



## **FACULTY HANDBOOK**

**Revised November 2022**

The *University Faculty Handbook* describes the organizational structure and governance of the University, sets forth the major policies and procedures affecting faculty members, and describes faculty retirement and benefit plans, current as of the date of publication. Because the University is a dynamic institution, it is inevitable that changes will occur, new policies and procedures will be adopted, and existing descriptions will be superseded. This handbook will be revised periodically, but changes between handbook revisions will take effect as they are duly adopted. Policies and Procedures in this edition supersede all former editions unless there is a statement in the text of this edition noting otherwise.

In addition to the *University Faculty Handbook*, college and school supplemental operating guidelines and procedures are available in each of the colleges and schools of the University. These supplemental handbooks are provided on the Provost's website along with the *University Faculty Handbook*. The provisions of the *University Faculty Handbook* supersede collegiate policies and procedures.

Whenever the University has chosen to adopt policies or principles similar to or incorporating portions of statements of the American Association of University Professors or other external bodies, the University reserves the right to interpret such policies or principles for itself and is not bound by external interpretations.

Additional policies and procedures affecting all University employees are published in the *Employee Benefit Handbook*.

## OUR MISSION

**To teach, to learn, to create, to discover, to inspire, to empower, and to serve.**

In fulfilling this mission, the University supports undergraduate, graduate, and professional learning as well as basic research and its application in service to others.

As a university committed to excellence and innovation, Mercer challenges members of its community to meet and exceed high standards in their teaching, learning, research, scholarship, and service.

Founded by Baptists in 1833, Mercer is an independent university that remains grounded in a tradition that embraces freedom of the mind and spirit, cherishes the equal worth of every individual, and commits to serving the needs of humankind. As a reflection of this heritage:

- We encourage our students to discover and develop fully their unique combination of gifts and talents to become leaders who make a positive difference in the world.
- We seek to inspire members of our community to live virtuous and meaningful lives by using their gifts and talents to serve the needs of humankind as an expression of their love for God and neighbor.
- We seek to enrich the mind and spirit by promoting and facilitating an open and rigorous search for truth and understanding, including an examination of the moral, religious, and ethical questions of this and every age.
- We affirm and respect the dignity and sacred worth of every person and celebrate both our commonalities and our differences.

## TABLE OF CONTENTS

1. ORGANIZATION .....	1
1.1 Administrative Organization of the University .....	1
1.1.1 The Corporation of Mercer University .....	1
1.1.2 Board of Trustees .....	1
1.1.3 President .....	4
1.1.4 Administrative Officers.....	5
1.1.5 Administrative Councils.....	5
1.1.6 Advisory Council on Athletics .....	5
1.2 The University Faculty .....	6
1.2.1 Authority and Responsibility of the Faculty .....	6
1.2.2 Bylaws of the University Faculty House of Delegates.....	7
1.3 The Collegiate Faculties.....	11
1.4 Structure of Academic Administration .....	12
1.4.1 The Provost.....	12
1.4.2 Deans.....	13
1.4.3 Senior Vice President for the Health Sciences.....	14
1.4.4 Council of Deans.....	15
1.4.5 University Undergraduate Council .....	15
1.4.6 University Graduate Council.....	16
1.4.7 University Distance Learning Committee .....	17
1.4.8 University General Education Committee .....	18
1.4.9 Associate Deans Council.....	19
1.4.10 University Assessment Council.....	20
1.4.11 Student Life Council.....	20
1.4.12 University Service-Learning Advisory Councils .....	21
1.4.13 Provost Council.....	22
1.4.14 Health Vocations Committee .....	22
2. FACULTY PERSONNEL POLICIES .....	24
2.1 Faculty Appointments at Mercer University .....	24
2.2 Terms of Appointment .....	26
2.3 Graduate Faculty Appointment .....	26
2.4 Academic Freedom and Tenure .....	27

2.4.1 General Principles.....	27
2.4.2 Tenured Appointments .....	31
2.4.3 Non-Tenured Appointments.....	32
2.4.4 Faculty Emeritus/Emerita Status Eligibility Criteria, Process, and Benefits.....	34
2.4.5 Collegiate Regulations on Faculty Appointments.....	35
2.4.6 Administrative Personnel .....	36
2.5 Review Procedures Leading to Reappointment, Promotion, Tenure, or Non-Renewal.....	36
2.5.1 Categories of Review .....	37
2.5.2 Post-tenure Review .....	38
2.6 Termination of Appointments by the University.....	41
2.7 Termination of Appointment by the Faculty Member .....	44
2.8 Dismissal Procedures.....	45
2.9 Review Procedures: Allegations of Inadequate Consideration .....	48
2.10 Grievance Procedure for Faculty (Discrimination, Employment Actions, Academic Freedom, Workplace Safety) .....	48
2.11 Rights and Freedoms of Students.....	53
2.12 Student Records and Regulations.....	54
2.12.1 Grade Archival Policy.....	55
2.12.2 University Policy for Security of Student Records Held in Offices.....	55
2.13 Equal Opportunity and Affirmative Action Policy.....	55
2.14 Sexual Misconduct Policy and Procedures (Includes sexual harassment, sexual assault, sexual exploitation, stalking, dating/domestic violence, and gender-based harassment) .....	55
2.15 Non-Discrimination and Anti-Harassment Policy Statement .....	56
2.16 Group Health, Retirement, and Other Benefits.....	56
2.16.1 Workers' Compensation Insurance .....	56
2.17 Sabbatical Leaves and Leaves of Absence .....	56
2.17.1 Sabbatical Leaves.....	56
2.17.2 Special Professional Leave.....	58
2.17.3 Unpaid Leaves of Absence.....	58
2.17.4 Medical and Family Leave .....	58
2.17.5 Military Leave .....	59
2.18 Vacation Policy .....	59
2.19 Drug-Free Workplace and Campus Policy .....	59
2.20 Tobacco Use Policy.....	59

2.21 The Health Insurance Portability and Accountability Act of 1996 – “HIPAA” .....	59
2.22 Policy on Gifts and Gratuities .....	60
2.23 Pay Transparency Nondiscrimination Provision .....	60
3. FACULTY PROFESSIONAL ACTIVITIES AND RESPONSIBILITIES.....	60
3.1 Policy on Conflicts of Interest and Commitment.....	60
3.2 Policy on Conflicts of Interest and Commitment in Research .....	61
3.3 Policy on Inventions, Patents and Licensing .....	66
3.4 Principles and Procedures for the Conduct of Research .....	70
3.5 Principles and Procedures for Investigation of Misconduct in Research.....	73
3.6 Guidelines for the Protection of Animals Used in Research and Teaching Studies .....	77
3.7 Guidelines for the Protection of Human Subjects in Research Studies .....	77
3.8 Guidelines for Identification and Containment of Infectious Agents and Recombinant DNA .....	78
3.9 Guidelines for the Use of Radioactive Materials .....	78
3.10 Hazard Communication Program .....	79
3.11 Chemical Hygiene Plan .....	80
3.12 Exposure Control Plan .....	80
3.13 Reporting Suspected Improper Conduct .....	80
3.14 Copyright Policy.....	81
3.14.1 General Principles.....	81
3.14.2 Policy on Intellectual Property Rights and Distance Education .....	81
3.14.3 Policy on Use of Copyrighted Material .....	84
3.15 Policy on Accreditation Reports .....	85

## **1. ORGANIZATION**

### **1.1 Administrative Organization of the University**

#### **1.1.1 The Corporation of Mercer University**

The Corporation of Mercer University is a nonprofit corporation having perpetual duration that is organized to establish and endow a collegiate institution by the name of Mercer University. The purposes of the Corporation include the following:

- a. to make a permanent endowment to said institution;
- b. to raise funds for the support of the same;
- c. to erect buildings;
- d. to confer degrees;
- e. to acquire, hold, and administer funds and all manner of property which, after the payment of necessary expenses, shall be devoted exclusively to educational, religious, and the permissible purposes for which the institution was founded; and
- f. to exercise such other power not inconsistent with the laws of the State of Georgia or the United States.

The affairs of the Corporation, as well as the institution of learning known as Mercer University, and of every college, school, department and division thereof wherever located, are managed and controlled by a board of directors known as a Board of Trustees. The Board may elect such officers or agents from within or without its membership as it may deem proper. It may also adopt such bylaws, rules, and regulations as it may deem proper for its own government and for the management of the business and affairs of the Corporation and the University.

*Source: Articles of Incorporation of The Corporation of Mercer University*

#### **1.1.2 Board of Trustees**

##### **a. Members**

The Board of Trustees of The Corporation of Mercer University is comprised of no more than forty-five members, exclusive of the President (who is an ex officio member of the Board) and Life Trustees. The members of the Board are elected to hold office for a term of five years, one-fifth to be elected each year. No member of the Board of Trustees is eligible for re-election after the expiration of his or her term of service until he or she has been in retirement from the Board for at least one year.

Each year, the Executive Committee of the Board of Trustees makes nominations for successors to the nine members of the Board whose terms are next expiring. The members of the Executive Committee, exclusive of those whose successors are to be then selected, determine by majority vote the names to be recommended to the Board of Trustees for election. Before reaching a final recommendation as to the nominations to be submitted to the Board, the Executive Committee ensures that no less than one of its nine nominees is a Baptist clergyman, and that its recommendations as a whole do not conflict with the provisions of the Charter of the Corporation that no less than one-half of the Board of Trustees shall be Baptist, and that the membership of the Board of Trustees shall reflect diverse backgrounds and perspectives. Under the terms of the Charter, each member of the Board of Trustees must be a person who is committed to the historic Baptist ideals of religious freedom, intellectual freedom, and respect for persons of all faiths. The Board of Trustees has the sole and exclusive authority to determine the eligibility and qualifications of any person for service on the Board.

*Source: Articles of Incorporation and Bylaws of The Corporation of Mercer University*

#### **b. Board Organization**

The management of the business and affairs of the Corporation, including those of Mercer University and of every college, school, and department thereof, its property, conduct, and the persons engaged in its service, is under the control of the Board of Trustees and of the committees, officers, and agents chosen by it.

The Chair of the Board must be a Trustee and presides, when present, at all meetings of the Board of Trustees. The Chair of the Board has general oversight of the affairs of the Corporation and sees that all of the policies, decisions, rules, and regulations prescribed by the Board of Trustees for the governance of the affairs of the Corporation are faithfully observed. The Chair of the Board of Trustees is nominated by the President and elected by the Trustees at or before the fall semester meeting in each year.

#### **c. Meetings**

There are two regular meetings of the Board of Trustees in each calendar year. One is held during the University's fall semester and is considered the annual meeting, and one is held during the University's spring semester. Special meetings may be called at any time by the Board of Trustees, its chair, its Executive Committee, or at the request of a least one-fifth of the Trustees then in office. At special meetings, no business can be transacted except that for which the meeting was called.

#### **d. Standing Committees**

The following are the Standing Committees of the Board of Trustees:

- Executive

- Finance, Investment, and Property
- Educational Policy
- Development
- University Honors
- University Athletics
- Audit
- University Marketing
- Executive Compensation

Said committees are nominated by the Chair of the Board, upon the recommendation of the President, subject to confirmation by the Trustees at or before the Fall semester meeting in each year.

During the intervals between meetings of the Board, the Executive Committee possesses and may exercise all the powers of the Board in the management and direction of the business and affairs of the Corporation in all cases in which specific direction shall not have been given by the Board.

The Committee on Educational Policy, in cooperation with the President, studies and appraises the quality of the academic program, and measures the program relative to other comparable institutions in terms of teaching load, class size, student-faculty ratio, instructional expenditures, research programs, and other relevant factors. The Committee reviews and, when necessary, makes recommendations concerning the salary, pension, and other personnel policies concerning the academic personnel of the University. The Committee also reviews and makes necessary recommendations concerning the students of the University in both academic and non-academic matters.

**e. Officers**

The officers of the Corporation consist of the Chair of the Board, the Chair of the Executive Committee, the President, one or more Vice Presidents, the Secretary, the Treasurer, and such other officers, both corporate and academic, as the Board may from time to time deem necessary or desirable.

All academic officers and faculties of the University are appointed by the President and confirmed by the Board of Trustees for such terms and at such rate of compensation as the Board may deem proper.

Source: *Bylaws of The Corporation of Mercer University*

### **1.1.3 President**

The President is appointed by the Board of Trustees and is the President of the Corporation and the Chief Executive Officer of the Corporation and of the University. The duties, responsibilities, and authority of the President include the following:

1. The President shall be responsible for the general direction of all the affairs of the Corporation, and for the administration and implementation of all policies prescribed by the Board of Trustees.
2. The President shall organize the faculties of the University, direct the methods of their meetings, and supervise their work.
3. The President shall be an ex officio member of every faculty of the University and shall be the head of each of the educational divisions of the University.
4. The President shall be charged with the internal discipline and order of the University, and to this end, he shall hold all Deans and members of the faculty responsible for the faithful and efficient discharge of their duties.
5. The President may, when he deems it advisable, preside over any meeting of any faculty.
6. The President is empowered to validate, by his concurrence, the acts of all faculties, officers, and departments, except in cases where the Bylaws may require the approval of the Board of Trustees.
7. The President is authorized to fill unexpected vacancies in the teaching or administrative staff and to take emergency action in other matters when the regular procedure is impossible or impracticable.
8. In the absence of special provisions to the contrary, the President shall be the medium of communication between the Board of Trustees and the staff and faculty of the University.
9. The President shall be responsible for the preparation of an operating budget for each year in accordance with sound fiscal principles, and shall provide within the expenditures of the operating budget a reasonable contingency fund. He shall submit the budgets to the Finance and Executive Committees for their review and recommendation prior to the spring semester meeting of the Board of Trustees. He shall be responsible for keeping the expenses of the University within its income.
10. The President shall have general supervision of the apparatus, the library, and other property of the University, and shall seek in all ways to protect the property and the welfare of the University.
11. The President shall be responsible for all publications of the University.
12. The President shall prepare an annual report on the conditions and needs of the University and shall send a copy to each member of the Board at least two weeks prior to the meeting of the Board in the fall semester of each year.

13. The President is authorized to join in the execution of deeds and contracts to be executed in the name of the Corporation and to affix the seal of the Corporation thereto.
14. The President is authorized to affix the seal of the Corporation to degrees conferred by it.
15. The President may authorize any other officer of the University to act on his behalf in matters not inconsistent with the provisions of the Bylaws.

Source: *Bylaws of The Corporation of Mercer University*

#### **1.1.4 Administrative Officers**

The major administrative officers of the University are identified in the organization chart provided at [https://www.mercer.edu/wp-content/uploads/2019/05/Mercer19\\_OrganizationalChart\\_General\\_2.pdf](https://www.mercer.edu/wp-content/uploads/2019/05/Mercer19_OrganizationalChart_General_2.pdf)

#### **1.1.5 Administrative Councils**

The administrative organization of the University includes several agencies for coordination of administrative functions and for cooperative planning. In addition, the President may, from time to time, appoint ad hoc committees and councils.

#### **1.1.6 Advisory Council on Athletics**

The Mercer Athletic Council is appointed by the President of the University to advise the President on matters of significance pertaining to the intercollegiate athletics program. Faculty members are appointed for a term of three years and are eligible for reappointment. Student members are appointed for a term of one year and are eligible for reappointment.

The responsibilities of the Mercer Athletic Council are as follows:

1. To advise the President regarding the coordination of the University's academic mission with the objectives of the University's intercollegiate athletic programs and policies.
2. To furnish advice and counsel on matters relating to academic standards and eligibility of student-athletes.
3. To make recommendations regarding the following:
  - a. Intercollegiate Athletics Department academic operating procedures
  - b. The scheduling of athletic contests
  - c. Institutional policies and procedures that affect athletics.

4. To serve as liaison between the Intercollegiate Athletics Department and the Faculty (through the House of Delegates) and the student body (through the Student Government Association).

## **1.2 The University Faculty**

The University Faculty consists of the President, the Provost, the Deans of the colleges and schools of the University, and all persons appointed to a full-time instructional or administrative position with the rank of Professor, Associate Professor, Assistant Professor, Senior Lecturer, Lecturer, or Instructor.

The University Faculty may, subject to the approval of the President and the Board of Trustees, adopt rules concerning its own organization, governance, and procedures.

The University Faculty may consider any matter touching the effectiveness and quality of the educational program or the professional welfare of the faculty and may make recommendations to the President, the administrative officers of the University, or the collegiate faculties concerning any policies, programs, or procedures which affect the educational program or faculty welfare.

### **1.2.1 Authority and Responsibility of the Faculty**

The authority and responsibility of the faculty of Mercer University are delegated to it by the President under the authority of the Board of Trustees. Members of the faculty are appointed by the President, acting on the authority of the Board of Trustees.

The responsibilities of the faculty include the following:

1. To organize and conduct educational programs and courses of instruction in accordance with the policies of the Board of Trustees.
2. To admit candidates for degrees in accordance with the policies of the Board of Trustees.
3. To determine academic policies which effectively carry out the mission of the University within the policies of the Board of Trustees.
4. To evaluate student academic progress and to recommend candidates for degrees.
5. To assist in organizing and conducting programs and services for the support of student development.
6. To review the effectiveness of programs of instructional support and to make recommendations to the President for the improvement of these programs.
7. To contribute to the advancement of knowledge through open inquiry.

8. To make recommendations to the President concerning revision of the scope of educational programs and of the educational policies of the Board of Trustees.

### **1.2.2 Bylaws of the University Faculty House of Delegates**

#### **Article I. General Purpose**

The University Faculty House of Delegates is created to allow the faculties of the several academic units (schools/colleges/divisions) of the University to advise the President and the Provost on issues, which, in the judgment of the House of Delegates, affect the welfare of the University or the interests of the faculty. The House of Delegates also is created in fulfillment of the expressed desire of the University Trustees to have an official avenue for the communication of faculty concerns to the Educational Policy Committee. The House of Delegates is created in recognition of the exclusive jurisdiction of the faculty of each of the University's academic units over that unit's curriculum, degrees, and policies, subject only to the approval of the President and the Trustees.

#### **Article II: The House of Delegates**

1. The faculty of each academic unit of the University will elect representatives to the House of Delegates. Each unit is entitled to two delegates for the first thirty full-time members of its faculty and an additional delegate for each additional thirty, or fraction thereof. Each unit will also elect an alternate delegate who will attend meetings in the place of any regular delegate unable to attend. Should an academic unit not elect the required number of delegates, the Dean of that academic unit will appoint members of the academic unit faculty to serve as delegates. The Dean of each academic unit will be an ex officio, non-voting member of the House of Delegates.
2. Delegates will be elected for terms of three years. Election of delegates will be held in March of each year, with elected delegates taking office on July 1 of that year. In the initial election of delegates, the terms of those elected shall be staggered.
3. Any delegate may resign by submitting a letter of resignation to the Chair of the House of Delegates. An election will be held by the delegate's academic unit within sixty days of the vacancy due to resignation, death, or incapacity to fulfill the term.
4. Each delegate is charged with communicating the activities of the House of Delegates to the faculty of the delegate's academic unit and with representing the concerns of their respective faculty to the House of Delegates.

#### **Article III: The Officers and Executive Committee**

1. The House of Delegates will elect two officers every April: a Chair-Elect and a Secretary. Newly elected officers will take office on the following July 1. The Chair-

Elect holds office for one academic year, then becomes the Chair. The Chair holds office for one academic year, then becomes the Immediate-Past Chair. The Immediate-Past Chair holds office for one academic year. The Secretary holds office for two years. The Chair, the Chair-Elect, the Immediate-Past Chair, and the Secretary comprise the officers of the House of Delegates. Officers shall serve as delegates at-large. Each officer will preferably be a delegate from a different unit, and every effort shall be made to rotate the Chair-Elect position among different academic units.

2. Nominations for officers may originate from the faculties of the University. Nominees need not be current members of the House of Delegates. The current Executive Committee will coordinate and facilitate officer nominations and, in the absence of nominations from the faculties, shall solicit interested and competent nominees.
3. After election of officers, an Executive Committee will be formed, consisting of the elected officers and one delegate from each academic unit. Each unit may select its Executive Committee member in any fashion it chooses, informing the executive committee of its selection by May 1. Delegates from each academic unit serve for 12-months, beginning July 1 after their selection.
4. The Chair will preside at all meetings of the House of Delegates and of the Executive Committee, performing such duties as the House of Delegates may direct. The Chair will set the agenda; appoint committees; call special meetings as needed; and communicate with the President, the Provost, or their designated representative(s).
5. The Chair-Elect will assist the Chair in the duties outlined in Article III.4, perform the duties of Chair in the Chair's absence, and will succeed to the chair on July 1 of the year after their election.
6. The Secretary will coordinate meetings to include: scheduling, reserving a room, sending out reminders, and recording attendance. The Secretary will record minutes of each meeting of the House of Delegates and promptly distribute the minutes to the delegates. The Secretary will also organize the body of information that supports the activities of the HOD, including but not limited to, committee memberships, meeting schedules and contact information, and historical documents.
7. The Immediate Past Chair will serve as an advisor to the Chair. In addition, the immediate Past Chair will maintain contact with previous chairs of the House of Delegates to ensure continuity and the transition of institutional knowledge from year-to-year.
8. Vacancies in any office will be filled by election at the next meeting of the House of Delegates.

#### **Article IV: Meetings and Agenda**

1. The primary function of the Executive Committee is communication. Between the months of September and April, the Executive Committee will meet monthly with the President or Provost or their designated representative to be informed of issues,

events, or opportunities affecting the University. The Executive Committee will, in turn, inform them about concerns of the House of Delegates and of the faculties. On occasion and at the Chair's invitation, other administrative officials of the University may attend and contribute to these monthly meetings. The Executive Committee will then meet in executive session to decide whether and how to proceed on University issues. The Chair may call special meetings of the Executive Committee at any time, provided that at least twenty-four hours' notice is given to members of the Executive Committee. These meetings may occur at any time of the year to deal with matters including, but not limited to, the selection of a Grievance Review Committee (2.10.5) or the convening of a Financial Emergency Committee (2.6.5a).

2. The Executive Committee will, by a majority vote, advise the Chair on the appointment of committees, setting of agendas, and calling of special meetings of the House of Delegates. The officers and the Executive Committee may be called upon to meet with the Educational Policy Committee of the University Trustees as provided by Article VI.
3. The University House of Delegates will meet between the months of September and May. Regular meetings will be held at such times and places as may be directed by the Chair with the advice of the Executive Committee. Special meetings of the House of Delegates may be called at any time of the year by the Chair with the advice of the Executive Committee, provided that at least forty-eight hours' notice is given to delegates.
4. The House of Delegates will elect faculty members as representatives to university committees that represent faculty interests, such as the Benefits Committee and the Systems and Operations Advisory Planning Committee. The Chair, with the advice of the Executive Committee, will appoint these members from the faculty at large. These members will make regular reports to the House of Delegates on issues that affect faculty.
5. For meetings of the House of Delegates, a majority of the delegates must be present to constitute a quorum. For meetings of the Executive Committee, a majority of members must be present to constitute a quorum. The House of Delegates and the Executive Committee may act by motion adopted by a majority of those present and voting.
6. The agenda for meetings of the House of Delegates will be prepared by the Chair with the advice of the Executive Committee. The Secretary will distribute the agenda to delegates at least forty-eight hours in advance of each meeting. Each agenda will provide an opportunity for any delegate to introduce items of business from the floor.

#### **Article V: Committees**

The House of Delegates may create standing and ad hoc committees and the Executive Committee of the House of Delegates may also create ad hoc committees to study specific issues or areas of concern. All committees must report to the House of Delegates. The Chair, with the advice of the Executive Committee, may appoint committee members from the membership of the House of Delegates and from the faculty at large. As needed, committees may request the assistance and cooperation of the officers of the University.

#### House of Delegates Research Committee

**General Purpose.** In its meeting of January 16, 2004, the House of Delegates called for establishing a standing committee – the House of Delegates Research Committee (HDRC) – through which issues arising in research could be resolved or communicated between faculty and administrators of the University.

**Membership.** The Committee shall be comprised of one member from each academic unit. The term of office shall be for three years, with approximately one third of the seats vacated and filled each year. Representatives are selected by the academic unit in any fashion it chooses, and may be from within or from without the House of Delegates. Former members may be re-elected to consecutive three-year terms. The HDRC shall elect a chairperson from among the members of the subcommittee annually. Members of the House of Delegates who are not representatives are ex officio, non-voting members of the HDRC.

**Duties.** The duties of the HDRC shall be to:

1. Review periodically the administrative policies, procedures, and support for research within the University;
2. Recommend to the House of Delegates changes that could enhance research or alleviate problems encountered by research faculty as they comply with or implement research policies and procedures;
3. Receive from faculty of the University any issues, complaints, requests, or recommendations concerning research administration or policy;
4. Convene interested faculty and administrators for discussion of research matters brought to the HDRC's attention and approved by the full House of Delegates for general announcement and discussion;
5. Propose to the House of Delegates recommendations responsive to the research matters the HDRC considers;
6. Report on its deliberations to the House of Delegates at least semi-annually; and
7. Present to appropriate senior administrators House of Delegates-approved recommendations concerning research.

#### **Article VI: Communication with University Trustees**

1. The House of Delegates, on motions adopted by majority vote, is authorized to communicate on behalf of the faculties with the Educational Policy Committee of the Board of Trustees. In such event, the concerns of the House of Delegates will be communicated in writing and shall reflect both the majority and dissenting view of the delegates. The written document will be prepared by the Secretary and approved by the Executive Committee before transmittal by the Chair to the President and the Secretary of the Board of Trustees. In the event the Educational Policy Committee desires oral presentation of the delegates' concerns, the House of Delegates will be represented by the Executive Committee.
2. If the House of Delegates defeats a motion to communicate with the Educational Policy Committee of the Board of Trustees, the faculty of any academic unit may, by a two-thirds majority vote of its full-time faculty members present and voting, secure communication through the House of Delegates with the Educational Policy Committee. In the event of such a vote by the faculty of any academic unit or units, the Chair will transmit to the President and the Secretary of the Board of Trustees such written concerns as the moving faculty shall submit. In the event that the Educational Policy Committee desires an oral presentation of the faculty's concerns, the University faculties will be represented by the officers of the House of Delegates and by three faculty members selected by the moving academic unit or units.

#### **Article VII: Amendments**

The Bylaws of the University House of Delegates may be amended by motion adopted by a two-thirds majority vote at two consecutive regular meetings of the House of Delegates, provided that the proposed amendment has been distributed to each delegate at least thirty days prior to the first meeting at which it is adopted.

### **1.3 The Collegiate Faculties**

The University Faculty is organized into colleges or schools as provided for by the Board of Trustees.

The respective collegiate faculties consist of the President, the Provost, the Senior Vice President for the Health Sciences, the Dean of the college or school, and all persons appointed to an administrative or instructional position within the college or school with the rank of Professor, Associate Professor, Assistant Professor, Senior Lecturer, Lecturer, or Instructor.

Each collegiate faculty may, subject to the approval of the President, adopt by-laws and rules concerning its own organization, governance, and procedures.

Each collegiate faculty may adopt its own regulations concerning the curriculum, the conferring of degrees, the admission or exclusion of students, and standards of academic performance, subject to the approval of the President and, where appropriate, the Board of Trustees.

Each collegiate faculty may adopt its own procedures for developing recommendations on faculty appointments, promotion, and tenure, subject to the policies of the University.

Each collegiate faculty may consider any matters touching the operation of its college or school and may make recommendations concerning these matters to the President, the administrative officers of the University, or the University faculty.

## **1.4 Structure of Academic Administration**

The University is organized into colleges or schools as established by the Board of Trustees. Each college or school has a Dean who serves as the principal academic officer for the college or school. The Provost is responsible as chief academic officer for coordinating the administration of the colleges and schools.

### **1.4.1 The Provost**

1. The Provost is responsible as chief academic officer for coordinating the administration of the colleges and schools and all academic support services. The Provost shall be an ex officio member of every faculty of the University. The Deans of the colleges and schools and the Senior Vice President for the Health Sciences report to the Provost, with the Deans of the schools of medicine, nursing, pharmacy, and health professions reporting in consultation with the Senior Vice President for the Health Sciences.
2. The Provost works with the Deans and Senior Vice President for the Health Sciences to facilitate adequate planning and to develop academic policies for carrying out the educational programs of the colleges and schools and for achieving the aims of the University. The Provost assists the colleges and schools to relate the goals of each unit to the goals of the University. This process provides a means whereby the diversity that exists among the various colleges and schools becomes mutually compatible and consistent with the overarching mission of the University.
3. The Provost also provides leadership to the Deans and Senior Vice President for the Health Sciences in planning, implementing, and evaluating collegiate programs that will achieve and maintain a high level of educational quality. He/She acts to encourage and facilitate cooperative academic programs and sharing of the academic support services among the colleges and schools. Some of the academic

support services which are included are Office of the Registrar, Academic and Advising Services, Research, International Programs, Institutional Effectiveness, Summer Programs, Service-Learning, National Scholarships and Fellowships, Center for Baptist Studies, Center for Theology and Public Life, Institute of Life Purpose, the University Libraries, and Mercer Press. These provide necessary complements, especially to the academic programs in the colleges and schools.

4. The Provost is the chief planning officer for academic programs and budgets. The Provost assists the Deans and Senior Vice President for the Health Sciences in the coordination of cooperative and long-range planning and in the integration of planning, budgeting, and evaluation of academic and academic support programs. The Provost assists with the preparation of current and capital budgets of the colleges and schools, working with the Deans, Senior Vice President for the Health Sciences, Directors, Senior Vice and Vice Provosts, and the appropriate financial officers. The annual budget requests for the colleges and schools are presented to the President through the Provost who also submits evaluations and recommendations concerning such budget requests.
5. The Provost with the advice of the Deans and Senior Vice President for the Health Sciences, makes recommendations to the President regarding faculty appointments, promotion, and tenure for the colleges and schools and participates in the recruitment and selection of candidates for faculty appointments in the colleges and schools. The Provost is authorized to act on behalf of the President in issuing letters of appointment to the faculty of the colleges and schools.

#### **1.4.2 Deans**

Each college or school of the University has a Dean who serves as the principal academic officer for the college or school. The Dean is responsible for the full range of program development within the school. The Dean reports to the Provost, with the deans of the schools of medicine, nursing, pharmacy, and health professions reporting in consultation with the Senior Vice President for the Health Sciences. The responsibilities of the Dean include the following:

1. To lead in the design, development, and implementation of the educational program and to promote the effectiveness of the curriculum and instructional procedures.
2. To provide for the recruitment and selection of qualified faculty and to foster faculty development.
3. To review faculty eligibility for promotion and tenure, to conduct systematic evaluation of faculty performance, and to make recommendations to the Provost and the President concerning faculty appointments, rank, tenure, and salary.
4. To preside over the faculty, assure the effective organization of the faculty, and foster faculty collegiality.

5. To develop plans for the continued development of the college or school.
6. To develop recommendations to the Provost and the President regarding the operating budget for the college or school.
7. To foster the recognition and accreditation of the college or school by external agencies.
8. To represent the school on the Council of Deans and to collaborate with administrative officers of the University in the refinement, development, and revision of University policies.
9. To promote understanding and support of the school by its constituents.
10. To promote the effectiveness of library and instructional support services for the college or school.
11. To promote the effectiveness of Student Affairs and to enhance the well-being and safety of students.
12. To promote the effectiveness of institutional support services, plant operation and maintenance programs, and security services for the college or school.

The Dean is responsible for the budget preparation for the school operation and assuring adherence to the approved budget of the school. The administration of the budget must occur within the framework and limits of the University fiscal policy.

#### **1.4.3 Senior Vice President for the Health Sciences**

The Senior Vice President for Health Sciences acts as the chief academic officer for the Mercer University Health Sciences Center (MUHSC) and is responsible for coordinating the administration of its units. The Senior Vice President for Health Sciences is responsible to and reports directly to the Provost. The responsibilities of the Senior Vice President for Health Sciences include the following:

1. To work with the deans in the MUHSC to facilitate adequate planning and to develop academic policies
2. To make recommendation, with the advice of the deans, to the Provost for appointment of personnel, including promotion and tenure for the academic units in the MUHSC.
3. To conduct regular periodic evaluation of each dean in the academic units in the MUHSC.
4. To encourage and facilitate cooperative academic programs, inter professional education, and sharing of academic support services in the MUHSC.
5. To explain the program needs of the MUHSC to the Provost.
6. To provide general oversight of all health sciences programs, research, health professions, graduate education, and academic support sources.
7. To represent the MUHSC with appropriate alumni associations and external stakeholders.

#### **1.4.4 Council of Deans**

The Council of Deans is composed of the Provost, the Deans of the colleges and schools of the University, Student Affairs, and the University Libraries, the Senior Vice President for the Health Sciences, and the Dean of Graduate Studies. The Council of Deans is chaired by the Provost and meets monthly or on call of the Chair. The functions of the Council of Deans include the following:

1. To prepare recommendations regarding intercollegiate or university academic policies.
2. To coordinate academic schedules and activities on an intercollegiate basis.
3. To share experiences and viewpoints on educational and administrative issues and to cooperatively explore possible solutions to the problems.
4. To collaborate in enhancing the quality of educational programs and in carrying out the educational mission of the University.
5. To advise the Provost on decisions, activities, and recommendations of the Office of the Provost.
6. To seek ways to increase the availability of resources for educational programs and obtain optimal utilization of resources.
7. To facilitate communications and cooperation between general administrative offices and collegiate faculty and staff.
8. To improve the scope and effectiveness of long-range academic planning.

#### **1.4.5 University Undergraduate Council**

The University Undergraduate Council advises the Provost via the Provost Council on aspects of the undergraduate programs of the University. The Council assures effective collaboration among the colleges and schools so that undergraduate students are offered the best curricular advantages related to the undergraduate majors, minors, concentrations, specializations, programs, and electives in keeping with the University's mission and goals. Responsibilities include the evaluation and approval of all new undergraduate courses and programs.

##### **Membership:**

Membership of the University Undergraduate Council shall consist of:

- a. The chairs of the undergraduate curriculum committees (or equivalent) in each school or college, the associate deans (or equivalent) from each school or college having an undergraduate program, and the dean of University Libraries.
- b. Deans of each school or college having an undergraduate program (ex officio, non-voting).

- c. Representatives from the academic support offices that intersect with undergraduate program (*ex officio*, non-voting). These include the University Registrar, Office of Institutional Effectiveness, the Office of Academic and Advising Services, the Campus Management Corporation (CMC) Systems Advisory Committee, and Athletics.
- d. Senior Vice Provost serves as chair.

**Functions:**

The function of the University Undergraduate Council include the following:

- a. To assure collaboration that results in the consistency of undergraduate programs in relation to the mission and purposes of Mercer University.
- b. To examine proposed changes, additions, and deletions in the undergraduate curriculum of each of the undergraduate colleges and schools.
- c. To make recommendations to the originating school or college regarding the proposal for change.
- d. To establish academic policies, regulations, and standards for the undergraduate programs of Mercer University consistent with the criteria of appropriate accrediting bodies (sans general education).
- e. To review the academic policies, regulations, and standards of Mercer University undergraduate programs (sans general education).
- f. To conduct work in a timely manner to garner the requisite reviews and catalog submissions.

**1.4.6 University Graduate Council**

The University Graduate Council assures the quality, standards, design, and conduct of graduate education in a manner consistent with the goals of Mercer University. The Council is advisory to the Provost.

**Membership:**

Membership of the University Graduate Council shall consist of:

- a. Two graduate faculty members from each school or college having a graduate program. Each school or college is responsible for selecting from its graduate faculty members two individuals to serve on the University Graduate Council as voting members. These representatives may include, but are not limited to, the Associate Dean, the graduate program chair-director-coordinator, and/or members of the school or college graduate committee. Terms will be for two years and will be staggered to provide continuity of membership.
- b. Deans of each school or college having a graduate program (*ex officio*, non-voting).

- c. The Dean of Graduate Studies as chair.
- d. For purposes of action on business before the Council, a quorum shall consist of fifty percent plus one of voting members or their proxies, provided that each school or college is represented by at least one member

**Functions:**

The functions of the University Graduate Council include the following:

- a. To assure the consistency of graduate programs in relation to the mission and purposes of Mercer University.
- b. To establish academic policies, regulations, and standards for all graduate programs of Mercer University consistent with the criteria of appropriate accrediting bodies.
- c. To review the academic policies, regulations, and standards of all Mercer University graduate programs.
- d. To review proposals for new graduate programs, program revisions, and graduate course changes.
- e. To establish specific criteria governing graduate faculty status.

**1.4.7 University Distance Learning Committee**

The University Distance Learning Committee advises the Provost on policies and procedures related to distance learning, ensuring the effectiveness and comparability of Mercer's distance education programs and compliance with applicable federal and state regulations. It serves as a mechanism for maintaining a coordinated effort of the various campus units involved in the delivery of distance learning offerings, including instruction, assessment, student services, technology support, and faculty development training.

**Membership:**

Membership of the University Distance Learning Committee shall consist of:

The University Distance Learning Committee is appointed by the Provost and composed of one faculty representative from each of the University's colleges and schools and administrative representatives from the Department of Information Technology and from administrative units providing services to distance education students and faculty, including Student Affairs, University Libraries, the Academic Resource Center, the Registrar, Enrollment Management, and the Office of Institutional Effectiveness. The Chair is appointed by the Provost. The committee meets monthly during the academic year or on call of the Chair.

**Functions:**

The functions of the University Distance Learning Committee include the following:

- a. To review curriculum proposals for distance learning programs as requested by the Undergraduate and Graduate Councils of the University.
- b. To monitor the effectiveness of technology and technology support, academic and student support services, faculty development and student training opportunities, and communication to distance learning students.
- c. To make recommendations to the Provost to ensure a quality distance learning experience comparable to that provided in the University's face-to-face courses.

**1.4.8 University General Education Committee**

The University General Education Committee is responsible for the ongoing development, implementation, and assessment of an effective University general education program. It ensures that the program is in keeping with the University's mission and goals. The committee serves as an advisory body to the Provost and reports directly to the Provost through the Provost's Council.

**Membership:**

Membership of the University General Education Committee shall consist of:

- a. Two faculty representatives from each school or college offering an undergraduate program. An Associate Dean can serve as a school or college representative. The faculty representatives will be appointed for at least a three-year term and each school or college will stagger its representation to ensure continuity.
- b. The chair of the committee will be appointed by the Provost and come from the pool of faculty representatives.
- c. Senior Vice Provost (ex officio, non-voting).
- d. Vice Provost for Institutional Effectiveness (ex officio, non-voting)

**Functions:**

The functions of the University General Education Committee include the following:

- a. To assure the consistency of general education in relation to the mission and purposes of Mercer University as it is applied within the schools and colleges.
- b. Review and approve the general education curriculum (courses added to, deleted from, or modified as part of general education).

- c. Establish guidelines and determine criteria for course placement in the general education program.
- d. Establish and review policies, regulations, and standards related to the general education program.
- e. Determine the process for and oversee the completion of assessment for the general education program.

#### **1.4.9 Associate Deans Council**

The Associate Deans Council is responsible for the evaluation and monitoring of academic policies and procedures across the University. The committee serves as an advisory body to the Provost and reports directly to the Provost through the Provost's Council.

##### **Membership:**

The Macon Associate Deans Council is comprised of the Associate Deans of Macon's undergraduate colleges and schools, an Associate Dean of Student Affairs in Macon, the Registrar, and the Bursar. The Council is chaired by the Senior Director of Academic Services and meets monthly during the academic year and on call of the chair as needed.

The Atlanta Associate Deans Council is comprised of the Associate Deans of the colleges and schools located on the Atlanta campus, the Associate Dean and Director of Swilley Library, the Registrar, the Bursar, and a representative from Financial Planning. The Council rotates chair responsibilities among the Associate Deans annually; it meets monthly during the academic year and on call of the chair as needed.

##### **Functions:**

The functions of the Associate Deans Council include the following:

- a. To facilitate communication and cooperation between the Undergraduate Colleges and Schools, Student Affairs, Registrar's Office, Information Technology, Financial Planning, University Libraries, Bursar's Office, and Academic Services.
- b. To make recommendations to the Provost or appropriate group regarding academic policies and procedures.
- c. To review processes related, but not limited to, the University calendar, registration, and class scheduling.
- d. To collaborate in enhancing the quality of educational programs and carrying out the educational mission of the University.
- e. To hear appeals brought to the Council by the Chair of the Refunds Appeals Committee.

#### **1.4.10 University Assessment Council**

The University Assessment Council supports a process of continual self-evaluation and improvements across all instructional and administrative and educational support programs at Mercer University. Its primary function is in an advisory/supportive capacity to academic and support programs with respect to the total assessment process.

##### **Membership:**

The membership of the University Assessment Council shall consist of:

- a. Faculty representatives and/or administrators from each school/college
- b. Representatives from administrative and educational support units
- c. A representative from the General Education Program
- d. The Council is chaired by the Director of University Assessment.

##### **Functions:**

The functions of the University Assessment Council include the following:

- a. Provides assistance and consultation to instructional and administrative and educational support programs in formulating and implementing assessment plans.
- b. Annually reviews the assessment documents submitted by programs and provides feedback for improvement purposes.
- c. Assists in the development, maintenance, and distribution of program review templates for assessment reports.
- d. Provides an annual report to the Provost documenting strengths and weaknesses of the University's overall effort in assessment and institutional effectiveness.

#### **1.4.11 Student Life Council**

The Student Life Council is responsible for the evaluation and monitoring of policies and procedures across the University related to student affairs and/or student life. The committee serves as an advisory body to the Provost and reports directly to the Provost through the Provost's Council.

##### **Membership:**

Membership of the Student Life Council shall consist of the following:

The Student Life Council is composed of the Vice President and Dean of Students in Macon, the Dean of Students in Atlanta, the Director of Operations for the Regional Academic Center, and various student life professionals and/or point staff assigned from each of the professional schools. The Student Life Council is chaired by the Vice

President and Dean of Students in Macon and meets once a semester or as requested by any one of the members

**Functions:**

The functions of the Student Life Council include the following:

- a. To prepare recommendations regarding policies related to student affairs and/or student life.
- b. To share experiences and viewpoints on educational, administrative, and student issues and cooperatively explore possible solutions to any challenges identified by the group.
- c. To collaborate in enhancing the quality of the student experience amongst the various campuses in carrying out the student support mission of the University.
- d. To advise the Provost and the President on decisions, activities, and recommendations related to student issues.
- e. To find ways to increase the availability of resources for student life programs and services to obtain optimal utilization of resources.
- f. To facilitate communication and cooperation between the various campuses and student affairs units to ensure awareness and compliance with various university, state, and federal mandates.
- g. To improve the scope and effectiveness of long-range academic planning.

**1.4.12 University Service-Learning Advisory Councils**

The University Service-Learning Advisory Councils (undergraduate and graduate) advise the Senior Vice Provost for Service-Learning on policies, strategic planning, and implementation processes related to academic service-learning and community engagement.

Because service-learning at the graduate level is often prescribed by professional accrediting bodies, there are separate Graduate and Undergraduate Service-Learning Advisory Councils. Each school or college is responsible for selecting at least one service-learning teaching faculty member to serve on the undergraduate or graduate councils, as appropriate. Members serve two-year terms on a staggered basis. The Councils are chaired by the Senior Vice Provost for Service-Learning.

**Functions:**

The functions of the University Service-Learning advisory Councils include the following:

- a. To develop academic policies regarding service-learning consistent with the mission of the University and best practices in the field.
- b. To develop strategic initiatives to support service-learning.

- c. To act as advocates for service-learning and liaisons between each school or college and the Office of Service-Learning.

#### **1.4.13 Provost Council**

The Provost Council serves to advise the Provost on academic and student life matters related to the oversight for which the various committees are charged. The Council is chaired by the University Provost.

##### **Membership:**

Membership of the Provost Council shall consist of:

- a. The Provost
- b. The following directors: International Programs, Fellowships and Scholarships, Mercer University Press, Quality Enhancement Plan
- c. The following chairs: Distance Learning Committee, University Assessment Council, University Undergraduate Council, University Graduate Council, University General Education Committee, Student Life Council, Service-Learning Advisory Council
- d. The University Registrar
- e. The Vice and Senior Vice Provosts
- f. The Vice President for Student Affairs

##### **Functions:**

The functions of the Provost Council include the following:

- a. To provide recommendations to the Provost related to academic policies and procedures.
- b. To provide recommendations to the Provost related to student life.
- c. To make recommendations to the Provost related to general education, undergraduate curriculum, and graduate curriculum.

#### **1.4.14 Health Vocations Committee**

The Health Vocations Committee serves to evaluate students pursuing placement in various health professional schools and disseminate summary letters of those evaluations to the student-selected schools and application services.

##### **Membership:**

Membership on the Health Vocations Committee shall consist of:

- 2 members from the Department of Biology, College of Liberal Arts and Sciences
- 2 members from the Department of Chemistry, College of Liberal Arts and Sciences

1 member from the Department of International and Global Studies, College of Liberal Arts and Sciences

1 members from the Department of Mathematics, College of Liberal Arts and Sciences

1 member from the Department of Physics, College of Liberal Arts and Sciences

2 members from the Department of Psychology, College of Liberal Arts and Sciences

1 member from the Arts, Humanities, Social Sciences or other relevant disciplines, College of Liberal Arts and Sciences

1 member from the Department of Biomedical Engineering, Engineering

1 member from the Department of Public Health, College of Health Professions

1 member from the Academic Resource Center

1 member from the Center for Career and Professional Development

1 member from Academic and Advising Services (Health Professions Advisor)

The faculty members of the committee will serve in three-year terms, after which they can be renewed for another three years or be replaced with another faculty member from their same department. The membership slots would rotate in their three-year terms to limit the number of new members joining the committee to three and the number of new members joining from the same department to one.

The chair of the committee will be selected from the faculty members on the committee, and should have completed at least one year of committee service prior to serving as chair.

**Functions:**

The functions of the Health Vocations Committee include the following:

- a. To advise the Director of Pre-Health Professions Program in the development of student application packets and minimum student requirements for application to the committee.
- b. To collect applications from students who require an advisor/committee letter as part of a professional school application. Applications are collected at the start of each Fall and Spring semester and collected by the Director of Pre-Health Professions Programs.
- c. To evaluate all students who apply to the Health Vocations Committee in comparison to other students that have come before the committee.
- d. To compose letters of evaluation that summarize the committee's evaluation.

- e. To disseminate the summary letters to the student-selected schools and application services.

## **2. FACULTY PERSONNEL POLICIES**

### **2.1 Faculty Appointments at Mercer University**

The authority to appoint members of the faculty of Mercer University rests with the President who acts on the authority of the Board of Trustees. Faculty appointments are governed by the following policies and procedures:

#### **A. Qualifications for Faculty Appointment**

The qualifications which are sought in candidates for a faculty appointment at Mercer University include the following:

1. Teaching effectiveness as exhibited in:
  - Mastery of the subject matter in the teaching field
  - Understanding of the teaching/learning process
  - Skill in employing a variety of instructional methods, as required by the educational objectives and the instructional situation
  - Ability to sustain effective relationships with students
  - Dedication to high academic standards
2. Thorough and comprehensive scholarship, as reflected in:
  - Advanced degrees from accredited institutions
  - Honors or other professional recognition
  - Recognized research or performance
  - Publication of results of research through journals or presses of recognized scholarly quality
  - Participation and leadership in professional and learned societies
3. Ability to participate in cooperative educational planning and academic policy making.
4. Commitment to the welfare of students and to the goals of student development; ability to provide responsible academic and personal advice to students.
5. Understanding of and appreciation for the mission of Mercer University.
6. Desire to improve the reputation and effectiveness of the University as a center of learning.

There is no general order of priority or importance in the above qualifications. The University is concerned with the total set of qualifications. One faculty member may be particularly strong in respect to one qualification, while a colleague may be particularly strong in respect to another. Nevertheless, all of the above qualifications are considered in the process of faculty recruitment and selection. The policies and procedures for faculty recruitment and faculty personnel administration are designed to enable the University to attract and retain persons who exhibit the highest qualifications available.

## **B. Rank**

Faculty rank is assigned on the basis of academic qualifications and experience. Rank is assigned for both full-time and part-time faculty. Persons holding administrative office and librarians may be appointed with faculty rank if they so qualify.

The minimum degree requirements for appointment to the faculty normally are the master's degree or its equivalent for appointment to the rank of Instructor or Lecturer and the doctoral degree or its equivalent for appointment to the rank of Assistant Professor, Associate Professor, or Professor. Specific requirements for faculty appointment by rank in the respective schools or colleges of the University are published in the supplements to the University Faculty Handbook for those schools and colleges.

Assignment of rank is based on merit and is not made automatically when minimum requirements are satisfied. An evaluation of the individual's total qualifications and contributions to the University is the determining factor in assigning rank, provided that the minimum degree and experience requirements have been satisfied.

Faculty appointments may be made on a full-time or part-time basis or with the designations "visiting" or "adjunct." Visiting faculty are appointed on a full-time basis usually for one year or less. Part-time faculty are appointed with the appropriate rank. Adjunct faculty are appointed with limited responsibilities and usually without benefits compensation.

## **C. Procedures**

Appointment to the faculty is by a contract or letter of appointment issued by the University. Appointment to the faculty is made only by the President. The appointment is not validated until the appointment document has been returned to the University with the appointee's signature indicating acceptance or until the appointee has written a letter of acceptance to the University.

The President's offer of faculty appointment is made with the recommendations of the Provost and the Dean of the college or school in which the individual holds faculty appointment. Each college or school maintains an organization and procedure for obtaining faculty participation in the recruitment, screening, and selection of new faculty; the

evaluation of faculty performance; and the preparation of recommendations concerning faculty promotion and tenure. In colleges or schools with a strong departmental organization, such procedures may center in the department. In some colleges or schools, recommendations on faculty appointments may emerge from a faculty committee or from the faculty acting as a whole. The Dean carries major responsibility for faculty personnel administration and the recruitment, selection, promotion, and tenure of faculty of the highest possible qualifications. The Dean's recommendations to the Provost and the President are influenced heavily by the advice of faculty peers.

## **2.2 Terms of Appointment**

1. The terms and conditions of every appointment to the faculty are stated or confirmed in writing and a copy of the appointment document is supplied to the faculty member. Any subsequent extensions or modifications of an appointment, any special understandings, or any notices incumbent upon either party to provide, are stated or confirmed in writing and a copy of the appointment document is given to the faculty member.
2. All full-time appointments to the faculty are of two kinds: tenured or non-tenured.
3. The faculty member is advised, at the time of appointment, of the substantive standards and procedures generally employed in decisions effecting renewal and tenure. Any special standards adopted by the faculty member's department, college, or school are also brought to his or her attention. The faculty member is advised of the time when decisions effecting renewal or tenure are ordinarily made and is given the opportunity to submit material which he or she believes will be helpful to an adequate consideration of his or her circumstances and qualifications.
4. Faculty members who teach outside their college or school will do so only with the concurrent approval of their Dean and the Dean of the college or school within which the additional teaching is done.

## **2.3 Graduate Faculty Appointment**

In order to better position the colleges and schools to serve the needs of graduate students, qualified faculty may receive graduate faculty status. Eligibility of graduate faculty status is limited to faculty holding the terminal degree, usually the earned doctorate, in the respective field or related discipline. In unusual cases, individuals without the required academic credentials with exceptional professional, scholarly and/or creative expertise may serve as graduate faculty.

The title of "Graduate Faculty" may be designated for those members of the full-time, academic faculty who are appointed by their college/school to lead the research efforts of

graduate students in their respective fields or who serve as examination or certification leads. The chair of any thesis or dissertation committee or chair of any examination body at the graduate level must be a member of the Graduate Faculty. A college/school may appoint a person not formally affiliated with Mercer as a “Term Graduate Faculty” for a limited period of time in order for an adjunct, professional colleague, visiting faculty, or distinguished academic to serve as the leader of a student research project.

Each college/school shall determine its own criteria and process for the appointment and review of faculty as Graduate Faculty. Continuation of appointment is subject to currency in tenure/post-tenure/reappointment review with evidence of excellent graduate instruction, active scholarly productivity and engaged professional service. Appointments to the Term Graduate Faculty are made as needed but shall not exceed three years in duration before a renewal review.

Each college/school shall, at the time a graduate committee is formed for the purpose of examination, certification, or direction of graduate-level research, prepare a Memorandum for Record to record the members of the committee and to certify that the members meet the requirements of the applicable college/school. The Memorandum for Record shall be archived in the applicable college/school Dean’s Office.

## **2.4 Academic Freedom and Tenure**

### **2.4.1 General Principles**

#### **Academic Freedom**

Mercer University assures all members of the faculty, whether tenured or non-tenured, full protection of academic freedom. The University’s understanding of academic freedom is consistent with the definition contained in the Statement of Principles on Academic Freedom and Tenure formulated in 1940 by the Association of American Colleges and the American Association of University Professors. The relevant sections of the Statement provide as follows:

*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.*

*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.*

- a. *Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.*
- b. *Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.*
- c. *College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all time 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.*

An earlier statement of principles concerning academic freedom, which was developed in 1925 at a conference of higher education organizations and endorsed by the Association of American Colleges and the American Association of University Professors, declares:

- a. *A university or college may not place any restraint upon the teacher's freedom in investigation, unless restriction upon the amount of time devoted to it becomes necessary in order to prevent undue interference with teaching duties.*
- b. *A university or college may not impose any limitation upon the teacher's freedom in the exposition of his own subject in the classroom or in addresses and publication outside the college, except in so far as the necessity of adapting instruction to the needs of immature students, or in the case of institutions of a denominational or artisan character, specific stipulations in advance, fully understood and accepted by both parties, limit the scope and character of instruction.*
- c. *No teacher may claim as his right the privilege of discussing in his classroom controversial topics outside of his own field of study. The teacher is morally bound not to take advantage of his position by introducing into the classroom provocative discussions or irrelevant subjects not within the field of his study.*
- d. *A university or college should recognize that the teacher, in speaking and writing outside of the institution upon subjects beyond the scope of his own field of study, is entitled to precisely the same freedom and is subject to the same responsibility as attached to all other citizens. If the extra-mural utterances of a teacher should be such as to raise grave doubts concerning his fitness for his position, the question should in all cases be submitted to an appropriate committee of the faculty of which*

*he is a member. It should be clearly understood that an institution assumes no responsibility for views expressed by members of its staff; and teachers should, when necessary, take pains to make it clear that they are expressing only their personal opinions.*

Mercer University is firmly committed to the tradition of academic freedom in American colleges and universities and seeks to maintain conditions which are conducive to open inquiry.

### **Political Activities of Faculty Members**

Faculty members, as citizens, are free to engage in political activities so far as they are able to do so consistently with their obligations as teachers and scholars. Leaves of absence without pay may be given or required for the duration of an election campaign or a term of office on timely application and for a reasonable period of time. The terms of such leave of absence shall be set forth in writing, and the leave shall not affect unfavorably the tenure status of a faculty member, except that time spent on such leave shall not count as probationary service unless otherwise agreed.

The University itself is prohibited, as a condition of its tax-exempt status, from participating in political campaigns. Accordingly, when endorsing or opposing candidates for public office, faculty members should take special care to make clear that they are not speaking for the University. Mercer University's name may not be used on stationery or other documents intended for political purposes, including soliciting funds for political support.

### **Tenure**

Tenure is viewed by the University as an important means to assure: 1) freedom of teaching, research, and extramural activities under the guidance of professional responsibility; and 2) a sufficient degree of economic security to make teaching at Mercer University attractive to persons of high ability. Freedom and economic security for the faculty are viewed as indispensable to the effectiveness of the University's service to its students, its constituency, and society.

The standards and procedures for granting tenure at Mercer are set forth in Section 2.4.2. The granting of tenure is not an unconditional guarantee of permanent faculty appointment. Rather, tenure provides assurance that an appointment will be continued until retirement, in accordance with the University's retirement policy, or until termination or dismissal by the University for adequate reason or cause.

### **Professional Ethics**

The University's guarantees of academic freedom presuppose that members of the faculty will act in a professionally responsible manner. The University expects that

members of the faculty will be governed by the AAUP Statement on Professional Ethics (2009), which declares:

- I. *Professors, guided by a deep conviction of work and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end, professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.*
- II. *As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards of their discipline. Professors 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 each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.*
- III. *As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of the institution.*
- IV. *As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.*
- V. *As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their 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.*

#### **2.4.2 Tenured Appointments**

1. Though tenure may be granted at any time by the President, usually it is conferred only after completion of a probationary period. Tenure is awarded by the President upon the authority of the Board of Trustees and with the advice of the Provost, the Dean of the college or school in which the individual holds faculty appointment, and the Senior Vice President for the Health Sciences for medicine, nursing, pharmacy, and health professions. Fitness for tenure is determined through a review process involving faculty colleagues, department chairpersons, faculty personnel committees, and academic officers who consider evidence of the candidate's contribution to the educational program, scholarship, and potential for continued contribution to the University. Guidelines for more explicit application of the University's general tenure policy are developed by the individual colleges and schools, subject to the approval of the President.
2. Tenure is based on merit. Merit is determined in the aggregate with emphasis on the following criteria:
  - a. Quality of teaching and attention given to students as individuals.
  - b. Breadth, depth, and variety of education and experience.
  - c. Professional achievement and scholarship.
  - d. Responsible participation in group deliberative processes.
  - e. Professional responsibility and service to the school and community.
3. Only faculty members holding the rank of Professor, Associate Professor, or Assistant Professor are eligible for consideration of tenure.
4. Tenure-relevant experience:
  - a. Tenure-relevant experience is counted only for full-time service at the rank of assistant professor or above.
  - b. In the case of a new appointment, the Dean determines the amount of previous tenure-relevant experience and includes this information in the initial contract letter.

- c. The contract includes the following elements:
  - Effective date of appointment
  - Amount of previous tenure-relevant experience
  - Anticipated year of tenure review
  - Anticipated effective date of tenure, if awarded
  - Specific tenure policy of the appropriate school or college
5. Tenure notification:
  - a. Review and notification for tenure occurs during the sixth year of full-time faculty appointment in the University and may not be deferred beyond that year, subject only to the conditions of the appeals process (see 2.5). Tenure becomes effective at the beginning of the seventh contract year. Subject to specific qualifications in the guidelines of the different colleges and schools as approved by the President, shorter or longer probationary periods may be established.
  - b. Faculty members are notified of tenure or offered a one-year terminal contract no later than May 1 of the year of tenure review.
  - c. If promotion is awarded to a faculty member before the probationary period is completed, no promise of eventual tenure is implied.
6. Should a faculty member be granted a sabbatical leave or leave of absence, the period of such leave may count, under prior agreement with the University, as part of the probationary period. Tenure review may not occur during such leave.
7. Faculty members whose appointment depends upon continued external funding are not subject to the maximum limitation of the period of probationary appointment.
8. Each faculty member with tenure is informed in writing of the terms and conditions for a continued appointment not later than two weeks after formal approval by the Board of Trustees.
9. For faculty members employed by the University on or before April 15, 1988, the granting of tenure conforms to the tenure policy in force on the effective date of initial appointment in the college or school.

#### **2.4.3 Non-Tenured Appointments**

1. Non-tenured faculty appointments at the University fall into two broad categories: (a) those eligible for tenure consideration (“tenure-track appointments”) and (b) those not eligible for consideration for tenure (“non-tenure-track appointments”).

Part-time faculty, faculty holding the rank of instructor or lecturer, and visiting and adjunct faculty are ineligible for tenure consideration unless a specific agreement provides otherwise. Individual colleges and schools may establish other titles, ranks, or descriptions of appointments not eligible for tenure, subject to the approval of the President.

2. Non-tenured faculty appointments may be for one year or for other stated periods (but not in excess of three years) and are renewable at the option of the University. The duration of certain non-tenure-track appointments (e.g., research faculty positions) may be tied to the availability of funding from specified sources rather than to a fixed time period.
3. Non-tenured faculty members will be advised of the terms and conditions of their appointment, in writing, at the time of initial appointment and each year thereafter.
4. A major responsibility of the University is to recruit and retain the best-qualified faculty within its goals and means. Accordingly, the University may decide not to renew a non-tenured appointment in order to seek a better-qualified replacement. In addition, a decision not to renew a non-tenured appointment may be made for various institutional reasons unrelated to the faculty member's performance. A decision not to renew a non-tenured faculty member's appointment should not be confused with a termination or dismissal for cause. Until tenure has been granted, there is no obligation on the part of either the University or the faculty member to renew an appointment after its expiration.
5. Regardless of the stated term or other provisions of the appointment, written notice that a tenure-track appointment is not to be renewed shall be given to the faculty member in advance of the expiration of the appointment, as follows:
  - a. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment expires within an academic year, at least three months in advance of its expiration.
  - b. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment expires during an academic year, at least six months in advance of its expiration.
  - c. At least twelve months before the expiration of an appointment after two or more years of faculty service at the institution.
6. Written notice that a non-tenure track appointment is not to be renewed shall be given to the faculty member in advance of the expiration of the appointment in

accordance with the following schedule, unless the written appointment or reappointment letter provides otherwise:

- a. Not later than March 1 during the first three academic years of service, if the appointment expires at the end of an academic year; or, if an appointment expires within an academic year, at least three months in advance of its expiration.
  - b. Not later than December 15 after three academic years of service but less than six academic years of service, if the appointment expires at the end of an academic year; or, if an appointment expires within an academic year at least six months in advance of its expiration.
  - c. At least twelve months before the expiration of an appointment after six or more years of faculty service at the institution.
7. Persons who hold non-tenured faculty appointments at the University are entitled to the same guarantees of academic freedom as tenured faculty.

#### **2.4.4 Faculty Emeritus/Emerita Status Eligibility Criteria, Process, and Benefits**

1. Eligibility Criteria:

- a. The faculty member must have held the rank of either Associate Professor or Professor.
- b. The faculty member must have served a minimum of the equivalent of ten years of exceptional service to Mercer.
- c. The faculty member must be fully retired from Mercer before Emeritus/Emerita status may be awarded.
- d. A faculty member may be given Emeritus/Emerita status posthumously.

2. Process:

- a. A letter of nomination for the faculty member must be submitted from the department chair (or equivalent) to the appropriate school or college Dean. Letters of nomination may also be accepted by the Dean from faculty colleagues.
- b. Evidence of the faculty member's exceptional contributions to Mercer, duly documented, must accompany the chair's letter of nomination. A current curriculum vitae of the applicant should be included with the letter of nomination.
- c. Nominations are due in the Dean's office no later than January 15 of each year.
- d. The Dean will either endorse or not endorse the nomination with supporting comments and forward the application to the chief academic officer (Provost).
- e. The Provost will either endorse or not endorse the nomination with supporting comments and forward the application to the President.

- f. The President will make a decision on the nomination no later than April 1 of each year.
- g. If the President decides favorably on a faculty member's nomination, the award of Emeritus/Emerita status shall be submitted to the Board of Trustees for confirmation at its regular spring semester meeting.
- h. Emeritus/Emerita status may be rescinded at any time for good reason and/or cause with due process.

### 3. Benefits:

- a. Lifetime issuance of an Emeritus/Emerita Faculty Identification Card (Bear Card).
- b. Lifetime listings in the University Catalog and telephone directory as an Emeritus/Emerita faculty member.
- c. Emeritus/Emerita faculty may continue to maintain an email account and Internet access through the University, subject to adequate University resources as determined by the appropriate school or college Dean.
- d. Emeritus/Emerita faculty will have access to the library and all recreational facilities and events at a standard faculty rate.
- e. Emeritus/Emerita faculty will receive a free parking permit upon annual request.
- f. Emeritus/Emerita faculty may request use of a departmental mailbox and University office space, contingent upon the availability of office space as determined and approved by the appropriate department chairperson.
- g. Emeritus/Emerita faculty may have access to reasonable usage of department stationery and mailing privileges, contingent upon available resources as determined by the appropriate department chairperson.
- h. Emeritus/Emerita faculty may continue to be eligible to teach or perform research as needed.
- i. Emeritus/Emerita faculty may be eligible to serve on ad hoc school/college and University committees upon appointment by the respective school or college Dean, the House of Delegates, or the chief academic officer.
- j. Emeritus/Emerita faculty will have other rights and privileges enjoyed by retired university faculty, as stated in the appropriate University policies.

#### **2.4.5 Collegiate Regulations on Faculty Appointments**

Schools and colleges may promulgate regulations on faculty appointments, tenure, and promotion not inconsistent with those contained within this document. Such regulations are published in the supplemental handbooks section for the respective schools and colleges.

#### **2.4.6 Administrative Personnel**

1. The foregoing regulations on appointments apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Tenure is not granted for an administrative position, and appointments to administrative positions may be changed or withdrawn at any time. An administrative officer may hold tenure as a member of the faculty (provided that he/she is so qualified), but he/she may not hold tenure with respect to the administrative position. Years of service in an administrative position are not counted toward the probationary period leading to tenure.

Where an administrator alleges that considerations which violated academic freedom or University policies against discrimination significantly contributed to a decision to terminate his/her appointment to his/her administrative post, or not to reappoint him/her, he/she is entitled to the procedures set forth in Section 2.10.

2. No additional compensation is to be paid to Deans and Vice Presidents (not including assistant and associate vice presidents or vice provosts) for teaching. Teaching is expected of Deans and teaching by Vice Presidents should be on a volunteer basis, given the level of compensation they already receive. In this context, "additional compensation" means additional salary and/or any funds set aside in special accounts (travel accounts, expense accounts, equipment accounts, research accounts, and the like) for use by these University officials.

### **2.5 Review Procedures Leading to Reappointment, Promotion, Tenure, or Non-Renewal**

The basic criteria for faculty review are consistent with qualifications of faculty appointment as outlined in Section 2.1 above. Each college and school of the University may establish standards and criteria for faculty review, provided such standards and criteria are consistent with the policies of the University and communicated to the faculty. Ongoing review includes the faculty annual report and a catalog of comprehensive reviews, which establish a cumulative record of performance and achievement and encourage continued professional growth. Faculty review may provide prescriptions of faculty development and indicators of merit.

1. The procedures for periodic review of faculty leading to reappointment, promotion, tenure, or non-renewal are designed to assure the exercise of responsible professional judgment and to obtain the application of relevant criteria of evaluation to protect the individual from arbitrary or subjective evaluation. The review is also intended to provide the faculty member with specific suggestions for further improvement of his/her performance and further development of his/her competence.

2. The criteria considered in a review for reappointment or promotion are based on the qualifications for faculty appointment as outlined in Section 2.1 above. The criteria considered in a review for tenure are summarized in Section 2.4.2.
3. Each individual being considered for reappointment, promotion, or tenure shall be notified of the organization, time schedule, and procedure for the review of his/her qualifications and professional activities. The faculty member shall be advised of the substantive standards generally employed in decisions affecting reappointment, promotion, and tenure. A recommendation regarding multi-year reappointment, promotion, or tenure shall be reached with the advice of an appropriate advisory committee of faculty peers who shall consider such available evidence as they judge to be relevant. The recommendation of the committee shall be presented to the Dean of the school or college who shall then prepare his/her own recommendation. The recommendations of the committee and of the Dean shall be presented to the Provost, who shall present them in turn with his/her own recommendation to the President.
4. The formal review outlined in Paragraph 3 above is not required for a one-year renewal of appointment.
5. The decision to authorize a multi-year appointment, a promotion, or an appointment with tenure shall be made by the President.
6. The formal review outlined in paragraph 3 above is not required when a non-renewal decision is made for institutional reasons unrelated to the faculty member's performance (e.g., the need to restrict offerings in a school or department because of reduced enrollments, budget cuts, etc.)
7. When a decision has been reached not to reappoint, not to promote, or not to grant tenure, the faculty member shall be advised in writing of that decision. Upon request, the faculty member shall be advised of the reasons which contributed to the decision.
8. If a faculty member believes that the decision against reappointment, promotion, or tenure was based on inadequate consideration, he/she may petition for review, as provided in Section 2.9. If a faculty member believes that the decision against reappointment, promotion, or tenure was based significantly on considerations violative of academic freedom or University policies prohibiting discrimination, the faculty member may file a complaint as provided in Section 2.10.

### **2.5.1 Categories of Review**

1. Full-time faculty shall annually submit a report documenting contributions to the mission of the University during the previous year and identifying goals for the coming year. Review of such reports may form the basis for reappointment for non-tenured faculty.
2. Non-tenured, full-time faculty shall undergo a comprehensive reappointment review within the first four years of service and no less than every six years thereafter.

3. Tenure-track faculty shall undergo a comprehensive pre-tenure review within the first four years of service. This pre-tenure review provides an assessment of progress towards tenure.
4. Tenure-track faculty shall undergo a mandatory comprehensive tenure review in accordance with the criteria and schedule outlined in Section 2.4.2 Tenured Appointments. A faculty member may undergo a full review for tenure only once at the University.
5. Full-time faculty meeting minimum rank criteria for appointment and with sufficient time in rank may be considered for promotion to the next higher faculty rank. For promotion consideration, faculty shall undergo a comprehensive review.
6. Tenured, full-time faculty shall undergo a comprehensive post-tenure review within five years of the awarding of tenure and a least once every five years thereafter. Post-tenure reviews do not result in any change in rank or tenure status. Comprehensive evaluations conducted for other purposes, such as a review for promotion, may be substituted for or combined with post-tenure review.
7. Part-time, adjunct, and teaching faculty not subject to above review are to be evaluated during the first term of service and annually thereafter.

### **2.5.2 Post-tenure Review**

Post-tenure review is established in support and recognition of the University's commitment to promoting the continued high-quality teaching, scholarship, and service of its tenured faculty, and thereby enhancing the educational environment for its students and the larger community. Post-tenure reviews do not result in any change in academic rank or tenure status.

The purpose of a comprehensive post-tenure review is to ensure professional accountability to the University mission and community and guide continuing and meaningful faculty development. Assessment of academic contributions consistent with those expected of a tenured faculty member will

- identify individual merit relative to assigned duties and University mission;
- form a basis for determining merit raises, honors, awards, and other types of recognition; and
- refocus academic and professional efforts, when appropriate.

The post-tenure review shall focus on professional responsibility and development relative to expectations and contributions consistent with that of a tenured faculty member who contributes to the University's mission. The basis of the post-tenure review is consistent with the tenure criteria as stated in section 2.4.2(2) in the University faculty handbook. Expectations may vary widely in terms of individual professional responsibilities and are based solely on contractual requirements. Administrative duties are not subject to the post-tenure review.

Full-time, tenured faculty shall undergo a comprehensive post-tenure review within five years of the awarding of tenure and at least once every five years thereafter. Annual performance reviews may inform the post-tenure review process but are not a substitute for a comprehensive post-tenure review. Comprehensive evaluations conducted for other purposes, such as a review for promotion, may be substituted for or combined with the post-tenure review.

The criteria of post-tenure review will be evaluated as exceeds expectations, meets expectations, or does not meet expectations. Each college and school of the University shall establish the criteria and procedures for post-tenure reviews, provided such criteria and procedures are consistent with the policies of the University and approved by the President. The criteria and procedures for post-tenure reviews shall be published in the supplemental handbooks for the respective schools and colleges subject to the following guidelines:

1. The review may be waived only for faculty with a signed phased retirement agreement.
2. In rare circumstances, the review may be rescheduled with permission from the Dean and Provost. A review may not be conducted within three years of the prior review. No deferral may extend beyond one year from the scheduled review.
3. The review period starts with the first full academic year after hire into a tenured position or upon successful completion of a comprehensive review for tenure, promotion, or post-tenure review.
4. Faculty due for a post-tenure review shall receive at least six months' notice of intent to review.
5. For joint positions, the primary department will be the locus of the review unless the faculty member chooses to designate a joint department of equal or greater percent of time.
6. For faculty members performing substantial duties in other departments or programs, the evaluation committee shall consider information from others familiar with the faculty member's performance outside the department, if provided.

An evaluation regarding post-tenure review shall be reached by the Dean with the advice of a faculty advisory committee. The evaluation of the committee shall be presented to the Dean of the school or college who shall then prepare the evaluation. The evaluation of the Dean shall be provided, in writing, to the faculty member.

By April 1, the Dean shall submit to the Provost a list of faculty deferred or reviewed along with the evaluation rankings and appropriate justifications for faculty who exceed expectations or do not meet expectations.

The faculty member whose performance does not meet expectations in one or more areas shall be placed by the Dean on a developmental support plan within 30 days of receiving the written evaluation. The developmental plan is to be established

collaboratively by the Dean, the faculty member, and the faculty member's supervisory chair, program director, or designate. A developmental plan shall respect academic freedom and professional self-direction and shall be flexible enough to allow for subsequent redirection. Establishing a developmental support plan is not a disciplinary action. It is an instrument for committing to specific short-term and long-term professional development goals and strategies. The faculty member shall have the right to provide a written response regarding how the written developmental support plan is formulated, the plan's content, and any resulting evaluation. The plan will

1. Be limited in term to no more than one year for teaching and three years for scholarship and service;
2. Include a follow-up schedule with specific dates, benchmarks, and tangible goals for evaluating improved performance;
3. Indicate the University resources available to provide appropriate support for the faculty member in achieving goals of the plan; and
4. Indicate who will monitor the implementation of the plan and support the faculty member throughout the process.

The evaluation of the Dean is subject to faculty appeal as specified in Section 2.9. If a faculty member believes that the decision of the post-tenure review was based significantly on considerations violative of academic freedom or University policies prohibiting discrimination, the faculty member may file a complaint as outlined in Section 2.10.

The Dean, in consultation with the faculty member's supervisory chair, program director, or designate shall annually assess evidence of improvement as part of the faculty member's annual faculty report. The developmental support plan may be amended due to such assessments. After the term of the developmental support plan, the faculty member must resubmit for post-tenure review.

The faculty member whose performance does not meet expectations on the post-tenure review that follows the developmental support plan shall be referred to the Provost. The Provost shall establish an administrative review to determine appropriate faculty development, reassignment, and/or sanction up to and including review for termination or dismissal, as outlined in Sections 2.6 and 2.8 of the University Faculty Handbook. The standard for sanction or dismissal remains that of just cause as outlined in Section 2.6 and is distinct from the post-tenure review. The fact of successive negative reviews does not diminish the obligation of the University to demonstrate just cause in a separate forum, following the procedures outlined in Section 2.8. Records from the post-tenure review may be relied upon and are admissible in proceedings pursuant to Section 2.8.

## 2.6 Termination of Appointments by the University

1. Termination of an appointment with tenure or of a non-tenured appointment before the end of the appointment term may be affected by the institution only for adequate cause. Without limiting the generality of the term “adequate cause,” the following are examples of circumstances that shall be considered as constituting adequate cause: (a) demonstrated incompetence or dishonesty in teaching or research; (b) substantial and manifest neglect of duties; (c) moral turpitude; (d) flagrant violation of professional ethics, or personal conduct which substantially impairs the individual’s fulfillment of responsibilities to the University; (e) functional medical disability; (f) financial exigency; and (g) discontinuance of program. The burden of proof that such circumstances exist rests upon the University.
2. If the termination takes the form of dismissal for cause, including those indicated as examples (a) through (d) above, it shall be pursuant to the dismissal procedures specified in Section 2.8 Dismissal Procedures.
3. Termination of a tenured appointment, or of a non-tenured appointment before the end of the period of appointment, for medical reasons shall be based upon clear and convincing medical evidence that shall, if the faculty members request, be reviewed in accordance with the procedures specified in Section 2.8 Dismissal Procedures.
4. Termination of a tenured appointment, or of a non-tenured appointment before the end of the appointment term, may occur as a result of financial exigency or as a result of the formal discontinuance of a program. In these cases, the procedures specified in Section 2.8 shall not apply, but the standards and procedures prescribed under paragraphs 5 and 6 below, in the case of financial exigency, or under paragraph 7 below, in the case of discontinuance of program, shall be followed. Paragraphs 8 and 9 below indicate special rights of faculty terminated under these circumstances.
5. The decision that a financial exigency exists shall be made by the Board of Trustees only after the following steps have been carried out:
  - a. If the President believes that a financial crisis threatens the University that may justify declaration of a state of financial exigency, the President shall call the Financial Emergency Committee into session and shall inform it of the nature and severity of the perceived financial crisis. The Financial Emergency Committee shall consist of the Executive Committee of the University Faculty House of Delegates together with one (1) other faculty member from each college or school of the University. The Chair of the House of Delegates shall chair the Financial Emergency Committee.

- b. The Financial Emergency Committee shall request that the House of Delegates meet. At that meeting the President shall inform the House of Delegates of the nature of the financial crisis. The House of Delegates shall determine whether, in its judgment, the crisis is severe enough to warrant declaration of a state of financial exigency and shall record its determination in a resolution to be communicated to the President and to the Financial Emergency Committee.
  - c. The Financial Emergency Committee shall determine whether a financial crisis justifying the declaration of a financial exigency exists and shall communicate its determination to the President.
  - d. The President shall, in consultation with the Financial Emergency Committee and the House of Delegates, determine whether a financial crisis justifying declaration of financial exigency exists.
  - e. If the President and the Financial Emergency Committee agree that such a financial crisis exists, a joint recommendation that financial exigency be declared shall be forwarded to the Board of Trustees, together with all supporting documents and the resolution of the House of Delegates. If the determinations of the President and of the Financial Emergency Committee differ, both determinations, together with all supporting documents and the resolution of the House of Delegates, shall be presented by the President and the Chair of the Financial Emergency Committee to the Board of Trustees before the Board acts on the recommendation.
  - f. A state of financial exigency shall exist upon declaration by the Board of Trustees.
6. Upon declaration of a state of financial exigency, the following procedures shall be carried out:
- a. The Financial Emergency Committee shall advise the President on means by which the University can resolve the financial crisis. The Financial Emergency Committee shall concurrently apprise the House of Delegates of its deliberations and advice.
  - b. The Financial Emergency Committee shall identify and evaluate cost-reduction measures designed to avoid the need for termination of faculty appointments and shall recommend to the President such alternatives as it deems feasible and appropriate. The Financial Emergency Committee shall consider such measures as temporary furlough of faculty as a means of meeting the financial crisis in the short term while allowing long-term measures to be undertaken in an orderly manner.

- c. The President and the Board of Trustees shall consider and implement all cost-reduction measures, short of termination of faculty appointments, which they deem feasible and appropriate. The hiring of new faculty during a financial emergency shall be limited to extraordinary circumstances wherein an academic program would otherwise be seriously affected. Such proposed new hiring shall be stringently reviewed by the appropriate elected faculty body in each school or college.
  - d. If such cost-reduction measures are deemed by the President to be insufficient to resolve the financial crisis, the President shall ask the Financial Emergency Committee to develop procedures for the termination of faculty appointments. In the development of these procedures, the Financial Emergency Committee shall be guided by the following principles:
    - i. Program needs. In order to meet the needs of the reduced program at the highest level of academic quality on a long-range basis, the following factors will be considered: (a) experience and knowledge in the courses offered in the reduced program; (b) academic credentials; (c) teaching load (number of sections and students taught); (d) teaching ability; (e) experience or knowledge in other academic areas (ability to double up); and (f) research and scholarly quality and productivity. Individual faculty salaries will not be considered.
    - ii. Tenure Status. A tenured faculty member will generally be retained in preference to a non-tenured faculty member.
7. "Program," as used herein, means (a) a college, school, department, division, or instructional unit headed by an academic administrator; (b) a coherent set of courses or program of study that leads to an academic degree; (c) a coherent set of courses or program of study that does not lead to an academic degree but serves to educate or train students (e.g., a professional certification program or a remedial program); or (d) a research or service unit which may or may not educate students. Programs shall be defined by the academic unit of oversight. For the purposes of closure, only those programs defined as such for one academic year prior to consideration for closure shall be considered "programs." If the program to be eliminated is a department or other unit within a college or school, the decision shall be made by the Board after receiving the recommendations of the faculty (or appropriate faculty body) of the college or school, the Dean, the Provost, the President, and the Educational Policy Committee. If the program to be eliminated is an entire college or school, the decision shall be made by the Board after receiving the recommendations of the affected faculty, the University Faculty House of Delegates, the Provost, the President, and the Educational Policy Committee.

8. Tenured faculty members identified for termination as a result of financial exigency or program elimination shall have the following rights without limitation:
  - a. Tenured faculty members whose appointments will be terminated must be given notice as soon as possible and should be given notice at least 12 months in advance of the effective date of termination. If the termination decision has not been made in time to permit 12 months' notice, severance salary shall be awarded to the extent of the lateness of the notice.
  - b. The University will make every effort to place affected tenured faculty members in other suitable positions within the institution. In no event shall such efforts require the placement of a faculty member in a position for which he or she is not qualified.
  - c. The faculty member may request review of the termination decision. An appropriate faculty committee shall be appointed to consider such requests and to make recommendations to the President whose decision may be appealed to the Board of Trustees. The issues which may be considered in such a review are whether the institution has complied with the standards and procedures in this Section and whether the criteria were properly applied in the individual case.
  - d. No tenured appointment terminated because of financial exigency or program elimination shall be filled by a replacement within a period of two years, unless the terminated faculty member has been offered reappointment and given a reasonable time within which to accept or decline the offer.
9. Non-tenured faculty members whose positions are eliminated as a result of financial exigency or program elimination shall have the following rights, without limitation:
  - a. Non-tenured faculty members must be given notice as soon as possible and should be given notice of non-renewal in accordance with the schedule provided in section 2.4.3 Non-Tenured Appointments. If the decision has not been made until after the appropriate date by which notice should be given, the appointment shall be renewed for a partial term or severance salary shall be awarded to the extent of the lateness of the notice.
  - b. The faculty member may request review of the decision, as provided in paragraph 8.c above.

## **2.7 Termination of Appointment by the Faculty Member**

A faculty member may terminate his/her appointment effective at the end of an academic year, provided that he/she gives notice in writing at the earliest possible opportunity, but not later than 30 days after receiving notification of the terms of his/her reappointment for

the coming year. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where he/she would otherwise be denied substantial professional advancement or other opportunity. Faculty members are expected to give due notice of their intentions not to accept reappointment so as to assist the University in procuring a qualified replacement.

## **2.8 Dismissal Procedures**

1. Cause for a dismissal, other than financial exigency or discontinuance of programs shall be related, directly and substantially, to the fitness of the faculty member in his/her professional capacity as a teacher or researcher.
2. Dismissal of a faculty member with tenure or with a non-tenured appointment before the end of the specified term shall be preceded by: (1) discussion between the faculty member and the Provost looking toward a mutual settlement; (2) informal inquiry by a committee composed of full-time faculty members in his/her school or college other than the person under inquiry which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; (3) a statement of charges, framed with reasonable particularity by the President or his delegate.
3. A dismissal of a tenured faculty member or of a non-tenured faculty member before the end of the specified term shall be preceded by a statement of alleged reason, and the individual concerned shall have the right to be heard by a hearing committee composed of full-time faculty members (other than the person under inquiry), as provided for by each of the schools and colleges of the University. A committee member shall remove himself/herself from the case either at the request of a party to the dismissal proceeding or on his/her own initiative if he/she deems himself/herself disqualified for bias or interest. Each party shall have a maximum of two (2) challenges of members of the Committee without stated cause. The Committee shall choose one of its own members to serve as chair.
  - a. Service of notice of hearing with specific charges in writing shall be made at least 20 days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges against him/her or asserts that the charges do not support a finding of adequate cause, the hearing committee shall evaluate all available evidence and rest its recommendations upon the evidence in the record.
  - b. The hearing committee, in consultation with the faculty member, shall exercise its judgment as to whether the hearing should be public or private.

- c. During the proceedings, the faculty member shall be permitted to have both academic and legal counsel of his/her own choosing.
- d. At the request of either party or the hearing committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.
- e. A verbatim record of the hearing or hearings shall be taken and a typewritten copy shall be made available to the faculty member without cost to him/her at his/her request.
- f. The burden of proof that adequate cause exists rests with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole; provided, however, if the alleged reason for dismissal involves a formal complaint which is covered under Mercer University's *Sexual Misconduct Policy and Procedures*, the burden of proof that adequate cause exists shall be satisfied by the preponderance of the evidence in the record considered as a whole.
- g. The hearing committee shall grant adjournments to enable either party to investigate evidence that a valid claim is made.
- h. The faculty member shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the institution shall, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.
- i. Both parties shall have the right to confront and cross-examine all witnesses. Where a witness cannot or will not appear, but the committee determines that the interests of justice require admission of his/her statement, the committee shall identify the witness, disclose his/her statement, and if possible, provide for interrogatories.
- j. In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher learning.
- k. The hearing committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every reasonable effort shall be made to obtain the most reliable evidence available.
- l. The findings of fact and the decision shall be based solely on the hearing record.

- m. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers shall be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Trustees of the University. The President and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing.
  - n. If the hearing committee concludes that adequate cause for dismissal has been established by the evidence in the record, it shall so report to the Provost and the President. The Provost may, if he/she chooses, present his/her own recommendation to the President, independent of the recommendation of the hearing committee. If the hearing committee concludes that adequate cause for dismissal has not been established, but that an academic penalty less than dismissal would be appropriate, it shall be recommended with supporting reasons. If the President rejects the report, he/she shall state his/her reasons for doing so, in writing, to the hearing committee and the faculty member and provide an opportunity for response.
  - o. If dismissal or other penalty is recommended by the committee and approved by the President, the President shall, on request of the faculty member, transmit to the Board of Trustees of the University the record of the case. That Board's review shall be based on the record of the committee hearing and shall provide opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives. The decision of the hearing committee shall either be sustained or the proceedings returned to the President with specific objections. The committee shall then reconsider, taking into account the stated objections and receiving new evidence, if necessary. The Board of Trustees of the University shall make a final decision only after study of the committee's reconsideration and transmittal by the President. All action of the Board with reference to the administration of tenure policy shall be taken by the Executive Committee of the Board unless the Board directs to the contrary.
4. Until the final decision upon termination of an appointment has been reached, the faculty member shall be suspended or assigned to other duties only if immediate harm to himself/herself or others is treated by his continuance. Before suspending a faculty member, pending an ultimate determination of his status through the institutions' hearing procedure, the administration shall consult with the faculty or appropriate faculty committee of the school involved. Suspension is appropriate only pending a hearing; a suspension which is intended to be final is a dismissal and will be dealt with as such. Salary shall continue during the period of suspension.

## **2.9 Review Procedures: Allegations of Inadequate Consideration**

1. If a faculty member alleges that the decision against reappointment, promotion, or tenure was based on inadequate consideration, he/she may petition for review of the procedure followed in reaching the decision. The petition shall be filed within 30 days with the Provost, who shall refer the matter to an appropriate faculty review committee in the faculty member's school or college.
2. The review committee will determine whether the decision was the result of adequate consideration in terms of the relevant standards of the institution. "Adequate consideration" in this context refers to procedural rather than substantive issues. The review committee will not substitute its judgment on the merits for that of the original recommending or decision-making body.
3. If the review committee believes that adequate consideration was not given to the faculty member's qualifications, it will request reconsideration by the original recommending or decision-making body, indicating the aspects in which it believes the consideration may have been inadequate.
4. The review committee will provide copies of its findings to the faculty member, the original recommending or decision-making body, and the Dean.

## **2.10 Grievance Procedure for Faculty (Discrimination, Employment Actions, Academic Freedom, Workplace Safety)**

1. The following procedures shall apply to all complaints by faculty members (including tenured and non-tenured) alleging violation of University policies prohibiting discrimination in employment on the basis of race, color, national origin, disability, veteran status, sex, sexual orientation, gender identity, age, or religion. This procedure is intended to provide the grievance procedure required under Title IX of the Education Admendments of 1972, Section 504 of the Rehabilitation Act of 1973, and similar federal laws and regulations prohibiting discrimination in employment. These procedures shall also apply to other complaints by faculty members involving employment actions (including actions with respect to rank, salary, fringe benefits, sabbatical and other leaves, workload, and work assignment), complaints by faculty members alleging a violation of academic freedom, and complaints by faculty alleging violations of or the failure to enforce University policies on health and safety in the workplace. As used in this paragraph, the term "employment actions" shall not include actions with respect to the non-renewal of a non-tenured faculty member's appointment, unless the faculty member's complaint alleges a breach of contract, employment discrimination, or a violation of academic freedom.

2. No faculty member's employment or academic status at Mercer University will be adversely affected in any way as a result of using the grievance procedures described below, nor will Mercer University tolerate any retaliatory action against a person using these procedures. Any faculty member filing a grievance and any person against whom a grievance is filed have the right to hire and be represented by independent legal counsel in connection with these grievance procedures, provided that the role of legal counsel during any hearing shall be limited to providing advice and consultation to his or her client. Such advice and counsel shall be provided in a manner that does not disrupt the proceedings, and legal counsel shall not actively participate in the hearing.
3. The purpose of this grievance procedure is to ensure that complaints are resolved internally within the University in a fair, effective, and timely manner. Faculty members who believe they have been discriminated against in violation of the University's policy of equal employment opportunity should contact the Equal Opportunity Officer (See Section 2.15). The Equal Opportunity Officer will discuss the matter with the faculty member and the appropriate Dean and will attempt to resolve the matter informally. The Equal Opportunity Officer may involve an external mediator in an effort to reach a resolution on which the parties can agree. If the attempt to resolve the matter informally is not successful, the faculty member may proceed with the formal grievance process described in paragraph 4 below. In cases not alleging discrimination, this formal grievance procedure at the University level is generally designed to be used only after informal negotiation and/or a school's or college's internal grievance procedure has failed to produce a mutually acceptable resolution of the complaint. In cases where the complaining faculty member's school or college has an internal grievance procedure, the complaining faculty member should attempt to resolve the grievance through that procedure. In cases where the complaining faculty member's school or college does not have an internal grievance procedure, the complaining faculty member should contact his/her Dean in an effort to resolve the grievance by informal methods. Grievances against Deans, however, may be filed directly with the Provost as described in paragraph 4 below.
4. (a) If a grievance is against a Dean, or (b) if a mutually satisfactory resolution of the grievance cannot be reached by informal methods within 30 business days after the complaining faculty member has contacted his/her Dean on the matter, or (c) if a mutually satisfactory resolution of the grievance cannot be reached through the school's or college's internal grievance procedure within 30 business days of its filing, the faculty member who wishes to invoke the formal grievance procedure at the University level shall file a written complaint with the Provost. The written complaint must include at least the following:

- Identification of the individual(s) against whom the grievance is being lodged;
- Description of the specific action(s) giving rise to the grievance;
- Rationale for assertion that the specific action(s) was (were) in violation of University policy;
- The date or period of time in which the action(s) occurred and the location of the incident(s);
- The desired remedy;
- The name, addresses, and phone numbers of the grievant; and
- The grievant's signature.

Within seven business days of receipt of the written complaint, the Provost shall send copies to the individual(s) against whom the grievance is being lodged and to the Chair of the House of Delegates.

In the event that a faculty member has a grievance against the Provost, the faculty member shall file a written complaint directly with the Chair of the House of Delegates, who shall forward a copy of the complaint to the Provost as the individual against whom the grievance is being lodged within seven business days.

5. Within 15 business days of receipt of a copy of the written complaint, the individual(s) against whom the grievance is being lodged shall submit to the Provost a written answer to the complaint. The Provost shall send copies of the answer to the grievant and to the Chair of the House of Delegates within ten business days. In the event that a faculty member has a grievance against the Provost, the written answer shall be submitted to the Chair of the House of Delegates, who shall send copies of the answer to the grievant within ten business days. Within seven business days after receipt of the answer, the Chair of the House of Delegates shall convene the Executive Committee of the House of Delegates to select the members of a Grievance Review Committee (GRC), constituted in the manner described in the following paragraph, which will investigate and pass judgment on the grievance. Once selected, the Grievance Review Committee (GRC) will carry out its charge within 60 business days, including meeting with the grievant and the party(ies) against whom the grievance is filed, and reporting its finding and recommendations in writing to the Chair of the House of Delegates, the Provost, and the principals in the grievance.
6. Each school or college shall select one full professor or other senior level faculty member who shall serve a two-year term on the Faculty Grievance Review Board (GRB). This selection shall be made either by vote of the entire faculty or by a committee designated by the entire faculty. When asked to help adjudicate a faculty grievance, the Executive Committee of the House of Delegates shall select from this Faculty Grievance Review Board (GRB) three members to serve on the

Grievance Review Committee (GRC). Wherever possible, the Executive Committee will ensure that gender and minority interests will be represented, particularly for grievances involving claims of discrimination. The voting membership of the GRC will also include one faculty member from the GRB selected by the individual lodging the grievance and one faculty member from the GRB selected by the individual against whom the grievance was lodged. Within seven business days of receiving notification of the membership of the GRC, either principal party in the grievance may request of the Chair of the House of Delegates, with written justification, that the Executive Committee replace any one of the selected GRC members. The Chair of the GRC shall be appointed by the Executive Committee from among the faculty members it selected to serve on the GRC. The University's General Counsel shall serve as an advisor to the GRC throughout the entire course of its deliberations.

7. At all times the GRC shall be guided by the principle of "due process" in the sense that each party in the dispute shall be given ample opportunity to state his or her case and that the GRC's judgments shall be rendered fairly and impartially.
8. Each member of the GRC shall receive copies of the grievance. The GRC shall have broad power, at its discretion, to ask for additional evidence. The GRC, at its option, may elect to provide each party a list of written questions that the members of the GRC wish to ask at the hearing. Copies of these questions must be submitted to each party at least 14 business days before any hearing is convened. These written questions and their answers will become part of the confidential written record of the hearing, but shall not limit the number and scope of other questions that the members of the GRC may ask at the hearing. A hearing will be held to resolve the matter and will be scheduled to take place on the campus where the grievant's principal office is located. The time, date, and location of any hearing(s) on the complaint shall be communicated to all parties at least 14 business days before the hearing is convened. The following stipulations govern the conduct of the hearing:
  - a. The grievant and the party against whom the grievance is filed shall provide to the GRC, no later than seven business days prior to the hearing, a list of witnesses who are expected to testify on behalf of each party at the hearing. Both parties shall avoid calling multiple witnesses who are expected to testify about the same information so that the hearing may be conducted as efficiently as possible.
  - b. The hearing shall be private, due to the confidential nature of many of the issues raised.
  - c. There shall be no public statements by any parties until a final decision on the grievance has been rendered.

- d. An audio recording or complete transcript of the proceedings shall be kept confidentially by the GRC and made available, upon request, to both parties within fourteen business days of the hearing.
- e. The GRC may grant adjournments to enable either party to investigate evidence if a valid claim of surprise is made or when, in the opinion of the GRC, and interruption in the proceedings would be desirable.
- f. Both parties shall have the right to question all witnesses who are summoned to testify at the hearing.
- g. The GRC will not be bound by formal rules of legal evidence and may admit any evidence of value in determining the issues involved.
- h. The findings and the decision of the GRC will be based solely on the record of the hearing.
- i. All members of the GRC must be present for hearings, deliberations, and voting.
- j. Within 14 business days of the hearing, the GRC shall make written findings of fact and recommendations with respect to each allegation raised in the grievance. The precise GRC vote (including the decision of the GRC and the voting tally but not the identity of the individuals casting each vote) shall be reported in writing to the Provost or, in the event that the Provost is the person against whom the grievance is filed, to the President. The GRC's recommendations are advisory only and shall not be binding upon the Provost (or the President). If the Provost (or, in the event the Provost is the person against whom the grievance is filed, the President) does not agree with the recommendations of the GRC, he/she shall state the reasons, in writing, to the GRC before rendering his/her decision.
- k. After complying with the foregoing procedures and within 30 business days of the hearing, the Provost (or, in the event the Provost is the person against whom the grievance is filed, the President) shall send by certified mail an official letter transmitting the GRC's findings of fact and recommendations with respect to each allegation raised in the grievance, and the rationale for the Provost's (or, in the event that the Provost is the person against whom the grievance is filed, the President's) decision. The letter shall also inform the parties of their right to request a review of the decision by the President within ten business days after the date of receipt of such notice.
- i. The President is entitled to review all documentation relevant to the case in order to assess the merit of the Provost's decision. The President shall complete his review and make his decision within 30 business days of receipt of the

request and shall state the reasons for his/her decision in writing to the GRC and the parties in the grievance. The President's decision shall be final.

9. This grievance procedure may be altered and/or amended only if presented in writing to the House of Delegates and approved by an affirmative vote of a two-thirds majority of the House, 30 business days in advance of a hearing. No amendment or alteration of this procedure shall be effective until it has been approved by the President.

## **2.11 Rights and Freedoms of Students**

Mercer University understands academic freedom to include not only the right of the faculty to freedom in teaching and research but also the right of students to freedom in the processes of learning. As a general framework for its understanding of academic freedom for students, Mercer University endorses the principles outlined in the following paragraphs from the Joint Statement on Rights and Freedoms of Students, published in 1967 by the American Association of University Professors.

### ***Preamble***

*Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.*

*Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.*

*The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom.*

### ***Freedom of Access to Higher Education***

*The admissions policies of each college and university are a matter of institutional choice, provided that each college and university makes clear the characteristics and*

*expectations of students which it considers relevant to success in the institution's program. While church-related institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. Under no circumstances should a student be barred from admission to a particular institution on the basis of race. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admissions standards. The facilities and services of a college should be open to all of its enrolled students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.*

### ***In the Classroom***

*The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.*

#### ***1. Protection of Freedom of Expression***

*Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.*

#### ***2. Protection Against Improper Academic Evaluation***

*Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.*

#### ***3. Protection Against Improper Disclosure***

*Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisors, and counselors should be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.*

## **2.12 Student Records and Regulations**

Policies concerning student records can be found in the academic catalogs. These policies are governed by the federal *Family Education Rights and Privacy Act*. In general, they permit students to see their records but restrict others from such access unless the student consents or a specific exception applies. Student conduct regulations and student

disciplinary and grievance procedures are found in the student handbooks. Some such policies and procedures are also included in the individual collegiate sections of this Handbook.

Please visit <https://registrar.mercer.edu/ferpa/> for University procedures related to the federal Family Education Rights and Privacy Act.

### **2.12.1 Grade Archival Policy**

On occasion, it is necessary to retrieve student grade information that extends beyond the final or summary grade. To ensure that more detailed student grade information is available, each adjunct and full-time faculty member is expected to retain for three years the grade calculations leading to the final grade for each student. This time period begins at the conclusion of the term in which the grade was awarded.

The college/school may impose a more stringent expectation that ensures student materials not redistributed to the student are retained long enough to match the time frame for student academic grievance and appeals processes as outlined by the college/school.

### **2.12.2 University Policy for Security of Student Records Held in Offices**

Please visit <https://policies.mercer.edu/upload/MU-Security-of-Student-Records-Held-in-Offices-Policy-7-18-14-2.pdf> for the University Policy for Security of Student Records Held in Offices and related policies on student record security.

## **2.13 Equal Opportunity and Affirmative Action Policy**

Please visit <http://hr.mercer.edu/policies/upload/EEO.pdf> for the Equal Opportunity and Affirmative Action Policy.

## **2.14 Sexual Misconduct Policy and Procedures (Includes sexual harassment, sexual assault, sexual exploitation, stalking, dating/domestic violence, and gender-based harassment)**

Please visit <http://titleix.mercer.edu/> for more information about Title IX at Mercer University and <http://titleix.mercer.edu/policy.cfm> for the Sexual Misconduct Policy and Procedures.

Mercer's Title IX Coordinator can be reached at (478)301-2788 or email at [titleix@mercer.edu](mailto:titleix@mercer.edu).

## **2.15 Non-Discrimination and Anti-Harassment Policy Statement**

Please visit <http://hr.mercer.edu/policies/upload/NonDiscriminationPolicy.pdf> for the Non-Discrimination and Anti-Harassment Policy Statement.

## **2.16 Group Health, Retirement, and Other Benefits**

The University has established a variety of employee benefit programs designed to assist eligible employees and their dependents in meeting the financial burdens that can result from illness, disability, and death, to provide educational opportunities, and to help plan for retirement. For more complete information and to view a full list of employee benefits, please visit: <http://benefitspayroll.mercer.edu/benefits>

### **2.16.1 Workers' Compensation Insurance**

To provide for payment of medical expenses and for partial salary continuation in the event of a work-related accident or illness, employees are covered by workers' compensation insurance.

Please visit <http://benefitspayroll.mercer.edu/benefits/workcomp.cfm> for policies, procedures, and approved physicians associated with Worker's Compensation Insurance.

## **2.17 Sabbatical Leaves and Leaves of Absence**

### **2.17.1 Sabbatical Leaves**

The purpose of the program of sabbatical leaves is to provide opportunity for continued professional growth and intellectual development through study, research, or writing. Normally travel away from the campus is involved.

#### **1. Eligibility**

An individual is eligible for a sabbatical leave after six years of full-time service as a faculty member in the University. Any previous time spent on leave is not considered in determining years of service. A faculty member within two years of retirement is not eligible. A sabbatical leave is not considered a form of deferred compensation, a faculty right, or an automatic benefit. Years of service alone do not determine eligibility. Rather, leaves are awarded according to the merits of the leave proposal and the ability of the academic department to offer a full course of study during the individual's absence.

## **2. Application Procedure**

No later than November 1 in the year prior to the expected leave, the faculty member must submit to the Dean a letter of application and a documented proposal that states the purposes of the leave and a plan of action for the period of the leave. The application must be approved by the Dean, who may require the approval of the department chair and/or a faculty committee. The application must also be approved by the Provost. Special consideration will be given to applications which hold promise of enhancing the applicant's professional effectiveness and future service to the institution.

Notification of those selected for sabbatical leaves along with the specific terms of the leave shall occur no later than two weeks after formal approval by the Board of Trustees.

## **3. Duration and Terms**

Ordinarily, sabbatical leaves are for one semester at full salary or for one year at one-half salary. If a recipient of a sabbatical leave accepts income from other sources during the sabbatical leave, the President may require adjustment of the University salary.

Acceptance of a sabbatical leave will not interfere with the normal opportunity for annualized increases in salary. The period of the leave will be counted toward eligibility for promotion on the same basis as a period of on-campus instruction. A faculty member on sabbatical leave retains the rights, benefits, and privileges of a full-time faculty member, including retirement and insurance benefits based upon the salary actually being paid during the sabbatical period, housing, and tuition credit for dependents.

## **4. Institutional Limitations**

No more than ten (10) percent of the full-time faculty may be on sabbatical leave in any given year. In addition, the academic department must be able to cover the essential workload of the faculty member during the period of his/her absence. Any faculty member who accepts a sabbatical leave is expected to return to the University for at least one (1) year or repay the University for the compensation received during such leave.

## **5. Evaluation**

Within three (3) months of returning from a sabbatical leave, a faculty member shall submit to the Dean of the college or school a written account of the work accomplished during the leave and an evaluation of the extent to which the objectives of the leave have been achieved.

### **2.17.2 Special Professional Leave**

In some colleges and schools of the University, faculty members may apply for a special professional leave for the purpose of further graduate study or research.

### **2.17.3 Unpaid Leaves of Absence**

A faculty member who has completed at least three years of service at Mercer University may be given an unpaid leave of absence for one year. The request for leave must be approved by the Dean of the college or school and the Provost. The University assures the faculty member of the opportunity to return to his/her position at the end of the leave. During an unpaid leave of absence, the faculty member is given the opportunity to continue the fringe benefits of Health, Dental, and Life, with the total costs of the programs borne by the faculty member. The period of an unpaid leave is not counted toward eligibility for promotion or tenure.

### **2.17.4 Medical and Family Leave**

The University recognizes that inability to work because of illness or injury or because of pressing family needs may cause hardship to employees. In an effort to accommodate employees' medical and family leave needs, the University provides paid and unpaid leaves for eligible employees, as follows:

#### **A. Personal Leave**

Please visit <http://benefitspayroll.mercer.edu/benefits/pto.cfm> for policies and accrual rates related to personal leave time for eligible faculty.:

#### **B. Family and Medical Leave Act – (FMLA) Leave**

Please visit <https://hr.mercer.edu/policies/upload/FMLA.pdf> for policies related to the Federal Family and Medical Leave Act. See the Family and Medical Leave Act – (FMLA) Leave Policy for eligibility:

#### **C. Faculty Leave Beyond FMLA Leave**

Regular faculty with at least ten years of service to Mercer, and who are in the process of applying for long-term disability benefits, will be allowed to apply for additional sick leave with pay. This additional paid leave will cover the difference between any paid leave and the six-month waiting period for long-term disability insurance benefits or denial of the long-term disability application (whichever comes first). The maximum

amount of time a faculty member will be kept in a pay status will be six months inclusive of any paid FMLA/sick leave, vacation leave or holiday pay.

### **2.17.5 Military Leave**

Please visit <https://benefitspayroll.mercer.edu/payroll/upload/MilitaryLeave.pdf> for policies related to military leave for National Guard or Military Reserve Duty or other Military Training Duty. Full-time faculty members should attempt to schedule reserved duty training during an academic term in which the faculty member is not required to teach.

### **2.18 Vacation Policy**

Please visit <http://benefitspayroll.mercer.edu/benefits/pto.cfm> for policies related to Holiday leave time for all faculty and Vacation leave time for twelve-month faculty.

### **2.19 Drug-Free Workplace and Campus Policy**

Please visit <https://hr.mercer.edu/policies/upload/Drug-freeProgram.pdf> for policies related to establishing a drug-free workplace and campus.

### **2.20 Tobacco Use Policy**

Please visit <https://hr.mercer.edu//policies/upload/Tobacco-FreePolicy.pdf> for policies related to establishing tobacco and smoke-free environments.

### **2.21 The Health Insurance Portability and Accountability Act of 1996 – “HIPAA”**

The Health Insurance Portability and Accountability Act of 1996 Law is a regulatory requirement imposed on Healthcare organization and other organizations that hold medical information to address healthcare reform, administrative simplification and patient healthcare information privacy and security issues. Please visit: <https://hipaa.mercer.edu/> for policies and procedures related to the Health Insurance Portability and Accountability Act.

## **2.22 Policy on Gifts and Gratuities**

Mercer University requires all employees to act with integrity and good judgment and recognize that accepting personal gifts from current or prospective vendors may cause legitimate concerns about a conflict of interest. In order to avoid a perceived conflict of interest, at no time should an officer or employee of Mercer University solicit or accept any gift, gratuity, or offer of entertainment having a value in excess of \$250 from any individual or company that is doing, or seeking to do, business with the University.

Exceptions to this policy may be considered on a case-by-case basis, subject to the requirement that the employee discloses the proposed gift or gratuity in advance, and that acceptance of the gift or gratuity is pre-approved by the employee's supervisor.

## **2.23 Pay Transparency Nondiscrimination Provision**

As a federal contractor, Mercer University will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job function cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is a (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

# **3. FACULTY PROFESSIONAL ACTIVITIES AND RESPONSIBILITIES**

## **3.1 Policy on Conflicts of Interest and Commitment**

Mercer University recognizes that external consulting activities are a proper and common feature of academic employment, contributing to the professional development of the individual and extending the University's mission of teaching, research, and service. The University permits and indeed encourages a limited amount of such activities where they (a) provide the individual employee with experience and knowledge valuable to teaching, research, or scholarship, (b) involve suitable research or scholarship through which the individual may make a worthy contribution to knowledge, or (c) constitute a public service, as long as they do not present unacceptable conflicts of interest or create conflicts of commitment with respect to the individual's obligation to the University and the performance of University duties.

Accordingly, the following basic principles are adopted as University policy:

- A. Full-time members of the faculty and professional and administrative staff owe their primary professional responsibility to the University, and their primary commitment of time and intellectual effort should be to their institutional responsibilities. Outside activities may not interfere with the individual's institutional responsibilities.
- B. No outside activities should result in any conflict of interest or commitment with the individual's responsibilities to the University.
- C. University resources (including space, facilities, equipment, and support staff) may not be used for outside activities without prior approval of and appropriate payment to the University.
- D. The University's name may not be used in outside activities without prior approval. Faculty members naturally may identify themselves professionally in terms of their institutional affiliation. Care shall be exercised, however, to ensure that external professional involvements do not imply University sponsorship or sanction.
- E. Faculty members who wish to arrange consulting or other paid outside activities must obtain prior approval from their Dean. Professional or administrative staff who wish to arrange consulting or other paid outside activities must obtain prior approval from the appropriate supervisor.

The University is subject to certain legal mandates with respect to managing, reducing, or eliminating potential conflicts of interest in research that is funded by the National Science Foundation (NSF) and the Department of Health and Human Services (HHS). Principal investigators and other persons within the University community who are responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by these governmental agencies are required to disclose significant financial interests and relationships that may be affected by such research or activity.

Each college and school of the University has developed a written policy on consulting activities and conflicts of interest and commitment, along with procedures for monitoring and enforcing the policy. All full-time members of the faculty and professional and administrative staff should refer to the current policy within their respective academic units, and be guided accordingly in the conduct of their government-sponsored research and other external consulting employment, or business activities.

## **3.2 Policy on Conflicts of Interest and Commitment in Research**

### **I. Introduction**

The National Institutes of Health (NIH) and the National Science Foundation (NSF) require grantees and investigators to comply with federal requirements that promote objectivity in research by establishing standards to ensure there is no reasonable expectation that the design, conduct, or reporting of research funded under Public Health Service (PHS) or NSF grants or cooperative agreements will be biased by any conflicting financial interest of an Investigator. The opportunity for investigators to receive financial or other personal rewards from their endeavors is not intrinsically unacceptable, as long as it does not adversely influence the objectivity, integrity, or professional commitment of an investigator. Hence, participation in a situation with opportunity for personal gain does not constitute an unacceptable situation of itself; it is the potential stimulus for unacceptable behavior that must be addressed. Accordingly, the objective of this policy is to provide guidelines that minimize the risk of unacceptable behavior in potential conflict situations, while facilitating and encouraging the full professional and personal development of faculty investigators through their research.<sup>1</sup>

## **II. Purpose**

To ensure the integrity and objectivity of research and other scholarly activities of Mercer University employees through the disclosure and management of financial conflicts of interest.

## **III. Disclosure of Significant Financial Interest**

### **A. Definitions**

1. "Investigator" means the principal investigator, co-investigator, and any other person (e.g., post-doctoral fellows) at Mercer University responsible for the design, conduct, or reporting of research or scholarly activities funded or proposed for funding by a sponsor.
2. "PHS Awarding Component" means the organizational unit of the PHS that funds the research.
3. "Research" means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research and product development.
4. "Responsible Representative of the Institution" means:
  - Department Chair for faculty and other departmental personnel meeting the definition of investigator;
  - Dean for Department Chair;
  - Provost for Dean; and
  - President for Provost and Senior Vice Presidents.

5. “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 interest (e.g., stocks, stock options, or other ownership interest); and intellectual property rights (e.g., patents, trademarks, copyrights, and royalties from such rights).

The term does not include:

- Salary, royalties, or other remuneration from Mercer University;
- Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities
- Income from services on advisory committees or review panels for public or nonprofit entities; or
- An equity interest that, when aggregated for the investigator and the investigator’s spouse and dependent children, meets both of the following tests: (i) does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and (ii) does not represent more than a 5% ownership in any single entity; or
- Salary, royalties, or other payments that, when aggregated for the investigator and the investigator’s spouse and dependent children, are not expected to exceed \$10,000 during the next 12 month period.

6. “Small Business Innovation Research (SBIR)” means a domestic small business concern engaging in Research/Research and Development (R/R&D) that has the potential for commercialization.

#### B. Disclosure of Conflicts of Interest

Every investigator shall disclose any conflict of interest which arises during the course of his/her employment to the appropriate responsible representative. This disclosure shall be on a “Significant Financial Interest Disclosure Form” (Disclosure Form). The Disclosure Form shall be signed by the investigator. A separate disclosure form is required for each project in which there is a (potential) conflict of interest. The investigator must submit a completed disclosure form to the appropriate Responsible Representative of the Institution prior to the time any research grant, contract, or other extramural proposal is submitted for review to the Office of Research Compliance. Investigators must certify that appropriate disclosures have been made and any potential conflicts of interest have been resolved. A certification is included on the Mercer University Office of Research Compliance “Proposal Transmittal Form” and must also be signed by the investigator. The disclosure shall be updated by the investigator at any time there is a change in the facts reported in the initial disclosure. If no conflict of interest existed at the time of the initial proposal, but such a conflict arises during the course of the project or proposal, the investigator shall file a Disclosure Form for the conflict of interest as soon as facts creating the conflict become known to him/her.

### C. Resolution of Conflicts of Interest

1. The Responsible Representative of the Institution to whom a disclosure of conflict of interest is made shall review such disclosure and make a determination as to whether or not a conflict of interest exists. The Senior Vice Provost for Research may provide assistance and guidance in the resolution and management of any conflicts. A conflict of interest will exist whenever the Responsible Representative of the Institution determines that a significant financial interest exists which could directly and significantly affect the design, conduct, or reporting of the research or scholarly activities funded or proposed for funding by a potential sponsor. Should a conflict of interest exist, the Responsible Representative of the Institution shall determine what restrictions, if any, should be imposed by Mercer University to manage, reduce, or eliminate such conflicts of interest.

By way of illustration, the following conditions or restrictions may be imposed to manage, reduce, or eliminate conflicts of interest:

- a. Public disclosure of significant financial interest;
- b. Monitoring of research by independent reviewers;
- c. Modification of the research plans;
- d. Disqualification from participation in that portion of the research that would be affected by the significant financial interest;
- e. Divestiture of significant financial interests by the investigator; or
- f. Severance of relationships that create actual or potential conflicts of interest.

In addition to the restrictions listed above, the Responsible Representative of the Institution shall have discretion to impose any other conditions or restrictions which, in their judgment, would manage, reduce, or eliminate any actual or potential conflict of interest and which would be consistent with applicable policies, regulations, and laws.

2. Should the Responsible Representative of the Institution determine that Mercer University is unable to satisfactorily manage a conflict of interest, the Responsible Representative of the Institution shall immediately notify both the investigator and the Office of Research Compliance. The Office of Research Compliance shall be responsible for notifying the sponsor of Mercer University's determination.

3. The President of Mercer University, either directly or through his/her designee, reserves the right to review all decisions regarding management and resolution of conflicts of interest made by a Responsible Representative of the Institution. In the event the President determines that the decision is incorrect, inappropriate, or inconsistent with applicable law, the President reserves the right to rescind, modify, or reverse a decision of the responsible representative.

#### D. Recording of Conflicts of Interest

All decisions made or taken by the Responsible Representative of the Institution shall be in writing and shall state the decision, the reasons therefore, and any conditions or restrictions imposed. This written decision, together with the written disclosure of conflict of interest, shall be maintained for at least three years after the later of:

1. The termination or completion of the award to which they relate; or
2. The resolution of any government action involving those records.

#### E. Appeals

An employee who disagrees with a decision of a Responsible Representative of the Institution or other Mercer University official with respect to a conflict of interest which directly involves that employee may appeal such decision as follows:

1. A decision of a department chair may be appealed to the Dean;
2. A decision of a Dean may be appealed to the Provost;
3. A decision of the Provost or Executive Vice President may be appealed to the President.

All appeals must be in writing and shall be submitted to the official hearing the appeal within five working days of the employee's notification of the decision. The decision of the President in all matters related to this policy shall be final.

#### F. Penalties

Any employee who violates this policy may be subject to disciplinary action up to and including dismissal.

### **IV. Institutional Responsibilities**

#### A. Certification

Mercer University must certify in each application to PHS or NSF for funding that:

1. The institution has in effect a written and enforced process to identify and manage, reduce, or eliminate conflicting interests;
2. Prior to expending any funds under the award, the Institution will report to the PHS Awarding Component the existence of a conflicting interest and assure that it has been managed, reduced, or eliminated, and, for any interest identified as conflicting subsequent to the Institution's initial report, a report will be made and the conflicting

interest managed, reduced, or eliminated, at least on an interim basis, within 60 days;  
and

3. Upon request, the Institution agrees to make information available to HHS regarding all conflicting interests and how those interests have been managed, reduced, or eliminated.

#### B. Non-Compliance

1. If the failure of the Investigator to comply with Mercer University's policy has biased the research, Mercer University must promptly notify the PHS Awarding Component of the corrective action taken or to be taken.

2. That Mercer University agrees to make information on conflicting interests available to HHS and NSF and how those interests have been managed, reduced, or eliminated;  
and

3. If HHS determines that a PHS-funded project of clinical research, whose purpose was to evaluate the safety or effectiveness of a drug, medical device, or treatment, was designed, conducted, or reported by an investigator with a conflicting interest that was not disclosed or managed, Mercer University must require the Investigator(s) to disclose the conflicting interest in each public presentation of the results of the research.

<sup>1</sup>This policy complies with Federal Regulation pertaining to sponsored research. For grants and cooperative agreements, the Public Health Service (PHS) Regulations are set forth in 42 CFR Part 50, subpart F section 50.601 through Section 50.607. For contracts, the PHS Regulations are set forth in 42 CFR Subpart 94, section 94.1 through Section 94.3 and Section 50.604 through Section 50.606. The National Science Foundation (NSF) Regulations are published in the Federal Register, Volume 60, No. 32, July 11, 1995, pages 35822-35823.

### **3.3 Policy on Inventions, Patents and Licensing**

#### **I. Preamble and Objectives**

Mercer University is dedicated to teaching, research, and the expansion of knowledge. Although the University does not undertake research or developmental work principally for the purpose of developing patents and commercial applications, patentable inventions sometimes result from the research activities carried out wholly or in part with University funds and facilities. It is the policy of the University to assure the utilization of such inventions for the common good and, where appropriate, to pursue patents and licenses to encourage their development and marketing.

Mercer University has established the following policies and procedures with respect to inventions, patents, and licensing in order to:

- A. promote the University's academic policy of encouraging research and scholarship;
- B. serve the public interest by providing an organizational structure and procedures through which inventions that arise in the course of University research may be made available to the public through established channels of commerce;
- C. encourage, assist, and provide tangible rewards to members of the University community who make inventions processed under this policy;
- D. establish principles and uniform procedures for determining the rights and obligations of the University, inventors, and research sponsors;
- E. enable the University to retain title to inventions resulting from federally-sponsored research; and
- F. produce funds for further investigation and research and for the overall needs of the University.

## **II. Ownership of Inventions**

- A. Inventions arising from research financed by the United States Government are controlled by the terms of the applicable grant or contract. Where the University is permitted to retain title to such inventions and chooses to do so, University patent policies will control.
- B. Inventions arising from research or other work sponsored by non-governmental entities are controlled by the terms of the sponsored agreement, if applicable, and if not, by University patent policies.
- C. Inventions arising from research or other work conducted by University employees or students on their own time and without significant use of University funds or facilities shall be considered the sole property of the inventor and may be commercialized by the inventor at his or her own expense. However, by mutual agreement, such inventions may be managed by the University under the terms of this policy. The University will not construe the payment of salary from unrestricted funds or the provision of office or library facilities as constituting significant use of university funds or facilities.
- D. Inventions resulting from research or other work conducted by University employees or students on University time or with significant use of University funds or facilities shall be considered the property of the University. Any income received by the University as a result of licensing or otherwise commercializing these inventions shall be shared with the inventor as provided below. If the University does not wish to undertake patenting and

commercialization of such an invention, and if there are no restrictions by any outside sponsor, the University may release its proprietary interest to the inventor.

E. Any use of Mercer University's name in connection with the commercialization of an invention by an individual shall be approved in advance by the University.

### **III. Division of Income**

A. Any income resulting from inventions managed by the University under this policy shall be shared as follows:

1. First \$10,000 of Net Income received:

- a) 75% to the inventor
- b) 15% to the inventor's college or school
- c) 10% to the University

2. Net income received above \$10,000:

- a) 50% to the inventor
- b) 25% to the inventor's college or school
- c) 25% to the University

B. "Net Income" is defined as gross royalties and/or other receipts minus the costs incurred by the University for the patent application, interferences, development, licensing, and patent enforcement.

C. Co-inventors share the inventor's portion in proportions agreeable to themselves.

D. The college or school share shall be administered by the Dean to support research programs in the inventor's department or division.

E. Fifty percent (50%) of the University's share, after defrayment of patent-related costs not otherwise covered, shall be used to support, or offset the costs of, research in the inventor's college or school with the advice and counsel of the Dean.

### **IV. Disclosure**

A. Inventions arising in the course of sponsored projects should be disclosed promptly to the Office of the Senior Vice Provost for Research with simultaneous disclosure to the principal investigator or project supervisor where applicable. The circumstances of the invention will be reviewed with those involved, and the inventor will be notified in writing of the proposed disposition.

B. Inventions falling within Section D of Article II above, or about which there is a doubt as to ownership, or which the inventor wishes to have managed by the University, should be promptly disclosed to the Senior Vice Provost for Research in the Office of the Provost. Within six weeks of the receipt of the disclosure, the Inventor will be notified in writing of the determination of ownership (if in doubt) and the proposed disposition.

## **V. Invention Management**

A. For all inventions managed by the University under this policy, the University will at no expense to the inventor make reasonable efforts to evaluate the interest of others in commercializing the invention, seek licenses and options for licenses, have applications for patents filed and prosecuted, and otherwise manage the inventions or arrange for their management by recognized patent management organizations.

B. The University will normally evaluate potential commercial use of an invention prior to the filing of a patent application. Options to license and other contractual arrangements appropriate in the circumstances will normally be sought as early as possible as a validation of potential commercial use. If the University determines that neither commercial possibilities nor the potential contribution to the public good warrants proceeding further, the invention will be returned to the inventor and shall belong to the inventor unless such action is precluded by prior agreement with sponsors.

C. In licensing, sale, or other disposition of rights to inventions, the University will seek to guard against repressive practices. Royalty rates shall be reasonable and consistent with the goal of effectively transferring technology in the public interest. Where feasible, the University will grant non-exclusive, reasonable royalty-bearing licenses to all qualified licensees. The University recognizes, however, that non-exclusive licensing may not always be effective in bringing the invention to the commercial market in a satisfactory manner, and thus may grant an exclusive license if it determines that such is required in the public interest to encourage the marketing and eventual public use of the invention. In all cases, the University shall reserve to itself a non-exclusive, royalty-free license to make or have made and to use the invention within Mercer University for its own purposes.

D. In those cases where the University has obtained a patent without obligation to sponsors, if no arrangement has been made for commercial development with a reasonable period from the date of issuance of the patent, ownership of the patent will revert to the inventor upon request.

## **VI. Publication**

Inventors should be aware that a publication disclosing the invention prior to the filing of a U.S. patent application is a bar to the grant of certain foreign patents and can bar the grant of a U.S. patent if the publication occurred a year prior to the filing date. Accordingly, the

University may request a temporary delay in a publication which discloses an invention to permit a U.S. patent application to be filed but in no event longer than three months.

## **VII. Disputes**

Any disagreement between an inventor and the Senior Vice Provost for Research in the Office of the Provost concerning rights in an invention shall be resolved by the President, who may appoint an ad hoc committee to make findings of fact and recommendations to him.

## **VIII. Revision or Termination**

This policy may be changed or discontinued at any time by action of the Board of Trustees. Any such change or discontinuance shall not affect rights accrued prior to the date of such action.

## **IX. Patent Agreements**

This policy, as amended from time to time, shall be deemed to be a condition of initial or continuing employment of every University employee and a condition of enrollment and attendance of every student who works on any research project under University control. All such employees and students will be expected, upon request, to sign agreements incorporating the terms of this policy. Failure to sign such agreements, however, shall not affect the applicability of the policy nor relieve any employee or student from the obligations imposed.

## **3.4 Principles and Procedures for the Conduct of Research**

A program of active scientific research is essential to the functioning of an academic institution. Ideally, such research should be carried out at all levels and include faculty from all disciplines. Guidelines which govern the conduct of scientific research may be considered from several points of view. Of basic importance is the question of responsibility for research conduct. Although each investigator bears individual responsibility for his/her research conduct, it is essential to identify individuals within the institution with primary responsibility for the integrity of scientific research. A second area of major concern is the establishment of a research environment which encourages scientific interchange. Finally, the concept of publication of the results of scientific investigations deserves critical analysis with respect to authorship, particularly in the case of multi-authored publications.

### **I. Responsibility for Research Conduct**

#### A. Dean of the School or College

The Dean shall be responsible for the overall conduct of scientific research carried out in their school or college. It shall be the responsibility of the Dean to address the concept of research responsibility in each new appointment of an individual to a faculty position within their school or college. The new faculty member shall be made aware of the “Principles and Procedures for the Conduct of Research” (this document) and the “Principles and Procedures for Investigation of Misconduct in Research.”

#### B. Department Chair

The department chair shall assess annually the total commitment of time and resources to research, training, and/or contractual obligations by the department’s faculty. The Chair shall assure that this commitment by the individual faculty is appropriate.

The department chair shall also be responsible for keeping a file of publications by individual department faculty, as outlined in Section III.

#### C. Faculty (Principal Investigator)

The faculty member (Principal Investigator or PI) shall have primary responsibility for the conduct of scientific research within his/her laboratory or project. This responsibility shall include the research technicians. The faculty member (PI) shall be responsible for his or her own safety and the safety of all other individuals working in their laboratories and compliance with all applicable State and Federal regulations. The faculty member (PI) shall be responsible for the maintenance and storage of all primary research data accumulated under his/her direction.

## **II. Procedures for Research Conduct**

#### A. Primary Data Gathering and Storage

The Principal Investigator (PI) bears responsibility for instructing all members of his/her research team in the maintenance of appropriate records of research data. Each PI may have a somewhat different system for gathering and storing primary data.

The PI bears the final responsibility for the integrity of the primary record, and it is generally inappropriate for the record to be removed from the research area. While co-investigators and/or trainees may be allowed to make a copy of the record before leaving the research project, the original should remain in the possession of the PI. In investigations concerning human subjects, the PI is responsible for implementing a system which will provide a means of assuring privacy while at the same time permitting definite identification of the subjects.

## B. Trainee/Principal Investigator Interactions

The PI has a continuing responsibility for discussion and review of primary data with technicians and with others involved in the generation of the data. Critical review of work in progress is an essential element of research training. It involves review of the adequacy of experimental design and execution, the adequacy of primary records, the accuracy of summaries and calculations based on primary data, and a judgment of the project. In some instances, the research may include collaborative observations made in research settings distinct from those of the PI. Under these circumstances, it is appropriate for the PI and trainee to meet together with their collaborators to undertake similar review as well as gain perspective on the various components of the project.

## C. Research Seminars

Research in an academic environment benefits from the input of colleagues who are not directly involved in the research effort. Research seminars provide a format for the researcher to present his or her work to interested but impartial critics. Regularly scheduled opportunities for presentation of research projects at various stages – from conception, through work in progress, to completion – are recommended.

## III. Procedures for Publication

### A. Guidelines for Authorship

Multiple authorship poses a thorny problem which has been addressed extensively in the scientific literature. It is recommended that the following principles be considered in the assignment of authorship for publication:

1. An author should have participated in the initiating or planning of the study or have assented to its design if enlisted late in the study.
2. An author should have made some of the reported observations or generated some of the data.
3. An author should have participated in interpreting the observations of data and deriving from them the reported conclusions.
4. An author should have taken part in the writing of the paper.
5. An author should have read the entire contents of a paper and assented to its publication before it is sent to a journal.

### B. Departmental Monitoring of Publications

It is recognized that every member of the University Faculty is entitled to the freedom to conduct research and to publish the results of that research. It is, however, recommended that each department maintain a file of manuscripts and abstracts submitted or accepted for publication by department faculty. The primary functions of such procedures are to allow the department chair to review publications of individual faculty. In addition to providing relevant information on productivity, this review process provides the opportunity for recommendations by the department chair with regard to the publication itself.

It shall be the responsibility of each department to develop and implement departmental procedures for the monitoring of publications. A copy of each department's procedures shall be provided to the Dean of the school or college and to the Provost.

### **3.5 Principles and Procedures for Investigation of Misconduct in Research**

#### **Definitions**

Misconduct in research is defined to include the following acts committed by faculty, staff, and students of Mercer University:

- A. The commitment of fraud in research. This includes: the intentional fabrication or falsification of research data, the theft of research methods or data from others, or the plagiarizing of research publications.
- B. The willful or intentional violation of Mercer University's research policy. This includes: the failure to obtain proper approval by the responsible University compliance review committee for research that involves recombinant DNA, biohazardous substances, human subjects, animal subjects, radioactive materials or other (extremely) hazardous chemicals; or the failure to follow rules and/or guidelines made by the responsible University compliance review committee concerning research subjects, materials, or procedures.
- C. The condoning of fraud in research or violations of University research policy. This includes failure on the part of a member of the university to notify the administration that misconduct in research has occurred and/or failure to cooperate in an investigation of alleged misconduct.

## **Principles**

A. The validity of scientific research is based on the implicit assumption of honesty and objectivity by the scientist and on the premise that research data can be verified. An academic institution and its faculties must uphold this principle and maintain the public's trust in the research process. The institution's primary responsibility is to create and maintain an academic environment that fosters ethical behavior in research and serves to prevent misconduct in research.

B. Evidence of misconduct in research should be reported immediately to the department chair. A careful review of all research conducted by the accused shall be implemented as described in the Guidelines (below).

C. Care should be taken to protect the rights of the accused during the course of the investigation. The rights of the accused include:

- Confidentiality
- Right to confront the accuser
- Right to be fully informed of the allegations
- Right to present evidence
- Right to appeal

D. In cases where misconduct cannot be documented by investigation, all reasonable efforts should be undertaken to restore the reputation of the accused individual.

E. Appropriate action should be taken against any individual who is determined to have acted in a malicious or intentionally dishonest manner in the course of leveling charges of misconduct that proves subsequently to be unfounded.

F. In cases where misconduct is documented by investigation, is substantial in nature, and appears to threaten the institution's reputation, the administration should request an investigation by an external committee of scientists who hold no affiliation with the University.

## **Guidelines**

A. Allegations of misconduct in research should be reported to the chair of the department in which the investigator is working. The allegation must include the name(s) of those suspected of involvement in research misconduct as well as the evidence that supports the allegation. If the accused is a department chair, the accusation shall be made to the Dean of the school or college, and all functions mentioned hereafter for the department chair shall be performed by the Dean or his/her designee.

B. The department chair should immediately notify the Dean and then, in consultation with two colleagues, perform a preliminary examination of the allegation in an expeditious manner. The department chair should submit a written report to the Dean indicating whether a basis to support the allegation has been established.

C. If the department chair's report cites no evidence to support the allegation, the Dean should terminate the case with no public disclosure and no entry into the personnel file.

D. If the department chair's report establishes a basis for the allegation, the Dean should request the accuser put the charges in writing and the Dean should notify the accused. When the written allegation is submitted, the Dean should appoint an ad hoc Investigative Committee. The Provost and the President of the University should be notified. The accused and collaborators should be provided with a written description of the charges and should be required to provide the Investigative Committee with all pertinent research records and documents.

E. The Dean, in consultation with the department chair, should act to withhold all pending abstracts and manuscripts that are related to the research under investigation.

F. The Dean may suspend the accused at any time during the investigation, but only if the Dean determines that serious harm to the accused or others would be caused by his/her continuance. Suspension under these circumstances means to relieve the accused of all duties in the University without interruption of salary or benefits.

G. The Investigative Committee should report in writing to the Dean. The report should include: the allegations of misconduct; the procedure followed by the investigation; a summary of all data, records, documents, and interviews that were evaluated or obtained by the Committee; conclusions as to whether misconduct in research has occurred; and a statement concerning any other matters deemed important by the Committee.

H. If the Investigative Committee finds insufficient evidence of misconduct, the accused and collaborators should be notified and the case closed with no record in the personnel file. The Provost and the President of the University should be promptly notified of the Investigative Committee's conclusions and the Dean's action.

I. If the Investigative committee finds that the preponderance of evidence substantiates misconduct in research, the Dean should notify the Provost and the University President. The Dean should take appropriate actions with regard to external agencies and institutions as follows:

1. Any sponsoring agency(ies) should be notified of the findings of the investigation and arrangements for appropriate restitution should be established.

2. All pending abstracts and papers emanating from the fraudulent research should be withdrawn, and editors of journals in which previous abstracts and papers appeared should be notified.
3. Institutions and sponsoring agencies with which the individual has been affiliated should be notified if there is reason to believe that the validity of previous research might be questionable.
4. The President, the Provost, and the Dean should consider, in consultation with legal counsel, the release of information about the incident to the public press, particularly when public funds were used in supporting the fraudulent research.

J. In cases where serious misconduct in research is demonstrated, and, in particular, where granting agencies, inter-institutional collaborative studies, and/or journal publications are involved to a significant degree, the Dean, in consultation with the Provost and the President, may request an investigation by a second committee comprised of scientists who have no affiliation with the University.

K. The accused has the right to appeal the decision of the Investigative Committee to the President of the University. The grounds for appeal should be: a) improper procedure; or b) evidence not considered by the Investigative Committee. The President, in consultation with the Dean, may appoint an ad hoc Appeals Committee which should not include members of the original Investigative Committee.

L. The Appeals Committee should determine whether there were irregularities in the proceedings and whether there is substantive new evidence in favor of the accused.

M. The Appeals Committee should report in writing to the President:

1. If the Appeals Committee determines that the original investigation was procedurally regular and/or that there is no substantive new evidence, the Committee can recommend that the appeal be denied.
2. If the Appeals Committee ascertains evidence of procedural irregularities in the original investigation, or agrees that substantive new evidence exists, the Committee can recommend reinvestigation by the same Investigative Committee (in the case of substantive new evidence) or by a new Investigative Committee (in the case of procedural irregularities).

N. At the conclusion of the proceedings provided hereunder, the Provost and the Dean, in consultation with the President, shall take appropriate action. If misconduct or unethical behavior is found, sanctions may be imposed up to and including dismissal.

### **3.6 Guidelines for the Protection of Animals Used in Research and Teaching Studies**

Mercer University has provided a formal assurance to the Public Health Service (PHS) and the United States Department of Agriculture (USDA) that it will follow procedures that will assure the humane care and use of all animals involved in teaching and research projects. This assurance applies to teaching or research conducted by anyone on the premises of Mercer University and to teaching or research conducted elsewhere by faculty, students, staff, or other representatives of the University, whether or not the project is sponsored by PHS or the USDA.

In order to comply with this assurance, Mercer University has established an institutional committee competent to review research and teaching projects that involve the use of animals. Under the provisions of the PHS Policy for the Humane Care and Use of Laboratory Animals (September 1986) and the Animal Welfare Act (September 1989), this committee has been designated as the Institutional Animal Care and Use Committee (IACUC).

The primary function of the IACUC is to assist the teachers and investigators in using and providing humane care to laboratory animals. All activities that involve the use of live animals are to be conducted under these guidelines.

The full text of the Guidelines for the Protection of Animals used in Research and Teaching Studies is located in the Office of the Dean of each affected school or college and in the Office for Protection from Research Risks.

### **3.7 Guidelines for the Protection of Human Subjects in Research Studies**

Mercer University has provided a formal assurance to the Department of Health and Human Services (DHHS) that it will follow procedures which will assure the protection of all human subjects involved in research projects. This assurance applies to research conducted by anyone on the premises of Mercer University and research conducted elsewhere by faculty, students, staff, or other representatives of the University, whether or not the research is sponsored by the Department of Health and Human Services.

In order to comply with this assurance, Mercer University has established an institutional committee competent to review research projects that involve human subjects. Under the provisions of the Department of Health and Human Services Regulations for the Protection of Human Research Subjects (45 CFR 46), this committee has been designated as the Institutional Review Board (IRB).

The primary function of the IRB is to assist the investigator in the protection of the rights and welfare of human subjects. All proposals that involve the use of human subjects are to be conducted under these guidelines.

The full text of the Guidelines for the Protection of Human Subjects is located in the Office of the Dean of each affected school or college and in the Office of Research Compliance.

### **3.8 Guidelines for Identification and Containment of Infectious Agents and Recombinant DNA**

Mercer University has provided formal assurance to the Department of Health and Human Services (DHHS) that it will follow procedures which will assure the protection of all individuals involved with research projects. This assurance applies to research conducted by anyone on the premises of Mercer University and research conducted elsewhere by faculty, students, staff, or other representatives of the University, whether or not the research is sponsored by DHHS. This assurance also applies to research licensed by the State of Georgia and approved by the University for conduct not on University premises by employees of the University.

In order to comply with this assurance, Mercer University has established an institutional committee qualified to review research and instructional projects that involve potentially hazardous infectious agents and/or recombinant DNA. This committee has been designated as the Institutional Biosafety Committee (IBC).

The primary function of the IBC is to assist the investigator in the protection of individuals and the environment from potential contamination. All projects that involve the use of these agents are to be conducted under these guidelines.

The full text of the Policy and Procedures for Institutional Biosafety Committee is located for faculty/staff reference in the Environmental, Health and Safety Office and on Mercer University's website at: <https://ehso.mercer.edu/about-ehso.cfm>

### **3.9 Guidelines for the Use of Radioactive Materials**

Mercer University has provided formal assurance to the Department of Health and Human Services (DHHS) and the Department of Natural Resources of the State of Georgia that it will follow procedures which will assure the protection of all individuals involved with research projects. This assurance applies to research conducted by anyone on the premises of Mercer University and to research conducted elsewhere by faculty, students, staff, or other representatives of the University, whether or not the research is sponsored by DHHS. This assurance also applies to research licensed by the State of Georgia and approved by the University for conduct not on University premises by employees of the University.

In order to comply with this assurance, Mercer University has established an institutional committee qualified to review research and instructional projects that involve radioactive

agents. This committee has been designated as the Institutional Radiation Safety Committee (IRSC).

The primary function of the IRSC is to assist the investigator in the protection of individuals and the environment from potential contamination. All projects that involve the use of these substances and/or devices are to be conducted under these guidelines.

The full text of the policy and procedures of the Institutional Radiation Safety Committee is located for faculty reference in the Environmental, Health and Safety Office, in the offices of the local Radiation Safety Officers, and on Mercer University's website at: <https://ehso.mercer.edu/about-ehso.cfm>

### **3.10 Hazard Communication Program**

The purpose of the Hazard Communication Program is to ensure that the University is in compliance with the Occupational Safety and Health Act Hazard Communication Standard (29 CFR 1920.1200). The Hazard Communication Standard (HCS) is generally intended to address the issues of evaluating the potential hazards of chemicals in the workplace and communicating information concerning those hazards and appropriate protective measures to employees.

The Director of the Environmental, Health and Safety Office is the overall coordinator of the program. The Dean/director of each affected unit has overall responsibility for implementing the program within his or her unit and will appoint a technically-qualified designee to serve as that unit's Occupational Safety and Health Officer (OS&H Officer) to assure that the responsibilities described in this program are carried out. The OS&H Officers will generally serve on the Institutional Hazardous Chemical and Drug Committee.

In general, each affected employee of the University (OSHA defines "employee" as a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies) will be informed of the substance of this program, the hazardous properties of chemicals they work with, and measures to take to protect themselves. Wherever and whenever possible, University students engaged in academic course work which involves exposure to hazardous chemicals in their normal course of studies shall also be afforded all the education, training, and protection that the program provides for employees.

The full text of the policy and procedures of the Hazard Communication Program is located in the Environmental, Health and Safety Office and available on Mercer University's website at: <https://ehso.mercer.edu/about-ehso.cfm>

### **3.11 Chemical Hygiene Plan**

The Chemical Hygiene Plan is intended to ensure that the University is in compliance with the OSHA standard concerning occupational exposure to hazardous chemicals in laboratories (29CFR 1910.1450, hereinafter referred to as “Laboratory Standard”). In keeping with the Laboratory Standard, the Plan is intended to protect employees and, wherever appropriate, students from harm due to chemicals while they are working in University laboratories, and to ensure that laboratory employees’ and students’ exposures to OSHA regulated substances do not exceed permissible limits. Where this Plan applies, it generally supersedes the requirements of the broader Hazard Communication Program, although the Program and Plan are intended to be compatible.

The full text of the policy and procedures of the Chemical Hygiene Plan is located for faculty/staff reference in the Environmental, Health and Safety Office and on Mercer University’s website at: <https://ehso.mercer.edu/about-ehso.cfm>

### **3.12 Exposure Control Plan**

The University has developed an Exposure Control Plan, in compliance with the OSHA standard concerning occupational exposure to bloodborne pathogens (29 CFR 1910.1030). The Plan is designed to eliminate or minimize employee exposure to blood or other potentially infectious materials that occurs as a result of the performance of the employee’s responsibilities. The Plan sets forth guidelines for preventing the transmission of bloodborne pathogens, to be followed by employees at risk of exposure. Under the Plan, the University also makes available hepatitis B vaccinations and post-exposure evaluation and follow-up to affected employees.

The full text of the Plan is located for faculty/staff reference in the Environmental, Health and Safety Office and Mercer University’s website at: <https://ehso.mercer.edu/about-ehso.cfm>

### **3.13 Reporting Suspected Improper Conduct**

In all its business practices, and particularly in its dealings with the United States Government, the University seeks to conduct itself with the highest degree of integrity and honesty. Through its Internal Audit Department and through external audits, the University periodically reviews its business practices, policies, procedures, and internal controls for compliance with standards of business ethics and with the special requirements of government contracting. Any employee who suspects that improper or illegal conduct or any other irregularities have occurred, especially in connection with Government contracts, is expected and encouraged to promptly report such concerns so that the matter may be investigated and corrective action taken where appropriate. Such reports may be made to your supervisor, who will refer the matter to the Internal Auditor for investigation, or you

may report suspected improper conduct directly to the Internal Auditor (see [audit.mercer.edu](https://audit.mercer.edu) for contact information). You may file an anonymous report through an independent provider, NAVEXGlobal's Ethics Point. The link for filing a report can be found on the Audit & Compliance website at <https://audit.mercer.edu> and selecting EthicsPoint Fraud and Abuse Hotline.

The University will not discharge or otherwise retaliate against any employee for disclosing information to appropriate University or Government officials which the employee reasonably believes evidence a violation of any federal law or regulation relating to federal contract procurement, charges to the Government, or the subject matter of federal contracts.

### **3.14 Copyright Policy**

#### **3.14.1 General Principles**

Mercer University's academic mission is to teach, to learn, to create, to discover, to inspire, to empower, and to serve. This mission is best promoted by creating an intellectual environment that encourages and rewards creativity and innovation. Mercer supports the development, production, and dissemination of intellectual property by its faculty, staff, and students.

Mercer affirms its commitment to the personal ownership of original works of authorship by their individual creators, whether the creators work alone or with others, and whether they work privately or as members of the Mercer community (faculty, staff, and students). Accordingly, copyright to unpublished works is held by the author or creator, or heirs or assigns, unless a written transfer of copyright has been made to another party, or unless the creation of the works has been specifically commissioned by the University through extraordinary allowances or grants (see Section 3.14.2).

#### **3.14.2 Policy on Intellectual Property Rights and Distance Education**

##### **I. University Commissioned Works**

Notwithstanding the commitment set forth in Section 3.14.1 above, Mercer may also commission specific works on its own behalf. For example, Mercer may support the creation of works by extraordinary allowances or grants, or it may acquire such works from, or develop them in company with, individual authors on mutually agreeable terms. Each such case shall require a written agreement, and Mercer shall own the intellectual property rights arising from the creation of these works-for-hire. Mercer may thereafter grant licenses or royalties or both to individual creators or contributors on just and reasonable terms.

## II. Courses of Instruction approved for Mercer Credit

A. Intellectual property rights arising in courses approved for Mercer University credit ordinarily belong to their individual creators in accordance with the general principle expressed in 3.14.1 above of this policy. Rights may also vest in Mercer to the extent that a course (or some portion of it) is acquired or commissioned by Mercer under Article I above.

B. With respect to each such course (and whether the rights in that course belong to an individual creator or to Mercer), every member of the University community (including students, faculty, and staff) shall enjoy a non-exclusive, royalty-free license to make all traditional, customary, or reasonable academic uses of the content of that course while at Mercer (the "License"). The uses of the intellectual property are subject to the Conflict of Interest and Commitment Policy of each operational or academic unit.

C. The License shall exist automatically when a course is approved for credit by the University, and no additional formality shall be required. No royalty shall be payable for the License; sufficient consideration for such License shall be the mutual benefit realized by Mercer and the creator, as well as by the individual members of the University community.

D. The License also shall include Mercer University's right to offer the course or develop and offer derivative courses of instruction, including courses intended for use in distance education projects, whether at Mercer or elsewhere. The License shall continue to be available to Mercer even if the faculty member in whom individual rights otherwise vest should leave Mercer.

## III. Distance Education Projects

A. Mercer may appropriately consider any distance education project that offers the promise of securing and advancing Mercer's mission and reputation. To that end, Mercer may participate in the development of such projects with members of its own community, or it may enter into relationships with persons outside the established academic community. In either case, the university may enter into such projects on terms and conditions that are fair and equitable so long as they do not adversely affect the fundamental principles of governance, tenure, and academic freedom otherwise recognized at Mercer.

B. Mercer faculty members, who are employed on a permanent full-time or equivalent basis and who intend to enter into any non-Mercer distance education project in which they propose to teach a course regularly or recurrently, shall first disclose the proposed undertaking in accordance with the

terms of the applicable school or college Policy on Conflicts of Interest or Commitment.

Mercer University will presume a conflict of interest or commitment arises under this Policy on Intellectual Property Rights when faculty or staff members propose to undertake any of the following activities:

- 1) teach a non-Mercer distance education course substantially equivalent to a conventional course they have been assigned to teach at Mercer; or
- 2) teach a non-Mercer distance education course that is competitive with an existing or proposed Mercer distance education course which they have been offered an opportunity to teach; or
- 3) participate in teaching a non-Mercer distance education course in circumstances likely to confuse or mislead the public with respect to their primary obligations or allegiance as members of the Mercer Faculty; or
- 4) participate in teaching a non-Mercer distance education course in circumstances likely to impair the continuing performance of their primary responsibilities at Mercer.

C. The designated official responsible for examining the proposed undertaking in which a conflict of interest or commitment presumptively arises under Article III, Section B may determine that the conflict is minimal, or that it can be resolved and approved on terms reasonably calculated to serve the best interests of Mercer and the individual faculty or staff member alike. In either case, the designated official shall give notice to that effect in writing within 90 days, both to the individual and to the Provost. In the absence of such a determination, the individual shall not proceed further with the undertaking as proposed while remaining a member of the Mercer faculty or staff.

D. A faculty member who has engaged appropriately in a non-Mercer distance education project shall nevertheless seek approval annually thereafter with respect to his or her continuing participation in that project. If changed circumstances thereafter create a conflict, and the conflict cannot reasonably be cleared, the faculty member will withdraw from the project.

E. The University Distance Learning Committee, appointed annually by the Provost, may develop additional interpretations or regulations reasonably designed to implement these provisions, and may recommend additional requirements with respect to prior disclosure and approval. The purpose of all such additional interpretations, regulations or requirements, however, will be to

avoid potential conflicts of interest rather than to limit an individual's ability to engage in acceptable outside professional activities, including distance education projects. To that end, Mercer will exert reasonable efforts to resolve such conflicts of interest and to eliminate any appearance of conflicts of interest through appropriate disclaimers, licenses, or the like.

#### IV. Exceptions

The Provost may declare exceptions to these principles.

#### V. Moral Rights

The moral rights of individual creators will be respected in every case contemplated by this Policy. In no case will the University fail to recognize an individual creator's entitlement to acknowledgment, attribution, or other appropriate credit to the fullest extent applicable.

#### VI. University Name and Identify

A. Intellectual property rights arising in Mercer University's name, logos, and other identifying marks belong to Mercer. Such rights may be licensed from time to time upon suitable terms and conditions approved by the President or his designee, taking into full and appropriate account the research, teaching, and collegial missions of the University.

B. Members of the Mercer community may identify themselves as such from time to time with such indicia of their status as is usual and customary in the academy. Any use of Mercer's name, logos or identifying marks, however, shall be reasonably calculated to avoid any confusing, misleading, or false impression of particular sponsorship or endorsement by Mercer, and when necessary shall include specific disclaimers to that end.

#### **3.14.3 Policy on Use of Copyrighted Material**

It is the policy of Mercer University to fully respect all rights that exist in any material protected by the copyright laws of the United States, while also encouraging the appropriate use of copyrighted material that furthers the educational mission of the University. The details of the Policy on Use of Copyrighted Material can be found at <http://policies.mercer.edu>. This site provides guidance to faculty, staff, and students on compliance with the copyright laws of the United States and the appropriate use of copyrighted material in teaching, research, and service activities.

### **3.15 Policy on Accreditation Reports**

Accreditation Study Reports must be submitted to the Office of Institutional Effectiveness and approved by the Provost prior to submission to the specific institutional/school-college/unit accreditation association.