



Board of Governors Rule

Faculty
Modification of Duties for Certain Full-Time Faculty; Ext. of the Tenure Clock
Responsible Unit: Office of the Provost
Amended: November 9, 2018
Effective: December 6, 2018
Revision History: Prior BOG Policy 51 (Originally effective September 12, 2008); Rewritten as BOG Rule on April 20, 2018 (effective May 14, 2018).
Review Date: April 2021

BOG FACULTY RULE 4.5 MODIFICATION OF DUTIES FOR CERTAIN FULL-TIME FACULTY; EXTENSION OF THE TENURE CLOCK

SECTION 1: PURPOSE & SCOPE.

- 1.1. This Rule sets forth the circumstances under which a full-time Faculty Member's assignment may be modified. This Rule also establishes the criteria for the extension of the tenure track period.
- 1.2. This Rule applies to all faculty members at West Virginia University, including West Virginia University Institute of Technology and Potomac State College of West Virginia University.

SECTION 2. MODIFICATION OF ASSIGNED DUTIES.

- 2.1 As appropriate, the Provost may modify the assigned duties of full-time Faculty Members to achieve the University's objectives.
- 2.2 From time to time, a Significant Personal Circumstance may arise that could cause full-time, nine-month Faculty, who do not accrue sick leave or annual leave, to request short-term modification of assigned duties. To allow the Faculty Member(s) the flexibility to attend to these situations, he or she may request a modification of assigned duties for one semester with no reduction in salary or benefits.
 - 2.2.1 In such situations, the modified duties are proposed by the Faculty Member, reviewed by the chairperson and the dean, and approved by the Provost. If the unit needs additional funds to meet its obligations as a result of granting such modification, the chair will request those funds from the dean.

SECTION 3. THE CIRCUMSTANCES PERMITTING EXTENSION OF THE TENURE -TRACK PERIOD.

3.1 *Personal Circumstances.*

3.1.1 Upon the birth of a child or the adoption or guardianship of a child, a one-year Tenure-Track Period extension shall be granted by the Provost.

3.1.2 Upon the occurrence of a Significant Personal Circumstance, a one-year Tenure-Track Period extension shall be granted by the Provost.

3.2 *Professional Circumstances.*

3.2.1 In rare cases during a Faculty Member's first year of employment, Exceptional Professional Circumstances may arise that serve as a basis for a one-year Tenure-Track Period extension to be granted by the Provost; provided, that only one such extension may be granted. A request for such extension must be made prior to the start of classes in the Faculty Member's fourth semester (excluding summer sessions) of employment.

3.3 The maximum Tenure-Track period extension for any combination of circumstances is three (3) years. Under no circumstances may the Critical Year be extended beyond the ninth full-time year in a tenure-track status.

3.4 A Faculty Member who has been granted an extension may request that he or she be reviewed for tenure in advance of their extended Critical Year. Such a request must be made in writing and approved by the Provost.

3.4.1 If tenure is denied subsequent to such request and approval, the Faculty Member will be provided with a terminal contract for one year notwithstanding that the full period of the extension has not yet passed.

3.5 *Application Process for Tenure-Track Period Extension.*

3.5.1 The Provost shall implement a process for Faculty Members to request a Tenure-Track Period extension for Significant Personal Circumstances. At a minimum, such requests must be made within one year of the qualifying event using a form available from the Provost.

3.5.2 Requests will be reviewed and commented upon by the Faculty Member's chairperson and dean and acted upon by the Provost.

3.6 *Performance Review.*

- 3.6.1 Faculty Members who are granted a modification of assigned duties and/or Tenure-Track Period extension shall expect the following with respect to their performance review:
 - 3.6.1.1 To have their workload assignments determined by their chairperson or other responsible administrator. The workload will represent a full-time equivalent assignment.
 - 3.6.1.2 To not be penalized or adversely affected by the delay of the critical year through such activities as assignment of a heavier than usual teaching load, etc., unless their workload agreement is adjusted in other areas to reflect such an assignment.
 - 3.6.1.3 To be eligible for merit pay, which will be determined by the quality of their performance and proportion of effort devoted to their assignments during the merit pay evaluation period.
 - 3.6.1.4 To be reviewed for tenure under the academic standards in effect at the time of review. This means the same academic standards applied to other candidates undergoing review at the same time whose Tenure-Track Period has not been extended.
 - 3.7 An extension of the Tenure Track Period in no way limits the right of the University to terminate a Tenure Track appointment prior to a Faculty Member's Critical Year, should circumstances warrant such action.
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SECTION 4: DEFINITIONS.

- 4.1 "Critical Year" is defined in BOG Faculty R. 4.2 – Promotion and Tenure.
- 4.2 "Exceptional Professional Circumstance" means a professional situation impacting a Faculty Member, not of the Faculty Member's making, that, as determined by the Provost, has or will likely have an impact on the timely establishment of a viable research program including, but not limited to, exceptional delays in providing critical equipment, laboratory renovations, IRB approval or other elements of committed start-up package; provided, however, the slowness of response from journal review processes do not constitute an exceptional professional circumstance for purposes of this Rule.
- 4.3 "Faculty" and "Faculty Member" are defined in BOG Faculty R. 4.2 – Promotion and Tenure.

- 4.4 “Full-time” means a 1.0 full-time equivalent position.
- 4.5 “President” means the President of West Virginia University or his or her designee.”
- 4.6 “Provost” shall mean the Provost of West Virginia University or the Provost’s designee.
- 4.7 “Significant Personal Circumstance” means personal situation, as determined by the Provost, that has, or will likely have, significant impact on a Faculty member’s productivity including, but not limited to, new parental responsibilities, caring for a parent, responding to serious illness of the Faculty member or someone in their immediate family, or some other extenuating circumstance.
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SECTION 5: DELEGATION.

- 5.1 The Board of Governors delegates to the Provost the authority to adopt additional academic affairs internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.
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SECTION 6: AUTHORITY.

- 6.1 W. Va. Code § 18B-1-6 and § 18B-8-7.
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SECTION 7: SUPERSEDING PROVISIONS.

- 7.1 This Rule supersedes and replaces Higher Education Policy Commission Series 9 – Academic Freedom, Professional Responsibility, Promotion, and Tenure; and any Rule of the Higher Education Policy Commission which relates to the subject matter contained within this Rule. This Rule also repeals and supersedes WVU BOG Policy 51 – Extension of Tenure Clock, which was adopted September 12, 2008, and any other internal academic affairs policy or procedure which relates to the subject matter contained within this Rule.