

Section	I.	Board Procedures
Subsection	A.	Board of Trustees Defined

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## **I. BOARD PROCEDURES**

### **A. Board of Trustees Defined**

The Board of Trustees of Governors State University is a body corporate and politic of the State of Illinois created by law to operate, manage, control, and maintain Governors State University. The Board of Trustees of Governors State University shall be referred to in these regulations as the "Board."

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**B. Board Regulations Defined**

Board Regulations are general statements of procedure adopted by the Board concerning the conduct and operation of the Board or the university under its jurisdiction within the framework of the Board's Governing Policies.

Section I. Board Procedures

Subsection C. Adoption, Amendment, and Repeal of Board Regulations

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### **C. Adoption, Amendment, or Repeal of Board Regulations**

1. Board Regulations may be adopted, amended, or repealed at any regular meeting of the Board by a majority vote of the voting membership of the Board. Requests for the adoption, amendment, or repeal of Board Regulations shall be submitted to the President, who shall notify the Board's Chairperson of such requests. The President shall report such requests with recommendations for action to the Board. Except as specified in paragraphs 3. and 4. below, the adoption, amendment, or repeal of Board Regulations shall occur only after a proposal for adoption, amendment, or repeal has been presented to the Board for first reading by the President.
2. Board action on the proposal shall not be taken earlier than the next regular meeting following first reading. During the interim between first reading and Board action the President shall distribute copies of the proposal to appropriate faculty, staff, and student groups. Up to ten days prior to the Board meeting at which action is to be taken, members of the faculty, staff, and student body may submit their views and comments in writing to the President for distribution to the Board together with the President's recommendation for action on the proposal.
3. The President is authorized to make nonsubstantive amendments to the Board Regulations as may be necessary for such purposes as name or title changes, correcting typographical errors and cross-references, and updating citations.
4. When justified by timing considerations or the nature of the subject matter, proposals for adoption, amendment, or repeal of Board Regulations may be acted upon by the Board at the time of first reading.
5. Interpretations of Board Regulations shall be issued in writing by the President upon request of Board members or upon the President's own initiative.

Section I. Board Procedures

Subsection D. Compilation of Bylaws, Governing Policies and Regulations

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**D. Compilation of Bylaws, Governing Policies, and Regulations**

The President shall maintain an official compilation of the Board's Bylaws, Governing Policies, and Regulations and shall provide copies to members of the Board. Copies shall be distributed to appropriate staff and student body officers and shall be placed in the university library for use by interested persons.

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**E. Delegation of Authority**

1. The authority delegated by the Board Regulations to the President may be further delegated by the President in writing to appropriate and responsible officials of the university.
2. The President shall identify by position the persons authorized to act in her or his place in the event of absence from the office of more than a week or other unavailability. The President shall notify the Chairperson in writing of such delegation of authority by the President.

**Section I. Board Procedures**  
**Subsection F. Board Meetings**

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**F. Board Meetings**

1. Agenda

The President, in consultation with the Chairperson of the Board, shall develop an agenda prior to each Board meeting. The President shall normally distribute meeting materials to Board members, and other appropriate parties at least seven days prior to the next scheduled meeting. The President shall distribute a copy of the meeting materials to the Chairperson of the Faculty Senate. Distribution of meeting materials may be subject to reasonable limitations in the case of special or emergency meetings.

2. Reports

The President shall develop a format and schedule for reports to the Board. Items presented to the Board shall be submitted either for action or information. Each item presented for action shall be accompanied by an appropriate resolution or recommendation to provide a clear record of the action taken by the Board.

3. Presentations

- a. Persons desiring to address the Board shall submit a written request to the President at least five days prior to the Board meeting. The request shall include the name and address of the person wishing to speak, the name of the group represented, and a summary of the presentation.
- b. The President and the Chairperson shall consult with respect to each request to address the Board. At least three days before the meeting the President shall indicate to each person properly submitting a request to address the Board whether the request will be granted or denied. If the request is granted the form and duration of the presentation shall be subject to rulings of the Chairperson.

4. Recording of Meetings

Any person may record by tape, film, or other means the meetings of the Board or its committees required to be open by Illinois law, provided that, if the recording process interferes with the overall decorum and proceeding of a meeting, such recording shall be discontinued at the request of the Chairperson or other presiding officer.

5. Publication of Proceedings

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A report of the proceedings of the Board shall be published for each fiscal year in sufficient number for distribution to interested parties. One copy shall be placed in the university library.

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## II. EMPLOYEES

### A. General

1. Coverage  
This Section II applies to all faculty, administrative, civil service, and other employees of the Board of Trustees of Governors State University unless otherwise provided by these Regulations, by law, or by the terms of a collective bargaining agreement.
2. Authority to Employ  
The Board of Trustees of Governors State University is the employer of all faculty, administrative, civil service, and other employees of Governors State University. The employment of the President of the University is subject solely to the employment contract between the President and the Board of Trustees.
3. Delegation of Authority
  - a. Board approval shall be required for creation, elimination, or significant modification of the position of Provost/Vice President and Dean., The President shall inform the Board of the appointment, promotion, resignation, retirement, or other event concerning the employment of a Provost/Vice President and Dean as soon as possible after the event.
  - b. Board approval shall be required for;
    - the award of tenure;
    - the final, involuntary separation of an employee to be effective during the term of an employment contract;
    - the final approval of any collective bargaining contract.;
    - the creation, elimination, or modification of the categories of appointment specified in this section below.
  - c. All appointments and promotions shall be made by the President.
  - d. The President may accept the resignation of an employee on behalf of the Board.
4. Categories of Employment
  - a. Faculty employees shall be categorized as follows:
    - (1) Type of Appointment
      - (a) Probationary
      - (b) Tenure
      - (c) Temporary



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#### (2) Rank

- (a) Lecturer/Senior Lecturer
- (b) University Professor
- (c) Instructor
- (d) Assistant Professor
- (e) Associate Professor
- (f) Full Professor

#### 5. Appointment Procedures

##### Adoption of Appointment Procedures

The President shall develop procedures for the appointment (including acting appointment) of faculty, administrative and professional, civil service, and other employees. The procedures shall contain such provisions as are necessary and appropriate and shall be: (a) consistent with the Board's delegation of authority in Section II.A.3.; (b) consistent with the Board's commitment to affirmative action and nondiscrimination in employment practices; and (c) consistent with the Board's policy on participation in university governance. The procedures and any changes shall take effect when approved by the President.

#### 6. Policy on the Avoidance of Nepotism

All university employees who have control or influence over decisions involving the use of public resources or authority have the responsibility to exercise that control or influence in a manner which maintains public confidence in the integrity of institutional decision making processes. This responsibility includes the expectation that, in their exercise of this control or influence, employees will avoid creating the appearance of nepotism as well as other forms of conflict of interest. Therefore, no employee may initiate or participate in any decision involving the employee or person with whom he/she has a close personal relationship, which include, but are not limited to, the following:

- Employment hiring or selection
- Assignment
- Transfer
- Promotion
- Evaluation
- Retention/termination
- Leave of absence
- Compensation

A "personal relationship" shall mean marital or other committed relationship, significant familial relationship or consensual sexual or romantic relationship. Employees who marry or become related through marriage or become a member of the same household may continue employment as long as there is no direct or indirect supervisor/subordinate relationship between such employees or an actual conflict of interest or appearance of a

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conflict of interest. Should any of the above situations occur the university would expect the employee to disclose the circumstances and to remove him/herself from the decision making role. The university may find a comparable alternative position to which one of the affected employees may be reassigned or transferred. If accommodations of this nature are not feasible, the employees will be permitted to determine between or among them, which of them will resign. The resolution must be acceptable to the university. In the event the employees are unable or unwilling to do so, the university will decide on the resolution of the perceived conflict.

In those situations where the decision maker is the President, or a Vice President, the reality and perception of their influence and power is such that it would not be possible for them to avoid the appearance of a conflict of interest by submitting the decision to review or by withdrawing from the decision making process. In the absence of special circumstances which may be considered by the Board on a case by case basis, no person who is a close relative, or who is, regardless of relationship, a member of the same household of the President or Vice President, shall be employed in any position which is under the administrative control of that officer who is their close relative or of whose household they are a member.

This policy shall not apply to employment decisions made before its adoption. The President shall be responsible for ensuring compliance with this policy. The President shall develop a definition of the term "close relative" and "member of the same household."

#### 7. Educational Requirements

The President shall develop a policy concerning the educational requirements necessary for appointment to faculty, including temporary appointments. All educational requirements shall be fulfilled by study in an accredited institution of higher education. The policy shall include the following provisions and such other provisions as are necessary and appropriate:

- a. the minimum educational requirements necessary for appointment;
- b. any exceptions to the minimum requirements.

The policy and/or any changes shall become effective when approved by the President.

#### 8. Position Descriptions

A description shall be prepared for each administrative position, including Chairpersons, in the university, except for the position of President, and for each civil service and other positions. The President shall develop guidelines for the preparation, review, modification, and maintenance of position descriptions.

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9. Administrative Organization

An organization chart of the administrative structure shall be prepared for the university.

10. Employee Benefits

a. Eligibility

The following provisions apply to faculty, administrative, civil service, and other employees, subject to the eligibility requirements stated in these Regulations. In the instance where there is a conflict between these Regulations and an employee collective bargaining, the collective bargaining agreement will prevail.

b. Military Leave

(1) An employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois National Guard shall be granted leave for any period actively spent in such military service, including:

(i) basic training;

(ii) special or advanced training, whether or not within the State and whether or not voluntary; and

(iii) annual training.

c. Benefits during Military Leave

(1) The employee's seniority and other benefits shall continue to accrue.

(2) The employee shall continue to receive his or her regular compensation. During leaves for basic training and for up to 60 calendar days of special or advanced training, if such employee's compensation for military activities is less than his or her compensation as an employee of the university, he or she shall receive his or her regular compensation as an employee of university, minus the amount of his or her base pay for military activities. The compensation and accrual of seniority for any employee who is a member of the Illinois National Guard and who is called to temporary active duty in case of civil disturbance or natural disaster declared by the Governor or who is called to temporary active duty due to combat at the order of the President of the United States shall be subject to the requirements of the state and federal law (Uniformed Services Employment and Re-employment Act of 1994). The President will develop policies and procedures to implement such compliance.

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d. Leave for Court Required Service

An employee who is summoned for jury duty or subpoenaed as a witness before a court of competent jurisdiction or as a witness in a proceeding before any federal or state administrative agency who is scheduled to work during the time that he/she is called, shall be granted leave with pay and any jury or witness fees may be retained by the employee, provided that no employee shall be given leave with pay for:

- (1) appearing as a party in a non-GSU employment related proceeding involving such employee;
- (2) appearing as an expert witness when the employee is compensated for such appearance; or
- (3) appearing as a plaintiff or complainant in a proceeding in which the Board or the university is a defendant or respondent.

In granting leave of absence for jury duty, an employee may be required to return to work for the time during which the employee is not required in any jury attendance.

e. Benefits While on Compensated Leave

- (1) An employee eligible for such leave shall earn vacation leave and sick leave while on compensated leave other than educational leave or administrative leave.
- (2) An employee on compensated leave may continue to contribute toward and receive the benefits of any State or Board insurance program and may continue to contribute toward and receive retirement credit in the State Universities Retirement System if the laws, rules, regulations, policies, and procedures governing the administration of such insurance programs or the State Universities Retirement System so permit.
- (3) Upon return to the university from a compensated leave, an employee's salary shall be adjusted to reflect nondiscretionary increases which the employee would have received if not on leave.

f. Emergency Leave

- (1) If an emergency arises (such as a severe snow storm, tornado, riot, etc.) in which the safety, health, or welfare of employees is a matter of concern, the President may order employees to absent themselves from work with pay.

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- (2) Civil Service employees ordered to absent themselves from work under such circumstances shall not lose seniority because of such absence.
- (3) Employees not excused from work under such circumstances who fail to report for work as scheduled may be denied compensation for such absence.

g. Extended Sick Leave

The President of the university may grant an employee sick leave with full pay for a period not to exceed 60 calendar days, if the employee: (1) has completed at least three full years of service at the university; (2) has exhausted all sick leave benefits; (3) is a participant in the State Universities Retirement System; and (4) is entitled to and has applied for disability benefits under the State Universities Retirement System.

h. Federal Family and Medical Leave Act

Governors State University will comply with statutory and regulatory requirements of the Federal Family Medical Leave Act (FMLA) and the Illinois Victims' Economic Security Act (VESSA) of 2003 as amended. The President shall develop procedures and guidelines to implement, monitor and document the university's FMLA and VESSA programs.

i. Implementing Policies

The President may develop policies implementing the benefits specified in this Subsection A.9., Subsection B.6., and Subsection C.7. of these Regulations. The policies and any changes shall become effective when approved by the President.

11. Compulsory Disability Leave

- a. If the President for the university believes an employee is unable to perform assigned duties due to illness or injury, he/she may inform the employee in writing of the basis for such belief and require the employee to obtain a medical examination by a doctor chosen and paid for by the university or by a doctor chosen and paid for by the employee who is acceptable to the President. Refusal of an employee to submit to a medical examination may result in suspension of the employee or other disciplinary action. The doctor shall submit an opinion to the President as to whether the employee (1) has a physical or mental condition which constitutes a health or other hazard to the employee, fellow employees, or others with whom the employee may come in contact or (2) has a physical or mental condition which prevents the employee from performing the duties required by the position of employment. A copy of the doctor's opinion shall be given to the

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employee. At the employee's discretion and expense, a second medical opinion may be obtained for consideration by the President.

- b. If the medical evidence indicates that the employee (1) has a physical or mental condition which constitutes a health or other hazard to the employee, fellow employees, or others with whom the employee may come in contact or (2) has a physical or mental condition which prevents the employee from satisfactorily performing the duties required by the position of employment, the President, may place the employee on compulsory disability leave. The President shall notify the employee in writing of the duration of the compulsory leave period. Any earned leave credits shall be used during the compulsory leave period. That portion of the compulsory disability leave, if any, which is not covered by earned leave credits shall be without pay.
  - c. After expiration of one-half of the compulsory disability leave period, the employee may, upon prior notice to the President, and at the employee's expense, seek a medical opinion from a doctor acceptable to the President as to the ability of the employee to return to work. If the opinion indicates the employee is able to return to work, the employee may return to work at a time mutually agreed upon between the employee and the employer.
  - d. If, in the opinion of a doctor chosen and paid for by the university or of a doctor chosen and paid for by the employee who is acceptable to the President an employee is unable to return to work at the end of a compulsory disability leave, the President may (1) extend the leave without pay, (2) request the employee's resignation, or (3) terminate the employee's employment.
12. Bereavement Leave
- a. Leave with pay of three days per occurrence, to be taken within a period of five days commencing with the date of occurrence, will be granted to an employee in the event of the death of the employee's spouse, domestic partner as defined by rules set forth by the Illinois Department of Central Management Services, parent, step-parent, mother- and father-in-law, child, stepchild, sibling, step-sibling, brother- and sister-in law, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin or member of the employee's immediate household. Bereavement leave shall be taken in not less than one-half day increments and may not be accumulated.
  - b. Bereavement leave of longer duration than set forth above may be approved under special circumstances by the President and will be deducted either from vacation leave or sick leave, if applicable at the employee's choice, provided an accrual balance is available.
13. Other Leave Programs
- The President may establish other leave programs that do not add to the leave or conflict with the leave benefits in collective bargaining agreements or in the Board of Trustees Regulations.

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14 Failure to Return to Work Following the Expiration of an Approved Leave of Absence

If an employee fails to return to work following the expiration of an approved leave absence and has not submitted a request to extend the leave which includes documentation to support time extension within five days of the expiration of the approved leave, the university will consider that the employee to have voluntarily resigned his/her position and will so notify the employee.

15 Outside Employment

An employee's participation in outside employment must be consistent with the employee's obligation to the Board as the primary employer and is subject to such conditions as may be imposed by federal or state law or the terms of a collective bargaining agreement. The President shall establish guidelines concerning outside employment.

16. Retirement

Employees are subject to the statutes and rules governing the State Universities Retirement System.

17. Tax Deferred Retirement Plan

a. It shall be the policy of the Board of Trustees to, in its discretion, sponsor the Governors State University Tax Deferred Annuity Plan in which eligible employees may participate.

b. This plan shall be administered by the President who shall have authority to prescribe guidelines, procedures, rules and regulations, consistent with Section 403(b) of the Internal Revenue Code of 1986, as amended (the Code)., whereby eligible employees of the university may enter into agreement with the university to elect to receive, in lieu of salary or wages, benefits which are tax deferred under the Code. Governors State University is the Plan Sponsor and Plan Administrator and as such, reserves the right, in its sole discretion to amend, change or terminate this Plan as permitted by law.

18. Tuition Reduction Benefits

a. It shall be the policy of the Board of Trustees to, in its discretion, make available to each eligible employee now or hereafter employed, the opportunity to participate in a Tuition Reduction Plan that exempts the employee from tuition and certain fees.

b. The specific benefits available to university employees, if approved, are described in Section II.B.5.b for faculty and administrative employees and in Section II.C.7.h for Civil Service Employees of these Regulations, and the tuition waiver provisions, if any, of applicable collective bargaining agreements.

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- c. Benefit Administration - This benefit shall be administered by the President who shall have the authority to prescribe guidelines, procedures, rules and requirements consistent with a tax-exempt tuition reduction provision under the Internal Revenue Code, where employees of the university may obtain tuition and certain fee waivers on a tax-exempt basis. The Board of Trustees of Governors State University, in its sole discretion reserves the right to amend, change or terminate the benefits under this program.
- d. Employee Dependents - Governors State University provides a partial tuition waiver benefit for certain dependents of eligible employees subject to the provision and limitation of the Governors State University Law 110 ILCS 670/15-90. Dependents under the age of twenty-five of eligible employees shall receive a fifty percent (50%) reduction of the tuition for undergraduate education at any Illinois state university named in the Act for a period not to exceed four years. Fees and charges other than tuition are not included in this waiver.

#### 19. Employees Licensed to Practice Law

Employees of the Board who are licensed to practice law may not represent any person or entity in any litigation, administrative proceeding, or other matter (other than proceedings conducted pursuant to Board or university regulations or procedures or a collective bargaining agreement to which the Board is a party) in which the Board, the university, or other employees of the Board are adverse parties.

#### 20. Copyright and Patent Policies

##### a. Copyrights

- (1) The Board recognizes that the creation of scholarly materials can be of benefit to the author and the Board and the university and thus is to be encouraged. Therefore, the Board's copyright policy is intended to foster the traditional freedoms of faculty, staff, and students with regard to the creation and publication of copyrightable works. At the same time, this policy is intended to provide a fair and reasonable balance of the interests in such works among authors, sponsors, and the Board and the university.
- (2) Works subject to copyright may include, but are not limited to, the following:
  - (a) books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and proposals
  - (b) lectures, dramatic or musical works, and unpublished scripts
  - (c) films, film strips, charts, transparencies, and all other visual aids
  - (d) pictorial, graphic, and sculptural works



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- (e) audio and video tapes and cassettes
  - (f) programmed instruction materials
  - (g) computer programs
- (3) Under copyright law the right to copyright any of the above, or to assign this right to a publisher or producer, normally belongs to the author of the work. However, in the case of a "work for hire," the employer or other person for whom the work has been prepared is considered the copyright owner. To establish guidelines for determining whether or not a "work for hire" relationship exists and to balance the equitable interests involved, the following principles will be followed:

Ownership in copyrightable works produced by authors who are faculty, staff, or students at the university, shall remain with the faculty, staff, or student authors except in the following situations, in which ownership of all rights in copyrightable works produced shall belong to the Board (for the benefit of the appropriate university):

- (a) works prepared under an agreement with an external party (e.g., a grant or contract) where the terms of the agreement require the Board to hold or transfer ownership in the copyrightable work,
  - (b) works expressly commissioned in writing by the Board or the university, or
  - (c) works created as part of the employee's assigned duties and activities, excluding
    - (i) works created as part of sabbaticals or employee-initiated research release time or
    - (ii) works submitted to journals for publication. (However, works created as part of an employee's unassigned duties and activities are not considered to be "works for hire," and ownership of copyrights for these works shall remain with the author.) If an author is uncertain about the ownership of a work arising out of a particular assignment, before undertaking the assignment the author shall be entitled to request in writing and to receive a clarifying written statement from the President for the university.
- (4) If more than half the cost of production of a copyrightable work not considered a "work for hire" hereunder was provided through Board or university resources, the faculty, staff, or student author shall grant the Board an irrevocable, non-exclusive, royalty-free license to use, copy, and sell such work in connection with its teaching, research, and public service programs.
- (5) With respect to copyrightable works owned or used by the Board pursuant to paragraph (3) or (4) above, the author may be required to execute such documents as are necessary to vest ownership or a royalty-free license to copy, use, and sell such

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works in the Board or its designee and to warrant that such works do not infringe any pre-existing copyright.

- (6) When the Board or the university commissions the preparation of a copyrightable work by an author who is not a Board or university faculty or staff member or student, the contract with such author shall specify that the work shall be considered a "work for hire."
- (7) Works owned by the author may be copyrighted, published, and distributed by the author, or by others to whom the author has assigned such rights, subject only to any license referred to in paragraph (4) above. Authors may request that the work be produced through the Board; and, if the request is granted, an agreement will be drawn up specifying the duties of the author and the Board, the distribution of any income received between the author and the Board (for the benefit of the university), and other mutually agreed upon terms. The agreement shall be approved by the President for the university, after considering the recommendations of the Provost and the appropriate research administrator or committee.
- (8) To avoid the appearance of impropriety, faculty-authors who require their students to purchase their works should:
  - (a) donate the equivalent amount of any royalties received from such purchases to the university for use in an appropriate fund (e.g., department or college scholarship), or
  - (b) consider other appropriate methods of divesting themselves of the equivalent amount of any such royalties.
- (9) In the event that income is received by the Board or the university from any copyrightable works belonging to the Board, an appropriate share shall be paid to the author. The amount of said share shall be determined by the President for the university, after considering the recommendations of the Provost and the appropriate research administrator or committee.
- (10) The Board's or the university's share of copyright income shall be used and controlled in ways to produce the greatest benefit to the Board (for the benefit of the university) and to the public in a manner to be determined by the President for the university, after considering the recommendations of the Provost and the appropriate research administrator or committee.

#### b. Patents

- (1) The principle is recognized that discoveries, inventions, and patents which are the result of research carried on by, or under the direction of, faculty, staff, or students on Board or university time, with their facilities, or from funds under their control belong to the

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Board (for the benefit of the university) and shall be used and controlled in ways to produce the greatest benefit to the Board or the university and to the public.

- (2) Patentable inventions or discoveries covered by paragraph (1) above shall be submitted to the appropriate research administrator or committee to be considered for submission to a research corporation which may patent and commercialize the invention or discovery without expense to the inventor or discoverer or to the Board or university. If an invention is not submitted to or accepted by such research corporation, its disposition will be determined by the President for the university, after considering the recommendations of the Provost and the appropriate research administrator or committee.
  - (3) In the event that income is received by the Board (for the benefit of the university) from any patent, an appropriate share shall be paid to the inventor or discoverer. This share is to be determined by the President for the university, after considering the recommendations of the Provost and the appropriate research administrator or committee.
  - (4) Agreements with sponsors, which provide that the sponsor may determine disposition of patentable inventions or discoveries, may be accepted when required by applicable state or federal statutes or when the action of the Board in waiving its rights to such inventions or discoveries is determined to be in the public interest. Any such waiver requires the approval of the President for the university.
  - (5) The share of any income to the Board (for the benefit of the university) resulting from the commercial development of inventions or discoveries shall be used primarily for support of further research. Such use shall be determined by the President for the university, after considering the recommendations of the Provost and the appropriate research administrator or committee.
  - (6) Approval by the President shall be required for use of the name of the Board in advertising or promoting commercial development resulting from research, and for use of the name of the university for such purposes.
- c. The university may develop policies implementing the provisions of paragraphs a. and b. above. The policies and any changes shall become effective when approved by the President.

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#### B. Faculty and Administrative Employees

##### 1. Coverage

This Subsection B. applies to all faculty and administrative employees of the university unless otherwise provided by these Regulations, by law, or by the terms of a collective bargaining agreement.

##### 2. Salaries and Compensation

- a. The President shall develop guidelines for the initial and continuing salaries and salary increases of administrative employees.
- b. The President shall develop policies concerning salaries for Chairpersons. The policies and any changes shall become effective when approved by the President.
- c. The salary of any individual becoming a member of the faculty after relinquishing an administrative position shall be determined on the basis of such individual's qualifications as a faculty member.

##### 3. Administrative Employees with Faculty Rank

The following provisions shall apply to administrative employees with faculty rank (including Chairpersons) and shall not apply to employees covered by a collective bargaining agreement.

- a. An administrative employee may retain faculty rank in a department (or equivalent academic unit) in which it has previously been granted by the university. Furthermore, an administrative employee may be granted faculty rank at the time of appointment or subsequent thereto or may be promoted in faculty rank if such employee satisfies the educational requirements established pursuant to Subsection A.7. above and faculty rank or promotion is recommended by the appropriate department/division (or equivalent academic unit), the Dean, and Provost/Vice President and approved by the President.
- b. An administrative employee with faculty rank previously granted tenure by the Board shall retain such tenure, which shall not be transferred from one department (or equivalent academic unit) to another except by approval of the Board upon recommendation by the President after consultation with the departments (or equivalent academic units) involved.
- c. At the time of initial employment by the university, an administrative employee whose preceding employment included faculty rank and tenure may be granted tenure only if so recommended by the department (or equivalent academic unit), the Dean, the Provost/Vice President, and the President and approved by the Board.

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- d. Except for a Chairperson, who shall be eligible for tenure as provided in paragraph e. below, an administrative employee with faculty rank but without tenure shall not be eligible for tenure during the period that such employee occupies an administrative position.
- e. Chairpersons shall be eligible for consideration for tenure during their term of service as Chairperson if they hold at least the rank of Assistant Professor and meet the following requirements.

#### (1) Educational Requirements

A Chairperson shall be eligible for consideration for tenure if he/she meets the educational requirements established by the university for tenure for faculty employees covered by a collective bargaining agreement.

#### (2) Years of Service

- (a) Except as provided in paragraph (3) below, a Chairperson may not apply for tenure before his/her sixth probationary year of employment at the university.
- (b) A Chairperson who has no previous full-time teaching or professional service in a baccalaureate degree-granting institution of higher education shall be placed in probationary year one at the time of initial appointment.
- (c) A Chairperson who has one year of prior full-time teaching or professional service in a baccalaureate degree-granting institution of higher education shall be placed in probationary year two at the time of initial appointment.
- (d) A Chairperson who has two years of prior full-time teaching or professional service in a baccalaureate degree-granting institution of higher education shall be placed in probationary year three at the time of initial appointment.
- (e) A Chairperson who has three or more years of prior full-time teaching or professional service in a baccalaureate degree-granting institution of higher education shall be placed in probationary year four at the time of initial appointment.
- (f) A Chairperson may elect to be placed in a lower-numbered probationary year by written notification to the Provost/Vice President by the close of the first academic term following his/her initial appointment.

#### (3) Consideration for Tenure on the Basis of Exception

- (a) A Chairperson who does not satisfy the educational requirements for tenure established pursuant to paragraph (1) above or the years of service requirement specified in paragraph (2) above may apply for consideration for tenure in his/her

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fourth, fifth, or sixth year of full-time service at the university on the basis of exceptional teaching/performance of primary duties, research/creative activity, or service.

- (b) A Chairperson who applies for consideration for tenure as an exception to the educational requirements or years of service requirements shall present evidence in support of his/her claim for an exception.

(4) Tenure for Chairpersons shall not be acquired automatically by length of service. Tenure shall be granted and may be acquired only by specific action of the Board after receipt of a specific recommendation of the President. Tenure shall be in an academic department/division or equivalent unit.

(5) The performance of a Chairperson during the entire term of employment shall be considered by the Board in determining whether to grant tenure.

(6) An eligible Chairperson must apply to the Dean of his/her college (or equivalent unit) prior to the commencement of the tenure process in order to be considered for tenure. In the event that an eligible Chairperson does not submit his/her application for tenure in the sixth probationary year, such employee shall receive a terminal contract for the next subsequent academic year.

#### (1) Removal From Office

In appropriate circumstances, removal of a Chairperson from office may be initiated by vote of a 2/3 majority of all probationary and tenured faculty members of the department/division, or by the Dean of the College after consultation with members of the department/division and the Provost/Academic Vice President. The final decision with respect to removal of a Chairperson shall be made by the President. In the event of removal from office, a Chairperson shall be entitled to return to his/her department/ division to assume faculty responsibilities at his/her then current faculty rank. The President shall establish guidelines concerning the removal of a Chairperson from office. The guidelines shall ensure due process for the incumbent Chairperson.

#### 4. Reassignment and Termination

##### a. Reassignment

Employees at the university may be reassigned by the President without notice in advance. The President shall consult with and obtain the approval of the Board of Trustees prior to the reassignment of a Provost/Vice President. Employees, other than employees with a temporary appointment (including employees whose appointment is supported by grant or contract funds), who are reassigned shall receive written notice of any reduction in monthly compensation as follows:

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- b. in the first year of employment at the university not less than one month prior to the effective date of reduction in monthly compensation; and
- c. in the second or subsequent year of employment at the university not less than two months prior to the effective date of reduction in monthly compensation.

d. Termination With Notice

(1) The President shall be employed by and serve at the pleasure of the Board unless the contract of employment specifies otherwise.

(2) All employees with the exception of those represented by a bargaining unit shall be employed by the Board as at-will employees and serve at the pleasure of the President. Employees hired before April 9, 2010, other than employees with a temporary appointment (including employees whose appointment is supported by grant or contract funds), shall receive written notice of termination signed by the President as follows:

- (a) in the first year of employment at the university, not later than three months prior to the termination date specified in the notice;
- (b) in the second through fifth year of employment at the university, not later than six months prior to the termination date specified in the notice; and
- (c) in the sixth or subsequent year of employment at the university, not later than twelve months prior to the termination date specified in the notice.

(3) Employees hired on or after April 9, 2010 shall receive written notice of termination signed by the President as follows:

- (a) In the first year of employment at the university, not less than two weeks prior to the termination date specified in the notice;
- (b) In the second through the fifth year of employment at the university, two weeks plus one week for every full year of service beyond the first year with a maximum of six weeks prior to the date of the termination notice;
- (c) In the sixth and subsequent years of employment at the university, one month plus one week for each full year of service worked beyond the first year with a maximum of four months prior to the date specified on the notice.

The decision to terminate an employee in accordance with this paragraph d. is final and may not be appealed. If such employees have academic rank (but

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not tenure) they shall not be entitled to return to a teaching position. The provisions for prior notice set forth in this paragraph b. shall not be applicable in cases involving termination for cause, in which cases the procedures specified in paragraph c. below shall apply. This paragraph b. does not apply to the removal from office of Chairpersons. The President shall consult with the Board Chairperson prior to issuing a written notice of termination to a Provost/Vice President or Internal Auditor.

#### e. Termination for Cause

##### (1) Employees Covered by a Collective Bargaining Agreement

Termination of a tenure appointment at any time or of a probationary, temporary, or other non-tenure appointment before the end of the specified term shall be governed by the appropriate collective bargaining agreement.

##### (2) Employees Not Covered by a Collective Bargaining Agreement

Termination of employees not covered by a collective bargaining agreement before the end of the specified term of employment may be effected at any time for adequate cause after notice. The notice shall provide a summary of reasons for the termination and inform the employee of his/her rights to request a university hearing to review the decision to terminate. This request must be made in writing to the President within ten working days of the Notice of Termination for Cause. The hearing must be held at a date and time determined by the President. The President shall establish hearing procedures that will allow for adequate and fair due process. The employee shall have the right to representation. The decision of the President following the hearing may be appealed to the Board of Trustees. The request for appeal must be in writing and state the basis of the appeal. Such request must be submitted to the Board of Trustees within 15 working days following the date of the decision of the President.

#### 5. Employee Benefits

##### a. Temporary Appointments

- (1) An employee hired specifically for a full-time temporary position shall, during the first fiscal year of such appointment, earn non-cumulative sick leave at the rate of 10 days per year (credited to the employee at the beginning of the appointment), shall be eligible for holidays, bereavement leave, and leave for court required service. Such employee shall not receive any benefit for unused sick leave at the end of the fiscal year or at the end of the appointment, whichever is earlier. If such appointment is at least half-



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time but less than full-time, the employee shall be eligible to receive the benefits listed in this paragraph on a pro-rated basis.

- (2) An employee hired specifically for a full-time temporary position, who is appointed to said position for more than one consecutive fiscal year, shall be eligible for holidays, bereavement leave, and leave for court required service.
- (3) Effective at the beginning of the second consecutive fiscal year of such appointment, such employee shall become eligible for educational benefits, shall earn non-cumulative sick leave at the rate of 1 day per month of appointment (credited to the employee at the beginning of the fiscal year), and, if employed on a 12-month basis, shall (i), if such appointment is supported less than 50% by grant or contract funds, earn vacation leave as specified in paragraph b. below or (ii), if such appointment is supported at least 50% by grant or contract funds, earn non-cumulative vacation leave credited at the rate of 2 days per month. Such employee shall not receive any benefit for unused sick leave or non-cumulative vacation leave at the end of the fiscal year or at the end of the appointment, whichever is earlier.
- (4) If the foregoing appointment is at least half-time but less than full-time, the benefits listed in this paragraph (2) shall be provided on a pro-rated basis, and the employee shall not become eligible to earn the benefits listed in paragraph (b) above until the beginning of the third consecutive fiscal year of such appointment.
- (5) Part-time faculty employees paid on a per-course basis and employees with appointments for less than half-time shall not be eligible for any benefits described above.

#### b. Permanent Appointment

##### (1) Vacation Leave

- (a) Employees with 12-month appointments shall earn vacation leave at the rate of two days per month during each month, or major fraction thereof, of service in pay status. Employees with less than 12-month appointments shall earn no vacation leave. Vacation leave may be accrued up to a maximum of 48 days. An employee who accrues the maximum will, except as provided below, earn no further vacation leave until the employee's use of vacation leave reduces the accrual below the maximum. An employee who is required to work on a special assignment may, at the discretion of the President be permitted to earn up to 12 days of vacation leave beyond the maximum of 48 days. Such additional vacation leave must be used within 12 months after the employee completes work on the special assignment.

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#### (2) Sick Leave

(a) An employee, while in pay status, shall earn non-cumulative sick leave at the rate of ten days per year of employment, which shall be credited to the employee at the beginning of the employment year, starting with the first year of employment.

(b) An employee, while in pay status, shall earn cumulative sick leave at the rate of 1.5 days per month. An employee may accrue cumulative sick leave up to a maximum of 300 work days. An employee who accrues the maximum will earn no further sick leave until the employee's use of sick leave reduces the accrual below the maximum.

(c) Sick leave may be used for injury or illness of an employee, including temporary disability caused or contributed to by pregnancy, which prevents the employee from performing assigned duties.

(d) Deductions of sick leave shall not be made during any Board approved holiday. One day of sick leave shall be deducted for each day an employee is absent because of injury or illness. No more than five days of sick leave shall be deducted in any one calendar week.

(e) Upon termination of employment, and provided the employee is not reemployed at the same place of employment within 30 calendar days, an employee, or such employee's estate, shall be entitled to a lump sum payment for accrued sick leave earned between January 1, 1984 and December 31, 1997. The lump sum payment for accrued sick leave shall be computed as the product of the employee's daily rate of compensation and one-half of the lesser of the following:

(i) the number of days, or fractions thereof, of cumulative sick leave earned by the employee, in accordance with paragraph (2) above, minus any days, or fractions thereof, of cumulative sick leave used by the employee; or

(ii) the number of days, or fractions thereof, of cumulative sick leave earned by the employee in accordance with paragraph (2) above between January 1, 1984 and December 31, 1997. Noncumulative sick leave days shall be used first, and cumulative sick leave days shall be used in the following order:

1. Days accrued through December 31, 1983;
2. Days accrued after December 31, 1997;
3. Days accrued between January 1, 1984 and December 31, 1997.

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An employee may waive payment for all or part of his/her eligible accrued sick leave (one-half of the employee's accumulated and unused sick leave earned between January 1, 1984 and December 31, 1997) by executing an appropriate waiver form prior to termination of employment.

An employee who has received a lump sum payment for accrued sick leave and who, within two years, is reemployed by the Board may, if separated in good standing, have his or her accrued sick leave restored if, within 30 days after commencement of such reemployment, the employee repays said lump sum payment to the Board for the benefit of the location at which accrued sick leave is restored. For each day of sick leave to be restored, the employee shall repay the gross amount he or she was paid for one day of accrued sick leave. An employee may have part or all of his or her accrued sick leave restored in this manner; however, if the employee does not make any such repayment to the Board, he or she shall not be entitled to have any such sick leave so restored.

The Board, through its authorized representatives, reserves the right to require acceptable evidence of illness or disability with respect to the use of sick leave.

#### (3) Holidays

- (a) Holidays recognized by the Board shall be New Year's Day, day before or day after New Year's Day, Martin Luther King, Jr.'s Birthday, Lincoln's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, day after Thanksgiving Day, Christmas Day, and day before or day after Christmas Day.
- (b) The university will be closed, except for necessary operations, on the foregoing holidays. Employees will be excused with regular pay on said holidays unless otherwise determined by the President.
- (c) Employees who are required to work on an observed holiday shall be granted, by mutual agreement between the employee and the employer, paid time away from work equivalent to the number of hours worked on the holiday.

#### (4) Educational Leave

Employees shall have the right to apply for an educational leave after having completed a period of five years of service at the university. Requests for leave shall be submitted in writing by the employee to his/her unit/department head. If the unit/department head approves the request, it shall be forwarded to the appropriate Vice president for consideration. If recommended by the Vice President, the request is submitted to the President for approval together with the written recommendation of the unit/department and the Vice President.

- (a) Applications for educational leave may be approved for the following purposes:

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- (i) study and research, including related travel;
  - (ii) creative work in the employee's field of endeavor.
- (b) The employee shall, prior to the granting of educational leave, enter into a written agreement with the Board that, upon the termination of such leave, the employee will return to service for a full year and that, in default of completing such service, will refund, unless excused there from by the President for reasons satisfactory to him or her, an amount equal to such proportion of salary received while on leave as the amount of service not actually rendered as agreed bears to the whole amount of service agreed to be rendered. No such refund shall be necessary should the employee be terminated prior to the completion of the service agreed upon.
  - (c) An educational leave shall not be awarded more than once in every seven years, and educational leave time shall not be cumulative.
  - (d) Salary payments during educational leave shall be: one-half pay if leave is granted for a full year; full pay if leave is granted for one-half year.
  - (e) The maximum number of educational leave units that may be used during each fiscal year at the university shall be one unit for each twenty-five full-time faculty and administrative employees who are not covered by a collective bargaining agreement or major fraction thereof. Each unit so derived shall generate twelve half-pay months or six full-pay months of educational leave.
- (5) Leave Without Salary
- (a) An employee may apply for a leave without salary. Ordinarily, such leave may be granted only after the employee has completed at least two consecutive years of full-time service at the university.
  - (b) A leave without salary may be granted at the discretion of the President following a determination that the employee intends to return to service at the end of such leave. The initial grant of a leave without salary may be for a period of up to one calendar year. The leave may be extended upon the agreement of the President for a period of up to two successive calendar years.
  - (c) The President shall issue guidelines and procedures for Leave Without Salary.
- (6) Educational Benefits

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- (a) An employee may enroll in any university previously a part of the Board of Governors system for a maximum of two courses, or six credit hours, whichever is greater, in any one academic term with exemption from the payment of tuition and fees. The fees which will be waived by such universities include registration, application fees, credit evaluation fees, admission fees, activity fees, graduation fees, and textbook rental fees. In addition, service fees, such as those imposed to secure revenue for bond retirement, will be waived by such universities for an employee of the university granting the waiver.
- (b) ) The natural, adopted, foster, and step-children and the spouse of an employee who dies while in service shall be entitled to a waiver of tuition and fees up to and including the baccalaureate degree at any university identified in paragraph 1. Should both parents be employees, the death of one parent makes the child eligible for the waiver. Children of a deceased employee who is divorced shall be eligible for a waiver of tuition and fees if such employee had been contributing to their support at the time of death.
- (c) ) An employee who has retired from the university may enroll in the university for a maximum of one course, or three credit hours, whichever is greater, in any one academic term with exemption from the payment of tuition and such fees as may be waived in accordance with paragraph (1) above.

#### (7) Administrative Leave

- (a) In the event that the President, the Vice Presidents, or administrative officers holding the title of Dean, Associate or Assistant Dean, Department Head or Division Chairperson, elect to terminate employment in those positions, they shall be eligible, upon approval by the Board (following recommendation of the President ) to receive six months' leave at full pay or twelve months' leave at half pay if they meet all the following criteria at the time of retirement:
  - (i) they do not continue in a tenured teaching appointment ;
  - (ii) they have been in one or more of the aforementioned positions for a period of at least ten years prior to retirement; and
  - (iii) they have not had a sabbatical or educational leave during the ten years immediately preceding retirement.
- (b) Individuals employed in positions specified in paragraph (a) above may be afforded continued employment as follows:

Vice Presidents who hold faculty rank but not tenure who elect to terminate employment in those positions in accordance with paragraph (1) above may, upon recommendation by the President and approval by the Board, be reassigned on a year-to-year basis to teaching positions in the departments (or equivalent academic units) in which they hold rank, if any, with the approval of the departments (or equivalent academic units) involved. Approval of the departments (or equivalent academic units) involved shall not be

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required for Vice President holding tenure immediately prior to termination of employment in an administrative position. Administrative officers holding the title of Dean, Associate or Assistant Dean, Department Head or Division Chairperson, Director, Registrar, or Business Manager who elect to terminate employment in those positions in accordance with paragraph (1) above may, upon recommendation by the President and approval by the Board, be reassigned on a year-to-year basis to teaching positions in the departments (or equivalent academic units) in which they hold rank, if any, or to other positions for which they are qualified, with the approval of the departments (or equivalent academic units) involved. Approval of the departments (or equivalent academic units) involved shall not be required for Vice Presidents holding tenure immediately prior to termination of employment in an administrative position. Administrative officers holding the title of Dean, Associate or Assistant Dean, Department Head or Division Chairperson, who elect to terminate employment in those positions in accordance with paragraph (1) above may, upon recommendation by the President and approval by the Board, be reassigned on a year-to-year basis to teaching positions in the departments (or equivalent academic units) in which they hold rank, if any, or to other positions for which they are qualified, with the approval of the departments (or equivalent academic units) involved. Approval of the departments (or equivalent academic units) involved shall not be required for Deans, Associate, Assistant or Vice Deans, Department/Division Chairs holding tenure immediately prior to termination of employment in an administrative position.