ten (10) members of the Assembly or by the Presiding Officer with general consent.

The membership of Faculty Assembly shall have the right of initiative and referendum according to the following provisions:
1. A written proposal must be accompanied by a petition signed by at least ten percent of the membership of Faculty Assembly and presented to the Secretary of the University before the proposal shall be considered for initiative or referendum.
2. Following the receipt of the petition and the proposal, Faculty Assembly must meet within one calendar month at a regular or called meeting to discuss the proposal. Provided that a quorum is present, Faculty Assembly may vote to amend the original written proposal.
3. Following the discussion of the proposal by Faculty Assembly, within ten (10) working days the Secretary of the University shall mail a copy of the written proposal to each member of Faculty Assembly who shall be asked to vote “yes” or “no” on a ballot to be returned to the Secretary of the University within another ten (10) working days.
An initiative or referendum matter presented to the membership of Faculty Assembly should be framed and worded in a straightforward manner that makes clear and unambiguous the substance of the issue and the meaning of an affirmative or negative vote (e.g., not worded with a double negative; rather worded so that a "yes" vote means approval of a new or revised policy and a "no" vote means rejection of a new or revised policy).

The proposal shall be considered to have passed if it receives an affirmative vote of a simple majority of those voting, provided the said affirmative vote constitutes at least a quorum of Faculty Assembly. Such action shall be considered as tantamount to University Senate action and shall be subject to the limitations specified in Section 2.6.

Copies of the Enabling Act of University Senate and Faculty Assembly are available from the Office of the Secretary of the University and online at [http://community.muohio.edu/senate/](http://community.muohio.edu/senate/).

### 2.5.B Committee on Faculty Rights and Responsibilities

The Committee on Faculty Rights and Responsibilities is a standing committee of Faculty Assembly, composed of eight (8) tenured members of the faculty without official administrative appointment, and may not serve concurrently on the University Senate.

The Committee is charged to do the following:

1. Formulate and recommend standards defining the professional rights and responsibilities of the faculty, and propose legislation and/or procedures appropriate to their enforcement;
2. Conduct grievance and disciplinary hearings as outlined in Section 8;
3. Consider and, at its discretion, report to the President and the Provost alleged infractions of faculty rights and responsibilities;
4. Act as a continuing advisory body to the President on matters of University policy and operation that affect the professional rights and responsibilities of the faculty;
5. Review the Miami University Policy and Information Manual on matters pertaining to faculty rights and responsibilities, and to recommend changes, as appropriate, to the President;
6. Review departmental and divisional definitions and elaborations of University promotion and tenure criteria when requested to do so by a faculty member, in order to decide whether those departmental and divisional policies are consistent with all-University policy;
7. Report annually to Faculty Assembly on matters considered by the Committee.

The Chair and individual members of the Committee are available to any member of the University community who wishes to discuss aspects of faculty rights and responsibilities in general or as related to his or her personal situation, or who wishes to report alleged infractions, or to file a grievance or complaint through Section 8 of this manual.

Faculty Assembly expects all members of the Miami University community to cooperate with the Committee on Faculty Rights and Responsibilities in the discharge of its mandate from Faculty Assembly and the Board of Trustees, including meeting reasonable requests for information relevant to general issues and specific cases before the Committee, and meeting with the Committee, at mutually convenient times and places to discuss general issues and specific cases, and to respond to reasonable questions relating to matters before the Committee. Incidents of refusal to cooperate shall be reported by the Committee to Faculty Assembly for its consideration and action. While reasonable requests for information should be honored, the Committee shall be given access to the relevant contents of faculty personnel files only when such access is necessary to conduct a disciplinary hearing under Section 8, to process a formal grievance under Section 8, or to resolve an informal complaint or problem brought to the Committee.

### 2.5.C All-University Faculty Committee for Evaluation of Administrators

This Committee is described in Section 12, “Academic Administrators.”

### 2.6 University Senate

The University Senate is the primary University governance body where students, faculty, staff, and administrators debate University issues and reach conclusions on the policies and actions to be taken by the institution. The University Senate is the legislative body of the University in matters involving
The Board of Trustees delegates to University Senate primary responsibility for curriculum, programs, and course offerings and advisory responsibility on all matters related to Miami University. The Board of Trustees reserves the right to consider, approve, modify, or reject actions taken by the University Senate.

Copies of the Enabling Act of University Senate and Faculty Assembly, the Bylaws of University Senate, and the Standing Rules of University Senate are available from the Office of the Secretary of the University or online at http://community.muohio.edu/senate/.

2.7 Student Affairs Council

The University Senate delegates its authority in the realm of student social conduct rules and regulations to the Student Affairs Council, a semi autonomous governing body, which also has legislative authority in the general realm of nonacademic student affairs. All actions of Student Affairs Council which have substantial academic content shall be reported to the Executive Committee of University Senate which shall place them on the agenda of the University Senate.

All actions of Student Affairs Council shall be recorded in its minutes to be sent to the Executive Committee of University Senate which shall be alert to the possibility that some items may be of sufficient University wide import to merit the attention of University Senate under its responsibility to provide recommendations on all matters related to Miami University.

Actions of the Student Affairs Council which do not have substantial academic content are made directly to the President via the Vice President for Student Affairs and need not be acted upon by the University Senate, although the President may desire to consult with this or other groups in deciding to approve, modify, or reject actions taken by the Student Affairs Council.

Matters to be considered by Student Affairs Council will originate from a number of sources, but it is expected that the Associated Student Government will be an important source of suggestions for action by Student Affairs Council.

The chair shall be the Vice President for Student Affairs, who shall serve as an ex officio member, with the Executive Assistant to the Vice President for Student Affairs as secretary, both without vote.

2.8 Graduate Council

The authority to recommend graduate program policy to the University Senate shall reside in the Graduate Council. The Graduate Council shall be composed of twelve (12) elected faculty representatives and three (3) graduate student representatives. Eligibility for faculty service on the Graduate Council shall be limited to faculty members with Level A graduate faculty status, and representation shall be limited to the college and schools offering graduate degree programs. The three (3) graduate student representatives in the Graduate Council shall be chosen in accordance with the procedures established by the Graduate Student Association. The Associate Provost and Dean of the Graduate School shall serve as chair of the Graduate Council, the Administrative Assistant shall serve as its secretary, and the Associate Dean will serve as acting chair in the absence of the Dean.

2.9 Department and Divisional Governance

Academic departments and divisions are authorized to adopt appropriate rules, policies, and procedures for the discharge of responsibilities and governance of the unit. All departmental and divisional rules, policies, and procedures that define or elaborate University rules, policies, and procedures must be consistent with University rules, policies, and procedures. To the extent that any departmental rule, policy, or procedure conflicts with any divisional or University rule, policy, or procedure, the divisional or University rule, policy, or procedure prevails. To the extent that any divisional rule, policy, or procedure conflicts with any University rule, policy, or procedure, then the University rule, policy, or procedure prevails.
2.10 Honorary Degrees

2.10.A Authority to Grant Honorary Degrees
While it is understood that the authority to grant honorary degrees from Miami University resides solely with the Board of Trustees, the Board grants to the President of the University the discretionary authority to confer an honorary degree upon a speaker at any commencement and the Charter Day convocation.

2.10.B Selection of Candidates to Receive Honorary Degrees at Commencement or Charter Day
The following procedures, except in unusual circumstances, will be followed in nominating and electing candidates to receive honorary degrees at commencements or the “Charter Day” convocation:
1. The Awards and Recognition Committee, which is advisory to the President, shall be composed of six (6) tenured faculty members, at least one of whom shall be a member of the University Senate. As part of its responsibilities, the Committee shall serve as the nominating committee for honorary degrees. The Secretary of the University shall serve as secretary of the Committee without vote. Nominations for honorary degrees shall be accepted from the entire University community.
2. Candidates may be nominated from the following categories:
   a. alumni who have made substantial contributions of one kind or another to the University;
   b. other individuals who have made substantial contributions of one kind or another to the University;
   c. individuals, including nonalumni, of regional, national, or international reputation.
3. Honorary degrees may be presented at any commencement. Up to four (4) nominations from the Committee in each of the three categories may be submitted for the academic year to be divided between the December and May commencements.
4. Trustees of the University may be candidates for an honorary degree two years following retirement from the Board.
5. Members of the faculty and staff of the University may be candidates for an honorary degree two years after the date of retirement.
6. Typically, nominations should consist of two internal and two external letters of nomination that explicitly describe the reasons for the nomination and a curriculum vita, resume, or biography. These should be given to the Secretary of the University who will forward them to the Awards and Recognition Committee.
7. Names of candidates shall be submitted to the University Senate according to this section as stated above. The names of those candidates receiving a majority vote by the University Senate in each of the categories shall be submitted to the President for consideration.
8. It is understood and agreed upon, as reflected in the Standing Rules of the University Senate, that nominations for honorary degrees following the procedure set forth shall be received, discussed, and voted upon in executive session of the University Senate.

2.10.C Selection of Candidates to Receive Honorary Degrees at Other Times
The following procedure, except in circumstances otherwise deemed appropriate by the Board of Trustees, will be followed in nominating and recommending candidates to receive honorary degrees other than at commencements or the Charter Day convocation:
1. Recommendations for honorary degrees may be submitted by members of the Board of Trustees, the faculty, staff, students, and alumni to the Secretary of the University.
2. The Awards and Recognition Committee will constitute the duly authorized committee on honorary degrees and shall consider all recommendations submitted to it by the Secretary of the University.
3. Typically, nominations should consist of two internal and two external letters of nomination that explicitly describe the reasons for the nomination and a curriculum vita, resume, or biography. These should be given to the Secretary of the University who will forward them to the Awards and Recognition Committee.
4. The Awards and Recognition Committee will review the recommendations and give its advice and consent to the President.
5. Recommendations receiving favorable consideration by the Awards and Recognition Committee will subsequently be forwarded by the President of the University to the Board of Trustees for further consideration and final approval.
6. The President of the University will inform the University community of those individuals who have been approved by the Board for the granting of an honorary degree.
2.11 Naming of Campus Facilities

Over the years, Miami University has honored its men and women whose commitment to the University or contributions to our society have been extraordinary. Through the naming of buildings, rooms, or other campus facilities, Miami has expressed its appreciation for such loyalty, leadership, and generosity.

Looking to the future, the University will review the nominations for the naming of buildings, rooms, and other areas of the campus when such nominations are submitted no earlier than two years following the resignation, retirement, or death of faculty, staff, and others associated with Miami. Nominations are to be directed to the Vice President for University Advancement for consideration by the Committee for Naming of Campus Facilities, the President, and the Board of Trustees.
Section 3 GENERAL EMPLOYMENT POLICIES

3.1 Coverage
The policies and procedures detailed in this manual apply to all instructional and administrative staff on the Miami payroll, regardless of the ultimate source of funding. Thus, individuals engaged to work on research grants, public service projects, support services, as well as departmental instruction and institutional administration are covered by these provisions, except when specifically noted otherwise.

3.2 Definitions
Ohio law specifies that all Miami University employees are part of the civil service of the state. Ohio law divides the civil service into classified and unclassified employees. Miami subdivides the unclassified civil service into instructional staff and administrative staff.

Policies affecting classified employees of Miami are administered by the Department of Human Resources. Information about these policies may be obtained from that office.

**Full-time Employee.** A person with an appointment of at least nine (9) months to the instructional staff or unclassified administrative staff of .80 FTE or greater. (Note that in order to earn vacation, unclassified administrative staff must have an appointment of 1.0 FTE of at least ten [10] months duration.)

**Part-time Employee.** A person with an appointment of at least nine (9) months duration to the instructional staff or unclassified administrative staff of less than .80 FTE.

**Temporary Employee.** A person with an appointment specifying service either part-time or full-time for a period of less than nine (9) months duration, i.e., semester by semester, three (3) months, six (6) months, etc., or who is paid from grant or other external funds.

**Immediate Family.** Unless otherwise defined in a policy, immediate family includes the employee’s mother, father, brother, sister, biological or adopted child, spouse, domestic partner, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent-in-law, anyone who stood in loco parentis to the employee as a child, and other persons for whom the employee is legally responsible.

**Domestic Partner.** A person of the same sex as the employee who meets the criteria of a domestic partner and is designated by the employee as a domestic partner on an Affidavit of Domestic Partnership. A completed Affidavit of Domestic Partnership must be on file with Benefit Services in order to use domestic partner benefits.

**Retiree.** A person who meets either of the following definitions:

A. An employee who applies for and receives a service retirement benefit from an Ohio public employees retirement system (e.g., State Teachers Retirement System [STRS], Public Employees Retirement System [PERS]) or an employee who is a participant in the Miami University Alternative Retirement Plan (ARP), is age 59½, and who applies for and receives a retirement distribution from the ARP; or

B. An employee who applies for a disability retirement benefit from an Ohio public retirement system or University-sponsored disability plan and whose application for that benefit has been approved. (Note that individuals receiving a disability retirement benefit from an Ohio public retirement system are deemed to be on a statutory leave of absence during the first five (5) years following the effective date of a disability retirement.)

3.3 Equal Opportunity
The policy of Miami University shall be that capability and merit are the basic criteria for employment and that capability, merit, and length of service are the basic criteria for promotion of all University academic and nonacademic staff. Equal opportunity shall be assured in hiring, promotion, retention,
training, and other personnel matters regarding all employees without regard to sex, race, color, religion, national origin, disability, age, sexual orientation, gender identity, pregnancy, military status, or veteran status. Discrimination against any individual for the above reasons is specifically prohibited, except where sex, age, or nondisability is a bona fide occupational qualification. The University shall effect its policy of equal employment opportunity through a positive and continuing affirmative action program.

3.4 Americans with Disabilities Act

Miami University does not discriminate against a qualified individual with a disability because of the disability with regard to job application, hiring or discharge of employees, employee compensation, job training, or other terms, conditions, and privileges of employment.

A qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

A disabled employee or potential employee who requests reasonable accommodation shall identify the specific job requirement that he or she believes should be modified through reasonable accommodation.

Miami University will provide necessary reasonable accommodation if it can do so without undue hardship on the operation of Miami University.

Individuals should direct requests for accommodations to the Office of Disability Resources.

Questions and complaints should be directed to the Director of the Office of Equity and Equal Opportunity.

3.5 Religious Accommodation

In accordance with Title VII of the Civil Rights Act of 1964, Miami University will reasonably accommodate the religious beliefs, observances, and practices of its employees, e.g., accommodate a religious belief, observance, or practice which conflicts with an employment requirement.

Employees must direct requests for reasonable accommodation to the appropriate personnel office (Academic Personnel Services [faculty] or Department of Human Resources). The University will provide reasonable accommodation if it can do so without undue hardship on the conduct of University business. The appropriate personnel office will consult with the employee’s department to arrange reasonable accommodation.

3.6 Policy Prohibiting Harassment and Discrimination

IMPORTANT NOTE: To ensure that a report can be effectively acted upon by the University, a report of discrimination or harassment must be made within three hundred (300) calendar days of the most recent occurrence of the alleged harassing or discriminatory behavior. An individual who believes that he or she has been the victim of harassment or discrimination may proceed directly to the filing of a report (Section 3.6.J).

3.6.A Harassment and Discrimination Are Prohibited

Respect for human diversity is an essential element of the Miami University community. Miami University strongly opposes and will not tolerate harassment or discrimination on the basis of age, color, disability, national origin, race, religion, pregnancy, sex, sexual orientation, gender identity, military status, or veteran status. This prohibition extends to discrimination or harassment, based on the protected classes listed above, including the creation of an intimidating, hostile, or offensive working, learning, or living environment.

Discrimination and harassment are also illegal. This policy is not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. Legal remedies may be pursued outside Miami University by contacting the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, the United States Department of Education Office for Civil Rights, or by consulting an attorney at the individual's own expense. Under the law, there are various time limits for filing charges...
outside the University. Individuals should contact the agencies listed above or an attorney to determine the applicable time limits.
This policy may in some respects exceed the requirements of applicable law. However, this policy will not be enforced so as to infringe upon First Amendment rights, including the right to academic freedom.

3.6.B Coverage
This policy applies to all aspects of Miami University's operations and programs, including regional campuses. It applies to all University students and employees, including faculty, administrators, classified non-bargaining staff, bargaining unit staff, and student employees. It also applies to all vendors, contractors, subcontractors, and others who do business with the University. It applies to all visitors or guests on campus to the extent that there is an allegation of harassment made by them against University students or employees. This policy does not apply to individuals who are accused of harassment who are not students, employees, affiliates, or agents of Miami University.

Violence and sexual assaults committed against or by a Miami student, employee, or agent may be pursued through this policy, through the public criminal justice system, or, depending on the facts and the individuals involved, through the Office of Ethics and Student Conflict Resolution or other appropriate University disciplinary system. An initial choice to use one of these avenues does not preclude a later or simultaneous decision to use one or more of the others.

3.6.C Romantic and Sexual Relationships in the Instructional and Supervisory Contexts
The University discourages romantic and sexual relationships between supervisor and employee or faculty and student (see "Reporting Romantic and Sexual Relationships in the Instructional and Supervisory Setting"). In the event of an allegation of sexual harassment, the University will carefully scrutinize any defense based on a claim that the relationship was consensual when the facts establish that an academic or employment power differential existed within the relationship.

3.6.D Information and Assistance
Many offices and individuals on Miami's campuses provide general information and assistance regarding harassment and discrimination. Consultation with any office or individual other than those listed in Section 3.6.G will not be considered a report to the University.

3.6.E Action
Any individual who believes he or she has been the victim of discrimination or harassment is encouraged to pursue relief under this policy. If, as the result of an investigation of a report, the University determines that there is reasonable cause to believe that a violation of this policy has occurred, the University will take action to provide appropriate relief to the victim. The University will also take appropriate action, up to and including disciplinary action, against the perpetrator under Section 3.6.N of this policy.

3.6.F Retaliation Is Prohibited
It is a violation of this policy for an individual to be disciplined or otherwise disadvantaged as a result of a good-faith resort to this policy. Any retaliatory action or conduct taken by any individual against an individual who has sought relief under this policy is strictly prohibited and will be regarded as a separate and distinct violation of this policy. Examples of retaliatory action include assigning low grades, assigning undesirable teaching or work schedules, and/or giving deflated performance evaluations. This protection against retaliation extends to any individual who opposes acts of discrimination or harassment or who testifies, assists, or participates in any manner in an investigation, proceeding, or hearing relative to discrimination or harassment.

3.6.G Reporting Harassment or Discrimination
Any individual who believes he or she is the victim of harassment or discrimination may report the behavior directly to the Office of Equity and Equal Opportunity (OEEO). Alternatively, the individual may report the behavior to any of the following individuals: a department chair, a dean, an administrative head-of-office, a director, the Senior Director of Human Resources, the Assistant Provost for Personnel and Director Academic Personnel Services, or the Director of Intercollegiate Athletics. Any individual designated in the preceding sentence who receives a report or has knowledge of harassment or discrimination must promptly inform OEEO, which will conduct a preliminary assessment of the report.
The report should not be made to the same individual alleged to have violated this policy. An individual who believes that he or she has been harassed or discriminated against by someone listed in the preceding paragraph should make the report to someone else on the list.

Anonymous reports will be accepted; however, the University’s options for investigating or resolving anonymous reports may be limited because of the unique challenges presented. There is no way to assess the reporter's veracity and no ability to obtain additional information from the reporter if the report is unclear or confusing. However, OEEO will review and take appropriate action on all reports, including anonymous reports.

3.6.H Advisers
Any individual who reports alleged harassment or discrimination and any individual against whom such an allegation is made may be accompanied at all stages of the process described in this policy by a friend, family member, or other individual of his or her choice to provide support and assistance.

3.6.I Initial Assessment of a Report
Upon the receipt of a report of harassment or discrimination, OEEO will make a preliminary assessment of the report. Every effort will be made to handle such reports fairly, impartially, and quickly. OEEO understands that these matters can be extremely sensitive. However, in order for the University to take action where warranted, it will usually be necessary to conduct an investigation. In order to protect both the individual making the report and the individual against whom the report has been made, every effort will be made to handle the matter discreetly. Because information relating to the report will be shared in the course of the investigation on a need-to-know basis, or as otherwise required by law or under this policy, it is not possible to guarantee complete confidentiality. OEEO may facilitate an informal resolution of the report agreed to by the individual who made the report (or the victim if someone other than the victim made the report) and the individual alleged to have violated this policy. An informal resolution of the report does not bar a subsequent request to pursue a formal resolution.

3.6.J Filing a Report of Harassment or Discrimination
To initiate formal resolution procedures, an individual must report the alleged violation of this policy to OEEO within three hundred (300) calendar days of the most recent occurrence of the alleged harassing or discriminatory behavior. This report should specify the incident(s) of harassment and/or discrimination and be signed by the individual making the charge. A copy of the report will be provided to the individual alleged to have violated this policy.

3.6.K Investigation of a Report
Within thirty (30) calendar days of receipt of a report, OEEO will conclude its investigation to determine whether there is reasonable cause to believe that a violation of this policy has occurred, including the extent and severity of the violation. At the completion of the investigation, OEEO will issue a written report of its investigation that includes a finding of reasonable cause or no reasonable cause and related recommendations. A copy of the OEEO report will be given to both the individual who made the report (or to the victim if someone other than the victim made the report) and the individual alleged to have violated this policy. After the OEEO report is issued, both the individual who made the report (or the victim if someone other than the victim made the report) and the individual alleged to have violated this policy are permitted to review the OEEO investigation file.

3.6.L Review
(Note: any reference to class days in this manual includes final exam week.)

If dissatisfied with the OEEO report, either the individual who made the report (or the victim if someone other than the victim made the report) or the individual alleged to have violated this policy may request a review by a Harassment/Discrimination Review Panel Committee (the Panel Committee). A Panel Committee review of the OEEO report is only available to students and University employees. The request must be made in writing, stating the reasons therefore, to OEEO within ten (10) class days of the issuance of the OEEO report.
The Harassment/Discrimination Review Panel (the Panel) is appointed annually by the President to serve for the undergraduate and graduate student bodies, the faculty, and the classified and unclassified staff. The Panel Committee will consist of five (5) members selected from the Panel. Each Panel Committee will receive appropriate training on this policy. The composition of the Panel Committee will reflect the peers of the parties involved and will depend on the status of those parties:

<table>
<thead>
<tr>
<th>Parties Involved</th>
<th>Composition of Panel Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Both are faculty members</td>
<td>All faculty members</td>
</tr>
<tr>
<td>2. Both are staff members</td>
<td>All staff members</td>
</tr>
<tr>
<td>3. One is a faculty member and one is a staff member</td>
<td>Both faculty and staff members</td>
</tr>
<tr>
<td>4. One is a student and one is a faculty or staff member</td>
<td>Two students and three faculty or staff members</td>
</tr>
<tr>
<td>5. Both are students</td>
<td>All students</td>
</tr>
</tbody>
</table>

EXCEPT:

a. If either student requests that one or two members be faculty or staff members
   a. One or two faculty or staff members; the rest students

b. If the report arises out of a graduate assistant's teaching responsibilities
   b. Two students and three faculty members

c. If the report arises out of a graduate assistant's non-teaching responsibilities
   c. Two students and three staff members

Both the individual who made the report (or the victim if someone other than the victim made the report) and the individual alleged to have violated this policy will be presented with the list of names of all appropriate members of the Panel. Each party may disqualify up to three members from service on the Panel Committee. The President or designee will select five (5) members from the remaining names and appoint one of the five to serve as Committee Chair. The Panel Committee will have full access to the OEOO investigation file.

3.6.M Decision of the Panel Committee

Within ten (10) class days (including final exam week) of its appointment, the Panel Committee will issue a written report in which a majority of its members concur. In the report, the Panel Committee will do one of the following:
1. affirm or reverse the finding of no reasonable cause;
2. affirm or reverse the finding of reasonable cause;
3. remand the matter to OEOO for additional investigation and a supplementary report based on the additional investigation;
4. affirm or recommend modifying any recommendations made by OEOO.
5. If the Panel Committee concludes that reasonable cause exists to believe that this policy has been violated, it may instruct OEOO to take immediate action to eliminate the harassment or discrimination.

3.6.N Disciplinary Action

If there has been a finding of reasonable cause and a recommendation that the individual alleged to have violated this policy be subjected to appropriate disciplinary action either in the OEOO report or as a result of a review and report by the Panel Committee, the discipline, if any, to be imposed will be determined according to the procedures described in the Student Conduct Regulations, if the individual is a student; the Ohio Civil Service Law or a collective bargaining agreement then in effect, whichever is applicable, if the individual is a member of the classified staff; Section 13.7 of this policy manual if the individual is a member of the unclassified staff; or Section 8.3 of this manual, if the individual is a member of the instructional staff.
If disciplinary action is initiated, the individual alleged to have violated this policy, the individual or office initiating disciplinary action, and the hearing body will be entitled to full access to the OEEO investigation file and the file, if any, of the Panel Committee.

If there has been a finding that reasonable cause exists to believe that a vendor, contractor, subcontractor, visitor, guest or other individual who does business with the University has violated this policy, the matter shall be referred to the Vice President for Finance and Business Services for appropriate administrative action.

3.6.0 Miscellaneous
1. After a report of harassment or discrimination has been filed, subsequent time limits specified in this policy may be extended by the vice president who has authority in relation to the individual alleged to have violated this policy, or by the President's designee for those under no vice presidential authority. Notice of the extension will be made in writing and will include the reason for the extension. Copies will be provided to both the individual who made the report and the individual alleged to have violated this policy.

2. It is a violation of this policy to knowingly make a false allegation of harassment or discrimination. However, failure to prove a claim of harassment or discrimination is not equivalent to making a false allegation. It is also a violation of this policy for an individual alleged to have violated this policy or other individual interviewed by OEEO to knowingly make a false statement.

3.7 Grievance Procedures
3.7.A General
By means of the procedures described below, Miami University provides an opportunity for any employee to express a grievance and receive a fair hearing.

A grievance is a request for a particular decision or action, or a request for modification of, or relief from, a decision or action previously taken. An individual who feels a grievance exists is responsible for stating the grounds upon which the request is based, and the burden of proof rests upon the complainant.

Most complaints can be resolved through discussion between the staff member and the immediate supervisor. Individuals are encouraged to engage in direct consultation with each other so the problem can be solved through conciliation, if possible. Any retaliation against an employee for having made a complaint is grounds to file a second complaint based on retaliation.

Should such informal procedures not resolve the matter, the formal grievance procedures described below are available.

Every effort shall be made to expedite the processing of a grievance and to render a decision as quickly as possible. Time periods mentioned in any of the formal procedures below are to be considered as maximal. Any time limit specified, however, may be extended by mutual agreement between the respondent and the complainant, unless otherwise stated in the specific grievance procedure.

If the complainant does not take the grievance to the next level within the time specified, the grievance shall be considered resolved. If the respondent does not respond to a grievance within the specified time limits, the grievance can be taken to the next step of the formal grievance procedure.

3.7.B Formal Grievance Procedures Available to Various Groups
The University has several grievance procedures designed for specific groups.

- **Instructional Staff.** Instructional staff may pursue a solution through appeal to the Faculty Rights and Responsibilities Committee if the grievance relates to the complainant's role as a member of the instructional staff. See Section 8.1 of this manual.

- **Administrative Staff.** Section 13.6 of this manual describes the procedures available to members of the administrative staff for the resolution of grievances.

- **Classified Civil Service Employees.** The Supervisory, Administrative and Technical Support Staff (SATSS) Handbook describes the procedures available to Classified Civil Service employees for the resolution of grievances.
3.8 Files on Staff Members

3.8.A Information Accurate and Relevant
Various state and federal laws require certain information be maintained by the University, and sound employment decisions require that the University collect and retain information regarding employment history and performance. No person, office, or agency of the University shall maintain any files or records relating to a staff member’s private life or extraprofessional exercise of constitutional rights to expression or association. This policy protects the lawful practice of dissent, protest meetings, demonstrations, petitions, and the like.

3.8.B Inspection
Any employee (including his or her legal guardian or attorney who presents a signed written authorization) may inspect all documents maintained by Miami of which he or she is the subject. If an individual authorized to inspect personal information requests a copy of any documents that he or she is authorized to inspect, Miami University will provide a copy of the document(s) to the individual.

This section does not provide a right to inspect or have copied confidential information as defined in Section 149.43 of the Ohio Revised Code.

3.8.C Disputes Concerning Information
If an employee disputes the accuracy, relevance, timeliness, or completeness of personal information that is maintained by Miami University, the individual may request Miami, through the appropriate personnel office, to investigate the current status of the information. Miami University will, within a reasonable time, not to exceed 90 days after receiving the request, make a reasonable investigation to determine whether the disputed information is accurate, relevant, timely, and complete, and will notify the individual of the results of the investigation and of the action that Miami will take with respect to the disputed information. Miami University will delete any information that is proven to be erroneous.

If, after Miami’s determination, the individual is not satisfied, the individual may do either of the following: (a) include a brief written statement of his or her position on the disputed information, or (b) include a written notation that the individual protests and that the information is inaccurate, irrelevant, outdated, or incomplete.

Miami University shall include the statement or notation of dispute in any subsequent transfer or dissemination of the disputed information and may include with the statement or notation of dispute a statement by Miami University that it has reasonable grounds to believe that the dispute is frivolous or irrelevant and the reasons for its belief.

3.8.D Disciplinary Action
Any employee who initiates or otherwise contributes to any disciplinary or other punitive action against any individual who brings to the attention of appropriate authorities, press, or public, evidence of unauthorized use of personal information shall be subject to disciplinary action including written reprimand, suspension, or dismissal. It is not an unauthorized use of personal information to comply with the Ohio Public Records Act.

3.9 Public Records Policy
In order to facilitate prompt compliance with the Ohio Public Records Act (Ohio Revised Code 149.43), all persons seeking to inspect or obtain copies of University records are expected to comply with this policy. This policy does not apply to the use of records for official University business by authorized individuals or to persons who desire to inspect or obtain copies of their own records.

Requests to inspect or copy public records may be made to either the Office of General Counsel in person at 215 Roudebush Hall, by telephone to (513) 529-6734, or via email to General Counsel; or the News and Public Information Office in person at 102 Glos Center, by telephone to (513) 529-7592, or via email to newsinfo@muohio.edu.

If a request is made directly to any other University office, the staff are expected to immediately contact the Office of General Counsel to begin the process. Persons making requests need not reveal their identity
and are not required to put their requests in writing. However, written records requests help avoid any misunderstanding or confusion regarding the scope of the records being requested.

It is the responsibility of the requestor of public records to identify with clarity the records that are sought. The University is under no duty to seek out and retrieve records that contain specific information that is of interest to a requestor. It is not appropriate to ask the University to search for records containing selected information. For example, a request for any and all records containing any reference to a particular person or subject is overly broad and inappropriate. Miami is under no obligation to create a record that contains the information requested if it does not already exist.

Inspection is permitted during regular University business hours (8:00 a.m.-5:00 p.m. during the fall and spring semesters; 7:30 a.m.-4:30 p.m. May through mid-August). However not all records are available for inspection upon demand. Records must often be reviewed and non-public information redacted before inspection can be permitted. Records will be made available for inspection within a reasonable period of time following the request. The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact non-public information. Copies of records will be provided at cost. However not all records are available for copying upon demand. Records must often be reviewed and non-public information redacted before copying will be permitted. Copies will be provided within a reasonable period of time following the request. The amount of time will depend upon the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact non-public information. Costs must be paid in advance before copies will be provided.

If a public records request is made to examine a personnel file, the employee, to the extent practicable, will be notified that his or her records have been requested and, if known, the name of the person making the request.

If a public records request is denied, in whole or in part, an explanation will be provided. If dissatisfied with the response to a public records request, the requestor should contact the Office of General Counsel for assistance.

3.10 Faculty and Staff Participation in Companies Commercializing University Research

3.10.A General Information
This policy applies to all faculty and staff who create intellectual property owned by Miami University and desire to hold an ownership interest in a firm, corporation, or other association to which the Board of Trustees has assigned, licensed, transferred, or sold the University’s interests in discoveries or inventions made or created by that employee or in patents issued to that employee commercializing his or her research.

This policy serves as exceptions to the Ohio Ethics Law and related statutes (Chapter 102 and Sections 2921.42 and 2921.43 of the Ohio Revised Code), which might otherwise apply. Matters outside the scope of this policy will be subject to such laws to the extent applicable.

3.10.B Definitions
1. A technology commercialization company is a private commercial entity that is owned in whole or in part by a University employee and that has as its purpose the development and commercialization of University-owned technology created by that employee.
2. The Technology Transfer Oversight Committee is the University body responsible for the approval and oversight of technology commercialization companies pursuant to a delegation of authority from the University Board of Trustees. The Technology Transfer Oversight Committee shall be composed of a representative of each of the following offices: Office of the Provost, Office of the Vice President for Finance and Business Services, Office for the Advancement of Research and Scholarship, and Office of the General Counsel.
3. The Extramural Professional Activities Committee is the University body responsible for assisting faculty and other University employees in identifying, managing, and eliminating conflicts of interest, and, in particular, for facilitating the development of conflict-of-interest management plans for faculty and staff participating in technology commercialization companies.

3.10.C Applicability
1. This policy applies to all faculty who create intellectual property owned by the University and desire to hold an ownership interest in a technology commercialization company.
2. This policy applies to staff members holding unclassified appointments, all graduate award holders, and student employees who
   a. are specifically assigned to engage in research and development activities,
   b. create intellectual property owned by the University, and
   c. desire to hold an ownership interest in a technology commercialization company.

3.10.D Responsibilities of Department Chairs and Staff Supervisors
1. Department chairs are responsible for ensuring that faculty who participate in technology commercialization companies comply with this policy. Department chairs are also responsible for ensuring compliance with the University policies on Conflicts of Interest and Outside Employment and for reviewing and making a recommendation as to the propriety of private business activities reported by their faculty in disclosure forms required by those policies.
2. Staff supervisors are responsible for ensuring that employees who participate in technology commercialization companies comply with this policy. They are also responsible for ensuring compliance with the University policies on Conflicts of Interest and Outside Employment and for reviewing and making a recommendation as to the propriety of private business activities reported by staff in disclosure forms required by those policies.

3.10.E Approval Process
1. Faculty and staff members who wish to participate in a technology commercialization company must first obtain approval from their department chairs and deans or other appropriate supervisors. The Technology Transfer Oversight Committee will be responsible for establishing the business terms of the transaction between the company and the University, and the Extramural Professional Activities Committee will facilitate the development of a conflict-of-interest management plan.
2. The Technology Transfer Oversight Committee will review the sufficiency of business terms and conflict-of-interest management plans relating to technology commercialization companies. Written approval from the Technology Transfer Oversight Committee must be obtained before any business agreements relating to a technology commercialization company are finalized.
3. Faculty or staff members who wish to participate in a technology commercialization company may discuss initial company formation with the Associate Dean for Research; however, they should not, as a general rule, participate in the ongoing negotiation of option and licensing terms between the company and University. As soon as possible, third parties, such as company management and/or legal counsel, should perform this function.
4. As a prerequisite to the granting of an exclusive license to University technology, a technology commercialization company must provide the Technology Transfer Oversight Committee with a viable business plan including, at a minimum, the following:
   a. a capitalization plan demonstrating access to funds necessary for company growth,
   b. a proposed management team, and
   c. milestones for product development and commercial sale.
5. In recognition of the University's ownership of the technology, a technology commercialization company shall grant the University an equity interest in the company as negotiated by the Technology Transfer Oversight Committee.
6. The faculty member's department chair or the staff member's supervisor must be an active participant in discussions with the Technology Transfer Oversight Committee and in the development of the conflict-of-interest management plan relating to a technology commercialization company.
7. A department chair or staff supervisor who has a financial interest or is a coparticipant with a faculty or staff member in a technology commercialization company is not in a position to provide effective oversight of that activity. In these situations, another disinterested administrator must be appointed to perform the responsibilities of the department chair or staff supervisor.
8. If the Technology Transfer Oversight Committee determines that, for any reason, it is not possible for the department chair, the staff supervisor, or another disinterested administrator to provide effective oversight of a transaction involving a technology commercialization company, the transaction should not be approved.

3.10.F Responsibility for University Duties
1. Faculty are encouraged to develop discoveries and inventions with commercial potential; however, they should do so with due regard to the broader teaching and research mission of the University. Faculty should not allow their interest in a financial opportunity arising out of their research efforts to influence their teaching or advising of students, or to interfere with their relationships with other faculty. In particular, research assignments for students should be based on the students' interests and academic development. Faculty should respect and promote the cooperative nature of the academic environment by sharing information and participating in joint research efforts with their colleagues.

2. While faculty are permitted by the University policy on Outside Employment and this policy to engage in specified private business activities relating to their University positions, they continue to be responsible for the performance of all of their University teaching, research, and service obligations. Authorized private business activities must be undertaken in accordance with the University policy on Outside Employment and pursuant to formal consulting and conflict-of-interest management agreements between the faculty, the technology commercialization company, and the University and approved by the department chair, the Extramural Professional Activities Committee, and the Technology Transfer Oversight Committee.

3. Staff members may engage in activities relating to a technology commercialization company during regularly assigned working hours only if they take approved leave. When performed outside regularly assigned working hours, these activities must be undertaken in accordance with the University policies on Conflicts of Interest and Outside Employment and pursuant to a formal conflict-of-interest management agreement between the staff member, technology commercialization company, and the University and approved by the department chair and/or supervisor, the Extramural Professional Activities Committee, and the Technology Transfer Oversight Committee.

4. Staff members may pursue research projects as authorized by their supervisors. Supervisors should authorize only those staff research projects that will advance the missions of the University and the employing unit, without regard to the financial interests of individual employees.

3.10.G Conflict-of-Interest Management Standards
1. University facilities, equipment, and other resources may be used for research benefiting a technology commercialization company only pursuant to a sponsored-research agreement, facilities-use agreement, or other appropriate contractual arrangement.

2. As a general rule, faculty or staff should not hold management positions in technology commercialization companies. While they may initially find it necessary to play a management role in a newly formed company, it is expected that their management responsibilities will decrease as the company develops. Professional management should be brought in at the earliest opportunity. In order to ensure the application of this principle, agreements between the University and a technology commercialization company should contain enforceable milestones for the reduction of these management responsibilities. Failure to comply with these agreed-upon milestones will result in the company's inability to engage in sponsored research and to utilize student employees and the other commercialization agreements and/or activities permitted under this policy.

3. Faculty should not allow their management activities with technology commercialization companies to consume a disproportionate amount of their professional attention. Faculty, engaged in approved private business activities, who are unable to perform all of their University responsibilities, must reduce those activities or request a reduction of appointment or other approved leave. Professional improvement leave authorized under Section 3345.28 of the Ohio Revised Code may not be used for private business purposes.

4. Staff members who are unable to perform all of their University duties because of activities in connection with technology commercialization companies must reduce those activities or request a reduction of appointment or other approved leave.

5. Graduate and undergraduate students may use University facilities, equipment, and other resources to perform research benefiting a technology commercialization company only pursuant to a sponsored-research agreement. Such research may not be used to satisfy the criteria for a thesis or dissertation if
the research material is restricted from publication. Students should be informed, in writing, of this restriction prior to the start of their research.

6. Students may be employed by a technology commercialization company, subject to the limitation set forth in Section 3.10.G.7. Prior to such employment, the student, the faculty or staff member, the chair of the student’s department, and a company representative must sign an agreement disclosing the student's rights and obligations. If the student is a graduate student, the agreement must also be signed by the director of graduate studies in the student's department.

7. A student may not be employed by a technology commercialization company in which a faculty member has an ownership interest if:
   a. The student is enrolled in a course taught by the faculty member;
   b. The faculty member is a member of the student’s thesis or dissertation committee;
   c. The faculty member is the student’s adviser or the director of his or her thesis or dissertation research.

   Such students may perform research benefiting a technology commercialization company only pursuant to a sponsored-research agreement or other formal internship agreement through the University.

8. Technology commercialization companies may not enter into any agreements with the University for the purchase, sale, or rental of equipment, supplies, or services other than those explicitly authorized by the Technology Transfer Oversight Committee.

9. As a general rule, faculty and staff members who are not directly involved with research and development of technology licensed to a technology commercialization company may not hold equity interests in that company. Equity ownership in these situations is permissible only to the extent allowed by Section 2921.42 of the Ohio Revised Code.

10. University regulatory review boards including, for example, the Institutional Review Board for Human Subjects Research and the Institutional Laboratory Animal Care and Use Committee, may be utilized for research benefiting a technology commercialization company only pursuant to a sponsored-research agreement.

11. As a general rule, an individual faculty or staff member should not hold more than twenty-five percent of the outstanding equity in a technology commercialization company. While significant faculty or staff equity ownership may be inherent in a newly formed company, it is expected that their ownership interests, as a percentage of the total outstanding shares or membership interests of the company, will decrease as the company develops and attracts additional equity. In order to ensure the observance of this principle, agreements between the University and technology commercialization companies should contain enforceable milestones for the dilution of these equity interests. Failure to comply with these agreed-upon milestones will result in the company's inability to engage in sponsored research and to utilize student employees and the other commercialization agreements and/or activities permitted under this policy.

12. Faculty or staff members may not assume the role of principal investigator in sponsored-research projects funded by technology commercialization companies in which they have an interest if the projects involve the use of human subjects. In other cases, faculty or staff may assume the role of principal investigator if a formal research-integrity plan has been approved by the Extramural Professional Activities Committee and the Associate Dean for Research.

13. Agreements for sponsored-research projects funded by technology commercialization companies must include, at a minimum, a requirement for full University publication rights and fully negotiated cost recoveries. The Associate Dean for Research must approve exceptions to these conditions.

14. Faculty and staff participating in technology commercialization companies approved pursuant to this policy continue to be bound by the University policy on intellectual property. New inventions and/or discoveries made as a result of a faculty or staff member's research efforts for the company, including those made under formal consulting agreements, will be owned by the University and the company will be offered an exclusive option to the technology. New inventions and/or discoveries developed by the faculty or staff member for the company must be disclosed to the Office for the Advancement of Research and Scholarship.

### 3.11 Outside Employment

A member of the instructional or administrative staff employed on a full-time basis is expected to give full-time service to the University during the contracted time period, exclusive of published vacation periods. However, it is recognized that members of the instructional and administrative staff are
Sometimes asked by outside agencies and industries to provide consulting and other professional services. Normally such activity is encouraged when it:

1. contributes to the professional development of the individual;
2. contributes an expertise not commonly available to the solution of a societal problem; or
3. has carryover value resulting in the improvement of instructional or research programs of the University.

For full-time members of the instructional and administrative staff, outside consulting, professional work, or work under Section 3.10 of this manual for which the individual receives compensation over and above the individual’s normal compensation from Miami, shall not exceed an average of one day per working week in any semester. Time spent on such outside activities must be in addition to, rather than a part of, the normal full effort expected for University work. Outside work must in no way interfere with the performance of an individual's University duties.

Possible conflict-of-interest situations should be avoided. No outside consultation or other professional activity should be undertaken where such activity is, or may be construed to be, competitive with any service of the University. Normally, teaching in a program other than that of Miami University will not be approved. Research activities that would ordinarily be done under University auspices should not be performed by private individual contract.

Advanced authorization for outside consulting, teaching, or other professional work must be received from the appropriate department chair or supervisor, dean or director, and vice president. A form, "Request for Approval to Perform Outside Service," has been designed for this purpose. Copies of the form may be obtained from Academic Personnel Services. Permission for such outside work is automatically terminated at the end of each University contract period; thus, a member of the instructional or administrative staff should request renewal each year for any continuing arrangement. Individuals on summer appointment are expected to comply with this policy during the period of summer contract.

University buildings, grounds, equipment and supplies, and personnel are provided and shall be used only for official University work. Such facilities and personnel may not be used in any private employment or consultative activity.

The staff member shall take appropriate steps to ensure that any publicity or advertising relating to authorized consulting or other outside employment is not detrimental to the good name and/or best interests of Miami University.

3.12 Conflicts of Interest/Commitment

3.12.A General

Ohio Ethics Law - All faculty and staff members are subject to Section 2921.42 (Having an Unlawful Interest in a Public Contract) and Section 2921.43 (Soliciting or Receiving Improper Compensation) of the Ohio Revised Code. All staff are subject to Ohio Revised Code, Chapter 102 (Ethics), and faculty are subject to Section 102.04 (C). A summary of Ohio’s Ethics Laws can be found in the ethics materials provided to new employees and the pamphlet, Ethics is Everybody's Business, published by the Ohio Ethics Commission (http://www.ethics.ohio.gov). Violations of Ohio’s Ethics Law carry criminal penalties.

Conflict of Commitment - With the acceptance of a full-time appointment at Miami University, an individual makes a commitment to the University that is understood to be full-time in the most inclusive sense. Every faculty and staff member is expected to accord the University his or her primary professional commitment, and to arrange outside obligations, financial interests, and activities so as not to conflict or interfere with this overriding commitment to the University.

At the same time, no one benefits from undue interference with the legitimate external activities of faculty or staff who fulfill their primary full-time duties - teaching at the University, conducting scholarly research under its sponsorship, and meeting the other obligations to students and colleagues that faculty must share, and performing administrative duties. Indeed, the involvement of faculty or staff members in
outside professional activities, both public and private, often serves not only the participants but the University as well.

3.12.B Miami University Statement on Conflicts of Interest

The close relationship Miami has with the community along with the growth of sponsored research, consulting contracts, staff involvement in the management of private businesses, and similar developments in recent years have increased the complexity of the relationships between the University, government, and industry. One of the consequences has been an increase in the potential for conflicts of interest between the University obligations a faculty or staff member has and the obligations he or she may assume in extramural activities involving sponsored research, private business ventures, consulting, etc.

It has long been recognized that the only truly effective safeguard against a conflict-of-interest situation is the integrity of the faculty and staff. A codification of the complex ethical questions involved, even if possible, would be unduly restrictive. At the same time, even the most alert and conscientious individual may at times be in doubt concerning the propriety of certain actions or relationships. Whenever such doubt arises, the University expects the individual involved to consult with the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel before making a decision.

Because of the importance of avoiding conflicts of interest and other ethical problems, the following summary of pertinent statutes is being made available. The summary should not be relied upon as the basis for answering a specific ethics question or determining a course of conduct in a specific situation. The summary is intended only to give all employees a basic understanding of the circumstances under which ethical problems may arise. Once the employee becomes aware of an ethical issue, he or she should look into the matter in greater detail.

There are two portions of the Ohio Revised Code that are directly applicable to University employees. The first of these is Chapter 102 (Ethics); the second one is Section 2921.42 (Having an Unlawful Interest in a Public Contract) and Section 2921.43 (Soliciting or Receiving Improper Compensation), which are part of the criminal code. Any interpretation of these statutes also may require consulting with the Ohio Ethics Commission or the employee's own attorney, in addition to appropriate individuals at the University. Such consultation should, of course, occur before, not after, the taking of any action that might raise ethical issues.

Ohio’s Ethics Law recognizes that faculty and staff may be in a position to make or influence decisions that directly affect their personal interests. The guiding principle of the Ohio's Ethics Law is to prevent a public employee, including faculty and staff members, from participating in matters that involve the public employee’s own financial interest or those of his family or business associates.

The specific sections of the Ohio Revised Code that are likely to affect Miami University employees are:

1. Misuse of Confidential Information - Section 102.03(B) prohibits public University employees from disclosing confidential information acquired during employment.
2. Misuse of Official Position - Sections 102.03(D), (E), and (F) prohibit the giving, receiving, or soliciting of anything of value which would "manifest a substantial and improper influence" upon a public University employee with respect to his or her duties.
3. Sale of Goods or Services - Section 102.04(B) prohibits public University employees from selling or agreeing to sell, except through competitive bidding, goods or services to the University, General Assembly, or any agency or institution of the state, excluding the courts. Again, there is a provision for exemption from the prohibition in some circumstances if the public employee files a disclosure statement, copies of which may be obtained from the Ohio Ethics Commission.
4. Soliciting or Receiving Improper Compensation - Section 2921.43 (A) prohibits employees from receiving or agreeing to receive compensation in addition to that paid by the institution for the performance of his or her duties. Section 102.04 (C) prohibits employees from receiving or agreeing to receive, directly or indirectly, compensation other than from the University for any “service rendered or to be rendered” in any "case, proceeding, application or other matter" that is before the General Assembly or any state institution or agency, excluding the courts. This provision may have an impact upon, among others, faculty members who receive compensation for certain types of
consulting work, particularly giving testimony before state agencies. The law does provide mechanisms that may permit this type of activity in some circumstances, but it requires the filing of a disclosure statement, copies of which may be obtained from the Ohio Ethics Commission.

5. **Unlawful Interest in a Contract** -
   a. Sections 2921.42(A)(1) and (2) prohibit a public University employee from authorizing or employing the authority or influence of his or her employment to secure any public contract or public investment in which the employee, a member of the employee's family, or any of the employee's business associates, has an interest.
   b. Section 2921.42(A)(3) prohibits a public University employee from participating for profit in the prosecution of a public contract authorized by him or her as a public employee.
   c. Sections 2921.42(A)(4) and (5) prohibit public University employees from having any interest in a contract entered into by the University; or having an interest in any contract with any other state agency or institution which is not let by competitive bidding and which involves more than $150.00. There are exceptions to these prohibitions, which are quite detailed. For further assistance, the Ohio Ethics Commission should be contacted.

3.12.C **Areas of Potential Conflict of Interest/Commitment**
The areas of potential conflict may be divided into two broad categories. The first relates to conventional conflicts of interest - situations in which faculty and staff members may have the opportunity to influence the University's business decisions in ways that could lead to personal gain or give improper advantage to their associates. The second is concerned with conflicts of commitment - situations in which members' external activities, often valuable in themselves, interfere or appear to interfere with their paramount obligations to students, colleagues, and the University. Teachers and scholars are given great freedom in scheduling their activities with the understanding that their external activities will enhance the quality of their direct contributions to the University. Section 3.12.F offers examples of activities and situations that may or may not give rise to potential conflicts of interest or conflicts of commitment. It has been, and continues to be, assumed that all faculty and staff members will be alert to the possible effects of outside activities on the objectivity of their decisions, their obligations to the University, and the University's responsibilities to others.

3.12.D **Informal Resolution**
It is assumed that minor questions will still be resolved primarily through individual discretion or informal administrative action. It is also recognized that adequate protection for the University will frequently be derived through the traditional academic practices of scholarly publication and public disclosure of author and sponsor. Whenever members have any doubts about whether an activity may involve a conflict of interest or conflict of commitment, they are expected to consult with the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel.

3.12.E **Standing Committee on Extramural Professional Activities**
The Extramural Professional Activities Committee shall be composed of a representative of each of the following offices: the Office of the Provost, the Office for the Advancement of Research and Scholarship, the Office of the Vice President for Finance and Business Services, and three (3) faculty from different disciplines who are experienced in extramurally funded research and other extramural professional activities. Committee members will serve three-year staggered terms. The representative of the Provost's Office shall chair the Committee and will call it into session when needed. The Committee shall choose a vice chair from among its members.

The functions of the Committee are to review University policy on conflict of interest and conflict of commitment and to make such policy recommendations to University Senate as it deems appropriate. The Committee shall discuss problems involving conflicts of interest and conflicts of commitment brought to it by the Provost or the Provost’s designee, divisional deans, department chairs, program directors, faculty, staff, or University Senate, and it shall report findings and make recommendations in such instances. In considering specific issues and cases involving conflict of interest and conflict of commitment, the Committee may call upon relevant experts for information and counsel. The Committee shall report regularly to University Senate.

3.12.F **Consultation Regarding Conflicts of Interest**
In the absence of specific rules (beyond the requirement to consult as to possible conflict), and in light of the difficulty of applying general statements of principles to specific cases, there follows a sampling of activities and situations. They are divided into three categories. Obviously, this list of examples does not include all potential problems and the separation into categories is somewhat arbitrary.

1. Activities that ordinarily are clearly permissible and usually do not require consultation with the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel.

These are activities that are clearly permissible and that may be pursued without consultation with the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel:

- Acceptance of royalties for published scholarly works and other writings, or of honoraria for commissioned papers and occasional lectures.
- Service as a consultant to outside organizations, provided that the time and energy devoted to the task does not exceed University guidelines and the arrangement in no way inhibits publication of research results obtained within the University. Prior University approval is required (See Section 3.11).*
- Service on boards and committees of organizations, public or private, that does not interfere with University obligations.*

* Please note that Opinion 2003-03 issued by the Ohio Ethics Commission prohibits a University employee from accepting any compensation or any payment for travel, meals, or lodging, etc., when serving on a customer advisory board or committee.

2. Activities that should be discussed with the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel even though the problems they present can probably be resolved, often simply by ensuring that the appropriate authorities know all pertinent facts.

These are activities that should be discussed with the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel even though no irreconcilable conflict of interest or conflict of commitment may be involved:

- Relationships that might enable a member to influence Miami's dealings with an outside organization in ways leading to personal gain or to improper advantage for anyone. For example, a member could have a financial interest in an enterprise with which the University does business and be in a position to influence relevant business decisions. Ordinarily, such problems can be resolved by full disclosure and by making arrangements that clearly exclude that member from participating in the decisions.
- Situations in which the time or creative energy a member devotes to extramural activities appear significant enough to compromise the amount or quality of his or her participation in the instructional, scholarly, and administrative work of the University itself.
- Individual professional activities that may appear to conflict with University policies governing research funded by an external agency and with funds administered by the University. Though it is essential and desirable that members be free to individually pursue some projects and purposes that are deemed inappropriate for the University to sponsor (e.g., consulting on a proprietary basis or on government matters requiring secrecy), it is desirable that the existence (if not the specifics) of such activities, especially when they continue for an extended period be shared with the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel.
- Situations in which a member directs students into a research area from which the member hopes to realize financial gain. In such circumstances, the difficulty of making an objective and independent judgment about the student's scholarly best interest is obvious.
- Situations where an individual is offered an outside management position.
• Circumstances involving teaching at another institution in programs that are in direct competition with those of Miami.

3. **Activities that must be brought to the attention of the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel and that appear to present such serious problems that the burden of demonstrating their compatibility with law and University policy rests with the faculty member.**

These are activities that seem likely to present an unacceptable conflict of interest or conflict of commitment and that must be discussed with the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel:

- Situations in which the individual assumes executive responsibilities for an outside organization that create conflicts of loyalty. Individuals should consult the Associate Provost for Research and Dean of the Graduate School, the Associate Vice President for Finance and Business Services, or the Office of the General Counsel before accepting any outside management position.
- Use for personal profit of unpublished information emanating from University research or confidential University sources, or assisting an outside organization by giving it exclusive access to such information; or consulting under arrangements that impose obligations that conflict with University patent policy or with the institution's obligation to research sponsors.
- Circumstances in which a substantial body of research that could, and ordinarily would, be carried on within the University is conducted elsewhere to the disadvantage of the University and its legitimate interests.
- Acceptance of special favors from private organizations with which the University does or may conduct business in connection with an externally-sponsored research project, or extension of special favors to employees of the sponsoring agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

See Section 3.10 for the policy governing Faculty and Staff Participation in Companies Commercializing University Research.

### 3.13 Political Activity

University employees have the right to participate in political activity, which is defined as running for elective public office, serving as a political party official, or serving in an official capacity on a campaign committee for a candidate or issue.

However, because political activity may raise sensitive issues for Miami University as a state-assisted institution, there shall be no suggestion of association of Miami University with partisan political activity. Faculty shall refrain from carrying political activity into the classroom. All University employees shall take due precaution to divorce their political activity from any suggestion of association with Miami University. They shall not place political stickers, banners, flyers, or other political literature on University bulletin boards, in and on University buildings, or on any University property. No letterhead or insignia of the University will be used in any partisan political activity.

Any member of the faculty or staff proposing to engage in political activity as defined above shall notify the President in writing of his or her intention. The President may require assurance that the contemplated political activity will not interfere with the individual's academic or staff responsibilities. If it is determined by the President that such political activity will interfere with the individual's University responsibilities, then the President may require the individual to apply for a leave of absence without pay during the period that such political activity creates such interference.

### 3.14 Relationship Between the University and an Employee who is Elected or Appointed to Public Office

Instructional and administrative staff who are elected or appointed to public office shall notify the appropriate vice president upon their election or appointment. The form "Request for Approval to
Perform Outside Service” shall be used for this purpose.

Members of the instructional or administrative staff, elected or appointed to public office, need not reduce their University commitment if the duties of the public office to which they are elected or appointed do not exceed an average of one day per working week in any semester. Time spent on such duties must be in addition to the normal effort expected for University work and may not interfere or conflict in any way with the performance of an individual’s University duties. Examples of the public offices to which this provision normally applies are school board member, city councilperson, or township trustee.

Members of the instructional or administrative staff elected or appointed to public office, the duties of which exceed an average of one day per working week in any semester, must either resign, be granted a personal leave, or reach an agreement based on negotiations with the appropriate vice president regarding a reduction in University commitment and corresponding reduction in compensation. All such agreements are subject to the written approval of the President. If the individual and the University fail to reach an agreement, then the individual must either be granted a leave or resign. Examples of the public offices to which this provision normally applies are judge, state representative, county commissioner, clerk of courts, or any other full- or part-time state, county, or local office.

3.15 Employment of Members of the Same Family

Miami University imposes no restrictions on the concurrent employment of members of the same immediate family except the following:

A. One immediate family member may not supervise another or be in the supervisory line. No individual may be assigned to a department or a unit under the direct or indirect supervision of an immediate family member. An agreement must be reached as part of the terms of the initial appointment designating the position to which the individual will report. This agreement is subject to the approval of the senior administrator of the division in which the person is employed. If the individual is an immediate family member of the senior administrator of the division, then the agreement is subject to the approval of the appropriate vice president or the President, as applicable. Supervision includes the awarding of any benefits (e.g., promotion, retention, salary, leaves of absence, etc.).

B. Each immediate family member must be judged on his or her own merits and shall not be prejudiced (favorably or unfavorably) by the employment of another immediate family member or by their activities, status, rank, or position.

C. Each immediate family member must conduct himself or herself in accordance with all applicable state ethics laws and University ethics policies (See “Conflicts of Interest”).

D. Specifically, immediate family members may not:
   1. Participate in searches or initial appointment decisions if an immediate family member is a candidate for the position;
   2. Authorize, vote upon, discuss, deliberate, recommend, or otherwise use the authority or influence of his or her position, formally or informally, to secure the employment, retention, promotion, or tenure of an immediate family member, or to approve payment to an immediate family member for services rendered in his or her public employment. This provision does not prohibit immediate family members from providing requested factual information regarding the immediate family member’s work-related activities (e.g., spouses who are coauthors on research or scholarly papers may provide factual information on the nature of the coauthorship and contributions of each for evaluation, promotion, and/or tenure purposes).

For the purpose of this policy, "immediate family" includes spouses, domestic partners, parents, children, and siblings even if the parties do not reside in the same residence.

3.16 Reporting Romantic and Sexual Relationships in the Instructional and Supervisory Setting

Faculty members and graduate students are prohibited from exercising academic supervision over persons with whom they have a romantic or sexual relationship. (“Academic supervision” is defined as assigning grades, sitting on a thesis or dissertation committee, or otherwise exercising decision-making power that affects the student's academic record, academic benefits, or progress toward graduation.) Supervisors are prohibited from having supervisory responsibility over persons with whom they have a romantic or sexual relationship. (“Supervisory responsibility” is defined as any relationship wherein one person has the
power or authority to alter or influence the responsibilities, duties, terms, and/or conditions of employment of another. Those with “supervisory responsibility,” as used in this policy, are not limited to direct or first-line supervisors.) Relationships covered by this policy include, but are not limited to, relationships between faculty and staff, faculty and student, coach and student, graduate student and undergraduate student, post-doctoral scholar/researcher and student, study abroad program director and student, and supervisor and supervisee.

A faculty member, graduate student, or supervisor who has a romantic or sexual relationship with a person over whom he or she has academic or other supervisory responsibility must notify his or her immediate superior of the relationship. The faculty member, graduate student, or supervisor must be removed immediately from all decision-making processes and supervisory roles concerning the person with whom he or she has the relationship. The University requires the resolution of all conflicts of interest created by the relationship.

Failure to report the relationship, cooperate in the transfer of supervisory responsibility, and resolve all conflicts of interest are grounds for discipline, up to and including termination, under appropriate University policies.

3.17 Retirement

Miami University has no mandatory retirement age. A written notice is requested in case of service retirement. In order to assure an orderly transition, it is requested that at least ninety (90) days written notice be given to the appropriate personnel office. See also “Retirement with Rehiring for Instructional Staff.”

3.18 Drug-Free Workplace

3.18.A Purpose

Miami University is dedicated to providing a safe, healthy, and efficient work place for its employees and for the entire University community. Therefore, Miami University recognizes that one of its most important obligations to its employees and students is to maintain a completely alcohol- and drug-free workplace.

3.18.B Policy

1. The illegal use of drugs or alcohol in the workplace or on University property or as part of any University activity is strictly prohibited.
2. Employees may not be under the influence of drugs or alcohol in the workplace.
3. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on University property or as part of any University activity is strictly prohibited.
4. Students and employees must notify Miami University of any criminal drug statute conviction for a violation occurring on University property no later than five (5) days after such conviction.
5. Any student who violates any portion of this policy will be subject to disciplinary action, including suspension or dismissal, under the Code of Student Conduct. Any employee who violates any portion of this policy will be subject to disciplinary action up to and including discharge under the appropriate disciplinary procedures.
6. The University reserves the right to include completion of an appropriate rehabilitation program as a disciplinary sanction.
7. For a description of the applicable legal sanctions under local, state, or federal law for the unlawful possession, use, or distribution of illicit drugs and alcohol, the health risks associated with the use of illicit drugs and the abuse of alcohol or a description of drug and alcohol counseling, treatment, rehabilitation, or reentry programs that are available to employees or students, please consult Miami’s annual publication, Your Right to Know.

3.19 Drug Testing

3.19.A Definitions

1. "Applicant" shall mean any person applying for matriculation or employment in any position at Miami University.
2. "Controlled substance" shall mean such drugs forbidden or regulated under federal or state law or local ordinance.

3. “Drug test” shall mean any blood, saliva, breath, hair, urinalysis, or chemical test conducted for the purpose of detecting the presence of a controlled substance in an individual.

4. "Employee" shall mean any person rendering service for compensation to Miami University in any capacity.

5. "Student" shall mean any matriculated student on any campus of Miami University.


No drug test shall be performed at, by, or on behalf of Miami University upon any applicant, student, or employee as a precondition of admission, matriculation, loans, financial aid, or employment, or as a condition for continuing enrollment, employment, or enjoyment of any right or benefit that it is in the power of Miami University or its various divisions, departments, officials, or others under the authority of the Trustees to confer.

3.19.C Exemptions

This regulation shall not apply to tests for drug impairment of operators of motor vehicles on University-controlled streets, if conducted by police authorities operating within the scope of ordinary and regular enforcement of the laws prohibiting operating motor vehicles while intoxicated.

This regulation shall not apply to any University employee whose job function is such that the use of intoxicants (including but not limited to ethyl alcohol and other controlled substances) would directly and immediately endanger the public safety, and where reasonable suspicion exists that such employee is impaired by the use of some intoxicant while on the job, for instance:

1. armed police officers operating outside of the offices of the Miami University Police, or armed or unarmed personnel in these offices who are serving as dispatchers or in other nonclerical jobs where alertness is crucial for public safety
2. pilots and helicopter operators
3. air traffic controllers
4. lifeguards

3.19.D Notes

People serving in any of the listed job classifications may be tested as provided above even if they hold other statuses in the University (e.g., student or member of the faculty).

An athletic grant-in-aid and/or membership on any University sports team is not a "benefit" that falls under this regulation.

Nothing in this policy shall be construed to prohibit the National Collegiate Athletic Association or the University from conducting drug tests on student athletes for controlled substances (including steroids and other performance-enhancing drugs), provided that the tests be:

1. lawful and constitutional.
2. conducted off University property or on University property in accordance with all regulations.
3. conducted in such a manner as not to interfere with students’ academic studies (including regular class attendance), or with any normal operation of the University.

3.20 Disruptive Behavior and the 1219 Procedure

Ohio House Bill 1219 provides for possible suspension from University employment upon arrest and for termination of University employment upon conviction of any of the criminal offenses enumerated in Section 3345.23(D) of the Ohio Revised Code.

3.20.A Procedure upon Arrest

House Bill 1219 requires that Miami suspend a University employee who is arrested for any of the criminal offenses enumerated in Section 3345.23(D) of the Ohio Revised Code, when either of the following conditions applies:

1. the offense is committed on University property or affects University persons or property;
2. the offense is committed in the immediate vicinity of Miami University if an emergency has been declared and is in effect pursuant to Section 3345.26 of the Ohio Revised Code.
A hearing will be held no more than five (5) days after arrest (continuances may be granted which may not exceed a total of ten [10] days).

The hearing shall be fair and impartial, but the formalities of criminal process are not required. The hearing shall be adversarial in nature. The individual whose suspension is being considered has the right, at his or her own expense, to be represented by legal counsel. The person also has the right to cross-examine witnesses, to testify, and to present the testimony of witnesses and other evidence. In the absence of a waiver of the right against compulsory self-incrimination, the testimony given at the hearing by the person whose suspension is being considered shall not subsequently be used in any criminal proceeding against the person. The hearing shall be held before a referee appointed by the Board of Regents.

If the referee finds by a preponderance of the evidence that the person committed any offense covered by Section 3345.23(D) of the Ohio Revised Code, the referee shall take one of following actions:
1. order the person suspended immediately;
2. permit the person to return to Miami under terms of strict disciplinary probation. The referee shall take this action only if the good order and discipline of Miami University will not be prejudiced or compromised thereby. Subsequent violation of the terms of the probation automatically causes a suspension.

The suspension is in effect until the person is acquitted or convicted of the offense. If the individual is convicted, the individual’s employment is automatically terminated. Upon acquittal, or upon any final judgment not resulting in a conviction of the offense charged, the following actions occur:
1. the suspension or probation resulting from the 1219 Procedure is automatically terminated;
2. the individual is reinstated, provided that no other disciplinary action has been taken (see Section 3.20.C);
3. the record of the suspension or probation made under the 1219 Procedure is expunged from the individual’s University record.

Any suspension under this provision shall be without pay according to Section 3345.23(C) of the Ohio Revised Code. An order of the referee may be appealed to the Court of Common Pleas within twenty (20) days after the date of the order.

3.20.B Procedure upon Conviction
According to Ohio law, a University employee is subject to immediate dismissal if the individual is convicted of any of the offenses enumerated in Section 3345.23(D) of the Ohio Revised Code, when either of the following conditions applies:
1. the offense is committed on University property or affects University individuals or property;
2. the offense is committed in the immediate vicinity of Miami University if an emergency has been declared and is in effect pursuant to Section 3345.26 of the Ohio Revised Code.

Upon notification of the conviction, the President or President’s designee shall immediately notify the individual, in writing, by certified mail delivery, of the dismissal and offer the individual the opportunity to be heard. The hearing shall be limited to the issues of whether the individual was in fact the individual so convicted and whether the conviction is for an offense enumerated in Section 3345.23(D) of the Ohio Revised Code.

The contract of a faculty or administrative staff member or other employee so dismissed is terminated upon dismissal. No salary or wages shall be paid or credited to the individual after dismissal.

A faculty or administrative staff member or other employee dismissed pursuant to this section may be reemployed at the discretion of the Board of Trustees but only after the lapse of one (1) calendar year following dismissal.

If the conviction is reversed on appeal, the individual shall be reinstated, the record of the dismissal shall be expunged from the individual’s University record, and the dismissal shall be deemed never to have occurred.
See Sections 3345.22 and 23 of the Ohio Revised Code for the full text of the statutes. See the Student Handbook for a list of criminal offenses that trigger these procedures.

3.20.C Effect on Other Policies and Procedures
An individual suspended, placed on probation, or dismissed under these procedures has no right to any other hearings or procedures provided under the policies, procedures, or rules of Miami University.

The University has the right, however, to pursue disciplinary action in accordance with the policies, procedures, or rules of Miami University, up to and including dismissal, against any faculty or administrative staff member or other employee at the same time that a 1219 Procedure is engaged and/or at the same time as criminal proceedings, even if the criminal charges involving the same incident are not complete, have been dismissed or were reduced (See Section 3345.24 of the Ohio Revised Code).

3.21 Reporting and Addressing Concerns of Misconduct
3.21.A General
Miami University is committed to conducting its affairs ethically and in accordance with federal and state laws and regulations, as well as University policy. Each member of the faculty and staff shares in this responsibility.

The University is committed to preventing and correcting violations of law and University policy. These violations most often result from lack of information, inadvertence, or mistake. On rare occasions violations are the result of deliberate misconduct. Illegal, unethical or otherwise inappropriate behavior in violation of Miami University's policies is not acceptable.

This procedure has been developed to provide a process for good-faith reporting of violations of law or regulations or otherwise inappropriate behavior in violation of Miami University's policies.

3.21.B Internal Reporting
Employees and students are expected to report good-faith concerns about illegal, unethical or otherwise inappropriate behavior in violation of Miami University's policies. Employees are encouraged to report their concerns immediately to their supervisor, the central office responsible for addressing these concerns (see chart below), the appropriate vice president, or the University President. Students are encouraged to report their concerns to the Dean of Students, Vice President for Student Affairs, the central office responsible for addressing these concerns (see chart below) or the President.

3.21.C Anonymous Reporting
Persons who do not feel comfortable making an internal report may make an anonymous report to the University’s confidential reporting agent, EthicsPoint, by calling the toll-free HOTLINE (1-866-294-9544) or in writing at http://www.ethicspoint.com. Hotline calls are not recorded.

EthicsPoint® System is maintained on a secure third-party server and IP addresses are stripped from Internet-based communications to ensure that anonymity is maintained.

3.21.D Investigation and Resolution
All employees and students are expected to cooperate truthfully in the University’s investigation of reports. Appropriate University officials will promptly address all concerns reported in good faith (See chart below). All investigations will be conducted in accordance with the law and applicable University policy.

3.21.E Retaliation Prohibited
The University will use its best efforts to protect those who, in good faith, report suspected illegal, unethical or otherwise inappropriate behavior in violation of Miami policies. No employee will suffer adverse employment action (retaliation) as a result of any of the following:
1. Disclosure or reporting of suspected illegal, unethical or otherwise inappropriate behavior in violation of Miami policies; or
2. Refusal to violate or assist in violating an applicable federal or state law or regulation; or
3. Refusal to work or cause others to work in conditions that would unreasonably threaten the health or safety of the employee or others.
Any employee who believes he or she has been retaliated against in violation of this policy may file a written complaint with the Office of the President. Following an investigation by the Office of the President, a written report of the investigative findings will be made by the President or the President’s designated investigator. The report shall be provided to the complaining party and the Chair of the Board of Trustees’ Finance and Audit Committee. If the report finds that the complainant has been retaliated against, the report will include any appropriate relief for the complainant. Appropriate disciplinary action, up to and including dismissal, will be taken against any individual who retaliates in violation of this policy.

3.21.F Reporting Concerns
If, after reviewing this table, you are not sure where to report a concern please contact the Office of General Counsel, the Director of Internal Audit and Consulting Services, or the EthicsPoint toll-free HOTLINE (1-866-294-9544) or contact EthicsPoint in writing at http://www.ethicspoint.com.

<table>
<thead>
<tr>
<th>Accounting &amp; Financial Misconduct (including Falsification of Contracts, Reports or Records, Fraud, Improper Disclosure of Financial Records, Theft, Waste, Abuse or Misuse of University Resources, and Mishandling of Donor Funds)</th>
<th>Director of Internal Audit and Consulting Services (529 8031) or Controller (529 6110)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athletic Misconduct (including NCAA Violations, Gambling, Improper Giving of Gifts, Recruiting Misconduct, Misuse of Assets, Players or Endorsements, Recruiting Misconduct, Financial Aid Misconduct, Sexual Misconduct, and Substance Abuse)</td>
<td>Assistant Athletic Director- Compliance (529-6627)</td>
</tr>
<tr>
<td>Financial Aid Misconduct (including Fraud and Regulatory Compliance)</td>
<td>Director of Student Financial Assistance (529-8555)</td>
</tr>
<tr>
<td>Harassment and Discrimination</td>
<td>Director of Equity and Equal Opportunity (529-7157)</td>
</tr>
<tr>
<td>Personnel Misconduct (including Nepotism, Threats, Time Abuse, and Employee Benefit Abuses)</td>
<td>Director of Academic Personnel Services (529-6724) or Senior Director of Human Resources (529 3131)</td>
</tr>
<tr>
<td>Research Misconduct (including Conflict of Interest, Environmental &amp; Safety Matters, Fraud, Misappropriation of Intellectual Property, Inappropriate Use of Humans or Animals in Research, and Grant Misconduct or Misappropriation)</td>
<td>Research Compliance Officer (529-3734)</td>
</tr>
<tr>
<td>Risk and Safety Matters (including Environmental Health and Safety, Sabotage or Vandalism, and Unsafe Working Conditions)</td>
<td>Environmental Health &amp; Safety Office (529-2829)</td>
</tr>
<tr>
<td>Information Technology Matters (including Data Privacy and Integrity, Inappropriate Use of Technology, Misuse of Resources, and Intellectual Property Infringement)</td>
<td>Information Security Officer (529-5322)</td>
</tr>
<tr>
<td>Unethical Conduct (including Violation of Conflict of Interest/Commitment, Illegal Interest in a Contract, Improper Giving or Receiving of Gifts)</td>
<td>General Counsel (529-6734)</td>
</tr>
</tbody>
</table>

In addition to the University’s procedure, the State of Ohio, Office of the Inspector General is authorized to receive and investigate complaints of alleged wrongful acts or omissions by state officers or employees.
3.22 Confidential Information Policy

Miami University collects, stores, and distributes large amounts of information essential to the performance of University business. This information represents a valuable University asset. Although a large portion of University information is public, a portion of our information is protected by state and federal laws. To comply with these laws and protect the University community, the University has the right and obligation to protect, manage, secure, and control information (whether in hard copy or stored as electronic data) in its possession.

Information protected by federal or state law may not be shared with unauthorized persons. These laws include the Federal Privacy Act which protects social security numbers, the Family Educational Rights and Privacy Act (FERPA) which protects personally identifiable student records, the Gramm-Leach-Bliley Act (GLBA) which protects consumer financial information, and the Health Insurance Portability and Accountability Act (HIPAA) which protects personal health information. All employees, faculty and staff, bear responsibility for protecting confidential information from unauthorized disclosure. This is true whether this information is stored on paper, a network computer, on a laptop, on a personal digital assistant (PDA) or other device.

Information that is protected by law may only be disclosed to authorized persons. Examples of confidential information include:

- social security numbers
- health and medical information
- student grades
- consumer financial information
- trade secrets
- disability status
- student advising records
- student disciplinary records
- Banner student identification numbers
- credit and debit card numbers

Social security numbers are primarily used for student financial assistance and employment tax-related matters. If unique identification of an individual is required, an identifier other than a social security number should be used. The recommended identifier is the Banner Plus number. An appropriate security plan and the written consent of the Information Security Officer are required before any University office is permitted to collect and/or maintain social security numbers.

Each faculty and staff member must assume responsibility for protecting confidential information from unauthorized exposure. This means you must:

A. understand and follow Miami’s Responsible Use of Computing Resources policy;
B. consult the Information Security Office if you are uncertain whether certain information is confidential;
C. consult the Information Security Office if you are uncertain how to safeguard confidential information;
D. understand and follow the Miami University Computing Security Policy;
E. protect your computer password and change it according to standards published by the Information Security Office in the IT Services Knowledge Base at http://ithelp.muohio.edu;
F. NOT provide access to confidential information to any other person unless authorized to do so.

Ohio law requires the University to take certain actions in the event of unauthorized disclosure of confidential information. You must report any suspected disclosure of confidential information to unauthorized persons to the Information Security Office (Call 529-7900 immediately and report that you suspect that confidential information has been disclosed). In addition to reporting the theft of any laptop, personal digital assistant or other device that contains confidential information to the appropriate law enforcement authorities, you must immediately report the loss/theft of any laptop, personal digital assistant or other device that contains confidential information to the Information Security Office.
Section 4 COMPENSATION AND BENEFITS

The following summaries are to give an overview of Miami University’s employee compensation and benefit policies and plans in effect at the time of publication. These summaries are for informational purposes only. Therefore, all details may not be described here, e.g., benefits change throughout the year. If there is a difference between the information in these sections and the official plan documents, the official plan documents will govern.

4.1 Salary

4.1.A Pay Schedules
The salary of a member of the instructional staff will be paid in either nine (9) or twelve (12) installments, as the individual prefers. Arrangements for the twelve month plan must be made prior to August 12 for any given year by signing a salary preference card in the Department of Human Resources or Academic Personnel Services. Salary is paid on the last working day of the month. Services performed during the summer terms are compensated separately.

Members of the administrative staff receive their salaries in twelve (12) equal installments, distributed on the last working day of each month.

Direct deposit of wages is required for all new employees. Exact dates for the payroll schedules are available from the Payroll Office.

4.1.B Deductions
Deductions from salaries are made for federal, state, and city income taxes, other taxes as required by law, and contributions to the appropriate state or alternative retirement program. Additional deductions will be made upon the staff member's authorization for purchase of Series E savings bonds, payments to the Miami University Employee's Federal Credit Union, payments to Miami University, purchase of optional fringe benefits available through the University, and contributions to University-qualified charitable organizations.

Miami complies fully with all applicable federal and state laws regarding wages and deductions. If any employee believes that improper deductions have been made from his or her pay, the employee should lodge a complaint with the Manager of the Payroll Office. If the employee is not satisfied with the Payroll Manager’s response, the employee may appeal to the director of the appropriate personnel office. It is the policy of Miami University to reimburse employees for any improper wage deductions.

4.1.C Compensation
Employees shall have the right to know the criteria on which compensation is based. Criteria for salary action originating at the departmental level and/or with the immediate supervisor shall be made available to the concerned employee upon request.

An ongoing process of salary review and adjustment exists to correct past inequities, if any, determined to be a result of discrimination based on sex, race, color, religion, national origin, disability, age, sexual orientation, gender identity, pregnancy, military status, or veteran status.

4.1.D Salary Increments Instructional Staff
Annual salary increments for the instructional staff are determined as a result of guidelines set by the President. From these guidelines, increases for Oxford campus faculty are then recommended by Oxford campus department chairs, through the academic deans and the Provost, to the President. For instructional staff on the regional campuses, regional campus chairs or coordinators make initial recommendations to the Dean of the Regional Campuses, who then forwards recommendations to the Provost and the President.

4.1.E Salary Rates for Government Grant or Contract Work Instructional Staff
When a portion of a staff member's salary is derived from work performed under a government grant or contract administered by Miami University, the amount charged to the grant or contract will be based

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upon the individual's regular rate of compensation. Extra compensation for work on government grants or contracts during the individual's regular period of full time service to the University (academic year for a faculty member) is not allowable. Since intra university consulting is assumed to be undertaken as a University obligation requiring no compensation in addition to full time base salary, the principle also applies to those who function as consultants or otherwise contribute to a project conducted by another Miami University staff member. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to that person's regular load, extra compensation above the base salary may be allowable, provided such consulting arrangement is specifically provided for in the grant or contract agreement or approved in writing by the sponsoring agency. Payments for work performed on a government grant or contract administered by Miami during the summer months will be at a rate not to exceed the individual's base salary rate according to the summer salary schedule adopted by the Board of Trustees.

4.2 Vacation - Unclassified Administrative Staff

4.2.A General
As a professional, each member of the instructional staff assumes a commitment to meet all scheduled classes and to discharge the other responsibilities of teaching, advising, research, service, and administration associated with membership in a university community. Administrative staff members have an obligation to ensure the progress of the educational program of the University. An individual who expects to be absent should obtain advance permission from the department chair or other supervisor, and assist in making arrangements for proper coverage of duties. Whenever it is not possible to perform regular duties, this fact shall be reported to the chair or supervisor as soon as possible.

The purpose of the vacation benefit is to provide time away from work for rest, recreation and renewal; the University, therefore, expects its unclassified administrative staff to use vacation time each year for such purposes. It is also recognized, however, that it may not always be possible for an individual to use his or her full complement of vacation days within a given contract year; for this reason, while accumulation of vacation time is discouraged, it is permitted within the limits set forth below.

4.2.B Vacation
1. Full-time administrative staff with a 12-, 11-, or 10-month appointment earn vacation. Part-time administrative staff (less than forty [40] hours per week) do not earn vacation.

   In lieu of vacation, faculty are not required to work during the University break periods that fall within the term of their academic-year appointment (Fall Three Day, Thanksgiving, Winter and Spring Breaks). Faculty who choose to work may not use these days at any other time nor are they entitled to accrue or cash out any unused days.

   In lieu of vacation, coaches, trainers, and equipment managers are entitled to twenty-two (22) noncontract days per fiscal year as approved by their supervisor. Coaches, trainers, and equipment managers are not entitled to accrue or carry over unused noncontract days beyond the term of their annual appointment, nor are they entitled to cash out any unused noncontract days.

2. The following governs the accrual and use of vacation by 12-, 11-, and 10-month full-time administrative staff:
   a. Full-time administrative staff on a 12-, 11-, or 10-month contract earn vacation in equal monthly increments.
      - Administrative staff employed 12 months full-time earn a maximum of 22 days per fiscal year.
      - Administrative staff employed 11 months full-time earn a maximum of 20 days per fiscal year.
      - Administrative staff employed 10 months full-time earn a maximum of 18 days per fiscal year.

   Administrative staff governed by this policy, who begin work (as reflected by the payroll) before the 16th day of any month, will earn 1.83 days of vacation for that month. Administrative staff whose last day of work is before the 16th of any month will not earn vacation for that month. Vacation days do not accrue during a leave of absence without pay.
b. Vacation is used in increments of one-half day for absences of four (4) hours and one full day for absences of more than four (4) hours. Requests for vacation of more than two (2) days duration should be made at least one (1) month in advance. All vacation leave must be approved in advance by the staff member’s supervisor.

c. No administrative staff member may carry forward more than forty (40) days of accrued but unused vacation. Any administrative staff member who has accrued vacation in excess of forty (40) days at the end of contract year (June) is given a grace period and is required to use the excess vacation days by the end of August.

d. Any vacation days in excess of forty (40) not used by the end of the grace period will be transferred to a "Disability/ Illness Reserve." The "Disability/Illness Reserve" may only be used by the employee when his or her accumulated sick leave has been exhausted through a period of disability or illness.

e. Use of accrued vacation days must be reported on a monthly basis, and the report must be approved by the supervisor. Questions should be directed to the appropriate personnel office.

f. Vacation day use will not be charged against days not scheduled to work or University recognized holidays (see “Holidays”).

g. The University closes for several days during Winter Break. In order for administrative staff to be paid for the days the University is closed, the use of vacation is required. Please note that certain University departments must remain open and some employees will be required to work those days.

h. Upon retirement, termination, or death, the administrative staff member or his or her estate shall be compensated at the final rate of pay for unused vacation to a maximum of forty (40) days. Days are rounded to the nearest half or whole day. Compensation shall be paid within ninety (90) days of retirement, termination, or death.

4.3 Holidays Unclassified Administrative Staff


These are the only holidays to which administrative staff are entitled. Other periods when classes are not in session (e.g., the break between semesters, spring break) are not holidays, and members of the administrative staff are expected to be at work.

State statute permits the designation of certain holidays to be observed on days other than when they are observed by the rest of the state. Miami’s annual holiday schedule reflects these changes.

On certain holidays, the University is open for business. Administrative staff members who are required to work on such a day will be given a day off at a time agreed to by both staff member and supervisor.

4.4 Professional Development or Educational Leave Unclassified Administrative Staff

4.4.A General

Vice presidents may recommend to the President professional development or educational leaves, at full or reduced salary, for members of the unclassified administrative staff; such leaves must be for the purpose of professional development that will enhance the staff member's ability to perform Miami University administrative functions. Such activities will typically involve formal training programs sponsored by other universities or conducted under the sponsorship of professional associations or societies. Normally, a professional development or educational leave will not be granted for the purpose of pursuing a degree (see Section 4.8, Personal Leave). All professional development and educational leaves of absence are subject to the approval of the President. Applications for such leaves must be made to the appropriate vice president at least six (6) months prior to the beginning date of the requested leave. If a leave is granted, vacation and sick leave credits shall not be accrued or used during the period of the leave. Retirement contributions will be made only as allowed by STRS, PERS, PERS-LE, or the Alternative Retirement Plan (ARP).
A request for a leave should detail the activities proposed, the duration of the leave, and the significance of the proposed activities for the mission of the University. The request must also indicate how the department will cover the individual’s job responsibilities during the leave.

Individuals receiving a leave are obligated to remain at Miami University during the ensuing fiscal year following the leave and to make a full report of the results of the assignment to their supervisor, their department head, and the appropriate vice president within ninety (90) days of the completion of the leave. If an individual chooses not to return to Miami during the ensuing fiscal year, he or she must refund the compensation received from Miami during the leave.

Recipients of leaves may receive money for approved study or research or other activities expressly related to the purpose of the leave without prejudice to their receipt of income from Miami, provided that the total remuneration from all sources (including Miami) does not exceed the recipient’s annual Miami University salary.

In addition to salary, special arrangements may be made for grants to defray travel and similar incidental expenses. These arrangements must be approved in advance of the leave.

Questions regarding the program and its guidelines should be addressed to the appropriate personnel office.

4.4.B Attendance at Professional Meetings
Miami University is firmly committed to a policy of encouraging staff members to continue professional development through attendance at professional meetings and conferences. To participate in such meetings an individual must make advance arrangements for classes and other University responsibilities, these arrangements to be acceptable to the department chair or other supervisor.

4.5 Sick Leave - Unclassified Administrative and Instructional Staff
4.5.A General
Sick leave is the authorized absence of an employee from regular duties because of illness, injury, pregnancy, exposure to contagious disease, family health situations requiring attendance of the employee, health care appointments, and death in the immediate family. Immediate family members include the employee’s mother, father, brother, sister, biological or adopted child, stepchild, spouse, domestic partner, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent-in-law, anyone who stood in loco parentis to the employee as a child, and other persons for whom the employee is legally responsible. A completed Affidavit of Domestic Partnership must be on file with the Department of Human Resources to use sick leave for the care of a domestic partner or qualifying relative of the domestic partner.

Each full time unclassified administrative or instructional staff member who works nine (9) or more months per year earns fifteen (15) days of sick leave per contract year. Staff members who work less than nine (9) months earn sick leave at the rate of 1-1/4 days per month. Staff members who work less than full time earn sick leave on a pro rata basis. Unused sick leave entitlement is cumulative without limit.

The vice presidents shall be responsible for implementing this policy and for authorizing modifications for unusual circumstances. The appropriate personnel units shall be responsible for the establishment of accrued sick leave balances for employees and for the maintenance of sick leave records.

4.5.B Reporting Absences
A staff member is expected to report an absence promptly when normal duties cannot be performed and sick leave is being used. A consecutive period of sick leave use includes all days an individual is normally expected to work, whether or not the individual has scheduled responsibilities.

Use of accrued sick leave days must be reported on a monthly basis, and the report must be approved by the supervisor. Questions should be directed to the appropriate personnel office. Sick leave is used in increments of one-half day for absences of four hours and one full day for absences of more than four hours. A maximum of five (5) days of sick leave may be used for the death of an immediate family member.
If a member of the instructional staff makes arrangements acceptable to the department chair or other supervisor for a colleague to perform the staff member's duties during an absence (without additional expense to Miami University), this absence will not be charged against the individual's accumulated sick leave; in no case, however, will such an arrangement exceed one month or the remainder of the then-current semester, whichever is greater.

The University may require appropriate evidence for the use of sick leave.

4.5.C Extension of Sick Leave
In the event a staff member exhausts his or her accumulated sick leave because of an extended illness, the staff member may be retained on the payroll for an additional period of time if recommended by the supervisor or chair and approved by the appropriate vice president and President. Consideration of such requests shall include years of service, extent of illness, and/or other extenuating circumstances.

4.5.D Transfer/Cash Out of Sick Leave
An administrative or instructional staff member with ten (10) or more years of Ohio public service shall upon retirement from active service be paid in cash for one fourth of the value of earned but unused sick-leave credit to a maximum of thirty (30) days. Such payment shall be based upon the employee's rate of pay at the time of retirement. Payment for sick leave on this basis shall be considered to eliminate all sick-leave credit accrued by the employee at that time. Such payment shall be made only once to any employee and will be paid within ninety (90) days of retirement. In order to be eligible for the sick-leave payoff, the employee must, at the time of separation, be eligible for retirement benefits as determined by the applicable retirement system.

If an employee transfers to or from another agency of the State of Ohio, unused accumulated sick leave entitlement shall transfer to the new unit. The unit of origin must furnish the receiving unit with written evidence of the employee's entitlement to sick leave. The previously accumulated sick leave of an employee who has been separated from Ohio public service shall be credited to that employee upon reemployment in the Ohio public service, provided that such reemployment takes place within ten (10) years of the date on which the employee was last terminated from public service.

4.6 Parental Leave
As part of its efforts to foster a workplace in which professional success can be achieved while maintaining a quality personal and family life, the University supports employees and their families with leave opportunities for new parents. All requests for leave under this policy should be made as far in advance as possible, but generally not less than thirty (30) days before the leave commences and must be in writing and submitted to the appropriate personnel office (Academic Personnel or Human Resources). The following sections outline the leave program; however, employees and their supervisors should contact the appropriate personnel office for guidance and assistance with the process. The University will make appropriate arrangements to cover the duties of the employee while the employee is on Parental Leave.

Tenure-track faculty members who have or share primary care-taking responsibilities associated with the birth or adoption of a child under age five (5) may request an extension of their probationary period, i.e., the tenure clock. (See Section 7.6.C for information on extending the tenure clock.)

There are a number of other University-provided benefits designed to support employees and their families, e.g., flexible spending account, health insurance, and dental insurance. Employees should contact Benefit Services for information regarding these benefits. Payroll deductions for tax purposes should also be considered, and Payroll Services will assist the employee with any changes.

4.6.A Parental Leave
The University provides all benefit-eligible employees with twelve (12) weeks of Parental Leave to be used following the birth or adoption of a child. The purpose of Parental Leave is to provide a period of recovery from childbirth for the birth mother; and a period of time for parents (birth mothers, fathers, domestic partners, and adoptive parents) to care for and bond with the newborn or newly-adopted child.
1. **Paid Parental Leave**
   a. Birth mothers—the University will provide up to six (6) weeks of Paid Parental Leave (100% of regular salary or pay) to each birth mother to recover from childbirth and to care for and bond with the newborn.
   b. Fathers, domestic partners, and adoptive parents—the University will provide up to three (3) weeks of Paid Parental Leave (100% of regular salary or pay) to each father, domestic partner, and adoptive parent to be used following the birth or adoption of a child to care for and bond with the child.

Paid Parental Leave must commence immediately following the birth or adoption of a child, except:
   i) with the approval of the appropriate personnel office, Paid Parental Leave may be taken prior to the event when deemed medically necessary or when required to fulfill the requirements for an adoption; or
   ii) in the event both parents are employed by Miami University, the parents may elect to take their Paid Parental Leaves concurrently or consecutively.

2. **Parental Leave for the Balance of the Twelve (12) Weeks**
   The balance of the twelve (12)-week Parental Leave period may be taken on either a full- or part-time basis as described below:
   a. Full-Time Option—parents may take Parental Leave on a full-time basis. This leave may be taken in consecutive weeks immediately following the period of Paid Parental Leave or at a later time in a single period of consecutive weeks.
   b. Half-Time Leave Option—parents who elect to take half-time Parental Leave must take the leave in consecutive weeks immediately following the initial period of Paid Parental Leave. Parents who elect to take half-time leave in effect double the duration of their remaining leave.

Note: For employees with an appointment of less than twelve (12) months duration, non-contract periods and summer instructional contracts do not affect the Parental Leave period.

4.6.B **Three-Months Additional Parental Leave Option**
   Parents may take up to three (3) months for additional Parental Leave on either the full- or half-time basis. However, the three (3)-month period is the maximum time period. It does not double to six (6) months if the parent elects the half-time leave option. Parents who elect to take all or part of the additional leave must take the leave in consecutive weeks immediately following the Parental Leave described in 4.6.A, number 2.

Note: For employees with an appointment of less than twelve (12) months duration, non-contract periods and summer instructional contracts do not affect the Parental Leave period.

4.6.C **General Principles**

**Half-Time Defined.** It is presumed that classified and unclassified staff members will work one-half day each day they are scheduled to work. Alternative working arrangements may be made at the direction of, or with the consent of, the supervisor, department head, and appropriate vice president. Faculty who elect to work half-time following the birth or adoption of a child are required to have an approved plan of not less than fifty (50) percent time that includes instructional assignments and must be approved by the chair, dean, and provost.

**Single Election.** A parent may elect half-time leave only once. A parent who is on leave on a half-time basis may elect to resume full-time leave or to return to full-time work before the exhaustion of the Parental Leave or three-months additional Parental Leave for the birth or adoption of a child. Any employee who elects to resume full-time leave or to return to full-time work is not eligible to take half-time leave again for the birth or adoption of the child for which the leave was originally taken.

**Family Medical Leave.** All Parental Leave will run concurrently with Family Medical Leave (FML) to the extent the parent has FML available (See Section 4.7).
Twelve-Month Limit. All Parental Leave and three-months additional leave must be used within the twelve (12) months immediately following the birth or adoption of the child.

Exhaustion of Paid Parental Leave. Paid Parental Leave must be exhausted prior to the use of any other paid leave (sick leave, vacation, compensatory time). Paid Parental Leave does not reduce the employee’s accrued time under any other University paid leave program (sick leave, vacation leave, or compensatory time).

Use of Sick Leave. Parents may use accrued sick leave during Parental Leave if medically necessary and qualified under the University’s sick leave policy.

Use of Other Paid Leave. Parents may use any other accrued paid leave (vacation time or compensatory time) during Parental Leave.

Benefit Eligible. For the purpose of this policy a benefit-eligible employee is one who has an appointment of at least nine (9) months duration for at least 32 hours per week.

4.7 Family and Medical Leave

4.7.A Eligibility
1. In accordance with federal law, employees are eligible for family and medical leave after twelve (12) months of employment and provided the employee has performed at least 1250 hours of work during the previous 12-month period. (Full-time faculty are deemed to meet the 1250-hour requirement.) All eligible employees are entitled to a total of twelve (12) workweeks of leave during the 12-month period of July 1 through June 30 for one or more of the following reasons:
   a. the birth of a child and to care for the newborn (Reason 1);
   b. the placement of a child with the employee for adoption or foster care (Reason 2);
   c. to care for the employee’s spouse or domestic partner, parent, child (defined as “a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis”), or the child of the domestic partner with a serious health condition (Reason 3);
   d. a serious health condition that makes the employee unable to perform the essential functions of his or her position (Reason 4).

   Note: For information on Military Families Leave, see Section 4.7.I

2. Miami requires employees to substitute accrued paid sick leave (e.g., vacation, sick leave, personal leave) for family and medical leaves whenever permitted by law (i.e., 29 C.F.R. 825.207-208). If the employee does not have available sufficient paid leave for the entire twelve (12) weeks, the employee may take the balance of the leave as unpaid leave. If the employee has available more than twelve (12) weeks of paid leave, the employee may use all the paid leave that applies to the employee’s situation.

A family and medical leave may run concurrently with a worker’s compensation absence when the injury is one that meets the criteria for a serious health condition. As the worker’s compensation absence is not unpaid leave, the provision for substitution of accrued paid leave is not applicable.

4.7.B Notice and Approval
The employee must provide the appropriate personnel office with a minimum of thirty (30) calendar days advance notice before the date the leave is to begin. Employees should contact the appropriate personnel office for more detailed information and to arrange family and medical leave, including parental leave. The Department of Human Resources can assist employees and their supervisors in arranging suitable coverage of the employees’ responsibilities while on leave. Employees are required to complete the forms and return them to the appropriate personnel office for approval of leave within a minimum of thirty (30) calendar days advance notice before the date the leave is to begin. However, if the date of the birth, placement of the child, or serious health condition of the employee or family member requires leave to begin in less than thirty (30) days, the employee must provide as much notice as is practicable. Failure to give notice may result in a delay of leave.
Employees must request the family and medical leave in writing and submit the request to the appropriate personnel office. A medical certification form will be provided. Medical certification must be received in the appropriate personnel office prior to approval of the leave.

To use leave for the care of a domestic partner or the child of a domestic partner, a completed Affidavit of Domestic Partnership must be on file with the Department of Human Resources.

4.7.C Substitution of Paid Leave
Miami requires employees to substitute accrued paid leave (e.g., vacation, sick leave, personal leave) for family and medical leaves whenever permitted by law (i.e., 29 C.F.R. 825.207-208). If the employee does not have available sufficient paid leave for the entire twelve (12) weeks, the employee may take the balance of the leave as unpaid leave. If the employee has available more than twelve (12) weeks of paid leave, the employee may use all of the paid leave that applies to the employee’s situation.

A family and medical leave may run concurrently with a worker’s compensation absence when the injury is one that meets the criteria for a serious health condition. As the worker’s compensation absence is not unpaid leave, the provision for substitution of accrued paid leave is not applicable.

4.7.D Intermittent Leaves and Reduced Leave Schedules
An intermittent leave is a leave taken in separate blocks of time due to a single illness, injury, or health condition. An example is a leave taken several days at a time spread over several months for chemotherapy.

A reduced leave schedule is a change in the employee’s normal schedule for a period of time, usually from full-time to part-time. An example is a reduction in the workday from eight (8) hours to six (6) hours because of a serious health condition.

Leaves taken for the following reasons shall not be taken intermittently or on a reduced-leave schedule: except as permitted by the Parental Leave Policy, leaves taken for the birth of a child or to care for the newborn (Reason 1) and leaves taken for the placement of a child with the employee for adoption or foster care (Reason 2).

Leaves taken for the following reasons may be taken intermittently or on a reduced-leave schedule: leaves taken to care for the employee’s spouse or domestic partner, child or parent (Reason 3) and leaves taken because of a serious health condition that makes the employee unable to perform the essential functions of his or her position (Reason 4).

An employee who takes intermittent leave or a reduced-leave schedule may be temporarily transferred to an alternative position, for which he or she is qualified, that has equivalent pay and benefits and that better accommodates recurring periods of leave than does the employee’s regular position.

Employees shall make a reasonable effort to schedule leaves so as to avoid unduly disrupting the operations of Miami University, subject to the approval of the health care provider of the employee (Reason 4) or of the employee’s spouse or domestic partner, child or parent (Reason 3).

4.7.E Certification
Miami University requires a medical certification from the health care provider for leave taken for Reasons 3 or 4.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or medical care facility, or continuing treatment by a healthcare provider.

The certification form may be obtained from either the Department of Human Resources or the Office of Academic Personnel Services. Miami University may, from time to time (generally not more often than every 30 days), require recertification during the period of leave. Failure to provide certification or recertification may result in a delay of leave, denial of leave and/or loss of pay for the leave period. Falsification of certification is grounds for disciplinary action up to and including dismissal.
Miami University may require, at its expense, that the employee obtain the opinion of a second healthcare provider selected by Miami University concerning any information certified. In case of conflict between the second opinion and the employee’s certifying healthcare provider, Miami University may, at its expense, require the opinion of a third healthcare provider (jointly selected by the employee and Miami University). The opinion of the third healthcare provider shall be final and binding on Miami University and the employee.

Miami University may require a certification from the employee’s healthcare provider that the employee is able (or unable) to return to work, when the family and medical leave was because the employee’s serious health conditions made the employee unable to perform the essential functions of the employee’s job.

4.7.F Restoration to Position and Continuation of Benefits
Eligible employees who return from a family and medical leave may be restored to the position held by the employee when leave began or be restored to an equivalent position with equivalent pay and University-provided benefits and other terms and conditions of employment.

Miami University will maintain University-provided benefits for eligible employees on family or medical leave under the same terms and conditions coverage would be provided had the employee continued in employment for the duration of the leave. Retirement contributions will only be made for that portion of the family and medical leave that is paid leave.

4.7.G Failure to Return from Leave
Miami University may recover from the employee the cost of maintaining University provided benefits during the unpaid period of leave if the employee fails to return from leave unless the failure to return is due to (1) the continuation, recurrence, or onset of a serious health condition that would otherwise entitle the employee to leave under the family and medical leave policy; or (2) other circumstances beyond the control of the employee.

4.7.H Other Employment
Employees on family or medical leave are not permitted to perform services for remuneration for other employers (including self-employment), as an independent contractor, partner, sole proprietor, principal in a corporation, or for any other individual or entity, unless approved, in writing, in advance by the appropriate vice president or the vice president’s designee. For units reporting to the President, the appropriate vice president is the Vice President for Finance and Business Services and Treasurer.

Instructional staff and administrative staff who have approved outside consulting/employment (see Section 3.11 of this manual) must obtain the approval of the appropriate vice president to continue such services during a period of leave.

4.7.I The Family and Medical Leave Policy—Military Families
In 2008, the Family and Medical Leave Act (FMLA) was amended to extend Family and Medical Leave Act (FMLA) qualifying leave to the families of members of the U.S. Armed Forces under certain circumstances (Military Families Leave). This Supplement to Miami University’s FMLA policy explains employees’ rights to such leave. Except as provided for in this policy, an employee’s rights and obligations with regard to Military Families Leave are governed by Miami University’s existing FMLA policy.

Leave Entitlement. The amendments to FMLA provide for two (2) new instances in which an FMLA eligible employee can qualify for FMLA leave:

Military Caregiver Leave. Eligible employees who are family members of covered service members are able to take up to “26 workweeks of leave in a single 12-month period” to care for a covered service member with a serious illness or injury incurred in the line of active duty if:

1. The employee is an eligible family member or next of kin (the nearest blood relative other than the covered spouse, domestic partner, parent, son, or daughter, who has been granted legal custody by
court decree or statutory provisions and in accordance with the order of priority as set by the FMLA regulations).

2. The covered service member is:
   a. undergoing medical treatment, recuperation, or therapy;
   b. in outpatient status; or
   c. on the temporary disability retired list for a serious injury or illness.

3. This leave will not exceed 26 workweeks during a “single 12-month period.” The calculation of the “single 12-month period” begins with the first day the eligible employee takes FML to care for the covered service member and ends twelve (12) months after that date. If all leave is not taken, it is forfeited.

4. Eligible employees may not take this type of leave to care for former members of the Armed Forces, National Guard and Reserves, or members who are on the permanent disability retired list.

Qualifying Exigency Leave. Eligible employees may take up to twelve (12) weeks of leave during the University’s FMLA Year because of any “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty status in support of a contingency operation. A qualifying exigency includes:

1. Short notice deployment—call/order to active duty seven (7) days prior to date of deployment;
2. Military events and related activities;
3. Childcare and school activities (e.g., arrange for alternative childcare, enroll child in new school or day care, attend meetings with school or day care staff, and provide childcare on urgent or immediate need basis);
4. Making or updating financial and legal arrangements;
5. Counseling that arises out of the military service;
6. Rest and recuperation—limited to five (5) days per leave to spend with military member on short-term leave;
7. Post-deployment activities—leave to attend post-deployment functions that occur within ninety (90) days following termination of active duty status, such as arrival ceremonies, reintegration briefings, funeral arrangements;
8. Additional activities—must be agreed to by the supervisor, the employee, and the appropriate personnel office (Office of Human Resources or Academic Personnel Services).

NOTE: Military Families FMLA runs concurrently with other leave entitlements as set forth in the existing FMLA policy or as provided for by federal law.

4.8 Personal Leave - Unclassified Administrative and Instructional Staff

Personal leave may be granted to free a member of the staff to make a public service contribution; to accept a fellowship, research, or visiting appointment at another institution; to pursue a program of formal study; or for personal or health reasons.

A. The duration of such a leave may be for any period up to a year, with renewal possible for a second year. Application should be made as far in advance as possible.

B. For instructional staff, the personal leave period will count as Miami University service for promotion and tenure purposes, unless an alternative arrangement is approved, in writing, at the time the leave is granted.

C. Personal leave is leave without salary. Except under special circumstances, it is leave without any University-provided benefits except the fee waiver benefit, which continues during the leave.

D. Contributions to the state retirement systems (STRS, PERS, PERS-LE) are made only as allowed by law. The University will not make contributions to the Alternative Retirement Plan during a personal leave.

E. Individuals granted personal leave may continue uninterrupted health care insurance by arranging to make premium payments through the University’s Department of Human Resources. Only the President or President’s designee may authorize the continuance of health care insurance at University expense.

F. For most favorable consideration, the leave of application for instructional staff should be received in the Academic Personnel Services Office by December 1 of the academic year preceding the leave period.
4.9 Other Leaves of Absence

4.9.A Military Leave
Miami University provides military leave and benefits in accordance with state and federal laws, including the Uniformed Services Employment and Reemployment Rights Act (USERRA). For information regarding leave and benefits, contact the Benefits Services Office, 15 Roudebush Hall.

4.9.B Reserve Duty
Employees will be granted leaves of absence with pay for up to twenty-two (22) days upon request when they are required to participate in training duty as members of an Armed Forces Reserve Organization, the National Guard, or are called out on an emergency basis for such service.

4.9.C Court Attendance

4.9.C.1 Jury Duty
Miami University encourages its employees to fulfill their civic duty by responding to a call to jury duty. Employees serving jury duty are entitled to leave with pay. The employee must submit a request for leave to his or her supervisor and the appropriate personnel office for approval. A copy of the summons for jury duty must be attached to the request.

The employee will not be asked to pay to the University any amount of compensation received by the employee from the court. The employee is required, however, to return to work any day he or she is excused by the court for a period greater than four (4) hours.

Faculty are expected to make suitable arrangements for coverage of classes with their department chair. Employees whose work shifts do not coincide with jury service hours may also be relieved of employment duties during jury service. Arrangements for coverage should be made through the appropriate personnel office in consultation with the employee's department.

4.9.C.2 Witness Testimony
Employees subpoenaed to testify as a nonexpert witness in a court action to which they are not a party will be granted paid leave to testify.

4.10 Fee Waivers

4.10.A Benefit for Employees, their Spouses or Domestic Partners, and Dependent Children

4.10.A.1 Benefit
For eligible full-time classified, administrative and instructional staff, their spouses or domestic partners, and dependent children (includes the natural-born or adopted child of the employee, and the step-child of the employee who is claimed by the eligible employee as a dependent for federal income tax purposes), the benefit is equal to 100% of the undergraduate or graduate instructional fee. The benefit for eligible part-time employees, their spouses or domestic partners, and any dependent children of the employee, is equal to 50% of the undergraduate or graduate instructional fee.

The fee waiver may only be applied to instructional fees. Additional fees, including, but not limited to, the general fee, study abroad program fees, lab fees, late fees, and miscellaneous fees are the responsibility of the student. Comprehensive per credit hour fees, which combine instructional, general, and sometimes miscellaneous fees, are charged for certain graduate programs. The fee waiver benefit for these programs and courses is limited to 100 percent of the standard graduate program instructional fee.

Courses should be taken outside of the employee's normal working hours, but supervisors/managers are encouraged to use flexibility whenever appropriate. Course work must not interfere with completion of employment duties.

4.10.A.2 Eligibility
a. Full-time employees with an appointment of .80 FTE or greater, of at least nine (9) months duration, are immediately eligible for the benefit. The spouse or domestic partner, and any dependent children of a full-time employee are eligible after the employee has completed three (3) continuous years of full-time employment.
b. Part-time employees who have an appointment of at least .50 FTE, of at least nine (9) months duration, are eligible for one-half of the benefit after five (5) continuous years of part-time employment. The spouse or domestic partner, and any dependent children of a part-time employee are eligible after the employee has completed ten (10) years of continuous part-time employment.

4.10.B Benefit for Retired* Full-time Employees, Spouses or Domestic Partners, and Dependent Children of Retired Full-time Employees

4.10.B.1 Benefit
For full-time employees who retire from Miami University with at least ten (10) years of continuous full-time employment, their dependent children and spouses or domestic partners, the benefit is equal to 100% of the undergraduate instructional fee.

The fee waiver may only be applied to instructional fees. Additional fees, including, but not limited to, the general fee, study abroad program fees, lab fees, late fees, and miscellaneous fees are the responsibility of the student. Comprehensive per credit hour fees, which combine instructional, general, and sometimes miscellaneous fees, are charged for certain graduate programs. The fee waiver benefit for these programs and courses is limited to 100 percent of the standard graduate program instructional fee.

4.10.B.2 Eligibility
The spouse or domestic partner or dependent child of a full-time employee who is retired from Miami is eligible for the benefit based on the employee's length of continuous full-time employment as follows:

a. With at least ten (10) but fewer than 15 years of employment – eligible during the first five (5) years from the date of retirement.

b. With at least 15 but fewer than 20 years of employment – eligible during the first seven (7) years from the date of retirement.

c. With at least 20 but fewer than 25 years of employment – eligible during the first ten (10) years from the date of retirement.

d. With 25 years of employment – eligible for the benefit.

For all dependent children of the full-time employee who is retired, eligibility terminates upon completion of a baccalaureate degree program or age 25, whichever occurs first.

*Retirement includes both service and disability retirements.

4.10.C Benefit for Spouses or Domestic Partners and Dependent Children of Deceased Employees

4.10.C.1 Benefit
For the surviving spouse or domestic partner or dependent children of a deceased full-time employee, the benefit is equal to 100% of the undergraduate instructional fee.

The fee waiver may only be applied to instructional fees. Additional fees, including, but not limited to, the general fee, study abroad program fees, lab fees, late fees, and miscellaneous fees are the responsibility of the student. Comprehensive per credit hour fees, which combine instructional, general, and sometimes miscellaneous fees, are charged for certain graduate programs. The fee waiver benefit for these programs and courses is limited to 100 percent of the standard graduate program instructional fee.

4.10.C.2 Eligibility
The surviving spouse or domestic partner or dependent children of the deceased full time employee are eligible for the benefit based on the employee's length of continuous full-time employment as follows:

a. With fewer than ten (10) years of employment – if the surviving spouse or domestic partner or dependent children of the deceased full-time employee are enrolled in the University as of the date of death, eligibility for the benefit continues through the end of the second semester of the academic year in which the death occurs.

b. With at least ten (10) but fewer than 15 years of employment – if the surviving spouse or domestic partner or dependent children of the deceased full-time employee are enrolled in the University as of the date of death, eligibility for the benefit continues through completion of a baccalaureate degree or age 25, whichever occurs first.

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c. With at least 15 years of employment – the surviving spouse or domestic partner or dependent children of the deceased full-time employee are eligible for the benefit.

Remarriage terminates the eligibility of a surviving spouse. Entering in a marriage, another domestic partnership or civil union, or the equivalent thereof, terminates the eligibility of the surviving domestic partner. For all dependent children of the deceased full-time employee, eligibility terminates upon completion of a baccalaureate degree program or age 25, whichever occurs first.

4.10.D Reduction in Force Benefit
In the event of a layoff of a classified employee, the elimination of a position of an unclassified administrative staff member covered by Section 13.8, or a faculty termination due to financial exigency covered by Section 9.5 that results in an appointment of less than .80 FTE or in termination of employment, the University will extend the fee waiver benefit for the eligible full-time faculty, unclassified administrative and classified staff, and their eligible family members (see 4.10.A.2) for a period of 365 days from the date of notice of the proposed layoff, position elimination, or termination due to financial exigency.

Notwithstanding the foregoing, if an employee who has at least fifteen (15) years of continuous service is terminated due to a reduction in force as defined in the preceding paragraph, the University will extend the fee waiver benefit for the eligible employee’s dependent children for a period of four (4) years from the date of notice of the proposed layoff, position elimination, or termination due to financial exigency. This extended fee waiver for dependent children shall only apply to undergraduate instructional fees. The amount of the extended fee waiver shall be determined based on the employee’s length of continuous full-time employment at termination and shall be reduced each year following notice of the termination in accordance with the following benefit schedule:

1. Eligible employees with at least fifteen (15) years of service at termination:
   a. First year following termination: 100 percent fee waiver
   b. Second year following termination: 75 percent fee waiver
   c. Third year following termination: 50 percent fee waiver
   d. Fourth year following termination: 25 percent fee waiver

2. Eligible employees with at least twenty (20) years of service at termination:
   a. First year following termination: 100 percent fee waiver
   b. Second year following termination: 100 percent fee waiver
   c. Third year following termination: 75 percent fee waiver
   d. Fourth year following termination: 50 percent fee waiver

Use of the fee waiver benefit by the eligible employee is not taxable unless the employee receives fee waivers for graduate education in excess of $5,250. If the fee waiver is used by one or more of the employee’s eligible dependents after employment ends, the benefit is taxable to the employee. This provision does not apply to nonrenewals or termination for cause.

4.11 Disability Benefits
The University provides several types of leaves of absence to employees who are unable to work due to disability, illness, or medical condition. These include Sick Leave (Section 4.5), Family and Medical Leave (Section 4.7), and Personal Leave (Section 4.8).

Members of the instructional and unclassified administrative staff may also be entitled to disability benefits if they are unable to work due to disability. These benefits include:
A. University-provided long-term disability insurance; and
B. State Teachers Retirement System (STRS) or the Ohio Public Employees Retirement System (OPERS) disability retirement benefits (note that the Alternative Retirement Plan [ARP] does not provide disability benefits); and
C. Workers’ Compensation for a covered injury or occupational disease.

All disability benefits are subject to the qualifications and terms of the relevant plan.
4.12 Reinstatement from Disability Retirement/Leave

An employee is deemed to have retired from employment upon receipt of disability benefits and has the following rights to reinstatement:

A. An employee who receives disability retirement benefits from STRS or OPERS is eligible for reinstatement as provided by law.

B. An employee who receives temporary total disability (TTD) benefits from Workers’ Compensation is eligible for reinstatement as provided by law.

C. A tenured member of the instructional staff or full-time member of the unclassified administrative staff with at least five years of service at Miami University who receives long-term disability benefits (but not STRS, OPERS, or TTD) is eligible for reinstatement at any time within 365 days of the last date of service or last date of approved University-provided leave of absence, whichever is later. Upon receipt of a written request for reinstatement, the employee will be reinstated at the previous salary to the previous position or another appropriate position.

D. The University may require evidence of fitness for duty to ensure that the employee can safely return to work.

4.13 Furlough Policy

4.13.A General

In the 2009-2011 Biennial Budget for the State of Ohio, the General Assembly provided: “…the board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.” (Section 371.70.20 of Amended Substitute House Bill Number 1)

The University’s long-term financial stability depends on the ability to balance the operating budget each fiscal year. A “significant operating budget deficit” is defined as a documented substantial decline in the financial resources of the institution that is brought about by a reduction in state funding, loss of revenue from endowments or investments, decline in institutional enrollment, or by other action or events that compel a reduction in the operating budget. The Fiscal Priorities and Budget Planning Committee (a standing committee of University Senate), the chair of the Classified Personnel Advisory Committee (CPAC), the chair of the Unclassified Personnel Advisory Committee (UPAC), and chair of Senate Executive Committee shall be consulted before a determination is made that a significant operating budget deficit exists and that a furlough is required. Consultation shall be understood to be a substantive opportunity to provide feedback before a determination is made. The Fiscal Priorities Committee shall report its determination to University Senate. University Senate shall be afforded an opportunity to respond within the timeframe set by the President. The timeframe set by the President shall not be less than fourteen days (14) from the date the issue was first presented to the Fiscal Priorities Committee.

4.13.B Implementation

If, after consultation, the President reasonably believes the University is facing a significant operating budget deficit, a furlough may be implemented. This policy supersedes all other University policies and applies to all employees regardless of source of funds, place of work or appointment terms or status, including faculty, unclassified administrative staff, and non-bargaining unit classified staff*. A furlough may be implemented upon thirty (30) days advance written notice to affected employees.

Employees may not be furloughed for more than twenty (20) working days in any fiscal year. Furloughed employees may be required to take up to five (5) consecutive working days or forty (40) consecutive working hours off without pay. The President or the President’s designee(s) will engage in timely and substantive consultation with the Senate Executive Committee, University Senate, and the leadership of the Classified Personnel Advisory Committee (CPAC) and the Unclassified Personnel Advisory Committee (UPAC) in planning for the implementation of a furlough. Consultation may, by necessity, require intense and limited periods of time for planning.
4.13.C Scheduling
Scheduling of furlough days or portions of days shall be the responsibilities of the President or the President’s designee(s), but in no event will the University close completely. Furloughs may be implemented on a differential, intermittent, or staggered basis based on pay/salary level, employee classification or nature of appointment. For example, furloughs may take into account the essential operating and safety needs of the University, the availability of designated federal funding, or income generated by the division, department, unit, or program. Days that the University is normally closed or days that may not normally be work days for certain groups of employees (i.e., Spring Break and the week between December 25 and January 1) may be designated as furlough days.

*Classified staff represented by the AFSCME bargaining unit will follow Article 20 of the Collective Bargaining Agreement which provides for furloughs up to 120 days.

4.13.D Employee Benefits and Contributions While on Furlough
Employees may not use accrued paid leave during periods of furlough. The University may allocate employees’ reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

1. Healthcare, dental care and life insurance benefits will not be affected by a furlough.
2. Employees’ continuous Miami service, review date, and employment status will not be affected by any period of mandatory furlough.
3. Employees will continue to accrue vacation and sick leave during a furlough.
4. Retirement contributions by both employees and the University will be affected by furloughs as contributions are based on actual earnings.

Employees remain responsible for making all employee contributions (i.e., healthcare, dental care, Flexible Spending Accounts, and 403(b) contributions) and all miscellaneous authorized deductions (i.e., credit union, charitable contributions, University payments).
Section 5 RIGHTS AND RESPONSIBILITIES OF THE INSTRUCTIONAL STAFF

5.1 Principles of Academic Freedom
The following statement of principles of academic freedom adopted by the American Association of University Professors in 1940 was approved by the Board of Trustees, June of 1950:

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. (The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.)

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends, specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

No faculty member shall be obliged to make her or his non-public work available for inspection by a second party in the absence of compulsory legal process.

5.2 Faculty Responsibilities
The teacher is entitled to full freedom in research and in the publication of the results, subject to the performance of his or her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his or her subject, but should be careful not to introduce into his or her teaching controversial matter that has no relation to the subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of appointment.

College or university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as a citizen, teachers should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As individuals of learning and as educational officers, they should remember that the public may judge the profession and the institution by their utterance. Hence, faculty members should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

The University also recognizes that the faculty member is an integral part of the institution. While observing the stated regulations of the University, the faculty member maintains the right to criticize and seek revision of University policy, both administrative and academic.

5.3 Professional Ethics and Responsibilities
The University Senate, on February 13, 1969, adopted the "Statement on Professional Ethics" of the American Association of University Professors.
“The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon them. The professor's primary responsibility to his or her subject is to seek and to state the truth as they see it. To this end they will devote their energies to developing and improving their scholarly competence. The faculty member accepts the obligation to exercise critical self discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although he or she may follow subsidiary interests, these interests may never seriously hamper or compromise their freedom of inquiry.

As teachers, professors encourage the free pursuit of learning in students. Teachers exemplify the best scholarly standards of their disciplines. They demonstrate respect for students as individuals, and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect students' true merit. Faculty members respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from them. Professors protect their academic freedom. No faculty member shall be obliged to make the academic work of students available for inspection by any third party in the absence of compulsory legal process, without bona fide academic reasons, or without the express written consent of the student.

As colleagues, professors have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of their associates. In the exchange of criticism and ideas they show due respect for the opinions of others. They acknowledge their academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

As a member of their institution, the professor seeks above all to be an effective teacher and scholar. Although they observe the stated regulations of the institution, provided they do not contravene academic freedom, they maintain their right to criticize and seek revision. Faculty members determine the amount and character of work they do outside their institution with due regard to the paramount responsibilities within it. When considering the interruption or termination of their services, professors recognize the effects of their decision upon the program of the institution and give notice of their intention.

As members of the community, professors have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to the profession, and to the institution. When they speak or act as private individuals they avoid creating the impression that they speak or act for the college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.”

5.4 Statement of Good Teaching Practices

Every instructor is responsible for:

A. informing his or her students within the first two weeks of the course of the objectives, content, assignments, policy on return of student work, and examination procedure in each course and, within reason, abiding by those statements;
B. specifying in writing within the first two weeks of the course the methods by which the instructor determines the final grade in the course;
C. ensuring that all materials assigned are equally available to all students in the course;
D. informing students of the generally accepted conclusion on the subject matter of the course when those conclusions differ from the conclusions of the instructor;
E. giving adequate advance notice of major papers and major examinations in the course;
F. providing assignments to permit students to benefit from evaluative experiences during the course;
G. being fair and impartial in evaluating all student performances, i.e., evaluating all students according to common criteria;
H. allowing students to review papers and examinations in a timely manner after those papers and examinations have been evaluated;
I. treating students with courtesy and respect at all times. Courtesy and respect do not prohibit strong criticism directed at the student's academic errors and scholarly responsibilities;
Section 5 Rights and Responsibilities of the Instructional Staff

K. endeavoring to ensure that the learning environment is free from all forms of prejudice that negatively influence student learning, such as those based on age, ethnicity, gender, mental or physical impairment, race, religion, sexual orientation, or gender identity;

L. adhering to the "Class Attendance Policy (see Student Handbook);"

M. adhering to the following paragraph of the "Statement on Professional Ethics" in Section 5.3 of this policy:

As teachers, professors encourage the free pursuit of learning in students. Teachers exemplify the best scholarly standards of their disciplines. They demonstrate respect for students as individuals, and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect students' true merit. Faculty members respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from them. Professors protect their academic freedom. No faculty member shall be obliged to make the academic work of students available for inspection by any third party in the absence of compulsory legal process, without bona fide academic reasons, or without the express written consent of the student.

N. assuming the positive obligation to confront students of suspected academic dishonesty.

5.5 Student Complaints about the Quality of Instruction

Under ordinary circumstances, a student approaching an administrator to complain about a member of the instructional staff will be encouraged first of all to confer with the faculty member and seek a resolution. When a student is unable to resolve a difficulty with an instructor to the student's satisfaction, there are two acceptable ways in which the student may lodge a complaint against a member of the instructional staff before an administrator or any person who has administrative duties. The student may file a formal grievance or the student may submit a letter of complaint to the administrator. Anonymous or unsigned statements must be disregarded and destroyed. Formal letters of complaint are to be filed in the departmental student complaint file.

Upon receipt and before acting upon a letter of complaint, the staff member shall be informed of the complaint and given timely opportunity to rebut the accusations or explain the circumstances as viewed by the staff member. If submitted, documents presenting the staff member's position also are to be placed in the departmental student complaint file.

The student who files a complaint is entitled to know how the complaint was processed and what actions were taken in response to it.

5.6 Teaching Load

There is no policy on teaching load that applies absolutely throughout the University; hence there are differences among academic divisions and among departments. Within academic divisions and departments, differences in teaching load reflect the differing commitments to research, administration, teaching, and the tenure and experience of the faculty, as well as the differing market conditions, accrediting standards, and academic traditions of the disciplines.

5.7 Office Hours for Instructional Staff

Every member of the instructional staff is expected to establish and maintain regular office hours in order that he or she may be readily available to students and other staff members. These office hours should be announced to students in the staff member's classes near the beginning of each term, posted on the office door, and reported to the department chair.

5.8 Advising

Most members of the instructional staff serve as academic advisers to students who are assigned to them by the department chair or designated assistant. Students usually remain with their adviser throughout their undergraduate career or so long as they continue a major within the division and department of the adviser.
Besides advising students on immediate academic problems and long-term academic programs, advisers also discuss with them the vocational and career opportunities and opportunities for graduate study in the field of their major, as well as the scholarships and fellowships available to them. They also write recommendations for students applying for jobs or to graduate schools.

5.9 Attendance and Absence of Instructional Staff

One of the primary obligations of each member of the instructional staff is to meet all class engagements for which he or she is scheduled. Class absences by instructors are normally justified on professional, medical, or bona fide emergency grounds.

An instructor who expects to be absent from any classes should obtain prior authorization of the chair or of the Dean of the Regional Campuses. Emergency absences should be reported to the chair or the Dean of the Regional Campuses immediately.

Members of the instructional staff shall conduct the entire meeting of each class before and after each vacation period unless excused by the chair or Dean of the Regional Campuses.

5.10 Arranging Employment Interviews for Students

Faculty and staff should refer employers wishing to recruit students for internships or employment to Career Services. All on-campus interviewing is to be coordinated exclusively by this office.
Section 6 EMPLOYMENT OF THE INSTRUCTIONAL STAFF

6.1 Search and Appointment Procedures - Academic Affairs Units

6.1.A General
The Office of the Provost has established search procedures for recruiting and appointing tenured and tenure-eligible faculty, lecturers, and clinical/professionally licensed instructional staff. All faculty and staff are responsible for compliance with all of the following search procedures.

6.1.B Selection Requirements
1. A Position Announcement Authorization (PAA), completed in its entirety, must be submitted when seeking approval to fill a vacant or new position. Essential responsibilities, the date application screening will begin, and the required and desired qualifications must be specified separately. The PAA must be forwarded to Academic Personnel Services with the signatures of the department chair, the Office of Equity and Equal Opportunity (OEEO), the academic dean of the appropriate division, and the Dean of the Regional Campuses, if applicable. The Office of the Provost must approve all PAAs prior to any advertisement or job posting.

2. When a search committee is to be used, it must be appointed with as diverse a composition as practicable and should include gender as well as ethnic diversity, even if members are drawn from cognate departments. The Associate Vice President for Institutional Diversity must be consulted regarding composition of search committees.

3. The entire search committee or department chair (if there is no search committee) must meet with the Office of Equity and Equal Opportunity to review and obtain OEEO approval of:
   • the recruitment plan, which shall be designed to attract a highly qualified and diverse pool of applicants;
   • the advertisement;
   • the selection process, including any ratings instruments; and
   • the applicant data collection process.

   This meeting should take place during the first meeting of the search committee. Upon OEEO approval, the recruitment plan and advertisement are then forwarded with the PAA for approval by the academic dean of the appropriate division and Dean of the Regional Campuses, if applicable.

4. All advertisements must include the date that screening of applicants will begin and the position’s responsibilities and required qualifications as specified in the Position Announcement Authorization and according to University requirements.

5. Prior to the selection of candidates for interview, it is the responsibility of the search committee chair or department chair (if there is no search committee) to obtain from OEEO an Applicant Flow Data Report indicating the composition of the pool of applicants. OEEO must approve the composition of the applicant pool before candidates are invited to interview. If OEEO finds the candidate pool to be unacceptable, OEEO in consultation with the Office of the Provost will make a determination whether to conduct additional recruitment or to close the search.

6. After receipt of the approved Applicant Flow Data Report, candidates selected for inclusion in the final interview pool must be approved by the academic dean of the appropriate division, the Dean of the Regional Campuses, if applicable, and the Office of the Provost before being invited to campus to interview.

7. Once interviews have been completed, reference checks have been conducted, and a candidate is identified for final consideration, the department must complete an Employment Recommendation form. A hiring department may not recommend an applicant who does not meet the required qualifications for the position. The Employment Recommendation form, the original letter of application, the candidate’s vita, and copies of any correspondence that include desired terms of
employment, e.g., chair’s letters, must be sent to Academic Personnel Services. This package is submitted by Academic Personnel Services to the Office of Equity and Equal Opportunity for hiring approval. Academic Personnel Services will issue a letter of offer after approval from the Office of Equity and Equal Opportunity and the Provost and with receipt of an acceptable background check.

8. The department does not have appointing authority. Only the President and Provost have appointing authority. A letter of offer may be sent to the candidate by Academic Personnel Services only after approval by the Provost.

9. Records, written or electronic, of the recruitment and selection process must be kept by the hiring department for six years. Records maintained should include information on advertising, recruitment letters, telephone calls or other contacts, interview notes, applications received, letters of appointment or rejection, ratings instruments, and specific steps taken to recruit women and minorities.

**6.2 Contract of Employment**

No contract of employment for more than one (1) year between any member of the instructional staff and the University is valid. Notwithstanding this fact, the principle of tenure shall be observed as an act of good faith on the part of the University. Financial exigency procedures are described in Section 9.5 of this manual. At the same time, it must be recognized by all concerned that changes in status or compensation may become necessary at any time because of reduction in financial support of the University. Under these circumstances, the President shall make a full explanation to the members of the instructional staff and the action of the Board must necessarily be final and not subject to the procedures described in other sections of this manual.

Duties of the instructional staff include, in addition to classroom teaching, many other components such as research, student advising and counseling, professional and institutional service, and committee assignments. Full-time members of the faculty are expected to attend all meetings of Faculty Assembly.

The regular academic year, herein defined as the Fall and Spring Semesters, begins one week prior to the beginning of classes in the fall and ends the day of Commencement Exercises in May. For purposes of interpreting the individual terms, the Fall Semester begins one week prior to the beginning of classes and ends the last day of December final exams. The Spring Semester begins with the first day of classes in January and ends the day of Commencement Exercises in May.

Any major change or reassignment of duties of a member of the instructional staff shall include adequate notice, explanation, consultation, a sincere effort to find a mutually agreeable conclusion, and the right of appropriate appeal up to and including the Committee on Faculty Rights and Responsibilities and the President.

**6.3 Assignment of Academic Rank**

Except as hereinafter provided, all persons holding academic rank (other than positional rank) shall be assigned to an academic department and be recommended for appointment by the department. The essential factor in such appointment is recognition of a person's competence in an academic discipline or area of knowledge administered by the department. Initially, it is the department that determines such competence. The recommendation for appointment is made by the department and shall be subject to approval by the academic dean of the appropriate division, the Provost, and the President. If the appointment involves instruction on a regional campus, approval by the Dean of the Regional Campuses shall be required.

Exception may be made to the above paragraph only in a specific case when a person who would be acceptable for regular assignment to teaching or research is given another assignment within the University. In such instance the assignment will be made by the President, with concurrence of the Provost, the academic dean of the appropriate division, and the department concerned.

A person holding academic rank shall maintain that rank while serving the University in an administrative or other capacity. Such person has all the privileges, including maintaining tenure, which are incidental to his or her academic rank. Such person shall not be eligible for achieving tenure except for a department
chair who is tenurable. Promotion in academic rank shall be in recognition of contributions to his or her academic discipline. Such promotion in academic rank shall be initiated by the department concerned and may only be made with the concurrence of the academic dean of the appropriate division, the Provost, the President, and the Board of Trustees.

6.4 Employment of Persons Holding a Miami Doctorate

The degrees of Ph.D. and Ed.D. may not be granted to any member of the Miami University faculty or staff who holds an academic rank above that of instructor. Effective January 1, 1979, a person whose highest degree is from Miami University may not occupy a tenurable rank unless one of the following conditions prevails:

A. the person achieved tenurable rank prior to January 1, 1979 (grandfather clause);
B. the highest graduate degree was obtained from Miami University before July 1, 1970;
C. since receiving the Miami degree, the person has been employed elsewhere for at least three years and has gained significant achievement;
D. since receiving the Miami degree, the person has earned a higher degree from another institution.

6.5 Overload Teaching

The University does not permit the use of overload teaching nor any other form of extra compensation as a recruiting inducement.

Overload teaching, when needed, is available to all members of a department. Overload teaching by a given faculty member during consecutive terms should be discouraged and avoided. Approval will be given for instructional staff members to teach up to three out of every four academic terms (excluding summer terms from consideration). Any appointment involving a faculty member’s teaching four (4) consecutive terms on an overload basis requires the approval of the Provost.

Overload teaching is available only to instructors in a department who are already teaching a "normal load" as defined by the department chair with the approval of the divisional dean. Persons not teaching a "normal load" as so defined are not eligible for overload assignments since it is assumed that anyone teaching less than a "normal load" has been granted this privilege to engage in some other scholarly or worthwhile endeavor.

No overload assignments are permitted on the campus where the instructional staff member is based.

Full-time administrators may receive, on the same basis as members of the instructional staff, additional compensation if the services rendered are outside normal responsibilities, and if the contracting administrator (e.g., summer workshop coordinator) does not report directly or indirectly to the administrator receiving additional compensation. For example, a dean may not receive additional compensation for a program involving his or her division. The arrangement for additional compensation must specifically be approved by the President prior to the time services are rendered. This policy may be waived under special circumstances with the approval of the President.

The President and the vice presidents may not receive any additional compensation for any programs dealing with Miami University.

6.6 Summer Session Teaching

Summer Session teaching is equally available to all tenure-track faculty in a department who are teaching a "normal load" as defined by the department chair with the approval of the divisional dean. While departmental policy and curricular needs may further specify eligibility: (1) no tenure-track rank will be systematically discriminated against in the selection of faculty; (2) faculty members shall not be required to teach during the Summer Session.

The University does not permit the use of “guaranteed” Summer Session teaching as a recruiting inducement.
While all regional campus summer courses are normally designated “enrollment contingent” (go/no go) the enrollment contingent classification for Oxford campus summer courses is reserved for unusual circumstances.

Summer Session faculty shall receive an appointment letter (written contract) specifying the nature and contingencies of contractual service. Faculty assigned to “enrollment contingent” courses shall be notified in advance as to the minimum number of enrolled students required to avoid cancellation.

In the event a “nonenrollment contingent” course is canceled, the contracted faculty will be given alternative duties for that session.

As a matter of policy, limits on earnings for the Summer Session faculty shall be made University-wide. No division shall impose limits at variance with University policy.

**6.7 Assigned Research Appointments**

**6.7.A On-Campus**

An Assigned Research Appointment provides for disciplinary and pedagogical research by releasing a faculty member from teaching for one semester. It assumes that the appointee will continue University assignments other than classroom teaching and, therefore, requires the appointee’s presence on campus.

The terms of this program provide for release from teaching, full salary, the continuation of benefits based on full salary, and eligibility for salary increment and promotion.

The program is crucially important for extending the frontiers of knowledge. Specifics of the program are outlined below.

1. Application for Assigned Research is initiated through the department chair to the dean, Provost, and the President. When appropriate, the Dean of the Regional Campuses should be involved. Final approval must be given by the President. The number of such appointments that can be approved in any given semester will depend in part upon the ability of the department in question and the University to meet all their obligations.

2. A reduced load for Assigned Research shall not normally be deemed to affect the eligibility of an individual member under the University’s Faculty Improvement Program.

3. The appointment of a faculty member to Assigned Research ordinarily does not involve additional funding for a department. The application must indicate how the department will cover the load of the faculty member.

4. Members of the instructional staff in a tenured or tenure-eligible position are eligible for Assigned Research. Criteria for successful Assigned Research proposals may include but are not restricted to (a) the significance, originality, and feasibility of the project; (b) the soundness of the methodology proposed; (c) evidence that the proposer has taken into account the relevant existing work; and (d) the record of the proposer’s scholarly or creative accomplishment.

5. Faculty members receiving an appointment for Assigned Research are obligated to remain at Miami during the ensuing academic year and to make a full report of the results of the assignment to the chair, dean, Dean of the Regional Campuses if applicable, and Provost within ninety (90) days of the completion of the assignment. If a person chooses not to return to Miami University during the ensuing academic year, he or she is expected to refund compensation equal to that received for Assigned Research.

6. Anyone on Assigned Research Appointment will devote full time to the specific project and, therefore, will not be engaged in other activities for which remuneration is awarded (except as permitted when teaching full time and with appropriate approval).

7. Applications for appointment to Assigned Research should be received in the Academic Personnel Services Office by December 1 of the academic year preceding the leave period if one is to receive most favorable consideration.

8. Questions regarding the program policy and guidelines should be addressed to the Academic Personnel Services Office.

**6.7.B Off-Campus**
An Assigned Research Appointment – Off-Campus permits a member of the instructional staff to spend a semester conducting research in an off-campus location when the nature of the research project makes absence from campus necessary. Normally, faculty not eligible for a Faculty Improvement Leave will be awarded an Assigned Research Appointment; but in unusual circumstances, when research away from campus is essential, an Assigned Research Appointment – Off-Campus will be granted.

The terms of the program provide (from grant and university sources combined) full salary, the continuation of benefits based on full salary, and eligibility for salary increment and promotion.

1. Application for an Assigned Research Appointment – Off-Campus is initiated through the department chair to the dean, Provost, and President. When appropriate, the Dean of the Regional Campuses also is involved.

2. Receipt of an Assigned Research Appointment – Off-Campus normally will not affect the eligibility of a person for a Faculty Improvement Leave.

3. The application for an Assigned Research Appointment – Off-Campus must indicate how the department will cover the usual duties of the applicant during the semester of appointment, with the understanding that no additional funding for the department will be provided.

4. Members of the instructional staff in a tenured or tenure-eligible position are eligible for an Assigned Research Appointment – Off-Campus. Criteria for evaluating applications include, but are not restricted to, the merit of the research project and the record of the proposer’s scholarly or creative accomplishment.

5. Persons receiving an Assigned Research Appointment – Off-Campus are obligated to remain at Miami during the ensuing academic year and to make a full report of the results of the assignment to the chair, dean, Dean of the Regional Campuses if applicable, and Provost within ninety (90) days of the completion of the assignment. If a person chooses not to return to Miami during the ensuing year, he or she is expected to refund compensation equal to that received from the University for the Assigned Research Appointment – Off-Campus.

6. Anyone on an Assigned Research Appointment – Off-Campus will devote full time to the research project and, therefore, will not be engaged in other activities for which remuneration is awarded.

7. Applications for an Assigned Research Appointment – Off-Campus should be received in the Academic Personnel Services Office by December 1 of the academic year preceding the leave period if one is to receive most favorable consideration.

8. Questions regarding the program and its guidelines should be addressed to the Academic Personnel Services Office.

### 6.8 Faculty Improvement Leave

The Faculty Improvement Program, established in conformity with Section 3345.28 of the Ohio Revised Code, provides extended periods for professional growth and development. It enables faculty development away from campus and requires seven years of full-time service for eligibility.

This program is crucially important for enabling the improvement of teaching techniques, extending the frontiers of knowledge, and maintaining the vitality of individual faculty members and programs.

The program provides release from teaching duties and other University assignments, either full compensation during one semester or two-thirds compensation during two semesters, continuation of University-provided insurance benefits and fee waivers, and eligibility for salary increment and promotion. For participants in the State Teachers Retirement System, contributions will be made as allowed by law. For participants in the Alternative Retirement Plan (ARP), contributions will be made as permitted by the plan.

Specifics of the program are outlined below.

A. Application for a Faculty Improvement Leave is initiated through the department chair to the dean, Provost, and President. When appropriate, the Dean of the Regional Campuses is also involved.

B. In any single year, because of commitments to teaching and service as well as to faculty development, the University customarily will not authorize more than thirty (30) Faculty Improvement Leaves.

C. Professional leave taken as a Faculty Improvement Leave shall not normally be deemed to be in lieu of Assigned Research (assigned duty in connection with a specific research, scholarly, or creative program).
D. A Faculty Improvement Leave ordinarily does not involve additional funding for a department. A request for Faculty Improvement Leave must indicate how the department will cover the load of the staff member applying for the leave. In rare instances when extreme hardship would result in a department if a Faculty Improvement Leave were granted, funds may be authorized by the Provost or dean to hire replacement staff.

E. All full-time, tenured members of the instructional staff with teaching loads who have served at least seven (7) years in any rank in full-time service are eligible for a Faculty Improvement Leave. Faculty Improvement Leaves are granted on the basis of the contribution that the appointee will make to the University upon returning to normal assignment. Years of service are crucial for determining eligibility, but are not a major factor in discriminating among aspiring candidates.

F. A person may not receive a second (or "the next") Faculty Improvement Leave until seven (7) years have elapsed from the end of the previous Leave.

G. A request for a Faculty Improvement Leave should detail the activities proposed for the year or the term and indicate their significance for the mission of the University. They may relate to professional growth, disciplinary research, a research project dealing with the effectiveness of various instructional methods, or teaching development.

H. Persons receiving a Faculty Improvement Leave are obligated to remain at Miami during the ensuing academic year and to make a full report of the results of the assignment to the chair, dean, Dean of the Regional Campuses if applicable, and Provost within ninety (90) days of the completion of the Leave. If a person chooses not to return to Miami during the ensuing academic year, he or she is expected to refund compensation equal to that received during the Faculty Improvement Leave.

I. Recipients of Faculty Improvement Leaves may receive money for approved study or research or other activities expressly related to the purpose of the leave without prejudice to their receipt of income from Miami, provided that the total remuneration from all sources (including Miami) does not exceed the recipient's annual Miami University salary.

J. In addition to salary, special arrangements may be made for grants to defray travel and similar coincidental expenses. These arrangements must, however, be approved in advance of the leave.

K. Applications for a Faculty Improvement Leave should be received in the Academic Personnel Services Office by December 1 of the academic year preceding the leave period if one is to receive most favorable consideration.

L. Questions regarding the program and its guidelines should be addressed to the Academic Personnel Services Office.

Note: See Section 4 of this manual for other leaves of absence available to members of the instructional staff.
Section 7 EVALUATION, PROMOTION, AND TENURE OF THE INSTRUCTIONAL STAFF

7.1 Evaluation of Members of the Instructional Staff

7.1.A Frequency and Purpose of Evaluation
Each tenured and probationary member of the instructional staff shall receive at a minimum a written annual evaluation based at least in part on data supplied by the person in his or her Annual Report of Professional Activities. Evaluations shall serve two functions: (1) to guide the professional development of the person, and (2) to record part of the evidence upon which personnel decisions and salary recommendations shall be based. Accordingly, each annual evaluation should include strengths, weaknesses, and specific recommendations for improvement. Additional assessments may be conducted if deemed desirable by the chair, the program director (when appropriate), or the Dean of the Regional Campuses (when appropriate).

7.1.B Annual Report of Professional Activities
Each tenured and probationary member of the instructional staff shall submit to the chair or program director (when appropriate) a written Annual Report of Professional Activities that shall include information on publications, teaching responsibilities, committee assignments, public service, and other professional activities. Regional campus faculty attached to Oxford departments shall also provide copies to their coordinators which will be forwarded to the Dean of the Regional Campuses with the coordinators’ comments and recommendations.

7.1.C Annual Evaluation of Tenured Members of the Instructional Staff
Department chairs or program directors (when appropriate) shall prepare written evaluations and salary recommendations for instructional staff assigned to the Oxford campus. The same applies to chairs of departments located on the regional campuses. The Dean of the Regional Campuses or their designates shall prepare evaluations and salary recommendations for tenured members of the instructional staff assigned to their respective campuses based upon the supervising coordinators’ reviews of these individuals’ Annual Reports, chairs’ or program directors’ (when appropriate) comments, and other pertinent evidence. Where tenured members of the instructional staff hold joint appointments in departments or programs on the Oxford or regional campuses, their evaluations and salary recommendations are the shared responsibility of the appropriate chairs, program directors, coordinators, and Dean of the Regional Campuses.

7.1.D Annual Evaluation of Probationary Members of the Instructional Staff
The policy for the annual evaluation of probationary members of the instructional staff is outlined in Section 7.5. Probationary members of the instructional staff shall receive a written explanation of the chair’s, program director’s (when appropriate), or the Dean of the Regional Campuses’ (when appropriate) annual salary recommendation.

7.1.E Formative Promotion Evaluations
In addition to the annual evaluation, all tenured members of the instructional staff in a promotable rank may request a formative promotion evaluation once per academic year. Upon the person’s request, the evaluation shall be prepared by the department’s promotion committee and by the chair (or only by the former if the chair is being evaluated) or program director (when appropriate). These evaluations shall be based on (1) cumulative information provided by the person concerning his or her teaching, research, and service, and (2) may include other relevant information. At the person’s discretion, the information provided may include his or her plans concerning teaching, research, and service that may help the promotion committee and chair or program director (when appropriate) provide useful guidance. Formative promotion evaluations are to guide the person toward promotion and are not to be used for personnel or salary decisions.

7.2 Statement on the Evaluation of Teaching

7.2.A General
Miami University stresses the importance of high-quality teaching and its impact on student learning and recognizes that there are differing professional views on the nature and utility of evaluation of instruction. The University also recognizes that the responsibility of demonstrating teaching effectiveness rests with the faculty and the department.

Teaching is a complex and multi-faceted process, requiring multiple approaches to measurement which extend beyond student evaluations of teaching. Much of the richness of information is not necessarily quantifiable, but relies instead on qualitative information.

7.2.B Teaching Evaluation Plan
Each department is expected to develop a teaching evaluation plan. The major purpose of this plan is to provide a process to enhance the quality of instruction and, subsequently, student learning at Miami. When implemented, each plan should provide faculty with information useful in improving their teaching (formative) and for documenting teaching effectiveness for promotion, tenure and/or annual performance appraisals (summative). Accordingly, candidates seeking promotion and/or tenure are urged to submit to their departments/divisions a variety of evaluation results.

7.2.C Specific Guidelines for a Department’s Teaching Evaluation Plan
1. The teaching evaluation plan is the responsibility of the department in terms of initial development, implementation, and ongoing revision.
2. The department's plan shall reflect the complexity of the teaching/learning process by including multiple sources of evaluation data, including both quantitative and qualitative assessment methods. The plan shall also address both formative and summative activities. In addition to end-of-semester student evaluations, summative and formative activities could include, but are not limited to: ongoing classroom assessment, peer evaluations, student portfolios, chair or program director (when appropriate) evaluations, teaching (faculty) portfolios, classroom materials, samples of exemplary classroom lessons or assignments, senior exit surveys, and alumni surveys.
3. Departmental teaching evaluation plans shall reflect multiple models of teaching and student learning. For example, plans should be sensitive to lecture, discussion, inquiry, or small group instruction.
4. Formative evaluations are designed to aid in the course and teaching development by the instructor and his or her mentors and peers. These evaluations will not be used for summative purposes, such as promotion and tenure decisions or merit salary increases. Rather, formative evaluations are designed to provide valuable feedback for the improvement of course design and instruction, and they may be conducted by the instructor.
5. Summative evaluations conducted at the end of a term will be retained and used as a part of the evaluation process for tenure, promotion, post-tenure review, and merit salary increases.
6. Unofficial and unregulated student evaluations (e.g., internet evaluations) may not be used for promotion and tenure purposes or any other personnel consideration.
7. All faculty are required to have all classes* evaluated by students in some formal manner that is appropriate to the specific type of course. These evaluations will constitute a concrete record of teaching effectiveness that can be used for both self-improvement and summative evaluation, and shall be constructed in such a manner as to ensure credibility and integrity:
   a. The faculty member shall not administer his or her own evaluation. In accord with departmental/divisional procedures, a third party shall announce the evaluation, distribute the evaluation forms, and submit the forms for processing.
   b. The faculty member shall not receive any evaluation results until final grades for the semester have been submitted.
   c. If additional evaluations used exclusively for faculty self-improvement are administered, the above two conditions do not apply.

*Independent studies and other such courses, as well as classes with enrollments of fewer than five (5), are generally exempt.

7.2.D Note
Members of the faculty should consult with the dean of their division if they have questions relative to this policy, especially with regard to evaluation instruments that have been adopted by the division.
7.3 Tenure and Promotion

7.3.A Purpose of Tenure and Promotion
The best faculty members combine intense intellectual curiosity with a talent for high-quality teaching, active prosecution of research, scholarly and/or creative work, and a demonstrable commitment to productive professional service. The University seeks to reward through tenure and promotion those persons who exhibit the highest standards of teaching, research, and service.

Tenure is a means of assuring academic freedom: that is, the freedom to teach, to inquire, to create, to debate, to question, and to dissent (see Section 5.1). Such activity is the essence of the search for truth and knowledge, and is primary to the University. This atmosphere is necessary as the University seeks to attract, maintain, and nurture a diverse and exceptional faculty. Promotion is a means of recognizing meritorious performance and professional accomplishment.

Each candidate for tenure and promotion is judged individually on the criteria, not relative to other candidates. Full-time members of the instructional staff serving with a rank of Professor, Associate Professor, Assistant Professor, or Senior Instructor either are tenured or are serving a prescribed probationary period. The probationary period is intended to give the individual an opportunity for professional growth and to give the University an opportunity to assess the individual’s qualifications for a continuing appointment. If a candidate demonstrates the high quality of professional performance expected by Miami, tenure will be conferred, regardless of how many other candidates may be considered in a given year. However, it is not anticipated that all individuals will be able to demonstrate the high quality of professional performance required to achieve tenure.

7.3.B Eligibility for Tenure
Tenure at Miami University is conferred by the Board of Trustees upon the positive recommendation of the President. Eligibility for tenure requires that a person:
1. serve as a full-time member of the instructional staff;
2. be engaged at least fifty percent (50%) of his or her appointment in regular teaching assignments and research, except when in the judgment of the department, the department chair, the program director (when appropriate), the divisional dean, and the Provost, an instructional staff member’s responsibilities warrant the protection of tenure; and
3. have an appointment with a tenure-eligible rank.

7.3.C Eligibility for Promotion
Eligibility for promotion, unlike tenure, does not require that the person be engaged at least 50% of his or her appointment in regular teaching assignments or research, or that the person be a full time member of the instructional staff.

A person with a full-time tenure-eligible appointment who has not attained the rank of Associate Professor will be promoted to that rank upon the award of tenure. However, a person with a full-time tenure-eligible appointment may apply for promotion to Associate Professor without making a simultaneous application for tenure. No minimum time in rank is required for promotion to Professor.

7.4 Definitions

7.4.A Definition of Terms
1. "High-quality teaching and academic advising" is defined as meaning that the person has demonstrated the following:
   a. proficiency in classroom instruction
      i. through the discharge of such responsibilities as meeting scheduled classes on time; being prepared for each class; being able to present material clearly; integrating new developments in the field and new methods of instruction;
      ii. and through continuing evidence of favorable teaching evaluation.
   b. maintenance of regularly scheduled office hours and an interest in students indicated by availability for conferences, or one-to-one contact, etc.
   c. commitment to good teaching and maintenance of a continuing effort to improve teaching ability.
   d. participation in scholarly discussion on teaching problems.
   e. initiative and skill in the development and administration of teaching programs.
f. satisfactory fulfillment of academic advising responsibilities.
2. “Research, scholarly and/or creative achievement of high quality and its prospective continuation” is defined as meaning that a person has developed and formally presented through publication, performance, or other appropriate means a sustainable body of research, scholarship and/or creative work that is judged to be substantive and of high quality by others in the discipline.
3. "Productive Professional Service" is defined as the effective engagement in structured activities which contribute to the operation and advancement of a person’s department, division, campus, the University, scholarly and professional associations, and/or the educational enterprise. Professional service includes the use of one’s professional expertise in community, state, national or international service.
4. “Professional collegiality” is not personal congeniality, but rather a quality manifested, for example, by behaviors such as willingness to serve on committees and perform work necessary to departmental operation, willingness to provide guidance and help to colleagues in their professional duties, adherence to professional ethics, respect for the ideas of others, and the conduct of one's professional life without prejudice toward others.

While departments, divisions, or regional campuses may define these terms or elaborate these definitions in their Statements of Procedures and Policies, all elaborations must be consistent in spirit and content with the above and must be published. The department, the department chair, the program director (when appropriate), the divisional dean, the University Promotion and Tenure Committee, the Provost, and the President will consider these elaborative definitions when making tenure and promotion decisions.

7.4.B Senior Instructor (tenure-eligible rank)
A Senior Instructor must hold a master’s degree, or the equivalent of such a degree, from an accredited college or university. Promotion to Senior Instructor may not be considered until a person has taught full time at Miami University for at least three years. This rank is used rarely and only in extraordinary situations.

For promotion to this rank, a candidate must have:
1. demonstrated excellence and extraordinary competence as a teacher; and
2. made contributions either in scholarship or in service to the University that justify a continuing appointment;
3. demonstrated professional collegiality within the department, division, campuses, and University community.

7.4.C Assistant Professor (tenure-eligible rank)
An Assistant Professor must hold an earned doctorate or other terminal degree, or the equivalent of such a degree, from an accredited college or university. (It is recognized that the equivalent of a doctor's degree may involve specialized training, study or experience that does not culminate in a doctorate.)

For appointment to this rank, a candidate must demonstrate:
1. ability to achieve effectiveness as a teacher and academic adviser;
2. ability to do research, scholarly and/or creative achievement;
3. ability to perform productive professional service; and
4. ability to meet standards of professional collegiality.

7.4.D Associate Professor (tenure-eligible rank)
An Associate Professor must hold an earned doctorate or other terminal degree, or the equivalent of such a degree, from an accredited college or university. (It is recognized that the equivalent of a doctor’s degree may involve specialized training, study, or experience that does not culminate in a doctorate.)

For appointment or promotion to this rank, a candidate must demonstrate:
1. high-quality teaching and academic advising;
2. research, scholarly and/or creative achievement of high quality and its prospective continuation;
3. productive professional service; and
4. professional collegiality within the department, division, campuses, and University community.

7.4.E Professor (tenure-eligible rank)
Appointment or promotion to the rank of Professor at Miami University will ordinarily be recommended to the Board of Trustees only for those members of the instructional staff who will enhance the excellence of this group and the academic standard of the University.

A Professor must hold an earned doctorate or other terminal degree, or the equivalent of such a degree, from an accredited college or university. (It is recognized that the equivalent of a doctor’s degree may involve specialized training, study, or experience that does not culminate in a doctorate.)

For appointment or promotion to this rank, a candidate must demonstrate excellence in the first and second criteria listed below and must demonstrate strength in the third:
1. a cumulative record of high-quality teaching and academic advising;
2. a cumulative record of research, scholarly and/or creative achievement which has resulted in an established reputation within the discipline;
3. performance of productive professional service.

If the emphasis is to differ from that specified above, the department, the department chair, the program director (when appropriate), the Dean of the Regional Campuses (when appropriate), the dean, the Provost, and the candidate shall agree in writing upon the relative importance to be attached to each of the above criteria. Regional campus faculty may elect to demonstrate excellence in the first and third criteria and demonstrate strength in the second.

7.5 Review of Members of the Instructional Staff

7.5.A Review of Associate Professors

1. An associate professor may apply for promotion in any year. Candidates should consult with their department chair(s) and/or program director(s), when appropriate, and dean(s) before making this request.

2. Starting in their third year in rank and every three (3) years thereafter, associate professors must submit to their department(s) a report of professional activities that addresses the criteria for promotion to professor. The department chair(s) and/or program director(s), when appropriate, after consultation with the departmental promotion committee, will provide a letter of review of the report. The dean(s) of the associate professor’s division and the Provost will also provide letters of review. These letters should be detailed enough to provide associate professors with valuable guidance for achieving promotion.

3. Faculty who have been in the associate professor rank for at least fifteen (15) years may opt out of the review. An opt-out will not affect prospects for promotion.

7.5.B Annual Review of Probationary Members of the Instructional Staff

1. Each department will establish a committee to initiate tenure recommendations. The membership of this committee is to be determined by the department. In each year of the probationary period, the instructional staff member submits to the department a report of professional activities that addresses the tenure criteria. Subsequently, the department chair or program director (when appropriate), after consultation with the department tenure committee, prepares an annual written evaluation of the member's accomplishments; an evaluation that will provide an assessment of the member's progress toward tenure, including strengths and weaknesses and specific recommendations for improvement. In the case of faculty assigned to a regional campus, the department chair will also consult with the Dean of the Regional Campuses. The evaluation prepared by the department chair or program director (when appropriate) must be reviewed and formally acknowledged by the department tenure committee, the Dean of the Regional Campuses (when appropriate), and the probationer before forwarding to the dean, so that errors of fact and omission might be eliminated.

2. Concerns regarding professional collegiality should be shared as promptly as possible with the person whose behavior is questioned. Notice of uncollegiality must be given to that person in writing no later than his or her next annual evaluation after occurrence of the behavior considered uncollegial.
3. In the event the tenure committee’s evaluation differs from that of the chair or program director (when appropriate), the tenure committee shall forward its evaluation to the probationer, with a copy to the Dean of the Regional Campuses (when appropriate). Such evaluations are subsequently reviewed by the divisional dean, and then officially transmitted to the probationer. Whenever the dean's evaluation differs from that of the department chair, the program director (when appropriate) or the department tenure committee, the dean must so inform the staff member, the chair, the program director (when appropriate), the committee, and the Dean of the Regional Campuses (when appropriate), in writing, citing the basis for the judgment.

4. In the third year of qualifying service, the department tenure committee will also prepare a separate written evaluation of the instructional staff member's progress toward tenure, including strengths and weaknesses and specific recommendations for improvement, and share that evaluation with the probationer and the department chair or program director (when appropriate). The chair or program director (when appropriate) will also write an evaluation of the probationer’s progress toward tenure.

5. The Provost reviews the evaluations in the third, fourth, and fifth years of a candidate's probationary period. Whenever the Provost’s evaluation differs from what has already been recorded, this judgment, with reasons, will be reported in writing to the candidate, the department tenure committee, the department chair, the program director (when appropriate), and the dean. The complete documentation should also be distributed to the Dean of the Regional Campuses (when appropriate).

6. Early in the candidate’s final year of probationary service, the department tenure committee undertakes a review of his or her cumulative professional record and makes a positive or negative recommendation for tenure to the department chair or program director (when appropriate). After receiving the department tenure committee’s recommendation, the department chair or program director (when appropriate) makes a positive or negative recommendation. The candidate’s application is then advanced to the dean, who makes a positive or negative recommendation. The University Promotion and Tenure Committee then considers all candidates who have received a positive recommendation from the department committee, the department chair, the program director (when appropriate), or the dean. Candidates who receive a positive recommendation from the University Promotion and Tenure Committee are advanced to the Provost for consideration. Candidates who receive the Provost’s positive recommendation are advanced to the President. Candidates receiving the positive recommendation of the President are advanced to the Board of Trustees for final action.

7.6 Tenure and Time

7.6.A Probationary Period

Unless otherwise permitted by these policies, all members of the instructional staff holding an appointment with a tenure-eligible rank ordinarily serve a probationary period of six years at Miami University. In unusual circumstances the President, upon recommendation of the department, the department chair, the program director (when appropriate), the Dean of the Regional Campuses (when appropriate), the dean, and the Provost, may waive the probationary period and recommend tenure for a person being appointed to the rank of Associate Professor or Professor. For a person who begins Miami service after the start of an academic year, the time counted toward the probationary period shall begin at the start of the person’s first full academic year of service.

A person is usually considered for tenure in the last year of the prescribed probationary period. Upon application by the candidate and with the permission of the department, the department chair, the program director (when appropriate), the Dean of the Regional Campuses (when appropriate), the dean and the Provost, candidates may choose to waive part of their probationary period and come up for tenure before the beginning of the sixth year. A person may be considered for tenure only once (except as permitted by Section 7.9.C). A leave of one year or less will count as part of the probationary period unless the candidate, the department, the department chair, the program director (when appropriate), the Dean of the Regional Campuses (when appropriate), the dean, and the Provost agree in writing at the time the leave is granted to an exception to this provision.
7.6.B Credit Towards Probationary Period
1. At the time of hiring in a tenure-eligible position, a person may be accorded, upon agreement of the Provost, the dean, the Dean of the Regional Campuses (when appropriate), the department chair, the program director (when appropriate), and the department, credit toward the six-year probationary period. This credit must be noted in the original appointment letter. Normally, a person may receive up to two years’ credit toward tenure. Only in exceptional circumstances may more credit be granted. However, by mutual agreement of the department, the department chair, the program director (when appropriate), the Dean of the Regional Campuses (when appropriate), and the instructional staff member, and with the written approval of the dean and the Provost, this grant of credit or a portion thereof may be rescinded subsequently during the probationary period. Full-time service in a different Miami department or an earlier discontinuous period of full-time Miami service may be credited in the same way as full-time service at other institutions.

2. Although tenure may be conferred only upon someone in a tenure-eligible rank, up to two years for full-time Miami service in a nontenure-eligible position will be credited toward the probationary period. However, at the time of appointment to a tenure-eligible rank, by mutual agreement of the department, the department chair, the program director (when appropriate), the Dean of the Regional Campuses (when appropriate), the dean, the Provost, and the candidate, the candidate may waive the crediting of all or a portion of service in a nontenure-eligible position toward the probationary period.

7.6.C Stopping the Tenure Clock
1. A one-year extension of the probationary period will be granted by the Provost upon request of a probationary faculty member who (1) has or shares primary responsibility for the care of an infant or a newly-adopted child under age five, and who must commit substantial portions of time to this care; (2) faces similar responsibilities associated with a serious health condition of another person; or (3) has a serious health condition. This extension may be granted whether or not sick leave, personal leave, or family and medical leave has been taken. Written requests for such extensions must be made within two years of the birth, adoption, or serious health condition.

2. There may be other circumstances that require substantial amounts of time or produce excessive stress that would justify extending the probationary period for one year. Examples of such circumstances include (but are not limited to) the disruption of research facilities or the interruption of research for foreign teaching assignments. In such cases, the probationary faculty member may apply in writing to the Provost, who in consultation with the department tenure committee, the department chair, the program director (when appropriate), the Dean of the Regional Campuses (when appropriate), and the divisional dean, will determine whether such an extension should be granted. Any such request for an extension must be made within one year of the occurrence of the circumstance.

3. There is normally a limit of one such extension of any type during the probationary period. A person may, however, request a second extension through the Provost.

4. The maximum number of years of extension to the probationary period is two.

7.7 Criteria for Tenure
In order to secure and retain an exemplary faculty, the following all-University criteria, as demonstrated by suitable evidence, shall be used to make tenure recommendations:
A. high-quality teaching and academic advising;
B. research, scholarly and/or creative achievement of high quality and its prospective continuation;
C. productive professional service; and,
D. professional collegiality within the department, division, campuses, and University community.

The usual emphasis, in descending order of significance, for the above criteria shall be: (1) high-quality teaching and academic advising, (2) a record of research, scholarly and/or creative achievement of high quality and its prospective continuation, (3) productive professional service, and (4) professional collegiality. The University places importance on both teaching and research, scholarly and/or creative achievement. Neither aspect of a candidate’s career should be neglected if tenure is to be achieved.

For regional campus faculty, the usual emphasis, in descending order of significance, shall be:
(1) high-quality teaching and academic advising, (2) productive professional service, (3) a record of research, scholarly and/or creative achievement of high quality and its prospective continuation, and (4) professional collegiality.

If the emphasis is to differ from the above, at the beginning of a candidate’s probationary period, or when there is a significant change in the candidate’s assigned responsibilities, the department, the department chair, the program director (when appropriate), the dean, the Dean of the Regional Campuses (when appropriate), the Provost and the candidate shall agree in writing upon the relative importance to be attached to each of the above criteria.

The criteria applied to tenure recommendations are normally the criteria in force at the time the application is considered. In cases where new specifically-stated criteria have been adopted since a candidate was first appointed to a tenure-eligible position at Miami, the candidate has the option of being judged by the criteria in force at the time of appointment.

7.8 The Tenure and Promotion Process

For the policy regarding eligibility to participate in the tenure and promotion process, see “Employment of Members of the Same Family”

7.8.A Candidate’s Preparation of Tenure and Promotion Materials
Individuals in their final probationary year and other members of the instructional staff who wish to be considered for promotion are responsible for assembling and submitting a dossier of relevant supporting materials (the application). Candidates may solicit suggestions from the department chair or program director (when appropriate) as to appropriate materials. The Promotion and Tenure Guidelines for Dossier Preparation are reviewed and approved each year by University Senate.

7.8.B Departmental Evaluation
After receiving the positive or negative recommendation of the department tenure or promotion committee, the department chair makes a positive or negative recommendation on the application to the divisional dean. The department’s recommendation to the dean may be a joint report of the committee and the department chair or program director (when appropriate). However, if the recommendations of the committee and the department chair or program director (when appropriate) differ, both are transmitted to the dean. The Promotion and Tenure Guidelines for Dossier Preparation are reviewed and approved each year by University Senate.

Note: To evaluate candidates seeking promotion to full professor, members of a promotion committee must hold the rank of full professor with tenure. To evaluate candidates seeking promotion to associate professor, members of a promotion and tenure committee must be tenured and hold the rank of associate or full professor.

7.8.C Divisional Evaluation
The faculty of each division may develop procedures for divisional handling of tenure and promotion matters. The dean of the division is responsible for making a positive or negative recommendation on each application for tenure or promotion. If the dean’s recommendation differs from the department chair’s, the program director’s (when appropriate), or the department committee’s, the dean will discuss the case with the department chair, the program director (when appropriate), or the committee (as appropriate), prior to the University Promotion and Tenure Committee meeting.

7.8.D University Promotion and Tenure Committee Evaluation
The Committee consists of the Provost as chair, the deans of the academic divisions, the Graduate Dean, the Dean of the Regional Campuses, and six tenured members of the instructional staff (at least one of whom is based on a regional campus) appointed by the President as members for staggered three-year terms. This committee considers all candidates who have received a positive recommendation on their application from the department committee, or the department chair, the program director (when appropriate), or the dean. The candidate’s application, the departmental or program (when appropriate) recommendation(s), and the dean’s recommendation shall all be forwarded to the University Promotion and Tenure Committee.
**7.8.E Provost, President, and Board of Trustees Evaluation**
Candidates who receive a positive recommendation from the University Promotion and Tenure Committee are advanced to the Provost for consideration. Candidates who receive a positive recommendation from the Provost are advanced to the President for consideration. Candidates who have the positive recommendation of the President are advanced to the Board of Trustees. Final action is taken by the Board of Trustees. If granted, tenure and/or promotion is conferred effective the next July 1 and is not specific to a given campus.

**7.8.F Procedure When a Negative Tenure Recommendation is about to be Made**
In the event any individual or committee is about to make a negative tenure recommendation, the annual written evaluations described in Section 7.5, Annual Review of Probationary Members of the Instructional Staff, will be reviewed by the individual or committee and appended to the candidate’s tenure application.

**7.8.G Notification of Recommendation by Any Individual or Committee**
A candidate who receives a positive recommendation is notified as soon as possible.

A candidate who receives a negative recommendation is notified in writing with a Statement of Reasons for the negative recommendation. This written Statement of Reasons, which becomes part of the record, must be given no later than ten (10) working days from the date the negative recommendation is made.

**7.8.H Effect of Degree Completion on Promotion**
No promotion is effected solely by the completion of a degree. In those cases where an individual’s appointment letter offers a rank contingent upon the completion of a degree, rank will be assigned as of the first day of the first regular academic term following award of the degree or the next July 1, whichever is earlier.

**7.9 Rights of a Candidate Who Has Received a Negative Recommendation or Been Denied Tenure or Promotion**

**7.9.A Reconsideration**
Within ten (10) working days of receipt of the written Statement of Reasons, the candidate may request, in writing, reconsideration by the individual or committee that rendered the negative recommendation. Reconsideration is on the merits of the case.

The candidate may respond, in writing, to the written Statement of Reasons prior to reconsideration. The candidate may not alter his or her application or submit new evidence. “New evidence” includes accomplishments since the submission of the application and evidence of accomplishments not included in it. The candidate’s response to the written Statement of Reasons must be submitted no later than ten (10) working days from the date of the request for reconsideration. Reconsideration shall be completed within ten (10) working days of the receipt of the candidate’s response or, if no written response is given, within twenty (20) working days of the request for reconsideration.

A candidate who receives a positive recommendation upon reconsideration is notified as soon as possible. A candidate who receives a negative recommendation upon reconsideration is notified, in writing, with a Statement of Reasons for the negative recommendation. This written Statement of Reasons must be given no later than ten (10) working days from the date the negative recommendation is made.

The original application, written Statement of Reasons for the negative recommendation, request for reconsideration, candidate’s response to the written Statement of Reasons, and recommendation upon reconsideration, including the written Statement of Reasons, if any, become part of the record.

**7.9.B Appeal of Denials**
Any candidate whose application for tenure or promotion has been denied has the right to appeal to the Committee on Faculty Rights and Responsibilities and, subsequently, to the President under Sections 8.1.E and 8.1.H. The basis for the appeal must be an alleged procedural error or inequitable treatment.
Section 7 Evaluation, Promotion, and Tenure of the Instructional Staff

The candidate must appeal, in writing, to the Committee on Faculty Rights and Responsibilities within fifteen (15) working days of the last date of the consideration or reconsideration that resulted in the denial of the candidate’s application for tenure or promotion. The written notice of appeal shall state the basis for the appeal and shall be addressed to the Committee on Faculty Rights and Responsibilities and delivered to the Office of the University Secretary.

Appeals will be heard by the Committee on Faculty Rights and Responsibilities under one of the options described in the second paragraph of Section 8.1.E. The decision of the Committee on Faculty Rights and Responsibilities may be appealed to the President under Section 8.1.H. The provisions of Sections 8.1.F, G, and J apply to all appeals of tenure or promotion denials.

The Committee on Faculty Rights and Responsibilities does not make a judgment on the merits of a candidate’s performance, except insofar as a judgment may be implied in a finding of inequitable treatment. Thus, the Committee will not make any findings about the ultimate viability of a candidate’s application for tenure or promotion.

Appeals may also be based on allegations of discrimination, in which case they are covered by the University’s Policy Prohibiting Harassment and Discrimination (Section 3). The basis for such an appeal would be discrimination based on sex, race, color, religion, national origin, disability, age, sexual orientation, gender identity, pregnancy, military status, or veteran status. Appeals alleging discrimination should be presented, in writing, to the Office of Equity and Equal Opportunity. Candidates are urged to file such appeals within fifteen (15) working days of the last date of the consideration or reconsideration that resulted in the denial of the candidate’s application for tenure or promotion; such appeals must be filed with the OEEO within three hundred (300) calendar days.

When appeals based on discrimination in the tenure or promotion process are filed, there shall be coordination, as appropriate, among the Office of Equity and Equal Opportunity, the Committee on Faculty Rights and Responsibilities, and the Office of the Provost.

7.9.C Presidential Directive that Tenure Be Considered the Following Year
In unusual circumstances, the President may direct that a candidate who has failed to achieve tenure be considered during the following academic year. In the event such consideration is directed, a previous positive recommendation for tenure by a committee or individual can be reversed by the committee or individual only on the basis of a deteriorating performance or the discovery of evidence not previously available as it relates to the criteria applicable at the time the original tenure recommendation was made.

7.9.D Deadlines
The deadlines specified in Sections 7.9.A and B may be extended by the Provost. The running of any time period specified in these procedures will be suspended during Thanksgiving Recess, Winter Recess, Spring Recess, and the interval between the end of final examinations for spring semester and the date on which faculty are required to report for the ensuing Fall Semester.

7.10 Failure to Attain Tenure
If a probationary faculty member is not granted tenure during the final year of the probationary period, his or her Miami service will be terminated no later than the end of the following academic year. Reconsideration and appeal procedures do not extend the date of termination of employment.

7.11 Nontenure-Eligible Instructional Staff Positions
Appointments to nontenure-eligible instructional staff positions are made on an academic year basis. A person in a nontenure-eligible instructional staff position is eligible to receive, but not entitled to expect, renewal of appointment. No person shall serve more than five (5) years in a full-time, nontenure-eligible instructional staff position except for those appointed as Lecturers or as Clinical/Professionally Licensed Faculty. Appointments to nontenure-eligible instructional staff positions are subject to renewal at the will of Miami University. Persons whose appointments are not being renewed are entitled to notice of nonrenewal on or before February 1.

7.11.A Instructor
An Instructor must:
1. hold a master’s degree from an accredited college or university or the equivalent thereof, or a bachelor’s degree from an accredited college or university with specialized training or experience beyond the bachelor's degree sufficient to qualify for a specialized teaching assignment; and
2. have evident ability or promise as a teacher.

Instructors are eligible to receive, but not entitled to expect, annual reappointment not to exceed five (5) years.

7.11.B Visiting Professor, Visiting Associate Professor, Visiting Assistant Professor
These titles are used for members of the instructional staff appointed to conduct instructional work for which they are especially qualified. Visitors are eligible to receive, but not entitled to expect, annual reappointment not to exceed five (5) years.

7.11.C Lecturer
A Lecturer must:
1. hold a master’s degree or higher from an accredited college or university or the equivalent thereof; and
2. have documented superior teaching ability or extraordinary experience, talent, or abilities deemed critical to fulfilling the mission of the department or program; and
3. be full time.

The following additional expectations and conditions apply to the rank of Lecturer:
4. The rank of Lecturer carries with it the requirement of teaching and advising as well as institutional and professional service.
5. Lecturers, by virtue of the prospect that they may be associated with departments/programs for extended periods of time, should be as fully enfranchised as possible in the day-to-day life of the departments/programs with which they are affiliated.
6. Lecturers shall receive annual performance reviews.
7. In addition to the annual evaluation, all lecturers may request a formative promotion evaluation once per academic year. Upon the person’s request, the evaluation shall be prepared by the department’s promotion committee and by the chair and/or program director (when appropriate). These evaluations shall be based on (1) cumulative information provided by the person concerning his or her teaching and service, and (2) may include other relevant information. At the person’s discretion, the information provided may include his or her plans concerning teaching and service that may help the promotion committee and chair or program director (when appropriate) provide useful guidance. Formative promotion evaluations are to guide the person toward promotion and are not to be used for personnel or salary decisions.
8. In the event the nonrenewal of a Lecturer is under consideration, the department chair or program director (when appropriate) must first consult formally with the faculty consistent with the governance procedures of the department or program (when appropriate).
9. The initiative for establishing a Lecturer position in a department/program should ordinarily originate in the department/program.
10. The number of Lecturer positions shall be limited in each of the schools, the College, and the individual regional campuses to a maximum of five (5) percent of the total number of full-time tenured and tenure-track faculty members.

Appointment to the position of Lecturer requires either: (a) the approval of the Provost upon the positive evaluation and recommendation of the department chair, the program director (when appropriate), Dean of the Regional Campuses (when appropriate), and dean for a person holding a nontenure-eligible instructional staff position at Miami University; or (b) a competitive search.

7.11.D Clinical/Professionally Licensed Faculty
A Clinical/Professionally Licensed Faculty must:
1. hold a master’s degree or higher from an accredited college or university or the equivalent thereof; and
2. have documented superior teaching ability or extraordinary experience, appropriate educational background, and significant professional experience including a professional license or professional certificate/degree; and
3. be full time.

The following additional expectations and conditions apply to the rank of Clinical/Professionally Licensed Faculty:
4. The rank of Clinical/Professionally Licensed Faculty carries with it the requirement of teaching and institutional service as well as the requirement to remain active professionally for accreditation purpose.
5. Clinical/Professionally Licensed Faculty, by virtue of the prospect that they may be associated with departments or programs for extended periods of time, should be as fully enfranchised as possible in the day-to-day life of the departments or programs with which they are affiliated.
6. Clinical/Professionally Licensed Faculty shall receive annual performance reviews.
7. In addition to the annual evaluation, all clinical/professionally licensed faculty may request a formative promotion evaluation once per academic year. Upon the person’s request, the evaluation shall be prepared by the department’s promotion committee and by the chair and/or program director (when appropriate). These evaluations shall be based on (1) cumulative information provided by the person concerning his or her teaching and service, and (2) may include other relevant information. At the person’s discretion, the information provided may include his or her plans concerning teaching and service that may help the promotion committee and chair or program director (when appropriate) provide useful guidance. Formative promotion evaluations are to guide the person toward promotion and are not to be used for personnel or salary decisions.
8. In the event the nonrenewal of a Clinical/Professionally Licensed Faculty is under consideration, the department chair or program director (when appropriate) must first consult formally with the faculty consistent with the governance procedures of the department or program.
9. The initiative for establishing the Clinical/Professionally Licensed Faculty position in a department or program should ordinarily originate in the department or program.
10. The number of Clinical/Professionally Licensed Faculty positions should not exceed a maximum of five (5) percent of the total number of full-time tenured and tenure-track faculty members.

Appointment to the position of Clinical/Professionally Licensed Faculty requires either: (a) the approval of the Provost upon the positive evaluation and recommendation of the department chair, the program director (when appropriate), and Dean of the Regional Campuses (when appropriate), and dean for a person holding a nontenure-eligible instructional staff position at Miami University; or (b) a competitive search.

7.11.E Senior Lecturers and Senior Clinical/Professionally Licensed Faculty
1. Lecturers and Clinical/Professionally Licensed Faculty may be promoted to Senior Lecturer and Senior Clinical/Professionally Licensed Faculty after five (5) years in rank.
2. To be promoted, faculty need to be nominated by the chair/program director (when appropriate) for:
   a. exceptional performance in teaching, pedagogical and curricular innovation; and professional growth; and
   b. exceptional performance in productive service; and
   c. collegiality
3. The nominated faculty shall prepare a dossier to be evaluated by promotion committees at the department level, the chair and/or program director (when appropriate), the academic dean, the Dean of the Regional Campuses, when appropriate, and the Provost.
4. Senior Lecturers and Senior Clinical/Professionally Licensed Faculty will count toward the limit in those categories set in MUPIM 7.11.C and 7.11.D

7.11.F Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor
Professionals who volunteer to provide instructional staff services without pay on a part-time basis may be appointed with the rank of Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor or Adjunct Instructor. The person must (1) bring professional distinction to the department and to the division of appointment; (2) must have demonstrated specialized competence which would enrich both students and faculty in the department or program of appointment; and (3) be available to share his
or her research, teaching, and consultative competence with the University community. A person with an adjunct rank may occasionally be paid for teaching a course, but such a role is neither expected nor ordinary. An adjunct rank will be granted only on request of departmental faculty and approved by the chair, the program director (when appropriate), the dean, and the Provost. Appointments may be terminated at the will of the professor or the University.

In upgrading the adjunct rank of a person, the regular promotion process is not applicable. Upon request of the department or program (when appropriate), and with the approval of the chair, the program director (when appropriate), the dean, and the Provost, an adjunct rank may be upgraded.

### 7.12 Affiliate

Faculty holding rank in one department may be considered for appointment to the additional title of Affiliate in another department or interdepartmental program. The Affiliate title is ordinarily used to recognize specific contributions on the part of the faculty member in teaching, and/or research, and/or service to a second department or interdepartmental program. The nomination for an Affiliate title can be initiated only by the appropriate department or interdepartmental program, and it will be granted only on the approval of the appropriate chairs, the program director(s), the dean(s), and the Provost.

The Affiliate title is intended to recognize the linkage of appropriate cognate faculty to academic departments and programs. Guidelines for administering this title are as follows:

A. Nomination for an Affiliate title must be initiated by an academic department or interdepartmental program.
B. An Affiliate title may be initiated at any time. The title continues until such time as a department or interdepartmental program or the person wishes it to be removed.
C. There is no limit to the number of Affiliate titles a faculty member may hold.
D. The Affiliate rank (i.e., assistant, associate, full) shall be at the same rank as that held in the home department.
E. The department chair or program director (when appropriate) initiating the Affiliate rank will prepare a letter outlining the expected contributions (e.g., teaching a course or courses in the program, serving as an adviser to students working on a collaborative research project, etc.) the person will make to the unit.
F. Since the expectation is that an Affiliate is making a significant contribution to the second unit, the chair or director of the home department or program will endorse the letter requesting Affiliate rank and will indicate how the Affiliate’s responsibilities to the home unit have been adjusted to accommodate the person’s new activities. These letters are then forwarded to the appropriate dean(s) and then to the Provost for approval.
Section 8 GRIEVANCE, TERMINATION FOR CAUSE, AND DISCIPLINARY PROCEDURES FOR THE INSTRUCTIONAL STAFF

8.1 Grievance Procedures Available to Members of the Instructional Staff

8.1.A Pregrievance Requirements
Before a grievance is initiated, the faculty member is expected to engage in constructive discussion and consultation with the person(s) involved in order to assure that concerns are understood and to attempt to reach a resolution. Faculty members are also encouraged to consult as appropriate with deans, chairs, colleagues, representatives of the Provost's office, or the Chair, or any member of the Committee on Faculty Rights and Responsibilities, for advice and counsel. The objective of such consultation is to resolve disputes and misunderstandings by clarification and conciliation, in order to avoid the need to initiate a grievance.

8.1.B Scope of Grievance Procedure
1. A grievance is a request for a particular decision or action; or a request for modification of, or relief from, a decision or action previously taken. The purpose of the grievance procedure is to enable members of the faculty to raise questions and concerns, to attempt to resolve differences and, where appropriate, obtain redress, in matters directly affecting a person or group relationship with the University.
2. A grievance must identify a particular action, inaction, or decision, and a person or persons within the academic division of the University believed to be responsible for it.
3. A grievance may not be initiated where the subject matter of the proposed grievance is:
   a. an action or decision exclusively affecting one or more persons other than the grievant.
   b. a decision or action as to which the grievant has already been afforded the right to a University-level hearing, whether or not such right was exercised.

8.1.C Submission of Written Grievance
A grievance is initiated by the submission of a written statement of the grievance to the Committee on Faculty Rights and Responsibilities via the Chair of the Committee. A grievance should not be filed with the Committee until after a person has used the departmental grievance and/or divisional appeal procedures.

8.1.D Grievance Mediation Procedure
The grievant may opt to bypass the Mediation Procedure and request a hearing by the Committee on Faculty Rights and Responsibilities under Section 8.1.E. The grievant may first invoke the Mediation Procedure described below, or the grievant and the person against whom the grievance may be filed may create an alternative grievance procedure that is mutually acceptable to both of them. Grievants invoking the Mediation Procedure shall be afforded timely opportunities to reflect on offers and consult with counsel before rendering their decisions.

1. A Mediation Committee consisting of three members will be convened by the Chair of the Committee on Faculty Rights and Responsibilities. Each of the following individuals will appoint one member to the Mediation Committee within fourteen (14) calendar days:
   a. The Committee on Faculty Rights and Responsibilities will appoint a former member of that Committee still employed at the University.
   b. The grievant.
   c. The person against whom the grievance has been filed. If the grievance is filed against more than one person, these individuals shall jointly agree on a single person to appoint.
   d. All members of the Mediation Committee must be either tenured members of the faculty or members of the administration holding tenurable faculty rank and may not be serving on the Committee on Faculty Rights and Responsibilities.
2. The Mediation Committee will convene within one month. The member appointed by the Committee on Faculty Rights and Responsibilities will serve as Chair.
3. The grievant and the respondent(s) will be expected to attend the mediation meeting. Attendance by legal counsel will not be permitted. Attendance by other individuals will be at the discretion of the Mediation Committee. The meeting will ordinarily be private and confidential to the extent permitted.
by law. In its discretion, the Mediation Committee may review documents and other information presented to it by any of the parties. The Mediation Committee will endeavor, at the meeting, to mediate and conciliate the dispute, and to bring about an agreed resolution. The members of the Mediation Committee may, in their discretion, schedule one additional mediation meeting to be held within fourteen (14) calendar days after the first. Faculty members participating in the Mediation Procedure shall be afforded opportunity, not to exceed twenty-one (21) calendar days, to reflect on offers and consult counsel before rendering their decisions.

4. If the matter is resolved to the satisfaction of all parties as a result of the Mediation Procedure, the dean, department chair, or other appropriate person will promptly implement the action agreed upon. The Chair of the Mediation Committee will report to the Chair of the Committee on Faculty Rights and Responsibilities that the matter has been resolved.

5. If the matter is not resolved as a result of the Mediation Procedure, then the Chair of the Mediation Committee will transmit a memorandum to the Chair of the Committee on Faculty Rights and Responsibilities advising him or her of this without elaboration.

6. Once the ad hoc Mediation Committee has either resolved the matter under D.4 or advised the Chair of the Committee on Faculty Rights and Responsibilities that mediation was unsuccessful under D.5, the Mediation Committee will not make any other finding or recommendation nor take any other action in the matter. Neither the Mediation Committee nor any of its members will retain any written or other record of any of the Mediation Committee's meetings or actions, except as provided in D.4 or D.5.

8.1.E Grievance Hearing Procedure

If the grievance is not resolved as a result of the Mediation Procedure or if the grievant opts to bypass the Mediation Procedure, the grievant may request a hearing of the grievance by the Committee on Faculty Rights and Responsibilities. The Mediation Procedure may not be used to appeal a negative decision concerning promotion or tenure. Section 8.1.I does not apply to negative decisions concerning promotion and tenure.

At its discretion, the Committee on Faculty Rights and Responsibilities will determine whether the hearing will proceed in one of two ways:
1. according to the procedure described in Section 8.3.H.1 through 8.3.H.4.k, or
2. with the consent of the parties according to such procedures on file with the Secretary of the University that have been developed by the Committee on Faculty Rights and Responsibilities for the effective review of grievances brought to it. In order to provide effective review in the different types of situations with which it must deal, the Committee may, at its discretion, adopt more than one grievance hearing procedure alternative to the procedure in Section 8.3.H.

The following regulations apply to any grievance hearing procedure developed by the Committee on Faculty Rights and Responsibilities:
1. A written copy of the procedure to be followed in a particular case will be filed with the Secretary of the University, unless the Committee on Faculty Rights and Responsibilities has chosen to use a procedure already on file. In either case, a copy of the procedure shall be sent to the parties involved. A copy of the procedure shall be available to any person from the Secretary of the University and from the Chair of the Committee on Faculty Rights and Responsibilities.
2. All grievance hearing committees shall include at least five members of the Committee on Faculty Rights and Responsibilities, unless all parties have given their written consent.
3. Any request by one of the parties to the grievance that an individual member of the Committee be excused from the hearing, based on a claim that such member cannot be impartial in the particular case, will be resolved by the Chair of the Committee on Faculty Rights and Responsibilities, unless the challenge is to the Chair, in which case the challenge will be resolved by the Vice Chair.

8.1.F Report

Once the Committee on Faculty Rights and Responsibilities has made its determination, it will send a Report to the parties to the grievance. The Report will include findings of fact, conclusions drawn from these facts, and recommendations. At its discretion, the committee may include observations germane to the case.
8.1.G Implementation
All recommendations made by the Committee on Faculty Rights and Responsibilities are to be implemented promptly unless appealed to the President.

If there is no appeal and the Committee on Faculty Rights and Responsibilities has recommended that some action should be taken by a chair, dean, or other University official, the Committee will notify that person to implement the recommendation promptly. If a person modifies or fails to act on the Committee’s recommendation, the Committee may ask the President to order that its recommendation be carried out. If the recommendation is modified or not implemented, the Committee may report this to Faculty Assembly for action or instructions.

8.1.H Appeal to the President
The report of the Committee on Faculty Rights and Responsibilities may be appealed to the President within seven (7) calendar days of receipt. Appeals to the President must be made in writing, with copies sent to all parties to the grievance and to the Committee on Faculty Rights and Responsibilities. The following appeal procedure is applicable:

1. The party appealing must specify the basis for objection to the Committee’s report. Failure to so specify may result in dismissal of the appeal.
2. The President will establish a schedule for the submission of materials and for the completion of any other steps involved in the appeal.
3. The President will allow the parties to present argument on appeal. The President may decide whether to receive these arguments in writing, in person, or both. Regardless of the method used to present arguments, the President will allow each party to learn what the other has said and rebut these statements.
4. The President’s review on appeal will ordinarily be limited to those specific issues of fact, conclusions, or recommendations brought to his or her attention by the party appealing.
5. The President shall be bound by the findings of fact made by the Committee on Faculty Rights and Responsibilities unless those findings are against the greater weight of the evidence. Due deference must be accorded to findings of fact of the Committee on Faculty Rights and Responsibilities since it is the Committee who is best able to observe the demeanor of witnesses and weigh their credibility.
6. After deliberating on the appeal, the President may respond in the following ways:
   a. The President may concur with and order the Committee on Faculty Rights and Responsibilities’ recommendations to be implemented immediately unless there is an appeal to the Board of Trustees.
   b. The President may remand the matter to the Committee for further consideration, and shall remand the matter to the Committee if the President disagrees with any of the Committee’s findings of facts stating why.
   c. The President may reach different conclusions and/or determine not to follow the recommendations of the Committee, but only after consultation with the Committee. If, after the remand under paragraph 6.b above and after consultation with the Hearing Committee, the President disagrees with the findings of fact of the Committee because, in the President’s judgment, they are against the greater weight of the evidence, the President may reach new findings. In any event, however, the Committee’s conclusions, recommendations, and findings of fact will remain unaltered as part of the record of the case.
7. The President shall promptly provide a written report of his or her decision on the appeal to the parties and the Committee on Faculty Rights and Responsibilities. If the President, after consultation with the Committee, does not accept the Committee’s conclusions or recommendations, the Committee may report this to Faculty Assembly. If the President, after consultation with the Committee, does not accept the Committee’s findings of fact, the Committee must report this to Faculty Assembly. The Committee may report to Faculty Assembly in either its annual report or by placing it on the agenda of a meeting of Faculty Assembly for its action or instructions.
8. If the matter is remanded by the President to the Committee on Faculty Rights and Responsibilities, copies of the remand determination and its reasons shall be provided to both parties. The Committee will reopen the proceedings and at the conclusion thereof submit a supplemental report to the President and the parties. The President may then act according to the options afforded by 8.1.H.6 of this policy as if acting on the Committee on Faculty Rights and Responsibilities’ original report, except that a matter may be remanded only once unless the Committee agrees to additional remands.
9. If the President is a party to the grievance, then this subsection 8.1.H does not apply and any appeal shall be to the Board of Trustees.

**8.1.I Appeal to the Board of Trustees**

The President’s decision may be appealed to the Board of Trustees, which has ultimate authority to take final action to promote the best interest of the University and to protect individual rights. The appeal must be filed with the Secretary to the Board within fourteen (14) calendar days of receipt of the President’s decision.

The Board shall review the report and supplemental report, if any, of the Committee on Faculty Rights and Responsibilities and the decision of the President. In its review, the Board may consult with the President and shall give all parties to the grievance an opportunity to present argument to it. The Board may decide to receive these arguments in writing, in person, or both. The Board’s action is final and shall be accompanied by a written statement setting forth its reasons.

**8.1.J General Matters**

References in Section 8.1 to a particular officeholder are to be read as including another person serving in an “acting” capacity for the officeholder and any other person designated by the officeholder to serve in his or her stead.

Time deadlines specified in Section 8.1 may be extended by agreement of the parties involved or, in the absence of such agreement, by decision of the Chair of the Committee on Faculty Rights and Responsibilities.

The running of any time period specified in these procedures will be suspended during Thanksgiving Recess, Winter recess, Spring Recess, and the interval between the end of final examinations for Spring Semester and the date on which faculty are required to report for the Fall Semester.

Grievance proceedings are generally treated as confidential to the extent permitted by law.

**8.2 Termination of Appointment or Tenure for Cause**

Any appointment can be terminated for cause through the procedures set forth in Section 8.3. In such cases the usual provisions of advance notice of nonreappointment may be set aside.

A member of the instructional staff with tenure shall not be dismissed except for cause. In turn, the privilege of tenure requires that a member of the instructional staff shall conduct oneself as a person of learning with the obligations of scholarly objectivity, accuracy, tolerance, restraint, and social responsibility. A change in status from tenure to annual appointment may be made at any time for cause and through the procedures hereinafter set forth in Section 8.3. Causes shall include the following:

A. intentional or repeated violations of expressly stated University regulations or University policy;
B. professional incompetence;
C. refusal to perform properly assigned academic duties or assignments;
D. commission of an act involving moral turpitude which is punishable by a criminal statute of the state of Ohio;
E. violation of professional ethics as adopted by the University Senate.

**8.3 Procedures for Disciplinary Action**

**8.3.A General**

Nothing in Section 8.3 and elsewhere as adopted by the University Senate shall be interpreted to reduce the scope of authority of the Committee on Faculty Rights and Responsibilities as has been established by University regulations and usage or shall lessen faculty members’ timely access to consultation with members of that Committee. (See Section 8.3.L regarding time limits).

**8.3.B Matters Handled By Department Chairs**

1. Each department chair is expected to advise any member of his or her department regarding any known failure by such member to comply with any applicable policies or guidelines, violation of standards of conduct, professional incompetence, or failure to carry out job responsibilities. This will
be done on an as-needed basis or periodically in annual reviews. If problems identified by the department chair are not resolved following one or more personal meetings, and/or written communications, then the chair may issue a written summary, which will be placed in the faculty member’s personnel file, along with any response from the faculty member, consistent with Section 3.8 of this manual.

2. If a faculty member is dissatisfied with his or her chair’s handling of a problem under B.1 and has used the department’s grievance or appeal procedures, the faculty member may discuss the matter with the appropriate dean. The dean will review the matter in consultation with the faculty member and department chair and attempt to resolve the matter by agreement of all three. If the dean is unable to resolve the matter by compromise, then the dean will make a decision. The burden of proof that adequate cause exists for this decision rests with the University.

3. The chair will review with the faculty member, and place in the departmental student complaints file, any grade review requests or complaints regarding instruction that are forwarded to the chair pursuant to the University’s Academic Grievance Procedure (as found in the most current edition of the Student Handbook).

4. In the event a department chair determines that disciplinary action is appropriate in a particular case or in the event that problems persist after one or more written communications under B.1, the chair may initiate a disciplinary proceeding under 8.3.D below.

8.3.C Disciplinary Proceedings
The procedures outlined in 8.3.D through L are applicable in cases in which it is believed that a member of the instructional staff has engaged in misconduct which has not been, or cannot be, adequately addressed by following the informal procedures described in 8.3.B. These procedures may result in the imposition of any appropriate penalties including, by way of example in ascending order of severity: Presidential letter of reprimand; mandatory training or assessment for treatment or therapy; limitation on supplemental teaching or research opportunities; limitation on future increases in compensation; suspension with or without pay; reduction in rank; change in status from tenured to annual appointment; and dismissal.

8.3.D Initiation of Disciplinary Action
Disciplinary proceedings may be initiated either by departmental action according to the procedures described in Section 8.3.D.1 through D.3 or at the Provost's direct initiation according to the process described in D.4.

8.3.D.1 Departmental Action
The department chair will submit a memorandum of information to the dean, with a copy sent to the faculty member. This memorandum must be received by the faculty member within 120 calendar days from the date when the alleged misconduct first came to the attention of one of the following: the department chair, the dean, the Provost, or the President. If the alleged misconduct consists of a pattern of behavior or a series of acts in their cumulative effect, then the memorandum must be received within 120 calendar days from the date when the last instance of such behavior or the last of the series of acts first came to the attention of one of the officers listed above. The memorandum shall include the following:
   a. information in sufficient detail to disclose fully the nature of the alleged misconduct;
   b. reference to prior discussions and written communications on the subject, if any;
   c. supporting documentation as appropriate;
   d. a statement that the faculty member may arrange a meeting with the department chair and/or dean to discuss the matter and present the faculty member's views and information.
Additionally, the memorandum shall indicate that the faculty member must request this meeting in writing within fourteen (14) calendar days after delivery of the memorandum of information and that the faculty member’s failure to request such a meeting could result in the proposal of a disciplinary action.

8.3.D.2 Divisional Action
After the meeting described in Section 8.3.D.1 above or after fourteen (14) calendar days have passed without a request for a meeting by the faculty member, the dean will decide whether to drop the matter, ask the chair to handle it first under 8.3.B (if it has not been handled that way already), or propose a penalty determined by the dean.
If the dean determines that disciplinary action is appropriate, the dean will submit a memorandum of proposed disciplinary action to the Provost, with a copy sent to the faculty member. This memorandum shall include the following:

a. information in sufficient detail to disclose fully the nature of the alleged misconduct and of the proposed disciplinary action;

b. reference to prior discussions and written communications on the subject, if any;

c. supporting documentation as appropriate;

d. a statement that the faculty member may obtain further review of the proposed disciplinary action by submitting a written request to the dean within fourteen (14) calendar days after delivery of the memorandum, and that the faculty member's failure to request such review will result in the imposition of the proposed disciplinary action;

e. a statement that the Provost may initiate further review of the proposed disciplinary action by notifying the faculty member of such review in writing within fourteen (14) calendar days after delivery of the dean’s memorandum to the Provost. The Provost’s review is not a hearing but rather an effort to determine the appropriateness of the proposed penalty.

8.3.D.3 Responses to Dean’s Memorandum

a. If Neither Faculty Member nor Provost Initiates Further Review

If the faculty member has not requested further review as provided by D.1 and if the Provost has not initiated further review as provided by D.2 above, then the dean’s proposed disciplinary action will be deemed acceptable to the faculty member and the Provost. In that event the chair, dean, or other appropriate administrative officer(s) will proceed to implement the proposed action and no further review or appeal will be available.

b. If Faculty Member Requests Further Review

If the faculty member requests further review, then the dean will promptly forward the request to the Provost, together with the documentation generated under D.1 and D.2. The Provost will convene a Mediation Committee to review the matter, following the procedures specified in Section 8.3.E. Should the faculty member wish to bypass the Mediation Procedure described in E, then he or she must submit to the Provost a written request to do so. The request need not include any explanation of the faculty member’s decision. However, a copy of the faculty member’s request will be furnished to any Hearing Committee that may be convened to consider the matter pursuant to 8.3.G, and it will be given such consideration as the Hearing Committee deems appropriate in its deliberations.

c. If Provost Initiates Further Review

If the Provost initiates further review under D.2 to assess the appropriateness of the proposed disciplinary action, the Provost will not convene a Mediation Committee (if the faculty member requested further review) but rather will ask the dean to promptly forward to the Provost the documentation generated under D.1 and D.2. The Provost may request additional information from the faculty member, the chair, and the dean. The Provost may request that this information be delivered in writing, in person, or both. This review shall ordinarily take no more than fourteen (14) calendar days. At the end of the review, the Provost must send the faculty member a letter stating his or her determination. If the Provost determines that a different penalty is warranted and if it is a more severe penalty than the dean proposed or not one of the penalties enumerated in 8.3.C, the Provost’s letter must provide reasons for recommending the different penalty.

Within fourteen (14) calendar days of receiving the Provost’s letter, the faculty member may request further review of the proposed disciplinary action either by invoking the Mediation Procedure described in 8.3.E or by requesting to bypass the Mediation Procedure and proceed directly to a hearing before the Committee on Faculty Rights and Responsibilities in the manner described in 8.3.D.3.b.

If the faculty member does not request further review, the Provost’s proposed disciplinary action will be deemed acceptable to the faculty member and the Provost. In this event, the Provost will proceed to implement the proposed action, and no further review or appeal will be available.

8.3.D.4 Provost's Direct Initiation of Disciplinary Action

Disciplinary action may also be initiated directly by the Provost, upon the Provost's own initiative or based upon a signed written complaint alleging misconduct by a faculty member.
The Provost will consult with the department chair and divisional dean prior to initiating disciplinary action. As a result of the consultation, the Provost may refer the matter to the department chair and dean for proceedings in conformity with Sections 8.3.D.1 through D.3. In the event the Provost determines it is appropriate to proceed directly with disciplinary action, the Provost shall submit a memorandum of proposed disciplinary action to the faculty member, with copies sent to the department chair and dean. This memorandum shall include the following:

a. information in sufficient detail to disclose fully the nature of the alleged misconduct and of the proposed disciplinary action;

b. reference to prior discussions and written communications on the subject, if any;

c. supporting documentation as appropriate;

d. a statement that the faculty member may obtain a hearing on the matter before the Committee on Faculty Rights and Responsibilities or may invoke the mediation process described in 8.3.E by submitting a written request to the Provost within seven (7) calendar days after receipt of the Provost's memorandum. If mediation is requested but fails, the faculty member may obtain a hearing before the Committee on Faculty Rights and Responsibilities by submitting a written request within seven (7) days after receipt of the memorandum from the chair of the Mediation Committee (described in Section 8.3.E.5). If the faculty member does not make a timely request for the Mediation Procedure or a hearing before the Committee on Faculty Rights and Responsibilities, the Provost's proposed disciplinary action will be deemed acceptable to the faculty member and no further review or appeal will be available.

8.3.E Mediation Procedure

The following Mediation Procedure is applicable in all cases in which it has been properly invoked under Section 8.3.D.3 or D.4 of this manual.

1. A Mediation Committee consisting of three members will be convened when a timely request has been made to the dean and forwarded to the Provost or made directly to the Provost. The Provost's Office will secure appointments to the Committee by promptly contacting the following parties, each of whom will appoint one of the three Committee members within fourteen (14) calendar days:

   a. The Committee on Faculty Rights and Responsibilities will appoint a former member of that Committee still employed at the University.

   b. The faculty member.

   c. The dean or the Provost if the Provost has proposed the penalty under 8.3.D.2 or D.4.

   All members of the Mediation Committee must be either tenured members of the faculty or members of the administration holding tenurable faculty rank and may not be serving on the Committee on Faculty Rights and Responsibilities.

2. The Mediation Committee will convene within a time period specified by the Provost, not to exceed thirty (30) calendar days. The member appointed by the Committee on Faculty Rights and Responsibilities will serve as Chair.

3. The faculty member and either the dean or the Provost (if the Provost has proposed the penalty under D.2 or D.4) are expected to attend the mediation meeting. Attendance by legal counsel will not be permitted. Attendance by other individuals will be at the discretion of the Mediation Committee. The meeting will ordinarily be private and confidential to the extent permitted by law. The Mediation Committee will review the documentation generated under 8.3.D.1 and D.2. In its discretion, the Mediation Committee may also review other information presented to it by any of the parties. The Mediation Committee will endeavor, at the meeting, to mediate and conciliate the dispute, and to bring about an agreed resolution. The members of the Mediation Committee may, in their discretion, schedule one additional mediation meeting, to be held within fourteen (14) calendar days after the first. Faculty members participating in the Mediation Procedure shall be afforded opportunity, not to exceed twenty-one (21) calendar days, to reflect on offers and consult counsel before rendering their decisions.

4. If an agreement is reached as a result of the Mediation Procedure, a Memorandum of Mediation Agreement will be prepared by the Chair of the Mediation Committee and signed by the Chair and both parties. The Chair of the Mediation Committee will report to the Provost, without elaboration, that the matter has been resolved. If the Provost was not a party to the mediation, the Mediation Agreement is subject to the approval of the Provost. If the Provost approves the Agreement, the
Agreement will be promptly implemented. If the Provost does not approve the Agreement, he or she must notify the faculty member in writing, and the matter will proceed under 8.3.G.

5. If the matter is not resolved as a result of the Mediation Procedure, the Chair of the Mediation Committee will report this outcome in a memorandum without elaboration. The memorandum will be sent to the faculty member, the dean, if the dean participated in the mediation, and the Provost. The matter will then proceed under 8.3.G.

6. Once the Mediation Committee has either resolved the matter under E.4 or advised the Provost that mediation was unsuccessful under E.5, the Mediation Committee will not make any other finding or recommendation nor take any other action in the matter. Neither the Mediation Committee nor any of its members will retain any written or other record of any of the Mediation Committee’s meetings or actions, except as provided in E.4 or E.5.

8.3.F Failure of Mediation in Cases Initiated by Departmental Action

If disciplinary action is initiated by the department chair and if the Provost receives either a report under 8.3.E.5 that mediation has not been successful or a written request under D.3.b or D.3.c to bypass mediation, the Provost will review the documentation generated under D.1 and D.2, and consider the matter. The Provost may discuss the matter with the parties and solicit additional information. Within fourteen (14) calendar days after receipt of a report under E.5 or a written request under D.3.b or D.3.c, the Provost will notify the faculty member, department chair, and dean which of the following courses of action he or she decided on:

1. to proceed with disciplinary action as proposed, and with penalty as recommended, by the dean;
2. to proceed with disciplinary action proposed by the dean, but with a different penalty;
3. to decline to proceed with disciplinary action;
4. if no decision is made within fourteen (14) calendar days by the Provost, the disciplinary action is at an end, and no further action on the alleged misconduct is available to the University.

8.3.G Request for Hearing before the Committee on Faculty Rights and Responsibilities in Cases Initiated by Departmental Action

If disciplinary action is initiated by the department chair and if the Provost decides to proceed with disciplinary action and the faculty member is dissatisfied, the faculty member may obtain a hearing on the matter before the Committee on Faculty Rights and Responsibilities by submitting a written request to the Provost, with a copy sent to the Chair within seven (7) calendar days after receipt of the Provost’s memorandum.

1. If a hearing is timely requested, the hearing procedures described in 8.3.H will be followed.
2. If a hearing is not timely requested, the Provost’s recommendation will be final, and no further review or appeal will be available.

8.3.H Hearing Procedure

The following hearing procedure is applicable (1) in all cases that involve a member of the faculty and to which the hearing procedure is made applicable by any provision of this manual (including D.4 and G); and (2) in any case that is initiated by a faculty member’s exercise of an option to proceed under this section even though the case may have arisen under other University policies or procedures.

8.3.H.1 Convening Of Hearing Committee

The Hearing Committee will be made up as follows:

a. In all cases the Hearing Committee will consist of all currently-sitting members of the Committee on Faculty Rights and Responsibilities who will be available during a period of time the case will be under consideration. A case may not proceed under this section with fewer than five Committee members unless all parties have given their written consent.

b. Any request that an individual member of the Hearing Committee be removed, based upon a claim that such member cannot be impartial in the particular case, will be resolved by the Chair of the Committee on Faculty Rights and Responsibilities, unless the challenge is to the Chair of Rights and Responsibilities, in which case the challenge will be resolved by the Vice Chair of the Committee.

c. The Provost’s office, in consultation with the Chair of the Committee on Faculty Rights and Responsibilities, will provide the Hearing Committee with staff support, including maintenance of the Committee’s records and assistance in scheduling its meetings and hearings.
d. Once the Hearing Committee has been convened, the documentation generated under D.1 and D.2 or D.4 will be made available to the Committee members for their review and will be retained as part of the Committee’s file on the case.

8.3.H.2 Prehearing Conference
The Hearing Committee will schedule a prehearing conference to be attended by the faculty member, the Provost, and any representatives permitted under the guidelines set forth in H.4.c. The department chair and dean may also attend the conference and the hearing, in the discretion of the Provost. Ordinarily, a memorandum of the conference will be prepared by the Committee and supplied to those in attendance and their representatives. The following matters should be among the goals for the conference:

- provide opportunity for either party to object to participation by any Hearing Committee member because of perceived bias or otherwise;
- review existing documentation and identify any additional documentation to be provided at the hearing;
- define and/or limit issues;
- obtain clear understanding as to each party’s recommended outcome;
- clarify representation, establish who is to receive notifications;
- obtain lists of witnesses and evidence to be offered at the hearing;
- establish schedule for exchange of additional documentation and witness lists;
- obtain requests for Committee assistance in securing the attendance of witnesses.
- discuss anticipated logistical and evidence problems;
- discuss any possibility of summary disposition (See H.3);
- invite any further written submissions;
- review scheduling problems, consider convenience of expected witnesses, schedule hearing;
- explain and discuss hearing procedures.

8.3.H.3 Summary Disposition
The Hearing Committee may, when a faculty member decides he or she does not wish a full hearing, process cases without a hearing by proceeding directly to make a recommendation as provided in 8.3.H.4.m. Prior to making a summary recommendation, the Committee will first discuss its proposed course of action at a meeting with both parties and will consider any objections to such procedure. It may also invite the parties to furnish documentary evidence, written statements, or other materials, in addition to the documentation submitted under D.1 and D.2 or under D.4, to assist the Committee in this process. After considering the matter, the Committee may decide the case summarily if convinced that substantially all pertinent evidence has been brought to its attention, and that any remaining issues of interpretation can be adequately considered without a hearing.

8.3.H.4 Hearing Guidelines
a. Neither the Hearing Committee nor any of its members should engage in any investigative or fact-finding activities outside a meeting or hearing of the Hearing Committee at which both parties have the opportunity to be present. Individual members of the Hearing Committee should not discuss the matter outside of such a meeting or hearing.

b. All communications from the Committee will go to both parties. All communications from either party to the Committee will also go to the other party.

c. The faculty member and the Provost, as parties to the proceeding, are expected to be present for the hearing. Both may be represented by legal or other counsel who may present written and testimonial evidence, question witnesses, and present arguments, all subject, however, to the control of the Committee. In a disciplinary hearing, as opposed to a grievance hearing, the presence and advice of legal counsel or other counsel will be permitted. Upon request, the Committee, at its discretion, may permit either party to have more than one representative, and may define or limit the participation of any such additional representative(s).

d. The hearing will be under the control of a member of the Committee who has been designated to act as Chair. Such Chair shall have authority to take action to preserve decorum, to protect parties and witnesses, to rule on matters of procedure and evidence, and to otherwise control the conduct of the hearing, subject to the ultimate authority of the whole Hearing Committee.

e. Both parties, or their respective representatives, shall have the right to submit evidence and cross-examine all adverse witnesses who testify in the matter. If the committee elects to accept a witness’ written statement in lieu of live testimony, the identity of the witness and his or her
statements shall be fully disclosed to the other side and opportunity given to answer such statements.

f. The hearing will ordinarily be private and confidential to the extent permitted by law. Witnesses other than the Provost, department chair, dean, and faculty member will ordinarily be present only while testifying.

g. The Committee will not be informed of discussions held in connection with any mediation meeting on the case under 8.3.E, and members of the Mediation Committee will not be permitted to provide testimony or other evidence regarding the Mediation Procedure.

h. Each party will be responsible for securing the attendance of witnesses whose testimony will be offered by such party. However, the Committee will reasonably assist either party by requesting that witnesses attend and give testimony and itself can call additional witnesses or request documentation.

i. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Hearing Committee.

j. Formal rules of evidence will not be followed; the Committee may receive any evidence that it believes to be of probative value.

k. The Hearing Committee will determine the order of proceedings and other matters pertinent to the hearing. Normally, the following order will apply:
   i. opening statements, if desired;
   ii. presentation of evidence in support of the claim that misconduct has occurred and the proposed penalty;
   iii. presentation of evidence by the faculty member in response;
   iv. presentation of any evidence by either party that might rebut claims made by the other party;
   v. closing statements, if desired.

l. At the University’s option, the hearing will be recorded electronically or by reporter. The original record shall be the property of the University. A copy will be made available at cost to the faculty member upon request.

m. At the conclusion of the hearing, the Hearing Committee will deliberate in private. The Hearing Committee will provide a written report within fourteen (14) calendar days after the conclusion of the hearing. The report will include findings of fact, conclusions drawn from these facts, and recommendations. At its discretion, the Hearing Committee may include observations germane to the case.

n. Once the Hearing Committee has transmitted its report to the parties, it will assemble all items of evidence and other documents that it considered in the matter, the record of the hearing, its report, and any other important records of the proceeding, and place them in the Committee’s file on the case together with the original documentation submitted under D.1 and D.2 or D.4. The Committee’s files will be held by the Office of the University Secretary. The notes of individual committee members will be discarded.

o. Implementation. All recommendations made by the Committee on Faculty Rights and Responsibilities are to be implemented promptly unless appealed to the President.

If there is no appeal and the Hearing Committee has recommended that some action should be taken by a chair, dean, or other University official, the Committee will notify that person to implement the recommendation promptly. If a person modifies or fails to act on the Committee’s recommendation, the Committee may ask the President to order that its recommendation be carried out. If the recommendation is modified or not implemented, the Committee may report this to Faculty Assembly for its action or instructions.

8.3.1 Appeal to the President

The report of the Hearing Committee may be appealed to the President within seven (7) calendar days of receipt. Appeals to the President must be made in writing, with copies sent to both parties and to the Committee on Faculty Rights and Responsibilities. The following appeal procedure is applicable:

1. The party appealing must specify the basis for objection to the Hearing Committee’s report. Failure to so specify may result in dismissal of the appeal.

2. The President will establish a schedule for the submission of materials and for the completion of any other steps involved in the appeal.

3. The President will allow the parties to present argument on appeal. The President may decide whether to receive these arguments in writing, in person, or both. Regardless of the method used to
present arguments, the President will allow each party to learn what the other has said and rebut
these statements.

4. The President’s review on appeal will ordinarily be limited to those specific issues of fact,
conclusions, or recommendations brought to his or her attention by the party appealing.

5. The President shall be bound by the findings of fact made by the Committee on Faculty Rights and
Responsibilities unless those findings are against the greater weight of the evidence. Due deference
must be accorded to findings of fact of the Committee on Faculty Rights and Responsibilities since it
is the Committee who is best able to observe the demeanor of witnesses and weigh their credibility.

6. After deliberating on the appeal, the President may respond to the Hearing Committee’s report in the
following ways:
   a. the President may concur with and order the Hearing Committee’s recommendations to be
      implemented immediately, unless there is an appeal to the Board of Trustees;
   b. the President may remand the matter to the Hearing Committee for further consideration, and
      shall remand the matter to the Hearing Committee if the President disagrees with any of the
      Committee’s findings of fact, stating why; or
   c. the President may reach different conclusions and/or determine not to follow the
      recommendations of the Hearing Committee, but only after consultation with the Hearing
      Committee. If, after the remand under 6.b and after consultation with the Committee, the
      President disagrees with the findings of fact by the Committee because, in the President’s
      judgment, they are against the greater weight of evidence, the President may reach new findings.
      In any event, however, the Hearing Committee’s conclusions, recommendations, and the
      findings of fact will remain unaltered as part of the record of the case.

7. The President will promptly provide a written report of his or her decision on the appeal to the
faculty member and to the Hearing Committee.

If the President, after consultation with the Hearing Committee, does not accept the Hearing
Committee’s conclusions or recommendations, the Committee may report this to Faculty Assembly.
If the President, after consultation with the Hearing Committee, does not accept the Hearing
Committee’s findings of fact, the Committee must report this to Faculty Assembly. The Committee
may report to Faculty Assembly in either its annual report or by placing it on the agenda of a meeting
of Faculty Assembly for its actions or instructions.

8. If the matter is remanded by the President to the Hearing Committee, copies of the remand
determination and its reasons shall be provided to both parties. The Hearing Committee will reopen
the proceedings and, at the conclusion thereof, submit a supplemental report to the President, the
Provost, and the faculty member. The President may then act according to the options afforded by
8.6 as if acting on the Hearing Committee’s original report, except that a matter may be remanded
only once unless the Hearing Committee agrees to additional remands.

8.3.J Appeal to the Board of Trustees
The President's decision may be appealed to the Board of Trustees, which has ultimate authority to take
final action to promote the best interest of the University and to protect individual rights. The appeal
must be filed with the Secretary to the Board within fourteen (14) calendar days of receipt of the
President's decision. The Board shall review the record; the report and supplemental report, if any, of the
Hearing Committee; and the written decision and remand determination, if any, of the President. In its
review, the Board may consult with the President and shall give both parties an opportunity to present
argument to it. The Board may decide to receive these arguments in writing, in person, or both. The
Board's action is final and shall be accompanied by a written statement setting forth its reasons.

8.3.K Interim Suspension
An interim suspension is a suspension imposed by the Provost before the disciplinary procedures
described in 8.3 are initiated or resolved.

During an interim suspension, a faculty member is relieved of all employment responsibilities.
Additional terms of suspension, such as loss of office and library access, may also be imposed.

During an interim suspension, the faculty member's compensation will be continued until the procedures
described in 8.3 are completed or twelve (12) months have passed, whichever occurs earlier. Thereafter,
after an order to the faculty member to show cause why the compensation should not be terminated, the
Provost may, upon due consideration, continue or discontinue compensation. Additionally, the Provost may lift the interim suspension before the completion of the disciplinary procedures described in Section 8.3.

1. The Provost initiates an interim suspension by informing the faculty member of the suspension orally or in writing. If the initial notification is given orally, the faculty member shall also receive written notification. Both the oral and written notifications shall include the following information:
   a. the terms of the interim suspension;
   b. the reason for the interim suspension;
   c. the faculty member has a right to request a meeting to be held before 5:00 p.m. the next business day with the Provost, as described in Section 8.3.K.2;
   d. the faculty member's right as described in Section 8.3.K.3 to have the Committee on Faculty Rights and Responsibilities review the Provost's decision to impose an interim suspension or any of its additional terms.

2. The faculty member may request a meeting to be held before 5:00 p.m. the next business day with the Provost for the purpose of opposing the interim suspension or any of its additional terms.

3. Whether or not the faculty member has met with the Provost, the faculty member may request that the Committee on Faculty Rights and Responsibilities meets with the faculty member and with the Provost to review the Provost's decision to impose an interim suspension or any of its additional terms. The meeting(s) shall be held within three (3) calendar days of the faculty member's request. For the purpose of the meeting(s), a quorum of the Committee on Faculty Rights and Responsibilities shall consist of members of the Committee who can be convened during this time period.

4. The Committee on Faculty Rights and Responsibilities shall, within twenty-four (24) hours of the last of the meeting(s) with the Provost and faculty member, make a recommendation to the Provost that the interim suspension be continued, modified, or lifted.

**8.3.L General Matters**

References in Section 8.3 to a particular officeholder are to be read as including another person serving in an "acting" capacity for the officeholder and, except in the case of the President, any other person designated by the officeholder to serve in his or her stead. It is understood that for regional campus faculty the Dean of the Regional Campuses will be consulted by the chair and dean and may be involved in these procedures to whatever extent is appropriate.

In cases in which a hearing is held under Section 8.3.H as a result of a referral or election made in a proceeding initiated under a different University policy or procedure:

1. The hearing and appeal procedures will be adapted as necessary in order to allow for active participation by one or more complainants or University officials previously involved in the matter.

2. The documentation provided to the Hearing Committee under Section 8.3.H will be the documentation generated in the initial phase of the University procedure under which the proceeding was initiated.

Time deadlines specified in Section 8.3 of this policy may be extended by agreement of the Provost and faculty member or, in the absence of such agreement, by decision of the Chair of the Committee on Faculty Rights and Responsibilities.

The running of any time period specified in these procedures will be suspended during Thanksgiving Recess, Winter Recess, Spring Recess, and the interval between the end of final examinations for Spring Semester and the date on which faculty are required to report for the Fall Semester.

Disciplinary action is generally treated as confidential to the extent permitted by law. However, individuals involved, including witnesses, may be advised of the final outcome at the discretion of the President.

Increases in salary and promotion in rank are based on merit and are not matters of right. Therefore, failure to grant either or both to a faculty member is not disciplinary action within the meaning of these procedures. However, a tenure, promotion, or salary decision may be grieved on the basis of alleged procedural error, or academic freedom violation, or improper discrimination. Persons wishing to pursue this course are directed to Section 8.1, which describes the University grievance procedures.
Section 9 SEPARATION FROM EMPLOYMENT OF THE INSTRUCTIONAL STAFF

9.1 Retirement with Rehiring Contracts

Tenured members of the instructional staff may participate in the University's Retirement with Rehiring Program during the first three academic years following their retirement. This option is not available for persons on disability retirement.

The faculty member should apply to the department chair or Dean of the Regional Campuses for retirement with rehiring at least six months prior to retirement. The reemployment period cannot begin until sixty (60) days after the faculty member draws his or her first retirement benefit.

Reemployment appointments are made on an annual basis and cannot exceed one semester per academic year. The department chair or Dean of the Regional Campuses shall determine the retirant's full-load teaching assignment (e.g., first or second semester; courses to be taught; etc.).

The retirant's salary during the reemployment period shall be a proportional fraction of the salary the person received on the last contract before retirement. Reemployed retirants are not eligible for additional University employment or income for overload teaching, administrative consulting, summer teaching, workshops, or any other purpose. Health and dental insurance is available to faculty who are members of the State Teachers Retirement System (STRS). Health or dental insurance is not available for faculty retiring under the Alternative Retirement Program (ARP), but these retirants may purchase this insurance through the University at their own expense.

Beginning at retirement and continuing throughout the period of the staff member's reemployment, the University shall provide life insurance and accidental death and dismemberment insurance. The University shall provide this insurance for the total amount which the staff member would receive with full-time employment.

At the time a request for retirement with rehiring is approved, the dean will determine whether a retirant's line will be continued in the department upon full retirement. If the line is to be continued, the dean may authorize a continuing full-time replacement at that time or later, provided sufficient funds are available in the vacated half line of the retirant or as these funds may be supplemented by the dean from other sources. Upon the full retirement of a retirant, the department shall not have increased its base FTE faculty count as a consequence of the advancement of a continuing position; the half FTE is vacated. In those cases wherein a decision is made to continue the position of a retirant and a full-time replacement cannot be funded or is otherwise determined by the dean to be unwarranted, replacement of the lost half instructional services of the retirant will be provided to the department by the dean assuming the salary in the freed half of the retirant's line is sufficient to cover replacement costs.

If, at the time a request for retirement with rehiring is approved and the dean determines that replacement is unwarranted, the dean shall provide half-time replacement for the lost services of the retirant until his or her full retirement, or, with the concurrence of the department, the dean may shift the half position elsewhere in the division at that time.

9.2 Retirement and Termination of Tenure

Whenever a tenured member of the instructional staff retires, the person’s tenure status is terminated as of the effective date of retirement.

The compensation and other terms and conditions of employment of a person who has retired and is subsequently being reemployed by the University, in any capacity (other than a preapproved “retirement with rehiring” arrangement), will be determined without regard to the person’s preretirement compensation and terms and conditions of employment.

A member of the instructional staff is expected to give the University at least six (6) months advance notice of the intention to retire.
9.3 **Professor Emeritus/Emerita**

To be eligible for appointment to the rank of Professor Emeritus/Emerita of Miami University, a person must: have attained the rank of Senior Instructor or above; have been granted tenure or continuing contract; have been a full-time member of the instructional staff for at least ten (10) years; have retired from Miami University; and be recommended by the President to and approved by the Board of Trustees. Regardless of rank at retirement, the designation is "Professor Emeritus" or "Professor Emerita," not, for example, "Associate Professor Emeritus/Emerita." Emeriti/emeritae status comes only on full retirement, not when one elects to take Retirement with Rehiring Contracts.

9.4 **Resignation**

Whenever a tenured member of the instructional staff resigns, the person’s tenure status is terminated as of the effective date of the resignation.

Should a person who has resigned subsequently be reappointed to the Miami instructional staff in the same discipline, the time of previous Miami service will count toward tenure eligibility unless a written agreement to the contrary is signed by both the person and the University at the time of rehiring.

9.5 **Termination Under Financial Exigency of a Tenured Appointment**

9.5.A **General**

“Financial exigency” is defined as fiscal emergencies that have two characteristics: (1) they are long-term in nature, promising to persist, by all reasonable projections, into the foreseeable future; and (2) they thereby threaten the fulfillment of the institution’s academic mission and, eventually, its very survival. As such, financial exigency is to be distinguished from temporary fiscal fluctuations on the one hand, and insolvency on the other.

Tenure termination due to financial exigency shall occur only when an emergency cannot be alleviated by less drastic means (as detailed below). By the same token, financial exigency must be severe enough to justify, in principle, termination of some faculty across the University, not just in selected departments. Similarly, financial exigency shall not be used as a means of endangering academic freedom or discriminating against persons on grounds of sex, race, color, religion, national origin, disability, age, sexual orientation, gender identity, pregnancy, military status, veteran status, or political orientation.

9.5.B **Tenure Termination Procedure**

While it is recognized that the Board of Trustees has final authority for the successful and continuous functioning of the University, in the event of financial exigency involving termination of tenured appointments, the following procedures shall be followed:

1. The President, after consulting with the Fiscal Priorities and Budget Planning Committee, shall inform members of Faculty Assembly, in writing, of the imminence or existence of a bona fide financial exigency.

2. The elected faculty members of the University Senate shall constitute themselves as an ad hoc committee, chaired by a member they elect, to evaluate the declaration of financial exigency. This committee shall have access to all information it deems necessary and appropriate to fulfill its charge, and it shall report its findings, in writing, to members of Faculty Assembly and to the President.

3. The aforementioned ad hoc committee shall establish a Consultative Committee on Financial Exigency to recommend to the President a program appropriate for meeting the crisis at hand. This committee shall consist of four full-time tenured faculty members elected by the electorate of Faculty Assembly and one academic administrator elected by the Council of Academic Deans. The committee shall also include, as full voting members, the Provost as well as chairs of the Faculty Welfare Committee, the Academic Policy Committee, the Fiscal Priorities and Budget Planning Committee, and the Campus Planning Committee. The committee shall elect its own chair.

4. Focusing upon the entire University, the Consultative Committee on Financial Exigency shall recommend activities, offices, services, functions, programs, departments, or divisions — academic as well as nonacademic — that should be eliminated, contracted, or consolidated. In no case, however, shall such elimination or modification be used in such a way as to target an individual. Explicit criteria include but are not limited to:
   a. need, in light of the academic mission of the University at the time of financial exigency;
   b. quality, as determined by periodic reviews and evaluations;
c. enrollment patterns;
d. cost-benefit relationships;
e. number of persons served; and
f. frequency with which a service is rendered.

5. Prior to consideration of termination of tenured appointments, the President, in consultation with the Consultative Committee on Financial Exigency, shall evaluate and implement all feasible alternatives and remedies to meet or alleviate the crisis situation. These alternatives and remedies may include:
   a. reducing or elimination of all activities expenditures not central to the academic mission of the University;
   b. imposing a freeze on all new appointments across the University;
   c. deferring across-the-board salary increases;
   d. deferring merit salary increases;
   e. proposing across-the-board salary cuts;
   f. encouraging change of employment status from full-time to three-quarters time to half-time, with continuing fringe benefits;
   g. encouraging temporary leaves of absence without pay;
   h. reassigning personnel within the University (NOTE: In all cases of reassignment requiring retraining or "retooling," the University shall provide the affected persons with financial assistance, time-release, or both, as appropriate.);
   i. providing incentives for early retirement; and
   j. providing incentives for voluntary resignations.

6. Should the foregoing alternatives prove insufficient, the President, in consultation with the appropriate vice president(s), dean(s), Dean of the Regional Campuses, department chair(s), program director(s), and supervisory personnel, shall act to determine specific persons whose appointments are to be terminated. Insofar as it affects the faculty, any such action assumes prior consultation on the part of the Provost with the appropriate academic dean(s), on the part of the appropriate dean(s) with the appropriate department chair(s), and on the part of the appropriate chair(s) with the appropriate departmental tenure committee(s). Explicit criteria for faculty evaluations include but are not limited to:
   a. teaching effectiveness, as reflected in student evaluation, peer evaluation, or other appropriate means;
   b. distinction in one's discipline, as reflected in peer review within and outside the institution;
   c. special skills requisite to the functioning of a program, department, or division;
   d. service to the University; and
   e. faculty status: rank, seniority.

All such evaluations shall be consistent with University policy on affirmative action and non-discrimination. Moreover, the welfare of the tenured faculty shall predominate throughout, and only under extraordinary circumstances may nontenured appointments be given preference over tenured ones. All such preferential appointments shall require a three-fourths majority vote of the tenure committee(s) of the appropriate department(s), together with the approval of the appropriate department chair(s), the appropriate academic dean(s), and the Provost. Analogous criteria shall govern the evaluation of nonfaculty unclassified staff and of classified employees. (It is recognized that classified employees have their own "Layoff Procedures." These procedures can be accelerated under conditions of financial exigency.)

7. The President (or a designated agent) shall inform the individuals whose appointments are to be terminated, by registered mail, providing each with a statement of the criteria employed and the procedures by which the decision was reached.

9.5.C Right of Appeal
A tenured faculty member who has been notified of termination of appointment due to financial exigency shall have the right to a hearing before the Committee on Faculty Rights and Responsibilities. The appeal shall be filed within thirty (30) calendar days of the date of the President's termination letter. The hearing shall be closed (unless the appellant requests otherwise), and the faculty member shall have the right to counsel and to presentation of witnesses and all other relevant evidence. The issues in this hearing include:
   a. the validity of the criteria applied to the affected faculty member; and
   b. the fairness and impartiality with which criteria were applied.
The Committee on Faculty Rights and Responsibilities shall maintain a summary record of the hearing and it shall forward to the President a recommendation in writing, within sixty (60) calendar days of the President's termination letter.

### 9.5.D Notice of Termination

In any case of tenure termination due to financial exigency, the affected person shall be given a full academic year's notice, beyond the current contract year.

### 9.5.E Possible Reinstatement

For a period of three (3) years following tenure termination due to financial exigency, the person whose appointment was terminated shall be given preference in filling any vacancy for which, in the judgment of peers, he or she is qualified, and a reasonable time in which to accept or decline it.

### 9.6 Nonreappointment of Persons with Probationary Appointments and Persons in Nontenurable Ranks

A. Written notice of the intention not to recommend appointment for the next academic year shall be given by the President or the President’s designee no later than February 1 for a probationary faculty member in his or her first year of full-time Miami University employment. If a probationary faculty member does not receive a February 1 letter in his or her first year of full-time Miami employment, then the person is normally entitled to at least a full academic year’s notice of nonreappointment. This notice will be sent by July 1 preceding the final contract year. This provision for notice, however, does not preclude the termination of a probationary appointment for cause at any time. Section 8.2 shall apply to such termination for cause.

B. Written notice of the intention not to recommend reappointment for the next academic year of a person occupying a nontenurable rank shall be given by the President or the President’s designee no later than February 1. This provision of notice, however, does not preclude the termination of an appointment for cause at any time. Section 8.2 shall apply to such termination for cause.
Section 10 ACADEMIC POLICIES AND PROCEDURES FOR THE INSTRUCTIONAL STAFF

10.1 Attendance and Absence of Students

Every student is expected to attend every class session for which the student is duly registered.

It is the prerogative of the individual faculty member to set attendance policy for each individual course, and it is the responsibility of individual faculty to inform students of that policy in the course syllabus or other written document within the first week of the semester.

There are no University-recognized excused absences except for religious observances that require absence from a class session and other required class activities. Students must give written notification to their instructor within the first two weeks of class of the religious event that prohibits class attendance and the date that will be missed if officially known. Instructors will, without prejudice, provide such students with reasonable accommodations for completing missed work. However, students are ultimately responsible for material covered in class, regardless of whether the student is absent or present.

It is the sense of the University Senate that faculty, student groups and organizations, and the University athletic coaching staff be sensitive to the academic needs of students and the need for students to comply with the attendance policies in their respective courses. In general, class absence should be avoided unless absolutely necessary. If a student is involved in activities that result in class absence (such as intercollegiate athletics, band, debate, other class activities, etc.), it is the student’s responsibility to negotiate specific arrangements with individual instructors about any absences.

The Senate also recognizes the fundamental value of extra- and co-curricular activities and their significance in students’ overall educational experience. Instructors should recognize that participation in such activities is an integral part of students’ education and helps to fulfill the comprehensive mission of the University. Therefore, instructors are urged to accommodate students who participate in extra- and co-curricular activities as far as may be compatible with academic requirements.

Whenever a student is absent from class to such an extent as to make the student’s work inefficient or to impair the morale of the class, after the first 20 percent of the course the instructor may direct the University Registrar to drop the student from that course with a grade of W if before 60 percent of the course is complete and with a grade of F if during the last 40 percent of the course. The instructor shall notify the student of this action no later than the time he or she notifies the registrar.

A department may, at its discretion, drop from a course any student who is absent from the first class meeting of a semester or term unless the student notifies the department or instructor by the end of the day (11:59 p.m.) of the first class meeting of his or her intention to take the course.

The determination of individual class attendance requirements and their enforcement at the European Center is governed by the attendance policy of the Center.

The President approves the intercollegiate athletic schedule of the University. All trips off campus by classes or by organized groups such as the band, Men's Glee Club, debating teams, and similar groups, are approved by the appropriate academic dean.

10.2 Size of Classes

The maximum size of each class section is fixed by the department chair with the approval of the dean of the appropriate academic division and Provost and is based on the optimum size for effective teaching and the capacity of available classrooms. After a section or course is closed, only the department chair has the authority to add students to it, and only after he or she has first ascertained from the Registrar that a classroom is available.
10.3 Examinations

10.3.A Final Examinations or Other Evaluative Substitution
Final examinations are expected in all undergraduate courses unless other evaluative substitute procedures have been approved by the department chair or dean of the division. Final examinations or duly approved substitutions may be completed during the final examination week. Neither final examinations nor tests of fifty (50) minutes or of greater length shall be given during the seven (7) calendar days preceding the first study day of the final examination period. The above regulations do not apply to laboratory final examinations. No final examination, including a laboratory final examination, may be given during study days. Final examinations in accelerated or sprint courses that end with the last week of classes must be given during the final examination week. Exceptions to these rules require the approval of the department chair, academic dean, and the Provost.

10.3.B Schedule Changes for Final Examinations or Other Evaluative Substitution
No student shall be required to take more than three (3) scheduled final examinations in any 24-hour period. In cases where students are scheduled for four (4) or more final examinations in any 24-hour period, the Provost shall be empowered to make necessary adjustments. An examination may be changed to a later time with the consent of the instructor. It may be advanced to an earlier time only with the consent of both the instructor and the dean of the academic division in which the course is given.

10.3.C Examinations and Additional Class Requirements During the Semester
Examinations and additional class requirements given other than during scheduled class meetings and the final examination periods do not take precedence over regularly scheduled classes or final examinations. In order that students might avoid scheduling conflicts, such examinations and additional class requirements should be scheduled on a course management system prior to the beginning of a semester. If it becomes necessary during the semester to hold an examination or class requirement other than during the scheduled class meeting, the instructor should search for a time which does not conflict with other scheduled courses in which any of his or her students are enrolled. For students whose participation in regularly scheduled classes precludes attendance at the additional examination or class requirement time, it is the responsibility of the instructor requiring the examination and/or additional class requirement to provide an alternative meeting time.

10.3.D Preparation of Examinations
Examinations should not be repeated from year to year in identical form.

No undergraduate student shall be employed to type or reproduce any examination questions.

After an examination has been reproduced, the instructor must make sure that the reproduction office has returned all copies and other evidence.

10.3.E Administering Examinations
Whenever there is congestion in a classroom during hour examinations, the chair of the department should, if possible, assign more than one proctor.

Whenever feasible each student should be seated so that vacant chairs surround him or her or alternate examinations should be given to students sitting side by side. Whenever possible, the Registrar will assign larger rooms upon request.

10.3.F Proctoring of Examinations
Every test, quiz, and examination shall be carefully proctored. A proctor may consider it his or her right to require students to deposit all textbooks, notebooks, and loose paper of any sort in the front of the room whenever the full period is devoted to a test.
10.4 Textbook Policy

10.4.A Purpose
The purpose of the policy is to foster the dissemination of accurate and complete information about textbooks selected by members of the instructional staff for student use so that bookstores can order the correct textbooks in timely fashion and proper quantity in order to meet student and faculty instructional needs.

10.4.B Notification of Bookstores
It is the general policy of Miami University to send textbook lists to all bookstores that request them and, except as indicated below under Exclusive Policy, textbook lists shall not indicate preference for a particular bookstore. At the present time the following bookstores wish to receive the appropriate textbook lists:
2. Hamilton Campus - Miami University Bookstore
3. Middletown Campus - Miami University Bookstore

10.4.C Exclusive Policy
An “exclusive arrangement” is a request by an academic department to order textbooks through only one bookstore. It is the policy of Miami University to share “exclusive arrangements” evenly among the bookstores serving the Oxford Campus. Exceptions to this are:
1. If the anticipated class size is fifteen (15) students or less (50 or less if the textbook is to be imported from a foreign country).
2. If a shortage of textbooks develops prior to or during the semester.

“Exclusive arrangements” should be made by adding the instruction “to be ordered by bookstore name only” following the specific textbooks for which an “exclusive arrangement” is desired. This instruction should be added only to the copy of the textbook list of the store receiving the “exclusive arrangement.” Other copies should read, “books ordered exclusively at bookstore name” where the course information appears.

10.4.D Procedures and Responsibilities
1. Textbook lists are to be submitted by the academic departments to the bookstores on or before dates specified by the Provost. The usual submission dates are:
   • First Semester, March 15
   • Second Semester, October 15
   • Summer Semesters, April 1
2. Unless the academic department has made other arrangements, it is the responsibility of each individual instructor to secure his or her own desk copies of textbooks.
3. Each academic department and regional campus coordinator should designate a person to act as its representative with the bookstores and the bookstores should be informed of who is designated.
4. The Registrar will regularly send several copies of the schedule of classes for each term to each bookstore.
5. To the extent possible each bookstore should be notified of additional sections added through emergency staffing and of additional enrollments allowed in original sections.
6. Bookstores will not enter into an “exclusive arrangement” except in accordance with the policy described above.
7. Bookstores will notify the academic department when a textbook selected is out of print and therefore unavailable.
8. Each bookstore will notify each department of its “commitment” (the number of textbooks it will supply) one month prior to the start of each academic term.
9. It is the responsibility and obligation of the bookstores to have available a textbook for every student wishing to purchase one — not necessarily a textbook for every student or all of the textbooks requested by members of the instructional staff.
10. Following the submission of textbook lists to the bookstores, instructors are expected to use the textbooks specified for that term.
10.5 Use of Undergraduates as Teachers

10.5.A General
These regulations govern the use of undergraduates to perform duties usually performed by faculty members and are intended to assure the high quality of instruction that undergraduates at Miami expect and deserve, while providing ample opportunities for innovative programs that will benefit both the undergraduates given teaching responsibilities and the undergraduates enrolled in the courses taught by the undergraduates. The regulations apply to the use of undergraduates who are not themselves enrolled in the courses and are not intended to restrict the types of activities faculty members may plan for students enrolled in a course. The regulations pertain to three distinct duties to be performed by undergraduates: (1) teaching, (2) assisting in laboratory classes and drill sessions, and (3) grading. In courses where duties performed may be interpreted as either teaching or assisting in laboratory classes and drill sessions, the regulations for teaching will apply.

Undergraduates may be used as teachers through the Undergraduate Associates Program, which is University-wide, administered by the University Honors and Scholars Program, and approved by the relevant department chair or program director (when appropriate). Requirements are described below.

10.5.B Requirements for Participation in the Undergraduate Associates Program
1. Ordinarily an Undergraduate Associate (UA) will serve as a junior assistant for instruction in a specific course or as a research assistant for a faculty member’s project. Faculty may also suggest other creative ways that a student can serve as an Undergraduate Associate.
2. Faculty may nominate seniors, juniors, or sophomores to serve as Undergraduate Associates under his or her supervision for a semester. The nominated undergraduates must be in good academic standing (i.e., attained a cumulative grade point average of 2.5 or higher);
3. All portions of the application form must be completed by the nominated student and/or the faculty nominator. The application should include:
   a. a statement describing the objectives and anticipated outcomes of the experience for the student and the relation of this experience to the student’s learning;
   b. an explanation of the roles and responsibilities of the student and faculty member;
   c. a rationale for the student’s readiness for this responsibility (including past coursework, experiences, and personal attributes) and the plan for preparing the student to assume the required responsibilities;
   d. a statement from the faculty member explaining the educational value of the use of the Undergraduate Associate, not only to the student but also to the faculty member and the students enrolled in the course; and
   e. a plan for assessing whether the use of the Undergraduate Associate advanced learning and the course objectives.
4. No student may serve as an Undergraduate Associate in a course in which that student is currently enrolled.
5. A student serving as an Undergraduate Associate in a course is responsible for acquiring an adequate knowledge of all relevant course materials.
6. A student participating in the Undergraduate Associates Program may teach a very limited number of class sessions. When an Undergraduate Associate teaches all or part of a class session, the Associate's faculty sponsor will be present.
7. In discharging his or her duties as an Undergraduate Associate, a student will not have sole responsibility for grading any assignment or instructing a specific class without supervision. An Undergraduate Associate may read other students’ assignments and examinations, write comments on them, and advise the faculty member about the grades.
8. An Undergraduate Associate is expected to work a minimum of thirty (30) hours per semester.
9. The faculty sponsor and the Undergraduate Associate should meet at least monthly and more often as desired and useful.
10. At the conclusion of the undergraduate associateship, the student shall submit to the University Honors & Scholars Program office a final reflection of what was learned by the undergraduate associateship experience. The reflection should be submitted on the appropriate form obtained from the University Honors & Scholars Program office and should include but not be limited to:
   a. a commentary on how the use of the undergraduate associateship advanced learning on the part of the Undergraduate Associate, the faculty sponsor, and students in the class;
b. a description of the Undergraduate Associate’s and faculty sponsor’s roles within the undergraduate associateship and the outcomes achieved;

c. an explanation of the ways, if any, the roles, responsibilities, and outcomes differed from the original objectives and why;

d. a reflection on how the undergraduate associateship experience advanced the Undergraduate Associate’s learning.

Upon acceptance of the Undergraduate Associate’s final reflection, the University Honors & Scholars Program office shall notify the Registrar’s Office to award the student an appropriate transcript notation. A student may receive one credit hour through independent study in the appropriate department or program for his or her participation in the Undergraduate Associates Program. The final grade will be determined by the faculty sponsor on the basis of the student’s work and on the quality of the student’s final reflection. A student may not receive pay for this experience.

Exceptions to these requirements may be made in extreme circumstances if permission is granted by the Director of the University Honors and Scholars Program based upon the recommendation of the faculty sponsor and department chair or program director (when appropriate).

10.5.C Assisting in Laboratory Classes and Drill Sessions

With the approval of the department chair or program director (when appropriate), faculty members may hire undergraduates to assist in laboratory classes and drill sessions. The students shall not present new material or answer questions that go beyond the material presented by faculty members. The department or program shall determine the methods for selection, training, supervision, and evaluation of students. Students assisting in laboratory classes and drill sessions shall be paid but cannot receive academic credit for their work.

10.5.D Grading

With the approval of the department chair or program director (when appropriate), faculty members may hire undergraduates to score work by other students when the scoring is completely mechanical, as with multiple choice tests. The faculty member, not the student, will assign the actual grades. Undergraduates cannot be hired to grade final examinations or any quizzes, tests, or assignments where grading requires a qualitative evaluation. However, homework (problem) assignments may be graded by undergraduates provided the faculty member is responsible for the course grade and is available to respond to a student’s appeal of a grade given on a homework (problem) assignment. The department or program shall determine the methods for selection, training, supervision, and evaluation of students. Students hired to grade the work of students shall be paid but cannot receive academic credit for their work.

10.6 Academic Dishonesty

10.6.A Undergraduate Students

In order to avoid unnecessary duplication, please refer to the most current version of the Student Handbook for the policy on academic dishonesty that pertains to undergraduate students.

10.6.B Graduate Students

In order to avoid unnecessary duplication, please refer to the most current version of the Handbook for Graduate Students and Faculty for the policy on academic dishonesty that pertains to graduate students.
Section 11 CURRICULUM

11.1 Changes to the Academic Curriculum

11.1.A Adding New Courses

11.1.A.1 Permanent Courses
A proposal for a new permanent course shall first be approved by the department or program, after consultation with other departments or programs where appropriate. The proposal must also be submitted for approval by the following bodies.

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Any permanently approved course may have modifiers to allow students to register for the course more than once or to focus on specific content (hence, different titles) within a very large body of material. Requests for new modifiers of a nontopics course are treated as revisions to an existing course.

11.1.A.2 Temporary Courses
When special course offerings are demanded by circumstances such as changes in staff, the divisional dean may grant temporary approval. The dean may also grant temporary approval to a new course that a department or program wishes to test before seeking permanent approval. A course may be offered under this temporary provision for one academic year only. All requests for temporary course approval must be accompanied by a syllabus and shall be forwarded, with a recommendation, by the appropriate dean to the Registrar. If the temporary course request involves a graduate-level course, the Dean of the Graduate School must also approve it.

11.1.A.3 University Honors Program Seminars
University Honors Program seminars are normally taught three but not more than four times in successive years. Exceptions to this policy may be approved by the Director of the University Honors and Scholars Program.

11.1.B Revising Existing Courses
A proposal for revisions of an existing course shall first be approved by the department or program, after consultation with other departments or programs where appropriate. These course changes must be submitted to the division for approval. Upon approval by the division, these course changes will appear on the University Senate Consent Calendar and become official at the close of the Senate meeting in which the course change is received. Divisions are responsible for reviewing all Senate consent calendar items prior to the University Senate meeting.

11.1.B.1 Significant Course Changes
The following revisions to an existing course are considered significant and warrant approval by university bodies:

- change in student learning outcomes or other significant course content change
- any change in credit hours
- permanently deleting a course (see also “Deleting a Course”)

Significant course changes must be submitted for approval by the following bodies.

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### 11.1.B.2 Additional Course Changes
These are in addition to the above significant course changes and require approval by only the department or program and the division.

- change in title
- any change in course number unless associated with the Significant Course Change revisions listed above
- change in semantics of Banner Catalog description
- change in prerequisite, co-requisite or concurrent courses
- cross-listing of courses (approval needed from all cross-listed departments, programs, and divisions)
- change in instructional type
- change in grading mode

### 11.1.C Special Topics Courses
Certain course numbers are reserved for a variety of independent coursework, research, thesis, dissertation, and workshop usage. Consult the *Miami Bulletin—General Bulletin* for more information.

### 11.1.D Deleting a Course
*(Note: any reference to class days in this manual includes final exam week.)*

If a course is not offered at least once within five years, the Registrar will request from the department chair or program director written justification for retaining the course on the Banner Catalog or written permission to delete the course. Failure to supply such justification within thirty (30) class days will result in the deletion of the course from the Banner Catalog. A department or program wishing to offer a course thus deleted must then follow the procedures for approval of a new course before the course may be offered again.

### 11.1.E Adding a New Degree
The proposal for any curriculum or program leading to a new undergraduate or graduate degree shall first be approved by the department or program, after consultation with other departments or programs (where appropriate). The proposal must also be submitted for approval by the following bodies.

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### 11.1.F Adding a New Major
Any new major at either the undergraduate or graduate level shall first be approved by the department or program, after consultation with other departments or programs (where appropriate). The proposal must also be submitted for approval by the following bodies.

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11.1.G Adding a New Minor, a New Certificate, or a New Emphasis, Concentration, Track, or Focus within a Major

Any new minor, new certificate, new emphasis, concentration, track, or focus at either the undergraduate or graduate level shall first be approved by the department or program, after consultation with other departments or programs (where appropriate). The proposal must also be submitted for approval by the following bodies.

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11.1.H Revising a Major, Minor, Certificate, Emphasis, Concentration, Track, or Focus

Any revision to a major, minor, certificate, emphasis, concentration, track, or focus at either the undergraduate or graduate level shall first be approved by the department or program, after consultation with other departments or programs (where appropriate). The proposed revision must also be submitted for approval by the following bodies.

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11.1.I Resolving Objections to Proposed Changes to the Curriculum

If an objection is raised to a proposed curriculum change, the appropriate deans and department chairs or program directors will usually meet to resolve the matter. If the objection is not resolved in a timely fashion or if an unresolved objection is made to a proposal that has been approved by a division, the proposal will be forwarded to University Senate for action.

11.1.J Registrar's Responsibilities

The Registrar shall provide consultation and advising prior to and during the course and curriculum approval process in order to assist the University in utilizing the structure and options of all functional capabilities to the fullest.

The Registrar will track the course and curriculum approval process. Divisions will report approval of new courses, changes to courses, new curriculum, or changes to existing curriculum to the Registrar (via the appropriate approval form), whereupon the Registrar will report these approvals to the Secretary of the University.

The Registrar will provide a permanent repository for all curricular and course approvals.

The Registrar is enjoined from recording credit or permitting publication of information for any course or curriculum not duly approved under Section 11.1 of this policy.

11.1.K Secretary of the University's Responsibilities

The Secretary of the University will report all course and curriculum changes to University Senate. The University Senate explicitly approves a new major or a new degree. A new minor, a new certificate, a new course, or a new emphasis, concentration, track, or focus (and revisions to same) will appear on the Senate consent calendar. Following final action by University Senate, the Secretary of the University will report all changes in curriculum to the Registrar for inclusion in the permanent repository for all curricular and course approvals. New majors and new degrees will be reported in the e-Report or other
suitable communication medium which will reach members of the University community. New degrees require the approval of the Board of Trustees and the Ohio Board of Regents.

### 11.2 Lifelong Learning/Continuing Education

Lifelong Learning and Continuing Education offerings must have the following approvals.

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<td>Non-Credit or CEU</td>
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<td>Instructional-Fee</td>
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<td>Oxford Course</td>
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<td>Associate Dean for Research**</td>
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<td>Director of Continuing Education, Regional</td>
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<tr>
<td>Director of Lifelong Learning, Oxford Campus</td>
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*Multidisciplinary, University-level, or other noncredit offerings that are not clearly related to a single academic unit may be approved by the campus director of continuing education without approval of a department or program.

**Proposals to external funding sources must be approved by the Associate Dean for Research before submission to the funding source.

The policies and procedures for awarding continuing education units (CEUs) to students participating in noncredit offerings are available from the continuing education unit on each campus.

Instructional, unclassified, and classified staff who wish to develop, direct, teach in, or otherwise contribute to a continuing education offering must obtain approval in advance from the appropriate department chair or program director (where appropriate) and divisional dean or from the appropriate supervisor(s). An employee’s contribution to a continuing education offering may be included in the normal teaching or workload; it may also be performed outside the normal teaching or workload for supplemental remuneration.
Section 12 ACADEMIC ADMINISTRATORS

12.1 Evaluation and Reappointment of the Provost

The Provost wishing reappointment will be evaluated during the fifth year of service using a questionnaire distributed to all faculty and academic administrators. A committee of three elected from and by all academic deans and the Dean of the Regional Campuses will be involved in drafting the questionnaire in cooperation with the President. The committee will review the specific results of the evaluation in confidence with the President. A summary of the results of the evaluation will be given to the Provost. Barring a request by the Provost not to be reappointed, a summary of the results will be distributed to all academic deans, Dean of the Regional Campuses, and department chairs, who will share them with their faculty. The reappointment decision will be made by the President; however, reappointment will normally be made in conformity with the judgment of the deans, Dean of the Regional Campuses, and department chairs. The Provost may be removed at any time by the President for cause.

12.2 Appointment, Evaluation, and Reappointment of Academic Deans

The deans of the academic divisions (academic deans) and the Dean of the Regional Campuses are appointed by the President upon the recommendation of the Provost. The person must normally be acceptable to the faculty and to a majority of the department chairs in the division or in the case of the Dean of the Regional Campuses to the faculty, regional campus coordinators, and chairs of the regional campuses. Responsibilities of the dean are assigned by the Provost.

The initial term of appointment for an academic or Dean of the Regional Campuses will be five (5) years. A dean who has served an initial term may be reappointed for additional term(s), each term not to exceed five years. Formal evaluation must precede reappointment to any additional term.

Academic deans or the Dean of the Regional Campuses wishing reappointment will be evaluated during the final year of their appointment (including any years as interim or acting dean). Formal evaluation of each academic dean or Dean of the Regional Campuses will be conducted by the All-University Faculty Committee for Evaluation of Administrators in accordance with this policy and by a separate Administrative Evaluation Committee to engage those individuals directly responsible to the dean, colleagues, and other administrative constituents. For academic deans, the Administrative Evaluation Committee will consist of three (3) department chairs from that division, elected by the chairs. For the Dean of the Regional Campuses, the Administrative Evaluation Committee will consist of three regional campus coordinators and/or chairs, elected by the regional campus coordinators and/or chairs from that campus. The Administrative Evaluation Committee will develop the evaluation instrument in cooperation with the dean and the Provost. The Administrative Evaluation Committee will review the specific results of the evaluations in confidence with the Provost. Barring a request by the academic dean or the Dean of the Regional Campuses not to be reappointed, the evaluation will proceed as described in Section 12.5.D.

Decisions concerning reappointment will be made by the President upon the recommendation of the Provost. Reappointment of an academic dean will normally be made in conformity with the judgment of the faculty and department chairs of the division. Reappointment of the Dean of the Regional Campuses will normally be made in conformity with the judgment of the faculty, regional campus coordinators, and chairs of that campus. If the recommendation for reappointment of an academic dean or the Dean of the Regional Campuses is not in conformity with the judgment of faculty and chairs (and regional campus coordinators when applicable) a written explanation for the discrepancy shall be given.

With the concurrence of the President, the Provost may at any time reassign an academic dean or the Dean of the Regional Campuses to the faculty. Reasons for reassignment include, but are not limited to, failure to perform duties in a satisfactory manner; violation of university rules, regulations or policies and/or directives of the Board of Trustees; and/or violation of professional ethics or commission of an illegal act. In the event the reasons supporting reassignment also constitute grounds for discipline or termination, the Provost may, in addition to reassignment, pursue discipline or termination under Section 8.3 of this Manual.
12.3 Appointment, Evaluation, and Reappointment of Department Chairs

Chairs of academic departments are appointed by the Provost upon the recommendation of the appropriate academic dean. The academic dean shall make the recommendation following consultation with members of the department and chairs of the related departments; appointment should normally be in conformity with the department's judgment. Academic deans will consult with Dean of the Regional Campuses regarding the appointment of chairs for departments that are located on a regional campus. If the recommendation made by the academic dean for appointment or reappointment of a department chair is not in conformity with the department's judgment, the department shall be given a written explanation for the discrepancy. Responsibilities of the chair are assigned by the academic dean.

The initial term of appointment for a department chair will be five (5) years. A chair who has served an initial term may be reappointed for additional term(s), each term not to exceed five years. Formal evaluation must precede reappointment to any additional term. The results of such evaluations are then shared, by the appropriate dean, with the Provost.

With the concurrence of the Provost, the academic dean may at any time reassign a department chair to the faculty. Reasons for reassignment include, but are not limited to, failure to perform duties in a satisfactory manner; violation of university rules, regulations or policies and/or directives of the Board of Trustees; and/or violation of professional ethics or commission of an illegal act. In the event the reasons supporting reassignment also constitute grounds for discipline or termination, the same may be pursued under Section 8.3 of this Manual.

12.4 Appointment and Evaluation of Regional Campus Coordinators

Regional campus coordinators are appointed by the Provost upon nomination by the Dean of the Regional Campuses. The Dean of the Regional Campuses shall make the recommendation following consultation with appropriate faculty, chairs of related departments, and appropriate deans. Responsibilities of the regional campus coordinators are assigned by the Dean of the Regional Campuses.

The initial term of appointment for a regional campus coordinator will be five (5) years. A regional campus coordinator who has served an initial term may be reappointed for additional term(s), each term not to exceed five years. Formal evaluation must precede reappointment to any additional term.

With the concurrence of the Provost, the Dean of the Regional Campuses may at any time reassign a regional campus coordinator to the faculty. Reasons for reassignment include, but are not limited to, failure to perform duties in a satisfactory manner; violation of university rules, regulations or policies and/or directives of the Board of Trustees; and/or violation of professional ethics or commission of an illegal act. In the event the reasons supporting reassignment also constitute grounds for discipline or termination, the same may be pursued under Section 8.3 of this Manual.

12.5 All-University Faculty Committee for Evaluation of Administrators

12.5.A Membership

An All-University Faculty Committee for Evaluation of Administrators will review the Provost, all academic deans, the Dean of the Regional Campuses, and the University Director of Liberal Education in years three (3) and five (5) of their five-year administrative appointments. Committee reports are intended to serve two functions: a) to guide the professional development of the individuals, and b) to record part of the evidence upon which future personnel decisions may be based.

The All-University Committee for Evaluation of Administrators will consist of eight (8) members of Faculty Assembly, one to be chosen by each division for a total of five (5), one (1) to be chosen by the library faculty, and one (1) to be chosen by each of the regional campuses. The members of the Committee will be elected by the faculty with election procedures to be set by the University Senate. The Committee shall elect one of its members to serve as chair. Members of the Committee who are on probationary status (i.e., nontenured or who do not hold continuing contract status) are not eligible to serve as chair of the Committee. In accordance with a University Senate motion of November 5, 1990, the library faculty as well as the faculty of the regional campuses shall not be eligible as nominees or electors in the election of divisional representatives. Each member will serve a nonrenewable three-year term beginning January 1. The terms will be staggered so that one-third of the Committee is elected each
year. In the event of the resignation of a member of the Committee before the end of his or her term, that seat shall be filled by the candidate (who had not been previously elected) who received the largest number of votes when the ballots are retabulated after votes for the person who has resigned have been deleted. In the event no such candidate is available, a new election will be held for the vacated seat.

12.5.B Schedule
Each spring semester, the Committee shall prepare a questionnaire for the evaluation of each administrator it is scheduled to evaluate during the next academic year. Early in the fall of the evaluation year, the Committee shall distribute the questionnaire to members of Faculty Assembly assigned to or served by the administrator’s unit and it shall prepare an evaluation report to be submitted to the administrator’s supervisor.

12.5.C Evaluation Questionnaires
The Committee shall develop a common core of questions appropriate for each class of administrators it is responsible for reviewing. For example, it shall develop a common core of questions for all deans of academic divisions. When developing these questions, the Committee shall consult with the class of administrators to be reviewed and with their supervisor. All questionnaires shall be accompanied by a one- to two-page statement from the administrator being evaluated that addresses the following questions:

1. What are your duties?
2. What have been your most significant accomplishments since occupying this position or since last you were evaluated in your current position?
3. What are your primary goals for the duration of your appointment?

All questionnaires shall begin with a question that asks respondents whether they feel that they have sufficient information to evaluate the administrator; respondents who reply that they do not shall be asked to return the questionnaire with only that question completed. All questionnaires shall ask respondents who complete more than the first question to indicate the extent of their knowledge of the administrator’s responsibilities and performance.

When preparing to evaluate a particular administrator, the Committee shall adapt the common core of questions to reflect this person’s responsibilities and any special and unique aspects of the administrator’s position or circumstances. In this process, the Committee shall consult with the administrator to be reviewed and the administrator’s supervisor. The final decision on the composition of the questionnaire rests with the Committee.

12.5.D Committee Reports
The Committee shall submit its final evaluation report on each administrator by December 1. Before then, the Committee shall submit a draft of the report to the administrator’s supervisor. The supervisor and the Committee (or a representative) shall meet to discuss the draft report and make any modifications deemed appropriate by the Committee. If the Committee and the supervisor disagree on the final report, the supervisor may attach a letter to the Committee report explaining the disagreement. This letter becomes part of the final report.

In year three (3) of an administrator's appointment, the Committee’s final report shall be promptly shared by the supervisor with the administrator being evaluated, and a summary of the Committee’s final report shall be prepared jointly by the supervising administrator and the Committee. If the administrator is continuing in his or her position for at least one (1) more year, this summary shall be submitted to the faculty within the unit. If the supervising administrator and the Committee cannot agree on the summary, they shall prepare separate summaries that shall be distributed together to the faculty within the unit.

In year five (5) of an administrator's appointment, the All-University Faculty Committee shall cooperate with the evaluation committee established in “Appointment, Evaluation, and Reappointment of Academic Deans” or “Evaluation and Reappointment of the Provost” of this manual. A summary of the final reports by the Faculty Committee and the committee established in “Appointment, Evaluation, and Reappointment of Academic Deans” or “Evaluation and Reappointment of the Provost” of this manual shall be prepared jointly by the supervising administrator and the combined evaluation committees. This summary shall be submitted to the faculty within the unit if the administrator is reappointed for another five-year term. If the supervising administrator, the Faculty Committee, and the committee established in “Appointment, Evaluation, and Reappointment of Academic Deans” or “Evaluation and Reappointment
of the Provost” of this manual cannot agree on the summary, they shall prepare separate summaries which shall be distributed together to the faculty within the unit.

The Faculty Committee's final reports and the summaries of these reports that are prepared jointly by the Committee and the supervising administrator shall include the following information:

1. the number of surveys sent, response rate, the number of people indicating insufficient information to evaluate the administrator
2. the mean and distribution of responses, if numerical data are reported
3. a brief, balanced overview of the overall response to each question or set of questions, not quotations of the respondents’ actual words
4. when the Committee feels it is appropriate, separate analyses of responses from individuals who indicated that they have a more extensive knowledge of the administrator’s responsibilities and performance and of responses from individuals who indicate that they have a less extensive knowledge of the administrator’s responsibilities and performance

In addition, the Faculty Committee's fifth-year final report and the summary of that report shall include the Faculty Committee’s recommendation concerning whether the administrator should be reappointed for another five-year term. If an administrator is reappointed despite the Faculty Committee’s recommendation against reappointment, the Committee may call for a vote of no confidence from the appropriate faculty. In the case of the Provost, the Associate Provost and Dean of the Graduate School, the Dean and University Librarian, and the Director of the Liberal Education Program, the appropriate faculty unit for a vote of no confidence will be Faculty Assembly.

The supervisor and the administrator being evaluated shall have access to all of the faculty responses, including survey results and transcribed copies of comments. The Committee shall retain the questionnaires returned by faculty for a period of three (3) years from the date of the final evaluation report.

12.5.E Election Procedures for the All-University Committee for Evaluation of Administrators

A total of five (5) nominees for each position will be chosen by the single transferable vote method from a complete list of all the eligible voters in each unit. Within no less than two weeks after the ballots for nominees have been returned, a second ballot naming the nominees will be distributed to the voters in their respective units and again counted by the single transferable vote method. For mid-term resignation/vacancies, see Section 12.5.A. Units may adopt alternative procedures with the approval of University Senate.

12.6 Divisional Faculty Committee for Evaluation of Administrators

In each division, a divisional faculty committee for evaluation of administrators will review all department chairs, and directors of academic programs in years three (3) and five (5) of their five-year administrative appointments. Divisions may decide to conduct more frequent reviews; departments and programs may ask divisions to conduct more frequent reviews. The divisional faculty committee for evaluation of administrators will consist of three to nine (3-9) faculty elected by faculty of the division with election procedures approved by the University Senate. The divisional faculty committee for evaluation of administrators will seek evaluations from faculty represented by the administrative unit and will prepare an evaluation report to be submitted to the dean. Committee reports are intended to serve two functions: a) to guide the professional development of the individuals, and b) to record part of the evidence upon which future personnel decisions may be based.

The provisions outlined above regarding the evaluation questionnaires and the committee reports apply to the evaluations conducted by Divisional Committees for Evaluation of Administrators, except that the Divisional Committees do not interact with committees established to evaluate the academic deans or Provost.

12.7 Evaluation of Other Academic Administrators

Other academic administrators will be evaluated every five (5) years by those persons served by or responsible to the administrator, and by the administrator's peers. The results of the evaluation will be
shared by the administrator's superior with the administrator and the evaluators. Any academic administrator may be removed at any time by the President for cause.
Section 13 UNCLASSIFIED ADMINISTRATIVE STAFF

13.1 Administrative Staff

The terms of appointments to the administrative staff are made in writing and include the appointment period.

Normally, members of the administrative staff are expected to give full time service to Miami University for the contract period, performing duties as indicated by the job assignment and the individual’s supervisor. Except for holidays observed by the University and individually arranged vacation and leave days, administrative service continues throughout the year, whether or not classes are in session.

Search procedures for unclassified administrative staff employed in Academic Affairs units may be found in Section 6.1.

13.2 Search and Appointment Procedures – Unclassified Administrative Staff

13.2.A General

The University has established Recruitment and Selection Guidelines for appointing unclassified administrative staff. Copies of these procedures and all required forms are available for administrative staff positions in non-academic departments from Human Resources and for all unclassified staff positions in academic departments from Academic Personnel Services. For positions that are funded on a temporary basis, not all procedures elaborated below apply.

13.2.B Selection Requirements

1. A (PAA) must be submitted when seeking approval to fill a vacant or new position. It must be completed in its entirety. The responsibilities of the position, the date application screening will begin, and required qualifications must be specified.
2. The search committee or hiring department must develop a recruitment plan designed to attract a highly qualified and diverse pool of applicants. If a search committee is used, it must be appointed with as diverse a composition as practicable. For a note concerning the constitution of this committee, see “Employment of Members of the Same Family.”
3. The PAA and Recruitment Plan must be forwarded to the appropriate personnel office with the signatures of the heads of the department and division. The appropriate personnel office will forward the PAA and Recruitment Plan to the Office of Equity and Equal Opportunity (OEEO). The OEEO reviews and approves the recruitment plan, the advertisement, the selection process, including any proposed ratings instrument, and the applicant flow data collection process. The appropriate personnel office and the OEEO must approve all PAAs prior to any advertisement or job posting.
4. All advertisements must include the date that screening of applicants will begin and the position’s responsibilities and required qualifications as specified in the PAA and University requirements.
5. The OEEO will issue an Applicant Flow Data Report for candidates applying for the position. The Report indicates the composition of the pool of applicants. It is the responsibility of the hiring department to contact the OEEO to obtain the Report prior to selection of candidates for interview. An updated Report is necessary if additional applications are received after the initial report is completed. If the OEEO determines the candidate pool is not acceptable, then in consultation with the appropriate personnel office and hiring department, a determination will be made whether to conduct additional recruitment or close the search.
6. After receipt of the approved Applicant Flow Data Report, candidates selected for inclusion in the final interview pool must be approved by the department head before they are invited to campus to be interviewed.
7. Once interviews have been completed, background and reference checks have been conducted, and a candidate identified for final consideration, the hiring department must complete an form. A hiring department may not recommend an applicant who does not meet the required qualifications for the position. The Employment Recommendation form, the original letter of application and the candidate’s resume must be submitted to the appropriate personnel office. This package is submitted by the appropriate personnel office to the Office of Equity and Equal Opportunity (OEEO) for approval.

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8. The hiring department does not have appointing authority. Only the President or the President’s
designee has appointing authority. A letter of offer may only be sent to the selected candidate by the
appropriate personnel office after all required approvals have been obtained.

9. Written records of the recruitment and selection process must be kept by the hiring department for at
least six years. These records should include copies of all on-line and print advertising, recruitment
letters, telephone calls or other contacts, interview notes, all applications received, letters of
appointment or rejection, and specific steps taken to recruit women and minorities.

Search committees or department heads should obtain a copy of the Recruitment and Selection Guidelines
for Unclassified Administrative Staff from the appropriate personnel office and review them carefully.

13.3 Unclassified Administrative Staff Appointments

Although there are specific exceptions, it is the policy of Miami University to limit the term of at will
fiscal year employment generally to no more than five years after which an unclassified staff member
enjoys extended appointment status.

Extended appointment status confers a measure of job security on an individual that is not contemplated
by Ohio’s at will doctrine. Individuals who have achieved this status may not be terminated from
employment without cause — to include lack of funds and/or lack of work, as well as performance related
issues.

It is expected that with respect to program reduction or elimination, unclassified staff will be given as
much notice as possible if their employment is to be terminated or significantly altered in character. It is
further expected that with respect to performance-related issues a staff member will normally be apprised
of any problem or deficiency in his or her work performance and will be given a reasonable period of
time in which to demonstrate that the problem or deficiency has been overcome; termination will not
normally occur without documented efforts to bring about improvement through counseling. Notice of
termination will be accompanied by the opportunity for a hearing with the appropriate vice president or
his or her designee.

This policy will be administered by the Department of Human Resources and Academic Personnel
Services which will establish procedures for implementing this policy in consultation with the
Unclassified Personnel Advisory Committee, such procedures to be approved by the President.

Unclassified appointees are sometimes extended the courtesy of academic rank by departments and may
sometimes be asked to teach a course; such arrangements do not affect the employment relationship with
respect to their positions in the unclassified service. Rank is a matter between the individual and the
conferring department and carries with it no special rights or privileges that accrue to the unclassified
appointment.

13.4 Extended Appointment Status for Unclassified Administrative Staff

Each unclassified staff position at Miami University will be designated as either an "extended
appointment eligible" or "annual appointment" position.

These designations will be determined by the appropriate vice president or senior administrator of each
division of Miami University; these designations will be communicated to the appropriate personnel
office whose staff will be charged with including this information in letters of appointment.

The presidency and vice presidencies are annual appointment positions.

Other annual appointment staff positions include those such as athletic director and coaches; those in
which it is expected that an individual will stay for no more than five years; those where an individual is
hired to fulfill a specific grant or for a particular project; and positions that are part time or temporary.
Normally, such appointments are made annually for a period of one year.
13.5 Unclassified Administrative Staff Job Responsibilities

Unclassified administrative staff are professional employees of the University who should think in terms of "getting the job done" rather than serving a specified number of hours per day, week, or year.

The overriding concern of a department must, of course, be the effective conduct of its business. Because of the nature of the University and the specific job responsibilities, unclassified administrative staff may work at other than the normal office hours. It is also recognized that these jobs may, from time to time, require extraordinary time commitments to enable a job requirement to be completed in a timely manner. To the end that the department head determines that office business will continue to be conducted in an effective manner, reasonable requests for personal accommodations and time off in recognition of extraordinary work time commitment would be granted.

13.6 Grievance Procedures Available to Members of the Administrative Staff

A grievance is an unresolved issue concerning the interpretation and/or application of a University policy, practice, or procedure. The purpose of this grievance procedure is to enable members of the unclassified administrative staff to attempt to resolve differences and, where appropriate, obtain redress, in matters directly affecting their employment with the University.

A grievance must be in writing and must describe the dispute; specify the policy, practice and/or procedure violated; and state what the grievant believes to be an appropriate resolution.

A grievance may not be initiated where the subject is:
A. an action or decision exclusively affecting one or more individuals other than the grievant;
B. a decision or action to which the grievant has already been afforded the right to a hearing, whether or not such right was exercised (e.g., discipline).

13.6.A Preliminary Proceedings

A member of the administrative staff who has a grievance should provide a written statement of the grievance to the immediate supervisor at the earliest possible time and not later than fourteen (14) calendar days from the date of the incident or discovery of the incident. The supervisor shall consider the matter and respond in writing to the staff member within seven (7) calendar days.

13.6.B Formal Complaint

If the immediate supervisor's response is not acceptable to the grievant, he or she may file a written statement of the grievance within seven (7) calendar days from the date of the supervisor’s response. This written grievance shall be filed with the department head or the department head’s designee, who shall respond in writing to the grievance within fourteen (14) calendar days. If the department head is the grievant's immediate supervisor, the grievant shall begin with this step (i.e., 13.6.A is not applicable).

13.6.C Hearing Committee

If the department head's response is not acceptable to the grievant, he or she may file a written appeal within seven (7) calendar days. This written appeal shall be filed with the appropriate vice president or with the President if the grievant is in a unit that reports to the President. The individual with whom the grievance was filed shall convene a hearing committee within fourteen (14) calendar days.

The Hearing Committee shall consist of three (3) administrative staff members who have not rendered a decision in the grievance. They shall be selected from a list of fifteen (15) administrative staff members provided by the appropriate personnel office in the following manner: the grievant may strike up to three names and the respondent may strike up to three names from the list. The appropriate personnel office shall appoint the committee from the remaining names.

13.6.D The Hearing

The committee members shall select one of them to be chair. The Hearing Committee will determine the order of proceedings and other matters pertinent to the conduct of the hearing.
Each party shall have the right to call a reasonable number of witnesses to support his or her position. Witnesses shall be present only when their testimony is being given. Each party may bring an adviser to the proceedings. However, the presence of and representation by legal counsel is not permitted.

Both the grievant and the respondent shall have the right to question each other and inquire into any testimony given at the hearing.

Formal rules of evidence will not be followed; the Committee may receive any evidence that it believes to be helpful.

The entire hearing may be recorded.

Within seven (7) calendar days after the close of the hearing in the matter, the Hearing Committee shall present its recommendation in writing to the vice president or as applicable, the President. The vice president or President will announce his or her decision to both parties within fourteen (14) calendar days after receipt of the recommendation.

13.6.E Miscellaneous
1. time deadlines may be extended by mutual agreement of the parties
2. if the supervising vice president is the respondent, the appeal in 13.6.C shall be to the President
3. it is a violation of University policy to retaliate against any individual who files or participates in the grievance process. If retaliation occurs, disciplinary action may be taken, up to and including dismissal
4. references to a particular officeholder are to be read as including another serving in an “acting” capacity and any other individual designated by the officeholder to serve in his or her stead

13.7 Disciplinary Procedures for Administrative Staff

13.7.A Applicability
These procedures apply to all members of the unclassified administrative staff, except those identified in Section 13.7.F. These procedures are applicable in instances when:
1. an administrative staff member has engaged in conduct which warrants discipline
2. the University seeks to terminate for cause an administrative staff member’s appointment
3. the University seeks to non-renew for cause an administrative staff member who holds extended appointment status

13.7.B Cause for Discipline
Although not all causes for discipline (including termination) can be enumerated, cause includes, but is not limited to the following:
1. failure to perform duties and associated responsibilities in a satisfactory manner
2. violation of University rules, regulations and/or policies
3. violation of professional ethics
4. violation of written directives of the President and/or Board of Trustees
5. commission of an illegal act

13.7.C Exclusions
The following actions do not entitle the employee to the disciplinary procedures under this policy:
1. written warnings/reprimands
2. performance appraisals/evaluations
3. merit salary increases (or lack thereof)
4. failure to promote or appoint to another position
5. nonrenewals of annual appointments or of extended appointment-eligible positions, i.e., within the first continuous five (5) years in an extended appointment-eligible position
6. reassignment to a different position with equivalent salary
7. notices of deficiencies and directives for improvement
8. change in title or modification of duties or work schedule
9. position eliminations

13.7.D Disciplinary Procedures
13.7.D.1 Notice
Disciplinary procedures are initiated by an administrative department head or designee with a written Notice of Proposed Discipline. Discipline includes, but is not limited to, suspension, termination, or non-renewal of an extended appointment. The Notice must include the proposed disciplinary action and information in sufficient detail to disclose the reasons for the proposed discipline. The Notice will be given to the staff member, the appropriate vice president or to the President for those units that report to the President, and the appropriate personnel office.

13.7.D.2 Election of Staff Member
An administrative staff member who receives a Notice of Proposed Discipline may within five (5) calendar days request in writing either:

a. a hearing or
b. a conference with the appropriate vice president or the President for those units that report to the President

This election is irrevocable and no other procedure will be available to the staff member. A written request for a hearing or conference should be directed to the appropriate vice president or to the President for those units that report to the President. If the administrative staff member does not within five (5) calendar days request either a hearing or a conference, disciplinary action may be imposed by the appropriate vice president or the President for those units that report to the President; and no further review or appeal is available.

13.7.D.3 Hearing Procedures
a. The hearing will be held before the appropriate vice president, or President for those units that report to the President, or his or her designee (hereinafter referred to as the hearing officer). Note: for disciplinary action arising out of a Notice of Proposed Discipline initiated by a vice president, the President will assign another vice president to either hear the matter or appoint a hearing officer and make the final determination.

b. The parties to the proceeding will be the employee and the administrative department head that initiated the Notice of Proposed Discipline.

c. The hearing officer will determine the order of proceedings and other matters pertinent to the conduct of the hearing.

d. Administrative staff members may be represented, at their own expense, by legal or other counsel. The University may elect to have legal counsel present. The University may make a record of the hearing.

e. Both parties have the right to submit evidence and cross-examine adverse witnesses. If the hearing officer elects to accept a witness' written statement in lieu of personal appearance, the identity of the witness and the written statement shall be given to the other party, who shall have an opportunity to respond to the written statement.

f. Witnesses, other than the employee and the administrative department head or designee, will ordinarily be present only while testifying. Each party is responsible for securing the attendance of witnesses whose testimony will be offered by such party.

g. If the President or appropriate vice president designates a hearing officer to hear the matter, the hearing officer shall, within fourteen (14) calendar days, issue an advisory recommendation. The President or appropriate vice president will make the final decision.

13.7.D.4 Conference Procedures
a. If the administrative staff member elects a conference with the appropriate vice president or President, a conference shall be held between the appropriate vice president or the President, the administrative staff member, and the administrative department head that initially proposed the disciplinary action.

b. The University may make a record of the conference. No opportunity to present evidence or cross examine witnesses will be provided.

c. Administrative staff members may be accompanied, at their own expense, by legal or other counsel. The University may elect to have legal counsel present.

d. The appropriate vice president or President will make the final decision.
13.7.E Interim Suspension
An interim suspension may be imposed by the appropriate vice president or the President for those units that report to the President before the disciplinary procedures described in this policy are initiated or resolved.

During an interim suspension, the employee is relieved of all employment responsibilities; the employee may be prohibited from all or any portion of University premises, University-related activities, or be permitted to remain only under specified conditions prior to the conclusion of the disciplinary process.

An interim suspension will be with compensation until the disciplinary procedures are completed.

13.7.F Persons Not Covered by These Procedures
These procedures apply to all members of the unclassified administrative staff, except the following:
1. President of Miami University
2. Members of the President's Executive Council (Provost and Executive Vice President for Academic Affairs, the Vice President for Finance and Business Services and Treasurer, the Vice President for Student Affairs, the Vice President for University Advancement, the Vice President for Information Technology, the Associate Vice President for University Communications, the Associate Vice President for Institutional Diversity, the General Counsel, the Secretary to the Board of Trustees and Executive Assistant to the President, and the Director of Intercollegiate Athletics)
3. Academic administrators (deans, chairs, regional campus coordinators, tenured members of the faculty serving in an administrative appointment)

13.8 Position Elimination for Unclassified Administrative Staff

13.8.A Notice
Unclassified administrative staff (UAS) positions may be eliminated due to budget constraints (to include lack of funds or lack of work), reorganization, and reasons of efficiency or with the written approval of the appropriate vice president. Full-time UAS are entitled to at least two (2) months advance written notice of position elimination. Full-time UAS employees with five (5) or more years of continuous full-time Miami service are entitled to five (5) months advance written notice of position elimination.

UAS employment terminates at the end of the notice period or at the end of the professional leave (see Section 13.8.C), whichever is later. The employee is expected to fulfill the duties and responsibilities to which he or she is assigned during the notice period. This policy does not apply to termination for cause (see Section 13.7) or nonrenewal of an appointment.

13.8.B Assistance with Finding Suitable Employment
The University provides outplacement assistance in the form of résumé writing assistance, interview training, and employment counseling.

13.8.C Professional Leave
A full-time UAS employee with at least five (5) years of continuous full-time Miami service who has not secured other employment by the end of the notice period will receive one month of professional leave with pay and benefits. Professional leave under these circumstances is for the purpose of securing other employment. Upon request, the employee may be assigned clerical support to assist in this process. Professional leave is in addition to the notice period, and it is in addition to any other benefits due to the employee, such as pay for accumulated vacation. Employees on professional leave do not accrue vacation or sick leave.

If other employment has not been secured by the end of the professional leave, the University will provide the full-time UAS employee with at least five (5) years of continuous full-time Miami service with severance pay. The severance pay program is intended to provide financial assistance during a period of employment transition. Eligible employees receive one week of severance pay for each completed year of continuous Miami service beyond five (5) years. Should the eligible employee retire or secure other employment prior to or within the severance pay period, he or she shall receive one-fourth (1/4) of the unused severance pay in a lump sum. Employees who participate in a University Cash Bonus Retirement Incentive Program are not eligible for professional leave or severance pay.
Employees receiving professional leave or severance pay are required to notify the appropriate personnel office as soon as other employment is obtained.

13.8.D Extension of Fee Waiver
The University will extend the fee waiver benefits provided in Section 4.10.D of this Manual for eligible full-time UAS employees and their eligible family members for a period of 365 days from the date of notice of position elimination.

13.8.E Relocation of the Employee
If deemed appropriate by the department and responsible vice president, the employee may be moved to another location on campus any time after the receipt of notice through the end date of employment.

13.8.F Challenges
Employees who believe their position has been selected for elimination in violation of a University policy, practice, or procedure may file a grievance under Section 13.6 of the Miami University Policy and Information Manual. Employees who believe their position has been selected for elimination in violation of the Policy Prohibiting Harassment and Discrimination may file a complaint with the Office of Equity and Equal Opportunity (OEEO).

13.8.G Exclusions
This policy does not apply to vice presidents and administrative staff positions held by tenured members of the faculty, part-time, intermittent or temporary employees, the athletic director, coaches, or persons hired with grant or external funds.

13.9 Administrator Emeritus/Emerita Designation
To be eligible for the designation of Administrator Emeritus/Emerita at Miami University, an individual must:
A. retire from Miami University with at least ten (10) years of continuous full-time service in an administrative position; and

B. be recommended by the President and approved by the Board of Trustees. Recommendation for designation as Administrator Emeritus/Emerita will occur automatically unless there is a specific recommendation to the contrary or the administrator requests not to be afforded the designation.
Section 14 LIBRARIANS

14.1 Rank
All professional librarians are appointed with rank (Principal Librarian, Associate Librarian, or Assistant Librarian) which reflects the professional status and accomplishments of the individual. Librarians who, prior to July 1, 2003, were awarded the positional ranks of Professor, Associate Professor, or Assistant Professor continue to hold membership in Faculty Assembly.

The ranks of Principal Librarian, Associate Librarian, and Assistant Librarian are eligible for continuing contract status. Librarians with the term “Visiting” in their title are not eligible for continuing contract status.

14.2 Continuing Contract of Employment for University Librarians

14.2.A Definitions and Purpose
Professional librarians normally receive annual appointments during the probationary period. During the probationary period of employment each librarian receives annual performance evaluations. After satisfactory completion of the probationary period, a professional librarian with the continuing contract eligible rank of Assistant Librarian or above becomes eligible for a continuing contract.

A continuing contract is a contract that shall remain in effect until the librarian resigns, retires, or is terminated. It assures the individual continued employment as a professional librarian, but does not relate to continuation in a specific position. A continuing contract is subject to Ohio law and is contingent upon sufficient appropriations of the General Assembly of Ohio.

Visiting Librarians may not hold continuing contracts, although time spent as a Visitor may apply toward the probationary period for continuing contract if the person is subsequently appointed to a continuing contract eligible position. A Visiting Librarian may be continued on annual contract for as many years as both parties agree.

14.2.B Procedures for Considering Individuals for and the Granting of Continuing Contract
The privilege of continuing contract is conferred by the Board of Trustees upon the recommendation of the President. The approval process begins with the Library Personnel Committee and department head and progresses through the Dean and University Librarian and the Provost. For a note concerning the constitution of this committee, see “Employment of Members of the Same Family.”

Using established and published procedures which provide equity and due process, the Personnel Committee, an advisory body to the Dean elected by the librarians, collects information on the candidates for continuing contract, deliberates, and submits its recommendations to the Dean. The department head is also charged with providing a recommendation to the Dean. Candidates for a continuing contract must have the positive recommendation of either the department head or Library Personnel Committee to qualify for consideration by the Dean.

Candidates must have the positive recommendation of the Dean to be advanced to the Provost.

The Provost considers each candidate recommended by the Dean. Those recommended by the Provost are forwarded to the President; those candidates recommended by the President are forwarded to the Board of Trustees. The Dean will notify the candidates and the Library Personnel Committee of the action taken by the Provost, the President, and the Board of Trustees.

For additional information, please see the University Libraries Governance Document.
Section 15 RESEARCH

15.1 General Information
It is the policy of the University to foster faculty research and creative activity, and to strongly support faculty members in their effort to establish and maintain programs of research and creative activity.

15.2 On-Campus Support (Faculty Research Committee)
The University provides many forms of internal support for research and creative activities. Information about internal support for research and creative activities is provided by the Office for the Advancement of Research and Scholarship.

15.3 Securing External Support for Projects in Research, Instruction, and Public Service
15.3.A Categories of External Support
The University encourages faculty, staff, and students to pursue external support in the form of contracts, grants, cooperative agreements, and gifts. Contracts and grants are formal agreements requiring the University to carry out a set of specific tasks. A grant is somewhat less specific than a contract in that the specific project schedule is less detailed and the final result less certain. A cooperative agreement requires that the University interact on a continuing basis throughout a project with an external agent. A gift is an allocation of funds from an external source that does not require the University to carry out a specific task. Gifts, which may be unrestricted or restricted, may carry a general designation for use, such as scholarships.

Proposals seeking support in the form of a contract, grant, or cooperative agreement, whether from a public or private funding source, must be cleared through the approval process which is managed by the Office for the Advancement of Research and Scholarship (OARS). These proposals must be submitted to the Office for the Advancement of Research and Scholarship in sufficient time to permit appropriate internal review and also meet the submission deadlines of external funding agencies.

All proposals submitted by Miami University must be signed by an OARS staff member who is designated as an authorized University official. Plans to submit such proposals to a private funding source, such as a foundation or corporation, need to be discussed with the Office for the Advancement of Research and Scholarship well in advance of proposal deadlines so that the solicitation efforts may be coordinated with the Office of Development. Proposals or other plans for seeking support in the form of a gift must be cleared through the Office of Development.

15.3.B Conditions for University Approval
1. Miami University must approve a proposal before it is submitted to an external source if any of the following conditions exist:
   a. The project will involve Miami University students, either as research subjects or as project participants.
   b. any facilities of the University are to be used
   c. the University is expected to manage project funds
   d. The University is expected to share some costs for the project by providing faculty and staff time or facilities.
   e. The name of the University will be associated publicly with the project in some way.
   f. The signature of the authorizing official of the University is required.
2. Specifically included are the following:
   a. Research projects submitted by faculty, students, and staff for activities associated with the University.
   b. Instructional proposals, including those for equipment, academically based student support, workshops, computer and library acquisitions, or the development of curricular materials or other instructional devices.
c. Public service projects including seminars, short courses, conferences, and special projects involving the University and its faculty, staff, and students with private businesses or nonprofit organizations.

d. The acquisition of books, manuscripts, or objects of art, or the sponsorship of a musical, cultural, or artistic event.

e. Applications for individual fellowship or study, unless the University is clearly not involved.

f. Preliminary proposals where such proposals are required as part of the external source’s procedures, where University approval is required, or where the preliminary proposal is likely to evolve into a final proposal with little change.

Agreements that faculty and staff enter into on a private basis such as authorships for textbooks, journal publications, and research monographs for which the author may receive royalties or stipends are not considered to be sponsored programs of the University and do not require approval by the University in the manner described above.

The University does require that consultantship agreements entered into on an individual basis be reported to and approved by the Office of the Provost annually as specified in “Outside Employment.”

15.3.C Activities to Secure External Support in the Form of Gifts
Plans to undertake fundraising for gifts should be submitted to the Office of Development for review, coordination, and counsel.

15.4 General Policy on Conflicts of Interest
For Miami University’s General Policy on Conflict of Interest, see Section 3.12 of this manual.

15.5 Policy on Management of Conflicts of Interest in Projects with External Funding

15.5.A General
Miami University requires investigators on proposals to all external agencies, public and private, to disclose to the University, via the Associate Dean for Research, prior to submittal of the proposal, any significant financial interest (including those of spouse and dependent children) that would reasonably appear to be affected by the activities proposed for funding. Such a disclosure is facilitated by a question on the University's Proposal Approval Form and, in the event of a possible conflict of interest, use of the University's Financial Disclosure Form.

15.5.B Required Disclosures
Investigators must disclose to Miami University all significant financial interests:
1. that would reasonably appear to be affected by the research or educational activities funded or proposed for funding;
2. in entities whose financial interest would reasonably appear to be affected by such activities.

A significant financial interest means anything of monetary value, including but not limited to salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options, or other ownership interest); and intellectual property rights (e.g., patents, copyrights, and royalties). "Investigator" means the principal investigator, coprincipal investigator, and any other individual at Miami University who is responsible for the design, conduct, or reporting of the research or educational activities funded or proposed for funding.

15.5.C Exempted From Disclosure
Investigators need not disclose:
1. salary, royalties, or other remuneration from Miami University;
2. ownership interest in a business enterprise which is an applicant under Phase I of the Small Business Innovation Research or Small Business Technology Transfer programs;
3. income from lectures or teaching engagements sponsored by public or nonprofit entities;
4. income from service on advisory committees or review panels for public or nonprofit entities;
5. financial interests in business enterprises or entities if the value of such interests does not exceed $10,000, and represents more than a five percent (5%) ownership interest, for any one enterprise or entity when aggregated for the investigator and the investigator's spouse and dependent children.

Investigators are required to update these financial disclosures during the time in which the proposal is pending and during the period of an award, on an annual basis and as new reportable significant financial interests are obtained.

15.5.D Identification of Actual or Potential Conflicts of Interest
The Associate Dean for Research will review each Financial Disclosure form that is submitted in the Proposal Approval process. In consultation with the chair of the Extramural Professional Activities Committee, the Associate Dean for Research will make a determination of whether a conflict of interest exists that could directly and significantly affect the design, conduct, or reporting of the proposed sponsored project. Principal investigators may request review of this determination by the full Extramural Professional Activities Committee.

15.5.E Plan for Addressing Conflicts of Interest
When an actual or potential conflict of interest has been determined to exist, the principal investigator(s) and the department chair will propose a plan for addressing and managing any conflict of interest, detailing what conditions or restrictions, if any, should be imposed by the institution to manage, reduce, or eliminate the conflict of interest. Examples of conditions or restrictions that may be imposed to manage, reduce, or eliminate conflicts of interest include, but are not limited to:
1. public disclosure of significant financial interests;
2. monitoring of project by independent reviewers;
3. modification of the project plan;
4. disqualification from participation in the portion of the funded project that would be affected by the significant financial interests;
5. divestiture of significant financial interests; or
6. severance of relationships that create actual or potential conflicts.

Such plans must be agreed to by the principal investigator, department chair, dean, Associate Dean for Research, and Provost prior to the beginning of the funded project, using the Miami University Financial Disclosure Form.

If the Associate Dean for Research, in consultation with the Extramural Professional Activities Committee, determines that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the University may allow the project to go forward without imposing such conditions or restrictions.

15.5.F Enforcement Policy
Violations of this Financial Disclosure Policy will be handled by the University in accord with Section 8.3 (“Procedures for Disciplinary Action”) of this manual, which provides for sanctions where appropriate.

15.5.G Notification of Funding Agency
Miami University will promptly notify the funding agency if it finds that it is unable to satisfactorily manage an actual or potential conflict of interest situation within a funded project.

15.5.H Records
In accord with federal regulations, Miami University will maintain records of all financial disclosures and of all actions taken to resolve actual or potential conflicts of interest until at least three (3) years after the later of the termination or completion of the grant to which they relate, or until the resolution of any civil, government, or university action involving those records.

15.6 Intellectual Property
15.6.A General
In the course of research, teaching, and service activities at Miami University, faculty, staff, and students sometimes create intellectual property that could be protected by copyright, patent, or other means. Miami University seeks to establish an environment in which the creation of intellectual property is suitably recognized as an academic achievement and in which the benefits of intellectual property to the creators, the University, and the general public are optimized.

It is important that the University and the creators of intellectual property assist each other in identifying, evaluating, and protecting this property. The following policy outlines the procedures for handling of intellectual property in ways that will be beneficial to the creators, the University and the public, and also describes the rights and responsibilities of the University and the creators of the intellectual property.

15.6.B Copyrights
The right of ownership by a faculty member, staff member, or student to his or her own writings, productions, art, videotapes, computer programs, or other works is recognized by the University. Thus, the individual generally is vested with the copyright privilege and receives all royalties which result.

There are exceptions to this general rule, however, and the University will claim ownership:
A. if called for in an external grant or contract, or specified in the terms of a gift, under which the copyrightable material was produced; or
B. if the faculty member, staff member, or student creates a copyrightable work in the course of performing an explicit University assignment or commission to create such a work.

Situations also may arise in which faculty, staff, or students wish to include in copyrighted commercial products materials generated by Miami University support services. In such cases, in return for unrestricted outside use of the material, the University is entitled to seek reimbursement for development and production costs. The amount of possible reimbursement shall be reasonable and come from, and not exceed a portion of, royalties available to the faculty member, staff member, or student.

Miami University wishes to facilitate the use of computer-assisted teaching and on line classes in order to encourage creative and cutting-edge technology usage in the University's educational activities. To that end, the University acknowledges that faculty members that create computing tools and on-line classes shall be sole owner of the copyright to such classroom materials. The University shall not be able to use any such classroom materials without the consent of the faculty member. However, it shall be deemed a violation of Section 3.11 for the faculty member to sell the classroom materials to any other institution of higher education while the faculty member is employed by Miami University unless the faculty member obtains the consent required by Section 3.11. In the event that the faculty member is no longer employed by the University, then the faculty member shall remove the classroom materials from Miami University's computer resources.

However, ownership of computing tools and on-line classes is subject to the two exceptions to the general copyright rule set forth above. In addition, if the faculty member utilizes significant University resources in the creation of the classroom materials, then the copyright shall be jointly owned by the faculty member and Miami University and the following rules shall apply: (1) Miami University cannot utilize the classroom materials in any class at Miami University while the faculty member is employed by Miami University without the faculty member’s permission, (2) in the event that the faculty member is no longer employed by Miami University, the faculty member and Miami University, without the other’s permission, shall both be permitted a perpetual, royalty-free license to use the classroom materials for teaching and research purposes only, (3) Miami University has exclusive authority to market and sell the classroom materials and their content to third parties, but Miami University shall provide fifty percent of all net proceeds (i.e., gross revenue minus costs of sale) received from the sale of the classroom materials to the faculty member. In the event that there is more than one faculty member then it shall be up to the faculty members to determine their individual portion of the fifty-percent share.

For purposes of this section, “significant University resources” shall be defined to mean that the classroom materials were developed with the use of any substantial Miami University-purchased hardware/software (excluding standard personal computing software/hardware), or if the classroom materials were developed during leave time granted by Miami University specifically for the development...
of the classroom materials, or if the classroom materials were developed with substantial assistance from Miami University’s information technology personnel.

This section is not intended to apply to minor usage of computing technology in traditional classroom teaching (e.g., posting of a syllabus electronically would not transfer ownership to the University.)

Application of this policy, including whether “significant University resources” have been utilized, shall be determined by the Provost following discussions with the affected faculty member(s) and a sincere effort to find a mutually agreeable determination. The Provost may, at his or her discretion, appoint a committee to review the matter and provide advice to him or her. Faculty members who dispute a determination of the Provost shall have the right of appeal to the Committee on Faculty Rights and Responsibilities and the President.

15.6.C Patents

15.6.C.1 General
In accord with the Section 3345.14 of the Ohio Revised Code, the University claims all rights to discoveries or inventions, including associated patents, resulting from research or investigation conducted in any facility of the University. The University also has the rights to patentable discoveries or inventions resulting from research or investigation financed in whole or in part by the University, or by an agent outside the University under a contract with or grant to the University.

The Revised Code of the state of Ohio permits the Board of Trustees to retain, assign, license, transfer, sell, or otherwise dispose of rights to, interests in, and income from any such discoveries, inventions, or patents to any individual, firm, association, corporation, or governmental agency, or to any faculty member, staff member, or student of the University.

It is the intent of the University not to claim rights in an invention resulting from work not supported by the University or its sponsors or to which the University’s contribution is negligible. Therefore, except as provided above, faculty, staff, and students of the University are entitled to apply for, hold, and dispose of patents to their own discoveries, inventions, and developments free from any claim or interest of the University.

When an inventor associated with the University believes an invention or discovery might be patentable, a written disclosure of the invention or discovery should be submitted to the Associate Dean for Research. A standard invention disclosure form is available from the Office for the Advancement of Research and Scholarship. The written disclosure should bear the endorsement and comments of the department chair or unit supervisor, and divisional dean or vice president. It should include a statement of the circumstances under which the invention or discovery was made, and a statement as to its commercial possibilities.

The Associate Dean for Research shall have the responsibility to recommend to the Provost and Vice President for Finance and Business Services and Treasurer whether the securing of a patent is in the interest of Miami University and in the public interest. In this evaluation, the Associate Dean for Research generally will consult with the University attorney and individuals outside the University who are knowledgeable in the field of the invention. If the invention or discovery has arisen under the sponsorship of industry, the University’s agreement with industry generally will include a granting of some rights regarding licensing of resulting patents, as well as a commitment by the sponsoring company to its funding of a patent application. Thus, the Associate Dean for Research necessarily will consult with the sponsoring company in evaluating prospects for a patent in such instances.

The University also may use the services of a patent evaluation and management firm, such as the Research Corporation, to assist in the evaluation of invention disclosures, in filing patent applications, and in marketing and managing subsequent patents, unless the terms of an agreement with a sponsor of the research dictate otherwise.

If the research results from a project sponsored by an outside agency through a grant or contract to the University, the provisions of the grant or contract will prevail. Where such provisions provide for retention of some or all patent rights with the University, the same procedures will be followed with respect to the retained patent rights as those provided for nonsponsored research. Disclosure of all such inventions within the University should follow the same procedures described above as the first step in complying with such patent terms in grants and contracts.

In the development of agreements for research with corporations and other private groups, accommodations should be made to recognize both the proprietary rights of the corporation, and the obligation of the University to publish and disseminate research in oral and written form. Where appropriate, such publications may be delayed, but such delay should not be excessive. If a sponsor requires exclusive rights to or interest in a discovery made under a grant or contract, this request will need to be reported to and approved by the Board of Trustees.

The Miami University Proposal Approval Form will be used to secure University approval for patent agreements with outside funding agencies at the time of acceptance of a proposal. The Office for the Advancement of Research and Scholarship has the responsibility of coordinating the proposal approval process for the University and facilitating discussions involving the investigator, the department or division, the Associate Dean for Research, and representatives of the Finance and Business Services division.

Faculty, staff, and students may not independently enter into agreements concerning Miami University patent rights on inventions. Such agreements are appropriate only when the individual is acting as an independent consultant to a public or private agency or sponsor.

15.6.C.4 University Decision as to Patenting

If, after consultation, the Associate Dean for Research determines that it is in the best interests of the University to file a patent application, he or she will recommend to the Provost and the Vice President for Finance and Business Services and Treasurer that a patent application be filed. Depending upon the circumstances, the Associate Dean for Research may recommend that the application be filed by the University itself, by the sponsoring company on behalf of the University, or by a patent management firm such as Research Corporation on behalf of the University.

If, after consultation, the Associate Dean for Research determines that it is not in the best interests of the University to file a patent application, he or she will make that recommendation to the Provost and the Vice President for Finance and Business Services and Treasurer and also will inform the inventor of that recommendation. The inventor may then request the University to waive all or part of its rights in the invention to the inventor. The University shall respond to such a request within a reasonable time period, and, at its discretion, may waive all or part of its rights in the invention, i.e., assign title or grant an exclusive or partially exclusive license to the inventor. Grant of such a waiver by the University shall not be unreasonably denied. Any such assignment shall be subject to the sponsor’s rights or approval. The University will retain rights and benefits which are in the best interests of the University; as a minimum, these retained rights will include an irrevocable, non-exclusive, paid-up license to practice the invention for the University’s purposes.

The Associate Dean for Research through the Provost and the Vice President for Finance and Business Services and Treasurer will recommend that the Board of Trustees take appropriate action.

15.6.C.5 Sharing of Royalties

Miami University’s policy is to share royalties generated by patents with the faculty, staff, and student creators of inventions according to the following model. Royalty provisions of this policy apply to “net royalties” received by Miami University from the patent. Net royalties are defined as gross royalties, minus the cost incurred in obtaining the patent, the cost of utilizing a patent management firm, and any litigation expenses.

The net royalties totaling up to $100,000 first received will be divided equally between the University and the inventors; for the second $100,000 a 60% University, 40% inventor split will be utilized; for the third $100,000 a 70% University, 30% inventor split; and for royalties in excess of $300,000 an 80%
University, 20% inventor split will be utilized. If more than one inventor is involved, the University must receive in writing a statement signed by all inventors agreeing how the share of the royalties to be received by the inventors should be divided.

Royalties accruing to the University under this Patent Policy will be used by the University to support faculty research and patent development.

(Acknowledgment: This policy is modeled after the Intellectual Property Policy developed by the University of New Mexico, and borrows language from that policy with permission of the University of New Mexico.)

15.7 The Use of Human Subjects, Animals, Radiation, Chemicals, and Recombinant DNA in Research

All research conducted at Miami University must comply with federal regulations regulating the use of human subjects, laboratory animals, radiation, chemicals, and recombinant DNA in research. The University has established the following committees to oversee activities and enforce regulations in these areas:
A. Institutional Review Board for Human Subjects Research (see Section 15.8)
B. Institutional Animal Care and Use Committee
C. Radiation Safety Committee
D. Chemical Safety Committee
E. Institutional Biosafety Committee

Information on the operation of these committees, and on procedures to be followed in proposing research involving the entities above, is available from the Office for the Advancement of Research and Scholarship.

15.8 Research Involving Human Subjects

Miami University is guided by ethical principles regarding all research involving humans as subjects. These principles have been set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research entitled "Ethical Principles and Guidelines for the Protection of Human Subjects in Research (The Belmont Report)." In addition, requirements set forth in the common federal policy for the protection of human subjects will be met for all research funded by the Federal Government.

To this end, the Board of Trustees has approved an "Assurance of Compliance" with federal regulations for the protection of human subjects. The Institutional Review Board for Human Subjects Research (IRB) is designated as the Institutional Review Board for Miami University. The Office for the Advancement of Research and Scholarship provides administrative support for this Board.

To assure the protection of human subjects and to comply with Federal law, Miami University requires that, prior to initiation, all research projects involving human subjects must be reviewed and approved, or certified as exempt, by the University Institutional Review Board for Human Subjects Research (IRB) or a divisional or departmental committee to which the IRB has delegated review authority, if the research:
A. is sponsored by Miami University; or
B. is conducted by or under the direction of faculty, staff, or students of Miami University in connection with their institutional responsibilities; or
C. is conducted by or under the direction of faculty, staff, or students of Miami University using any property or facility of the University; or
D. involves the use of Miami University’s nonpublic information to identify or contact human research subjects or prospective subjects.

This policy applies to graduate and undergraduate student research projects which are intended for dissemination beyond the classroom. Student projects designed to provide research training to students and not intended for dissemination beyond the classroom are not covered by this policy.
The IRB has developed “Guidelines for Research Involving Human Subjects.” These Guidelines are applicable to all research with human subjects. It is the responsibility of the faculty or staff member to be familiar with these rules, to see that they are followed by students and other coworkers, and to forward research projects either to the IRB, or as otherwise provided.

Questions may be directed to the chair of the Institutional Review Board for Human Subjects Research, or to the Office for the Advancement of Research and Scholarship.

15.9 Misconduct in Research
This policy statement is adapted from, and affirms, a statement on the subject prepared by the Association of American Universities, August 22, 1988.

15.9.A Introduction
Misconduct in university research undermines the research enterprise and is harmful to the university community, the research community generally, and the public. Institutions such as Miami University have the responsibility not only to promote a research environment that opposes such misconduct in research, but also to establish policies and procedures that deal effectively with allegations or evidence of misconduct. This policy statement deals primarily with the second imperative, and outlines Miami University's procedures for handling allegations of misconduct.

Miami University's process for reviewing allegations of misconduct in research involves three stages as specified by federal regulations: inquiry, investigation, and resolution. The overall principles that guide the institutional review process are as follows:

1. Universities have a responsibility to provide vigorous leadership in the pursuit and resolution of all charges of misconduct in research. Universities should take care, however, that the process pursued to resolve allegations of misconduct does not damage research itself.
2. Universities should treat all parties with justice and fairness, and be sensitive to the reputations and vulnerabilities of all parties. The process for resolving questions of research misconduct should focus on the substance of the issues; personal conflicts or affiliations between colleagues should not obscure the facts. The integrity of the process should be maintained by avoiding to the greatest extent possible any real or apparent conflict of interest.
3. Procedures should be expeditious, well documented, and should preserve the highest attainable degree of confidentiality compatible with an effective and efficient response to questions of research misconduct.
4. Universities should recognize and discharge their responsibilities after resolving allegations of misconduct — internally, to all involved individuals, and externally, to the public, the sponsors of research, the research literature, and the research committee.

15.9.B Scope
This policy applies to all research conducted at Miami University, including that supported by or for which an application has been submitted to the Department of Health and Human Services. It applies to all individuals at Miami University engaged in research, including faculty, trainees, technicians and other staff members, students, fellows, guest researchers, and collaborators.

The policy will normally be followed when an allegation of possible misconduct is received by an institutional official. Particular circumstances in an individual case may dictate variations from the normal procedure deemed in the best interests of Miami University and the sponsoring agency. Any change from normal procedures also must ensure fair treatment to the respondent in the inquiry or investigation. Any significant variation must be approved in advance by the Provost.

15.9.C Definitions
"Research misconduct" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.
"Inquiry" is the first stage of the review process. The purpose of the inquiry is to make preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible misconduct in research to warrant an
investigation. An inquiry is not a formal hearing; its purpose is instead to separate allegations deserving of further investigation from frivolous, unjustified, or clearly mistaken allegations. The purpose is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible.

"Investigation" is a stage of review that will be initiated only after an inquiry leads to a finding that calls for further review. The purpose is to explore the allegations more fully and determine whether there has indeed been research misconduct. The investigation may uncover information that justifies broadening the scope of the review beyond the initial allegation.

"Complainant" is the person making an allegation of research misconduct.

"Respondent" is the person accused of research misconduct.

15.9.D Confidentiality
The University will afford the affected individual(s) confidential treatment to the maximum extent possible permitted by law, and it will protect, to the maximum extent possible, the privacy of those who in good faith report the apparent misconduct.

To ensure the safety and security of any written documents associated with an allegation of research misconduct, a single case file will be maintained by the Dean of the Graduate School.

Members of committees involved in any inquiry or investigation shall be informed of the confidential nature of the proceedings.

15.9.E Reporting Allegations
Allegations of research misconduct shall be reported to the Dean of the Graduate School. If the dean has a conflict of interest in the case, the allegation shall be pursued by another administrator designated by the Provost.

The Dean of the Graduate School shall consult in confidence with any individual who comes forward with an allegation of research misconduct or with a question regarding possible misconduct. If the individual raising the question does not wish to make a formal allegation, but the dean believes there is sufficient cause to warrant an inquiry, the matter may, at the discretion of the dean, still be pursued. In such a case, there is no "complainant" for the purpose of this policy. Whether an allegation can be reviewed effectively without the involvement of the complainant depends upon the nature of the allegation and the evidence available. Cases that depend upon the observations or statements of the complainant may not be able to proceed without the open involvement of that individual. Other cases may be able to rely upon documentary evidence alone, permitting the complainant to remain anonymous.

15.9.F Inquiry Procedures
1. The inquiry process may be handled with or without an inquiry committee, at the discretion of the Dean of the Graduate School. The committee, if one is used, shall be appointed by the dean and shall have three members. It is the responsibility of the dean to ensure to the best of his or her ability that the inquiry is conducted fairly and, if a committee is involved in the inquiry, that the committee members have no real or apparent conflicts of interest, are unbiased, and have an appropriate background for assessing the issues being raised.

2. Upon the initiation of an inquiry, the Dean of the Graduate School shall notify the respondent in writing within a reasonable period of time. The respondent shall be informed of the charges and the processes that will be followed, and shall be given copies of any written documents that support the allegations. The respondent shall be entitled to advice by legal counsel. If the dean decides to involve a committee in the inquiry, members shall be appointed and the committee convened. The dean and the committee members shall be empowered to receive and review relevant documents; interview involved faculty, students, and staff; seek additional information as necessary; and, when necessary or appropriate, seek advice from experts outside of the institution.

3. After determining that an allegation falls within the definition of misconduct in research, the Dean of the Graduate School must ensure that all original research records and materials relevant to the inquiry and investigation are immediately secured. If the case involves research supported by or for which an application has been submitted to the Department of Health and Human Services, the Dean of the Graduate School may consult with the Office of Research Integrity for advice and assistance in this regard.
4. Upon initiation of an inquiry, the respondent shall be invited to present a written response to the allegations. The respondent shall be expected to cooperate in providing the necessary materials to conduct an inquiry. Uncooperative behavior may result in immediate implementation of an investigation, as described below, or in disciplinary action.

5. During the inquiry phase, the University shall respect any privacy guarantees previously given to research subjects.

6. The inquiry phase shall normally be completed within sixty (60) calendar days of notifying the respondent of the initiation of the inquiry. If the Dean of the Graduate School or the inquiry committee anticipates that the sixty (60) calendar day deadline cannot be met, the reasons for the delay and the progress to date shall be outlined in a written document that will be part of the case file. The complainant and respondent shall receive copies of the progress report.

7. The completion of an inquiry shall be marked by a written report which shall state the names and titles of the committee members and experts, if any; the allegations; the agency supporting the research, if any; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether the investigation is warranted; the committee's determination as to whether an investigation is recommended; and whether any other actions should be taken if an investigation is not recommended. The complainant and respondent shall be given copies of the draft report and they shall have fourteen (14) days to provide comments. Any comments that the complainant or respondent submits will become part of the final report and record. Based on the comments, the inquiry committee may revise the report as appropriate. If an investigation is to be pursued and the research is sponsored by an outside agency, the agency shall also be notified on or before the date the investigation begins. If the case involves research supported by or for which an application has been submitted to the Department of Health and Human Services, this notice will be given to the Office of Research Integrity.

8. If, upon inquiry, an allegation is found to be unjustified, the involved parties shall be notified. The fact that an inquiry has taken place and the identity of the respondent shall remain confidential to the extent permitted by law, unless this right is explicitly waived by the respondent, and the case file shall be secured within the office of the Dean of the Graduate School. Such record will be kept for a period of six (6) years after completion of the inquiry, and it will be provided to authorized personnel of the U.S. Department of Health and Human Services upon request if the case involved research supported by or for which an application has been submitted to the Department of Health and Human Services. If, upon inquiry, an allegation is found to be unjustified, the University shall undertake diligent efforts, as appropriate, to restore the respondent’s reputation.

9. The University shall undertake diligent efforts to protect the position and reputation of the complainant. However, if an allegation is found to be unjustified and to have been maliciously motivated, disciplinary action against the complainant may be pursued.

**15.9.G Investigation Procedures**

1. If the inquiry stage results in a finding that an investigation is warranted, the investigation shall begin within thirty (30) days of the completion of the inquiry. The Dean of the Graduate School shall appoint a five-person investigative body. Members may be chosen from within or outside the University. It is the responsibility of the dean to ensure to the best of his or her ability that the investigation is conducted fairly, and that the individuals chosen to serve on the investigative committee have no real or apparent conflicts of interest, are unbiased, and have an appropriate background for assessing the issues being raised. The committee members shall be empowered to receive and review relevant documents; interview involved faculty, staff, and students; seek additional information as necessary; and, when necessary or appropriate, seek advice from experts outside of the institution. The respondent shall have the right to test all evidence against him or her. The committee may hold a hearing for this purpose.

2. The Dean of the Graduate School shall notify the complainant and respondent promptly in writing that an investigation has been initiated, and shall invite the respondent to submit a written response to the allegations. The respondent shall be entitled to advice by legal counsel. The respondent shall be expected to cooperate in providing the necessary materials to conduct the investigation. Uncooperative behavior may result in immediate disciplinary action.

3. Upon the initiation of an investigation, the University may, if necessary, act to protect the health and safety of research subjects, patients, and students. The University shall also respect any privacy guarantees previously given to research subjects.
4. The investigation phase shall normally be completed within 120-calendar days, with the initiation of the investigation being defined as the first meeting of the investigation committee. This period includes conducting the investigation; preparing the report of findings; making the draft report available to the respondent for comment (14 days); revising the report, if appropriate, in light of the comments from the respondent; submitting the report to the Provost for approval; and submitting the report to any agency sponsoring the research project in question. If the Dean of the Graduate School or the investigative committee anticipates that the 120-calendar day deadline cannot be met, the reasons for the delay and the progress to date shall be outlined by the dean in a written document that will be part of the case file. The complainant, the respondent, and any agency sponsoring the research shall receive copies of the progress report. If the case involves research supported by or for which an application has been submitted to the Department of Health and Human Services, the Dean of the Graduate School shall submit a request for an extension to the Office of Research Integrity. The request shall include the reasons for the delay, an interim report on the progress to date, an outline of what remains to be done, and an estimated date of completion. The complainant and the respondent shall receive copies of the extension request.

15.9.H Resolution, Disciplinary Procedures, and Appeal
1. The completion of an investigation shall be marked by a written report from the investigative committee to the Dean of the Graduate School which indicates whether research misconduct within the meaning of this policy has or has not taken place. The complainant, respondent, and any agency sponsoring the research shall receive copies of the final report. If the respondent comments on the report, the comments may be made part of the final report and the record.
2. If an allegation is, by means of the investigation phase, found to be unjustified, the involved parties shall be notified. The investigation and the identity of the respondent shall be held in strictest confidence to the extent permitted by law, unless this right is explicitly waived by the respondent, and the case file shall be secured within the office of the Dean of the Graduate School. Such record will be kept for a period of six (6) years after completion of the investigation, and it will be provided to authorized personnel of the U.S. Department of Health and Human Services upon request if the case involved research supported by or for which an application has been submitted to the Department of Health and Human Services. If the allegation is found to be unjustified, the University shall undertake diligent efforts, as appropriate, to restore the respondent’s reputation.
3. The University shall undertake diligent efforts to protect the position and reputation of the complainant. However, if an allegation is found to be unjustified and to have been maliciously motivated, disciplinary action against the complainant may be pursued.
4. If the investigation leads to a finding of research misconduct, the Dean of the Graduate School shall refer the matter for possible disciplinary action as described below.
5. In the case of a finding of research misconduct, disciplinary action will be pursued in accordance with University policy. The following list of possible University sanctions is illustrative: removal from a particular research project; special monitoring of future work; letter of reprimand; suspension; salary reduction; rank reduction; and termination of employment. The University shall also have the discretion to take administrative actions such as informing other affected parties, including coauthors, coinvestigators, or collaborators in the research; editors of journals in which the research was published; sponsoring agencies and funding sources with which the individual has been affiliated; and professional societies with which the individual has been affiliated.
6. In the case of a finding of research misconduct, the case file shall be secured within the office of the Dean of the Graduate School. Such record will be kept for a minimum of six (6) years after completion of the case.

15.9.I Other Considerations
The following provisions apply in cases involving research supported by or for which an application has been submitted to the Department of Health and Human Services.

1. The University will take interim administrative actions, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.
2. The University will notify the Office of Research Integrity within 24 hours of obtaining evidence of criminal violations. In addition, the University will notify the Office of Research Integrity if it ascertains as a result of an allegation of research misconduct that any of the following conditions exist:
a. there is an immediate health hazard involved;
b. there is an immediate need to protect federal funds or equipment;
c. there is an immediate need to protect the interests of the complainant or the respondent as well as the respondent’s co-investigators and associates;
d. there is a probability that the alleged incident is going to be reported publicly.

3. If the University plans to terminate an inquiry or investigation for any reason without completing all requirements set forth in this policy, the Dean of the Graduate School will submit a report of the planned termination to the Office of Research Integrity, including a description of the reasons for the proposed termination.

4. The Dean of the Graduate School will promptly advise the Office of Research Integrity during the course of an investigation of any developments that may affect current or potential funding for the respondent or about which the Department of Health and Human Services needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.

5. After completion of the case, the Dean of the Graduate School will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to him or her or to the committees. The Dean of the Graduate School will keep the file for a minimum of six (6) years after the completion of the case and furnish it to the Director of the Office of Research Integrity, if the file is requested.

6. In the case of a finding of research misconduct, the final report to the Office of Research Integrity will include the policies and procedures under which the investigation was conducted, how and from whom information relevant to the investigation was obtained, the findings, and the basis for the findings. The report will include actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of the administrative and disciplinary actions taken by the University.
Section 16 USE OF UNIVERSITY PROPERTY AND RESOURCES

16.1 Alcohol and University Property

16.1.A Legal and Responsible Use of Alcohol
The right to acquire, possess, and consume alcoholic beverages is limited by laws that establish minimum drinking ages, drinking and driving laws, and so on. Miami University also has established policies on alcohol use on campus and by campus groups. It is incumbent on students, faculty, and staff to become knowledgeable regarding these policies, whether for individual decision making or for planning programs and events for a department or organization, including student organizations.

16.1.B On-Campus Consumption of Alcoholic Beverages – Compliance with Law
All on-campus possession and consumption of alcoholic beverages must be conducted in accordance with Ohio law regarding the possession, sale, and consumption of alcohol. Specifically:
1. Individuals under the age of twenty-one (21) may not purchase, possess, or consume beer, wine, or intoxicating liquor. It is also against the law for any person to furnish beer, wine, or intoxicating liquor to any person under twenty-one (21) years of age.
2. No person shall have in his or her possession any open container of beer, wine, or intoxicating liquor in any public place except where the alcoholic beverage has been lawfully purchased for consumption on the premises of the holder of the appropriate permit from the State Department of Liquor Control.

16.1.C Service of Alcoholic Beverages on Campus
The Vice President for Finance and Business Services and Treasurer has the primary responsibility for approval, implementation, and interpretation of University alcohol policy. The University Police have primary responsibility for on-campus enforcement of Ohio law and State Department of Liquor Control regulations regarding alcoholic beverages.
1. The Tavern at The Inn is the only establishment on campus open to the general public that serves alcoholic beverages. In all other instances, alcoholic beverages may be served on campus only to those twenty-one (21) years of age or older at a private gathering of invited guests at an approved University facility. A private reception, dinner, or other gathering where food and alcoholic beverages are served, without cost, to invited guests does not require a liquor permit. The sponsoring department or organization must implement measures to ensure that only invited guests age twenty-one (21) or older are eligible to be served alcoholic beverages, that only invited guests will be admitted, and that no fee or charge will be assessed. Alcoholic beverages shall not be served to any person who is under the age of twenty-one (21) or to any person who appears to be intoxicated. Nonalcoholic beverages and food must also be provided.
2. Approved facilities include seminar rooms and lounges in University academic buildings. These seminar rooms and lounges may be scheduled with the designated scheduling authority of the individual building. If alcoholic beverages are to be served, the designated scheduling authority must be so informed at the time of scheduling. The designated scheduling authorities for the most commonly used facilities are indicated in parentheses: Marcum Conference Center (sales staff at Marcum Conference Center and The Inn); Shriver Center (Director of the Center); Murstein Alumni Center (Vice President for University Advancement); seminar rooms and lounges in academic buildings (department chair or dean); Regional Campus (Dean of the Regional Campuses). Whenever a designated scheduling authority of an academic building approves a gathering at which alcoholic beverages will be served, the designated scheduling authority must simultaneously notify, in writing, the Vice President for Finance and Business Services and Treasurer of the approval.
3. Special Events are gatherings at which an admission fee will be charged and alcoholic beverages will be served or gatherings at which alcoholic beverages will be sold. Special Events also include those gatherings that will be held in a facility that has not been approved for events serving alcoholic beverages. All Special Events must have a liquor permit from the Ohio Department of Liquor Control. They must also have the express written permission of the Vice President for Finance and Business Services and Treasurer. The request must be made in writing and include the date, time, location, and purpose of the event as well as the reason for requesting that alcoholic beverages be available; whether an admission fee will be charged; or whether alcoholic beverages will be sold. Permission is at the discretion of the Vice President for Finance and Business Services and Treasurer and will be granted only in accordance with Ohio law, Department of Liquor Control regulations, and
4. Alcohol may not be possessed, consumed, or served in any residence hall housing first-year students. Each academic year, the Vice President for Student Affairs shall designate which residence halls will serve as first-year residence halls. Further, the commercial delivery of alcohol to on-campus student residential facilities is prohibited. See Student Handbook.

16.1.D Guidelines for On-Campus Events Sponsored by Alcohol Companies Where Alcohol is Not Served
1. The promotion and advertising of events sponsored by alcohol companies must be in accordance with Miami University policies. The main focus of such events must not be on promoting and advertising the use of the product.
2. No alcoholic beverages may be given as prizes or awards.
3. While listing the name of the company is permissible, symbols of alcohol may not be displayed on posters, signs, banners, or other advertisements for events. No advertisements featuring foaming mugs, cans, glasses, or kegs will be allowed.
4. Promotion of events sponsored by alcohol companies must not encourage alcohol abuse or emphasize frequency or quantity of use.
5. Advertising, both for promotion of events and for products, either on campus or in institutional media, should not portray drinking as a solution to personal or academic problems or as a necessary ingredient to social, sexual, or academic success. In addition, it should avoid demeaning or discriminatory portrayals of individuals or groups.
6. Advertising or promotion of campus events should not associate the consumption of alcoholic beverages with the performance of tasks requiring skilled reactions, such as the operation of motor vehicles or machinery.
7. All events sponsored by alcohol companies must be registered with the Office of Student Activities at least four (4) weeks prior to the scheduled event. This process will include consultation with a member of the Student Activities staff.

16.2 Animal Control
No person, being the owner or keeper, or harboring or having charge of any dog or other animal, shall permit the same upon the grounds of Miami University unless it be under the personal control of its owner or keeper by a leash not more than six (6) feet in length. A dog or other animal, leashed but unattended, is not under the personal control of its owner or keeper. Nor shall such a person, being the owner or keeper or harboring or having charge of any dog or other animal, permit the same in any University building or housing, except for seeing eye dogs when accompanying their masters and except for animals brought by their owner or keeper for use for approved research purposes.

Any dog or other animal found upon the grounds of Miami University or in any University building, except as permitted pursuant to the provisions stated in the above paragraph, may be taken into custody by University authorities. University authorities shall, as soon as practicable after assuming custody thereof, turn the dog or other animal over to appropriate county or municipal authorities for delivery to the custody of the Humane Society. Release from custody should be sought pursuant to the Society's rules.

The owner or keeper of any dog or other animal taken into custody by University officials pursuant to this Rule shall pay to the University, upon presentation of a bill therefore, $25 to reimburse the University for costs incurred in impounding the dog or other animal and turning it over to the control and custody of county or municipal authorities.

16.3 Bicycle Regulations
16.3.A General Regulations
Any member of the student body, faculty, or staff at Miami University who wishes to own or operate a bicycle on University property is expected to comply with the City of Oxford ordinance pertaining to bicycles. This includes safety equipment standards and safe riding regulations.
NOTE: Information concerning the City of Oxford Bicycle Ordinance may be acquired at the Oxford Police Department.

16.3.B Parking of Bicycles
1. Bicycles may not be parked inside campus buildings except in residence hall rooms. Bicycles should be parked in bicycle racks. Chaining or securing bicycles to any object or structure other than the bicycle rack is prohibited.
2. Bicycles must not be parked in such a manner as to hinder the safe flow of pedestrian or vehicular traffic.
3. Bicycles parked in violation of this section may be removed by the University and their owners fined. Miami University is not responsible for damage to bicycles and locks incurred during removal.
4. All bicycles must be removed from the racks at the end of spring semester. Bicycles not removed will be confiscated and charged a $25 storage fee.

16.3.C Penalties
Bicycle owners and riders are subject to the following $10 fines for each offense:
- Parking improperly (chaining bicycles to trees, lampposts, fences, or buildings)
- Hindering pedestrian or vehicular traffic

16.3.D Violators of Regulations
Violators of the University Bicycle Regulations who cannot produce a valid University identification card or personal identification papers shall have their bicycles impounded until proper identification has been established.

16.3.E Appeal of Bicycle Citations
Any member of the faculty or staff has the right to appeal a University citation to the Faculty and Staff Parking Appeals Board. An appeal should be filed at the Parking Office.

16.4 Buildings and Grounds

16.4.A Right of Usage
Use of space or grounds for purposes other than those for which they have been designated will not be permitted. Neither will individuals or groups be permitted to interrupt the use of space after it has been duly assigned without permission of the President or a designated University official.

16.4.B Maintenance of Physical Facilities
All work done on buildings, grounds, and other fixed facilities of the University, is done by the Physical Facilities Department unless other arrangements are approved by the Vice President for Finance and Business Services and Treasurer.

16.4.C Use of Public Areas of Buildings and Grounds
The buildings, grounds, and other property of Miami University campuses are dedicated to the educational mission of the University. Use of the buildings, grounds, and other property of the University is reserved for the direct and indirect support of the teaching, research, and service missions; of the University’s administrative functions; and of students’ campus-life activities. The University may prohibit or otherwise restrict access to or use of its buildings, grounds, and other property as may be necessary to provide for the orderly conduct of the University’s teaching, research, and service missions; of the University’s administrative functions; and of students’ campus-life activities. Visitors are free to walk through our campuses; however, authorization is required from the University or from a recognized student organization to make speeches or presentations, to erect displays, to engage in any commercial activity, or to conduct similar activities on University-owned or University-controlled property.

16.4.D Use of Restricted Areas of Buildings and Grounds

16.4.D.1 General
Every faculty or staff group and every officially recognized student organization has the right to request the use of University facilities on a space available basis for the purpose of holding meetings or conducting activities consistent with the objectives of that group or organization.
The University cannot permit the use of state owned equipment or facilities for any kind of nonsanctioned private instruction or other type of nonsanctioned private enterprise. This regulation does not cover activities that are an integral part of the regular teaching load or other official assignment of members of the staff.

The use of any facility is determined by the President or designated University official. The use of any facility for purposes other than those specified will not be permitted to usurp a facility that has been duly assigned except by permission of the President or designated University official.

Policies concerning the use of University buildings and facilities by students are presented in the Student Handbook.

16.4.D.2 Permanent Academic and Office Space
Divisional deans submit requests for special needs of a permanent nature, such as space for faculty offices, research, and instructional laboratories, to the Provost. Priorities are assigned in accord with the space available. Once specific areas are assigned to divisional deans they assume jurisdiction over them.

General classroom space in the academic buildings is not assigned to any specific academic department. These areas are under the jurisdiction of the Registrar's Office for assignment of regularly scheduled classes and are available for meetings and study purposes only on a temporary basis and only after being properly scheduled.

16.4.D.3 Scheduling of Space
a. All regular classroom space is scheduled by the Registrar for all hours. Classes may be moved only with his or her permission.
b. Other continued use space is assigned by the President. Faculty and staff members are expected not to move their offices or to change continued use assignments without approval from the appropriate dean or vice president.
c. Large audience facilities are scheduled by the Registrar. (Please refer to #4 below)
d. A lecture or other activity sponsored by an academic department requires no approval. If the event involves use of any room under the jurisdiction of the Registrar, clearance of space must be obtained before any public announcement is made. (Please refer to #3 above)
e. For information on scheduling specific facilities, refer to the Miami University Directory.

16.4.E Policies Governing the Use of Nonauxiliary Sports Facilities by University and non-University Groups
Refer to the most current edition of the Student Handbook.

16.4.F Camera Installation
The University may install observation cameras on University property to protect resources, enhance safety and assist in the educational mission as provided in this policy. The University will not install observation cameras on University property in faculty/staff offices or in nonpublic areas of residence halls. If an observation camera is installed where identification of personal images is possible, the camera must be accompanied by appropriate signage indicating the presence of the camera and whether or not it is monitored in real time.

Purchase and installation of camera equipment to protect resources or enhance safety require the initial approval of the appropriate vice president. Purchase and installation of camera equipment for use in research must be approved by the Office of Advancement for Research and Scholarship. Purchase and installation of camera equipment for use in classrooms or to otherwise assist in the educational mission must be approved by the Provost. All requests must first be approved by the Space Utilization Group (all indoor installations) or the Campus Planning Committee (all outdoor installations). The Department of Physical Facilities and the University Information Security Office are responsible for determining equipment, signage and placement standards.

16.5 Hosting
Miami University reimburses or pays hosting expenses only if (1) the expense is incurred as part of ordinary and necessary University business, (2) the expenditure is not lavish or extravagant, and (3)
substantial business discussion occurs during, directly before, or directly after the meal or event. Both the meal or event and the request for reimbursement or payment must satisfy Internal Revenue Service requirements. The amount to be reimbursed or paid depends on the limits established by the University, the policies of the department or unit providing the funds, and the availability of funds. Reimbursement or payment can be assured only if the host obtains advance approval from the person responsible for the budget line to be charged. Details of the University’s hosting policy are contained in the Purchasing and Payment Handbook published by the Accounts Payable Office.

16.6 Keys

16.6.A Authorization
The purpose of this policy is to limit access to University properties to authorized personnel, to maintain a current inventory of keys issued to authorized personnel and to ensure that keys are recovered from those who are no longer authorized to have them. The dean, Dean of the Regional Campuses, chair, or department head will determine the need for access for each person within his or her department. Keys must be issued, used, and returned in accordance with Miami University’s Access Control Policy. Detailed information regarding this policy is available from the Department of Physical Facilities.

16.6.B Duplication
The making or duplication of keys for any building, laboratory, facility, or room under the control of the President and the Board of Trustees of Miami University, except as ordered by the President or Vice President for Finance and Business Services and Treasurer, is prohibited by Sections 3345.13 and 3345.99 of the Ohio Revised Code (O.R.C.).

1. O.R.C. 3345.13: No person shall knowingly make or cause to be made any key for any building, laboratory, facility, or room of any college or university which is supported wholly or in part by the state of Ohio, contrary to any regulation respecting duplication of keys adopted by the Board of Trustees of such college or university.
2. O.R.C. 3345.99: Whoever violates Section 3345.13 of the Ohio Revised Code shall be fined not less than $50 or more than $150.

16.7 Maintenance of Law and Order
The Board of Trustees recognizes the constitutional guarantees of the right of free speech and peaceful assembly. The Board of Trustees also recognizes the principle of academic freedom which permits freedom of inquiry and discussion and the right to make constructive criticism. The Board of Trustees is equally cognizant of the necessity of maintaining justice, law, and order on the campuses of the University and preventing the disruption of the educational functions of the University.

16.7.A Prohibited Actions
Pursuant to Section 3345.21 of the Ohio Revised Code, the Board of Trustees hereby declares that all persons, including University faculty, staff, students, and visitors are prohibited from engaging or participating in, or aiding and abetting any of the following actions on any campus of Miami University: obstruction or disruption of teaching, research, administration, disciplinary proceedings, or any other University activities, including its public safety or service functions;
1. threatening to or engaging in conduct or creating a condition that presents a risk of physical harm to the offender or another or to the property of another;
2. theft or damage to property of the University or any other person;
3. unauthorized entry to or unauthorized use of University facilities;
4. violation of University rules and policies including those regulations concerning the use of University facilities, or concerning the time, place, and manner of public expression;
5. violation of rules governing residence in University-owned or University-controlled property;
6. disorderly conduct;
7. use, offer for sale, sale, distribution, possession, or manufacture of any controlled substance or drug, except as expressly permitted by law;
8. failure to comply with orders or directives of University officials or University police or any other law enforcement officers or emergency personnel acting in performance of their duties;
9. obstruction of the free flow of pedestrian or vehicular traffic; and
10. possession or use of firearms, explosives, dangerous weapons, or chemicals. A dangerous weapon is defined as any instrument, device, or object capable of inflicting physical harm or death; and designed or specifically adapted for use as a weapon; or possessed, carried, or used as a weapon.

For the purposes of this section "aiding and abetting" shall be construed to mean the giving of aid or assistance to the principal in the planning or execution of any of the foregoing acts.

16.7.B Penalties for Violation
Any member of the faculty, staff member or student, who violates any of the foregoing prohibitions, is subject to University discipline. Disciplinary action may include discharge, suspension, or expulsion from the University. Such person may also be subject to criminal prosecution.

Visitors are subject to criminal prosecution. Any visitor who violates this policy may be immediately ejected from University property by Miami University Police.

16.7.C Trespass
The buildings, grounds, and other property of Miami University campuses are dedicated to the educational mission of the University. Use of the buildings, grounds, and other property of the University is reserved for the direct and indirect support of the teaching, research, and service missions; of the University’s administrative functions; and of students’ campus-life activities. The University may prohibit or otherwise restrict access to or use of its buildings, grounds, and other property as may be necessary to provide for the orderly conduct of the University’s teaching, research, and service missions; of the University’s administrative functions; and of students’ campus-life activities. Visitors are free to walk through the campuses; however, authorization is required from the University or from a recognized student organization to make speeches or presentations, to erect displays, to engage in any commercial activity, or to conduct similar activities on University-owned or University-controlled property.

The President, a Miami University police officer, or any University official authorized by them, may restrict or deny any person’s access to the campus if the person engages in conduct prohibited by this policy. The Miami University police officer or other authorized University official restricting or denying access shall, if feasible, issue a trespass warning (orally or in writing) to the person. The police officer or University official issuing the trespass notice should advise the person that he/she is on University property and that permission to be on University property is revoked; and inform him/her that if he/she does not leave immediately or if he/she returns, he/she will be arrested and prosecuted for criminal trespass to the full extent of the law. A copy of the written trespass warning should be filed with the Miami University Police. An oral trespass warning should be documented in writing and filed with the Miami University Police.

16.8 Mail Services
Departmental mail, including incoming and outgoing campus and U.S. mail, outgoing international and express (overnight) mail, and outgoing bulk U.S. mail is to be processed through Campus Mail Services except as approved otherwise by the Director of Purchasing. Only mail pertaining to University business may be routed through Campus Mail Services. Personal mail, or other mail not originating from University departments or organizations, is not authorized in campus mail.

16.9 Purchasing
The procurement of supplies, materials, equipment, and services necessary for the operation of the University is the responsibility of the Department of Purchasing and Central Services. This responsibility has been delegated to the Director of Purchasing and Central Services by the Vice President for Finance and Business Services and Treasurer, in accordance with Resolution R84 59 of the Board of Trustees of Miami University.

With few exceptions, all funds deposited with the University, regardless of source, are considered University monies and must be expended and accounted for in accordance with state statutes and University policy. No individual has the authority to enter into a contract for purchase, or otherwise obligate Miami University to a purchase indebtedness without: (1) a resolution of the Board of Trustees, (2) a specific delegation by the Vice President for Finance and Business Services and Treasurer in writing.
and on file with the Secretary to the Board of Trustees, or (3) a purchase order or other contract instrument issued by or with the approval of the Director of Purchasing and Central Services. Negotiations conducted or commitments made without authority do not obligate the University, but are the personal responsibility of the individual making the commitment in accordance with Section 3.12 of the Ohio Revised Code.

Policy, procedures, and practices which govern purchases at Miami University are contained in the Purchasing and Payments Handbook, available online at http://www.units.muohio.edu/controller/prod/accounts_payable/. This Handbook details policies and regulations, and provides information and instruction for effective handling of all types of procurement transactions. It is essential that faculty and staff be familiar with the basic information and requirements contained in the Handbook, and refer to the Handbook for detailed information prior to initiating or conducting transactions.

16.10 Records Retention

Miami University, in compliance with the Ohio Revised Code, has a Records Management Program under the jurisdiction of the Office of the University Secretary for the purpose of insuring proper scheduling, storage, and disposal of University records. This program is designed to reduce the number of non-current records occupying expensive office space, provide records center storage and access outside the office of origin, eliminate unnecessary duplication of records between offices, offer a systematic method of records destruction, and create an awareness of documents with a permanent archival value.

Records include any information stored on a fixed medium prepared or received in the normal course of business (paper, image, or digital) that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the University. The legal retention period for University records applies to any medium – paper, image, and digital. Therefore, electronic records have the same retention period as would a paper copy. Some e-mail may be classified as a record and should be retained according to the legal retention period.

All University records shall be maintained in accordance with the University’s Records Retention Policy. No University records shall be destroyed except in accordance with this policy. It is the responsibility of faculty and staff to be knowledgeable about policies and procedures that apply to the retention and destruction of University records. Questions concerning the retention and disposal of University records may be directed to the Secretary of the University. The Records Retention Policy Manual and guidelines regarding use of the University Records Center located in Withrow Court are accessible via the web at http://www.units.muohio.edu/secretary/.

16.11 Signage

All temporary event signs produced by any person or group shall contain the effective dates of the temporary message and shall include the name and address or phone number of the person or group responsible for displaying the sign. Such signs should be removed as soon as possible after the effective date.

16.12 Signs, Posters, Banners

Consult the most current edition of the Student Handbook for regulations pertaining to this subject.

The use of University facilities (including buildings and grounds) for purposes other than that for which constructed or designated is prohibited. Unauthorized use includes but is not limited to the erection of tents, the use of grounds for sleeping facilities, and the posting or displaying of signs or posters on the exterior portions of buildings.

16.13 Smoke-Free Environment

In order to promote the health of our students, faculty, staff, and visitors, all Miami University campuses are designated Smoke-Free Environments. Smoking is defined as the burning of tobacco or any other material in any type of smoking equipment, including, but not restricted to, cigarettes, cigars, or pipes.
Smoking is prohibited in all Miami University-owned facilities and on the grounds of any University-owned property. This includes all buildings owned or controlled by Miami University, shelters, indoor and outdoor athletic facilities, indoor and outdoor theatres, bridges, walkways, sidewalks, residence halls, parking lots and garages. Smoking is prohibited on sidewalks that adjoin University property. Smoking is also prohibited in any vehicle or equipment owned, leased or operated by Miami University.

Miami University actively promotes and provides smoking cessation assistance and nicotine replacement therapy to students, faculty, staff, as well as their benefit-eligible spouses/domestic partners. Many services are provided at no cost or a reduced cost. Interested employees should contact Employee Health and Well-Being. Interested students should contact Student Health Services.

Exceptions

Personal Automobile. Smoking is permitted in personal automobiles parked on University premises.

Hotel/Lodging. The President is authorized to establish a designated smoking area in the exterior area surrounding any location that provides overnight guest accommodations in a lodge or hotel fashion. This authorization includes the Marcum Conference Center, The Miami Inn, Climer Guest House, Simpson-Shade Guest House, Patterson Place, and any other location housing overnight guests. The designated smoking area must be at least twenty-five (25) feet from any University building.

Violations

Faculty, staff, and students violating this policy are subject to University disciplinary action. Violators may also be subject to prosecution for violation of Ohio’s Smoking Ban (Ohio Revised Code Chapter 3794). Visitors who violate this policy may be denied access to Miami University campuses and may ultimately be subject to arrest for criminal trespass.

16.14 Travel

Miami University reimburses or pays travel expenses only if the traveler’s purpose is:
A. representation of the University on official University business
B. research investigation
C. attendance at meetings of professional societies or organizations
D. teaching and training activities of the University.

Both the travel and the request for payment must satisfy Internal Revenue Service requirements. The amount to be reimbursed or paid depends on the limits established by the University, the policies of the department or unit providing the funds, and the availability of funds. Reimbursement or payment can be assured only if the traveler obtains advance approval from the person responsible for the budget line to be charged. Details of the University’s travel policy are contained in the Purchasing and Payments Handbook, available online at http://muohio.edu/accountspayable.

16.15 Weather and University Operations

16.15.A Introduction

Information regarding weather-related disruptions to University operations will be distributed as follows:

- message posted to Miami University website (www.muohio.edu)
- e-mail and cell phone text message system (register for the Miami emergency text messaging system at http://www.units.muohio.edu/psf/police/emergencytextmessaging/)
- announcement on the following radio stations:

<table>
<thead>
<tr>
<th>AM Radio Stations</th>
<th>FM Radio Stations</th>
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<tr>
<td>WMOH (1450)</td>
<td>WMUB (88.5)</td>
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<td>WLW (700)</td>
<td>WPFB (105.9)</td>
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<td>WPFB (910)</td>
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<td>WHIO (1290)</td>
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16.15.B Emergency Weather Designations
Oxford campus will be designated as open or closed. Departments that need staffing during a weather emergency should do two things:

1. Be sure staff know if they are designated as essential staff; and,
2. Be sure staff know that they are not to come in during a weather emergency unless told to do so.

Weather emergency situations may require more or less staff depending on factors like students in the residence halls, the extent of weather damage, and the availability of electricity. Employees must receive directions from their supervisor, prior to any emergencies, regarding whether they will be designated as essential staff.

Employees who come in who are not designated essential staff will not receive severe weather pay.

Staff who are not able to report when required are expected to follow the normal call-in procedure. Failure to call in is considered a no-call/no-show; the employee will not be paid for that day and will incur an occurrence under the attendance policy.

When the University is open, all employees are expected to report for work. If weather prevents an employee from reporting, he or she is expected to follow the normal call-in procedure. Failure to call in is considered a no call/no-show; the employee will not be paid for that day and will incur an occurrence under the attendance policy.

Employees are required to request vacation, comp time, or personal time in advance. Individuals who call off due to weather conditions when the University is not closed may be denied pay for that day.

Two hours after the University closes and two hours before the University opens is considered transition time. Selected transitional staff may need to be on site to lock/open the buildings and prepare for business. Transitional staff will be identified by their supervisor prior to any weather emergency. When the Oxford campus is closed all facilities are closed, this includes the libraries, Goggin, the Recreational Sports Center, etc. There are some special considerations:

- If an intercollegiate athletic event is scheduled, the Athletic Director will confer with the Provost to determine whether or not the event will be cancelled.
- If a fine arts event is scheduled, the Director of the Performing Arts Series will confer with the Provost and President to determine whether or not the event will be cancelled.

If a weather emergency occurs during finals week, the Provost and President will determine whether or not the libraries will remain open.

The following designations (Plan A and Plan B) apply to the Hamilton and Middletown campuses and the Voice of America Learning Center.

1. **Plan A. Classes are canceled but all staff report as usual.** When classes are canceled, all staff are expected to report to work as scheduled. University staff who are unable to report to work due to adverse weather and road conditions should notify their supervisors as soon as possible. Classified staff who are tardy in reporting to work or unable to report to work: may use available vacation; compensatory time, or personal leave time; make up the lost time during the current payroll period; or take the time without pay. If the time lost cannot be made up in the current pay period, it can be made up in the following two (2) pay periods as overtime equivalent. Unclassified staff who are unable to report to work must use vacation for a half-day or more.

   **It is important to remember that a decision to cancel classes does not constitute a closing of campus.**

2. **Plan B. Campus is closed but weather-emergency staff report as usual.** Weather-emergency staff are those designated as such in the police department, physical facilities department, telecommunications, and others who are designated as “weather-emergency staff.” All other faculty and staff are asked not to come to campus. All classified employees who are designated as weather-emergency staff are required to report to work and will receive their regular rate of pay during their
shift plus the adverse-weather premium pay. Those employees who are not required to report will be paid for their regularly-scheduled hours. Unclassified staff will receive their regular pay.

16.15.C Early End to the Work Period Due to Inclement Weather Conditions
When actual or impending road conditions warrant, the President, or designated representative, may give approval for all nonweather-emergency staff to leave early. Classified employees who choose to leave early may, with the approval of their supervisors, use available vacation, compensatory, or personal leave time; make up the lost time during the current payroll period; or take the time without pay.
Section 17  FUNDRAISING AND ALUMNI AFFAIRS

17.1 The Miami University Fund
The Miami University Fund is the official agency for receiving all gifts to Miami University. An annual campaign solicits contributions from alumni, parents, staff and faculty, business houses, and friends of the University. Contributions may be designated for a number of specific projects or left undesignated for allocation by the President and the Board of Trustees. Major fund projects financed by budget provision or designation are student aid, athletic grants in aid, scholarships, research, library, Sesquicentennial Chapel, and development activities, including departmental funds, memorials, and public relations programs.

Major gifts, bequests, trusts, insurance programs, and capital funds are also handled by the development office staff. Staff and faculty members interested in the use of or development of private money may get additional information from the staff of the development and alumni relations office.

Funding of academic projects should first have the approval and authorization of the Provost before requests are submitted to the development office.

17.2 Prizes and Awards
All awards in the form of money, cups, books, plaques, etc., which any donor proposes to contribute to Miami for Miami's awards to students should be coordinated through the Office of Development, and in general shall fall within the following policy limitation: all awards shall recognize, on a broad basis, high scholastic achievement, creative work, creditable research, outstanding campus public service, or meritorious service to Miami University.

17.3 Alumni Activities and Programs
At Miami University the alumni program and development activities report to the Vice President for University Advancement. Alumni program functions on and off campus are directed from the Office of Alumni Relations, the Murstein Alumni Center. Persons or organizations in need of alumni addresses or other alumni services should contact this office. Those wishing to participate in alumni activities such as visiting alumni clubs, speaker's bureau, or similar programs are urged to contact the alumni office.

17.4 The Miami University Foundation
The Miami University Foundation serves to foster the educational and research activities of Miami University. It is a nonprofit corporation receiving contributions of money and gifts of personalty and realty in the furtherance of its principal purpose through the Miami University Fund or, on occasion, directly. Foundation trustees and officers administer the affairs of the Foundation in accordance with the laws of the state of Ohio.
Section 18 UNIVERSITY COMMUNICATIONS

18.1 News and Public Information Office

The News and Public Information Office has the sole responsibility for writing and disseminating information about the University’s three campuses (Oxford, Hamilton, Middletown), the Voice of America Learning Center, and the John E. Dolibois European Center in Luxembourg to newspapers, magazines, and radio and television stations.

18.2 Marketing Communications

The Office of Marketing Communications is a full-service marketing operation, helping campus clients build relationships with prospective students, parents, donors, alumni, legislators, and other external audiences. The staff provides consultation, editing, design, and production services for both print and electronic communication. Internal services are provided at no charge to the client; charges from outside suppliers (e.g., photography, printing) are billed to the client.

Because of its small staffing, the office cannot always offer full services to campus clients; however, editing service is always available for materials intended for off-campus distribution. In fact, University policy requires that all publications to be distributed off campus for use in student recruitment must be approved by the Office of Marketing Communications prior to production.

The office also has the responsibility of University Editor. In this capacity, the office manages the production of official publications such as telephone directories, campus maps, etc., oversees the University’s graphic identity system, and reviews external communications for accuracy, consistency, and accountability in the use of University funds.
Section 19 INFORMATION TECHNOLOGY

19.1 Computer Peripherals and Software Acquisition

19.1.A General
Provided such additions do not substantially degrade service to other users, it is the policy of Miami University to permit the acquisition of computer peripheral devices and/or software within the limits of the operating budget and/or available extramural funding; the University statement of preferred, supported, and approved manufacturers; and the capacity or security of the host computers.

For purposes of this policy, computer peripheral devices are defined as any device which contain an electronic processor and which can be linked either directly or indirectly to the Miami Computing System Network (MUNnet).

Software includes general system programs and libraries, compilers, utilities, and other computer programs requiring central system support. For independently developed or acquired software, which will become an integral part of the University information processing system, a contact person in IT Services must consult/assist in the development to ascertain that the resulting system will be effective, meet security requirements, and can be maintained by IT Services should the need subsequently arise.

The implementation of this policy is the responsibility of the Vice President for Information Technology. The Information Technology Policy Committee recommends such policies.

19.1.B Procedures
Requests for acquisition of computer peripheral devices and/or software shall be endorsed by IT Services in terms of technical compatibility, access security, and central computer system capacity and approved through normal organizational channels.

Requests shall include documentation as to technical specifications, pricing, proposed use, benefits, expected utilization, and anticipated central computer system impacts.

Endorsement by IT Services is necessary for connection to the Miami Computing System Communication Network and the use of the central computer systems.

19.2 Responsible Computing Use Policy

19.2.A General Statement
Miami University acquires, develops, and maintains computers, computer systems, and networks. These computing resources are intended for University-related use, including direct and indirect support of the University's instruction, research, and service missions; of University administrative functions; of student and campus life activities; and of the free exchange of ideas.

The rights of free expression and academic freedom apply to the use of University computing resources. So, too, however, do the responsibilities and limits associated with those rights. All who use the University's computing resources must act responsibly, in accordance with the highest standard of ethical and legal behavior. Thus, legitimate use of computing resources does not extend to whatever is technically possible. Users must abide by all applicable restrictions, whether or not they are built into the operating system or network and whether or not they can be circumvented by technical means.

This policy applies to all users of University computing resources, whether affiliated with the University or not, and to all uses of those resources, whether on campus or from remote locations. Additional policies may apply to specific computers, computer systems or networks provided or operated by specific units of the University or to uses within specific units. Some of these policies are listed in Sections 19.2.H and 19.4 of this manual.

19.2.B Policy
All University computing resource users must:
1. **Comply with all federal, Ohio, and other applicable law; all generally applicable University rules and policies; and all applicable contracts and licenses.** Examples of such laws, rules, policies, contracts, and licenses include: the laws of libel, privacy, copyright, trademark, obscenity, and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit "hacking", "cracking", and similar activities; the University's Code of Student Conduct; the *Miami University Policy and Information Manual*, the University's sexual harassment policy; and all applicable software licenses. In particular, users must:
   a. respect the right of others to be free from harassment or intimidation to the same extent that this right is recognized in the use of other communication; and
   b. respect copyrights, intellectual-property rights, ownership of files and passwords. Unauthorized copying of files or passwords belonging to others or to the University may constitute plagiarism or theft. Accessing or modifying files without authorization (including altering information, introducing viruses or Trojan horses, or damaging files) is unethical, may be illegal, and may lead to sanctions.

Users who engage in electronic communications with persons in other states or countries or on other systems or networks should be aware that they may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular uses.

Miami University extends these policies and guidelines to systems outside the University that are accessed via the University's facilities (e.g., electronic mail or remote logins using the University's Internet connections).

2. **Use only those computing resources that they are authorized to use and use them only in the manner and to the extent authorized.** Ability to access computing resources does not, by itself, imply authorization to do so. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding. Accounts, passwords, and other authentication mechanisms, may not, under any circumstances, be shared with, or used by, persons other than those to whom they have been assigned by the University.

3. **Respect the finite capacity of those resources and limit use so as not to consume an unreasonable amount of those resources or to interfere unreasonably with the activity of other users.** Although there is no set bandwidth, disk space, CPU time, or other limit applicable to all uses of University computing resources, the University may require users of those resources to limit or refrain from specific uses in accordance with this principle. The reasonableness of any particular use will be judged in the context of all of the relevant circumstances.

4. **Limit the personal use of University computing resources and refrain from using those resources for personal commercial purposes or for personal financial or other gain.** Personal use of University computing resources is permitted when it does not consume a significant amount of those resources, does not interfere with the performance of the user's job or other University responsibilities, and is otherwise in compliance with this and other University policy. Further limits may be imposed upon personal use in accordance with normal supervisory procedures.

5. **Refrain from stating or implying that they speak on behalf of the University and from using University trademarks and logos without authorization to do so.** Affiliation with the University does not, by itself, imply authorization to speak on behalf of the University. Authorization to use University trademarks and logos may be granted only by Miami University. The use of appropriate disclaimers is encouraged. Personal web pages linked to the University Web should disclaim association with Miami University.

### 19.2.C Enforcement

Whenever it becomes necessary to enforce University rules or policies, an authorized administrator may: disallow network connections by certain computers (even departmental and personal ones); require adequate identification of computers and users on the network; undertake audits of software or information on shared systems where policy violations are possible; take steps to secure compromised systems; and impose other appropriate organizational or policy measures to prevent recurrence of the violation.
computers that are connected to the network; or deny access to computers, the network, and institutional software and databases.

**19.2.D Sanctions**

Users who violate this policy may be denied access to University computing resources and may be subject to other penalties and disciplinary action, both within and outside of the University. Violations will normally be handled through the University disciplinary procedures applicable to the relevant user. Alleged violations by students will normally be investigated, and the Office of Ethics and Student Conflict Resolution will normally impose any penalties or other discipline.

However, the University, through its information managers, may suspend or block access to an account prior to the initiation or completion of such procedures; when it reasonably appears necessary to do so, and in order to protect the integrity, security, or functionality of University or other computing resources; or to protect the University from liability.

The University may also refer suspected violations of applicable law to appropriate law enforcement agencies.

**19.2.E Privacy and Security**

The University employs various measures to protect the security of its computing resources and users accounts. However, users should be aware that the University does not and cannot guarantee such security.

Users should also be aware that their uses of University computing resources are not private. While the University does not routinely monitor individual usage of its computing resources, the normal operation and maintenance of University computing resources requires the backup and caching of data and communications, the logging of activity, the monitoring of general usage patterns, and other such activities that are necessary for the rendition of service. Systems or technical managers, as part of their technical responsibility, may occasionally need to diagnose or solve problems by examining the contents of particular files.

The University may also monitor the activity and accounts of individual users of University computing resources, including individual sessions and communications, without notice (a) when the user has voluntarily made them accessible to the public, as by posting to Usenet or a web site; (b) when it reasonably appears necessary to do so to protect the integrity, security, or functionality of University or other computing resources or to protect the University from liability; (c) when there is reasonable cause to believe that the user has violated, or is violating, this policy; (d) when an account or device appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns; or (e) when it is otherwise required or permitted by law.

Any such individual monitoring, other than that specified in "(a)", or required by law, or necessary to respond to perceived emergency situations, must be authorized in advance by the Vice President for Information Technology or a designee of same.

The University, in its discretion, may disclose the results of any such general or individual monitoring, including the contents and records of individual communications, to appropriate University personnel or law enforcement agencies and may use those results in appropriate University disciplinary proceedings. Communications made by means of University computing resources are also generally subject to Ohio's Public Records Statute to the same extent as they would be if made on paper.

**19.2.F The User's Responsibilities**

1. **Be aware of the limits of computer security.** Although the University employs various measures to protect the security of its computing resources and user accounts, users should be aware that the University cannot guarantee such security. Users should therefore engage in "safe computing" practices by establishing appropriate access restrictions for their accounts, guarding their passwords, and changing them regularly.
2. **Be responsible for backing up and protecting personal files.** Although the University under certain circumstances may provide storage space and under certain circumstances that storage may be backed up, Miami University assumes no responsibility for the loss or recovery of personal files.

19.2.G **The University's Responsibilities**

The University owns various computers and all of the internal computer networks used on campus. The University also has various rights to the software and information residing on, developed on, or licensed for, these computers and networks. The University has the responsibility to administer, protect, and monitor this aggregation of computers, software, and networks. Specifically, purposes of the University's information technology management are to:

1. manage computing resources so that members of the University community benefit equitably from their use;
2. protect University computers, networks and information from destruction, tampering, and unauthorized inspection and use;
3. communicate University policies and the responsibilities of individuals systematically and regularly in a variety of formats to all parts of the University community;
4. establish and support reasonable standards of security for electronic information that community members produce, use, or distribute. Standards for security and access are elaborated in the document "Miami University Computing Security Policy," as well as in documents derived from it;
5. monitor policies and propose changes in policy as events or technology warrant.

19.2.H **Other Miami University Computing Policies**

"Responsible Use of Computing Resources at Miami University" was adapted from The Ohio State University's Policy on Responsible Use of University Computing Resources. Miami University is grateful to The Ohio State University for allowing us to use its policy as a model.

Additional policies, including the "Miami University Computing Security Policy", elaborate the above policies and outline procedures for implementation.

Additional policies that are not in this document may apply to specific computers, computer systems, or networks provided or operated by specific units of the University. Consult the operators or managers of these systems for further information.

19.3 **Illegal or Unauthorized Use of Computing Resources**

The following prohibited actions apply to faculty, staff, students, and visitors:

- theft or malicious destruction of computing property (including computer hardware, software, and/or data) belonging to the University, other corporations, or to any other person;
- unauthorized access to, use of, or control of computing facilities or computer data, including circumvention of computing system safeguards;
- acts involving computing resources that obstruct or disrupt University functions in teaching, research, or administration; and
- use of University property in the performance of illegal or prohibited actions including violation of software copyrights or trade secrets and/or activities conducted for personal financial gain except as provided for by other University policy.

19.4 **Additional Policies and Procedures**

It is the responsibility of faculty and staff to be knowledgeable about policies and procedures that apply to the provision and use of computing resources. Please consult the following links for policies and procedures regarding:

- Department/Division Policies
- Hardware/Software Acquisition
- Software Upgrades
- Inventory Policies and Procedures (including a link for a Property Pass for off-campus equipment use and information on computer disposal)
- Environmental Considerations for your Computer
19.5 Telecommunications

Telephone services provided by Miami University are for University business. University telephone services are not to be used to support private business practices. Personal long distance calls may not be charged to University accounts, but may be made from University telephones if the caller has established a personal account through the IT Services Office of Telecommunications or places such calls as third party billed or by using a personal telephone credit card. Employees issued telephone credit cards by the University shall limit their usage to University business only.

19.5.A Policy on Use of Cellular Telephones and Photographic Imaging Devices

Classrooms/Exams. Faculty may ban the possession of cellular telephones and/or other devices with photographic imaging capability during class periods and/or exam periods.

Automobiles/Dangerous Equipment. Cellular telephones should not be used in a manner that interferes with the safe operation of a state-owned vehicle or a personal vehicle on University business. Cellular telephones may not be used by anyone operating dangerous equipment while working for the University.

Restrooms/Locker Rooms. Due to privacy reasons, taking photographic images of any kind, by means of any device, without permission is prohibited in restrooms and locker rooms. Facilities’ managers have the right to ban, by posting appropriate signs, possession of cellular telephones and/or devices with photographic imaging capability from public restrooms and public locker rooms.

19.5.B Policy on Cellular Telephone Service

The University provides cellular telephone service to eligible employees to improve University operations and services and enhance operating efficiencies.

19.5.B.1 Eligibility

There are several acceptable business reasons for authorizing a University-provided cellular telephone service for an employee, such as:

• the employee travels frequently;
• the employee is frequently out of the office; or
• the employee needs to be accessible in the event of an emergency.

Employees must have the approval of their department head to obtain a University-provided cellular telephone service.

19.5.B.2 Cellular Telephone Service

The University makes this service available, as with all other telephone services, through the IT Services Office of Telecommunications. That office will coordinate and order all such services in support of the University’s business needs. Only the IT Services Office of Telecommunications has the appropriate purchasing authority to contract for cellular telephone services on behalf of the University.

Where the vendor or vendors, primarily used by the University, or the standard set for services contracted by the University, do not meet the specific business need of the employee or department, the IT Services Office of Telecommunications will work with the employee or department to determine the specific vendor and plan to best meet the business need. The IT Services Office of Telecommunications may request that the case for specific business needs be put in writing and approved by the appropriate department head. The IT Services Office of Telecommunications may charge a handling fee or service surcharge for any nonstandard service vendor or plan.

Employees are not expected to use their personal cellular telephone for University business. Employees will not be reimbursed for the cost of using a personal cellular telephone for University business without the advance written authorization of the appropriate vice president or president.
19.5.B.3 Business/Personal Use
The University provides cellular telephone service to eligible employees for business use. However, it is understood that the cellular telephone service may also be used for incidental personal purposes.

19.5.B.4 Reimbursement for Personal Use
The University does not require reimbursement for any portion of the basic routine monthly charge for service, plan allotted time, or the taxes thereon. The University does require reimbursement for personal use (including calls, text messaging or other uses) that are made or received in the following instances:

- personal long distance use that is charged in excess of flat rate airtime;
- personal use that causes the flat rate airtime threshold to be exceeded; or
- personal use that results in additional charges to the University.

Personal use must be reimbursed on a quarterly basis or whenever the amount owed exceeds $25, whichever occurs first. The user’s personal check should be submitted to Treasury Services for deposit to the account number billed for the cost of the cellular telephone service.
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