

7.0 Faculty Development

7.1 Faculty Development Policy and General Procedures

To increase the opportunities for the continued professional development of the faculty and thereby ensure institutional renewal by timely and pertinent teaching, research including scholarly publication and or creative activity and service, the Campus may designate money and time to assist the faculty member in meeting his or her professional responsibilities.

7.2 Developmental Leaves

7.2.1 Sabbatical Leave for Faculty

Only ranked faculty members (including ranked faculty members who are serving in administrative positions) are eligible for sabbatical leave. Eligibility is established by completing twelve semesters of service to Missouri State University (summer teaching excepted). A faculty member granted a sabbatical leave will be entitled to University support amounting to full pay for a half-year's leave and no less than one-half and no more than three-quarters pay for a full-year's leave, depending upon the external financial support available to the faculty member. Faculty members on sabbatical leave will receive their salaries in twelve monthly payments. They will participate in the retirement program and will have their fringe benefits paid by the University. Funds provided for travel, housing, and other living expenses are not considered to be "Salary".

A sabbatical leave is not an automatic right; applications must be submitted according to the deadline specified in the academic work calendar prior to the academic year for which the leave is requested. Applications will be submitted to the dean for recommendation to the Vice Chancellor of Academic Affairs. All applicants must be notified of the final decision regarding their applications by the end of the first complete week of February. Only one proposal from a faculty member is to be considered during a single academic year.

The project for which leave is requested must be beneficial both to the faculty member and to the University. The sabbatical leave will provide an opportunity primarily for research and study in the faculty member's academic discipline and may include travel related to the research and study. Proposals to obtain an advanced degree will not be approved.

Faculty members are obligated to return to Missouri State University-West Plains for at least one year following the sabbatical. Following the sabbatical leave, the faculty member will submit to the Vice Chancellor of Academic Affairs and to the dean a report of research and study conducted while on leave. Any faculty member who has completed a sabbatical leave and who has failed to submit the report is ineligible to apply for a subsequent sabbatical leave until such report has been filed.

In computing years of service that will apply toward eligibility for promotion, time spent on sabbatical leave will be counted. A faculty member who has taken a sabbatical leave is not eligible for another paid leave until the completion of 12 semesters of service to Missouri State University-West Plains subsequent to the paid leave.

7.2.2 Educational Leaves

Leaves for ranked faculty members wishing to return to graduate school to complete an advanced degree are subject to recommendation by the chancellor and approval by the Board of Governors. Educational leaves will be allowed under the following guidelines:

1. Educational leaves are a privilege and not an automatic right. Salary funds must be available before educational leaves will be granted.
2. The faculty member must demonstrate clear intent to complete all course work for the academic degree during the period of the leave.
3. The faculty member will return to Missouri State University-West Plains for at least one year following the termination of the leave.
4. The time accrued for a sabbatical leave will be forfeited upon the acceptance of an educational leave, and the twelve-semester period to be accrued for sabbatical leave will start with the beginning of the semester following the faculty member's return to Missouri State University-West Plains, excluding summers.

Applications for educational leaves will be submitted according to the deadline specified in the academic work calendar, prior to the academic year for which the leave is requested. Applications will be submitted to the Vice Chancellor of Academic Affairs.

Faculty members who are on educational leave will receive their salaries (full pay for a half-year's leave or half pay for a full-year's leave) at the same rate as would have been compensated if the faculty member were teaching. Salary will be paid in twelve monthly payments, and faculty members on educational leave will participate in the retirement program and have their fringe benefits paid by the University.

In computing years of service that will apply toward eligibility for promotion and tenure, time spent on educational leave will not be counted.

7.2.3 Special Leave for Faculty

Any full-time faculty member who in the opinion of the Vice Chancellor of Academic Affairs deserves a leave for a specific purpose not listed in other portions of the Faculty Handbook may be granted such a leave with or without pay. Final approval must be granted by the Board of Governors.

Following the special leave, the faculty member is obligated to return to Missouri State University-West Plains for at least one year. Within 30 days after the leave period, the faculty member will submit to the Vice Chancellor of Academic Affairs a report of activities conducted while on leave.

In computing years of service that will apply toward eligibility for promotion, time spent on special leave will be counted.

7.3 Faculty Development Resources

7.3.1 Faculty Center for Teaching and Learning (FCTL)

The Faculty Center for Teaching and Learning (FCTL) offers programs and resources for faculty, teaching assistants, and academic units. The center provides seminars and workshops throughout the year on a variety of topics for the improvement of learning, teaching, and leadership, as well as support for projects and learning communities.

The center sponsors the Showcase on Teaching and Learning. The FCTL also conducts research, collaborates with other offices to enhance the effective use for technologies for learning and teaching, and is a source for print and electronic resources on professional, instructional, and organizational development. Faculty are encouraged to contact the Center for individualized consultations and other networking opportunities.

More information about the Faculty Center for Teaching and Learning can be accessed at its website <https://www.missouristate.edu/fctl/>.

7.4 Extramural Support for Research and Development

Faculty members must coordinate, after first seeking approval from their dean and the Vice Chancellor of Academic Affairs, through the office of sponsored research on the Springfield campus all requests for outside financial assistance for University research and instructional activities. The office of sponsored research will disseminate current information on government and foundation financial support, seek potential sponsors for projects, assist faculty in the preparation of proposals, assure that the proposals are processed through the institutional review system prior to submission, and maintain adequate time-effort records. Requests for assistance must be submitted on the appropriate forms which are available from the office of sponsored research.

Approval by the University is not required for a fellowship which is totally funded outside the University, although all fellowship applications must be filed with the office of sponsored research. Faculty members receiving such fellowships must make appropriate arrangements with the administration if fellowship obligations require release from normal faculty duties.

7.5 Faculty International Teaching Opportunities

7.5.1 China Program

Ranked faculty members may apply for teaching opportunities on the Missouri State University Branch campus located on the campus of Liaoning Normal University in Dalian, China. Application and approval must be made through the department head/dean and the Vice Chancellor of Academic Affairs.

7.5.2 International Travel Support

Faculty members making presentations at respected events in international venues are eligible to make application to the Vice Chancellor of Academic Affairs. Applicants are expected to demonstrate additional resources have been pledged in their support including departmental, college-level, and personal contributions. Additional information can be obtained from the office of academic affairs.

7.6 University Funds for Faculty Development

7.6.1 Enrollment in Coursework at Missouri State University

Full-time members of the Missouri State University-West Plains faculty may enroll free of tuition and student fees for up to fifteen (15) credit hours in Missouri State University classes in an academic year (fall, spring, summer, intersessions). See section 6.2.5.1 for further information.

7.6.2 Educational Assistance

Full time faculty members (including ranked faculty members serving administrative positions) at the West Plains campus are eligible for educational assistance of up to and including the maximum stipulated amount of their annual individual development fund monies per fiscal year as funds are available. This educational assistance is for tuition only for graduate coursework in the faculty member's academic discipline which is not available through any Missouri State University program.

Faculty intending to use their development funds for this purpose should notify both their dean and the Vice Chancellor of Academic Affairs during the semester prior to the one(s) they wish to enroll for graduate coursework. Notification is to include the name of the institution(s) and the specific courses for which one intends to enroll. The dean and the academic dean shall each respond in writing indicating acceptance or non-acceptance of the proposal and approval or non-approval to register for coursework. The faculty member then enrolls, paying tuition. Upon receipt of an official transcript by the Vice Chancellor of Academic Affairs indicating the grade(s) earned as proof of successful completion of the coursework, the faculty member shall also present evidence of tuition payment for that coursework. No funds will be made available for unsuccessful ('C'-or lower grade) or incomplete coursework. Faculty development monies will be paid to the faculty member up to and including the stipulated maximum.

7.6.3 Professional Activity (Scholarship, Research, and Creative Activity) Time

Upon the recommendation of the dean, the Vice Chancellor of Academic Affairs may authorize reassigned time in order to provide time for professional activity. A faculty member taking advantage of this opportunity will be required to report to the Vice Chancellor of Academic Affairs, when requested, concerning his or her research.

In planning academic assignments, the dean will provide blocks of time for professional activity by individual faculty members who request it.

Faculty who have the rank of Full Professor and who have an annual teaching load of 30 credit-hours may apply for a reduction of six credit hours per academic year to develop, conduct, complete, and communicate an approved research project or professional activity.

The application will be made to the Vice Chancellor of Academic Affairs, at the earliest, during the spring semester prior to the faculty member's first fall semester as a Full Professor. However, the faculty member may, as long as he/she remains in good standing as a Full Professor, apply in any spring semester after his or her initial year as a Full Professor with the project commencing August 1 of that year. If approved, the application is sent to the Chancellor for approval; budgetary constraints may contribute to an application being denied.

The research project or creative activity must be proposed to and approved by a three-person faculty review committee appointed by the faculty member's Divisional Personnel Committee. Approval by the University's Institutional Review Board may also be required. If approved by the review committee and the IRB (if needed) the project or activity proposal is sent to the Vice Chancellor of Academic Affairs for final approval.

Criteria for what will constitute an "approvable" research project or creative activity will be developed by the Faculty Senate in association with the Vice Chancellor of Academic Affairs. The project or activity must be completed no later than July 31 of the

project's third year, and must result by that same date in a juried article published in a national (U.S.) academic journal, a non-self-published book, or some other substantial work juried by peers within the appropriate academic discipline. If such results are not present after the three-year-period, then the faculty member will return to the standard teaching load of 30 credit hours per fall/spring semester.

If successful, the Full Professor may apply for subsequent projects or activities and thus continue receiving the six credit hour reduction, or he/she may return to a teaching load of 30 credit hours per academic year.

No reduction of teaching load from the approval of a research project or creative activity will result in a reduction of compensation.

7.6.4 Travel

The campus recognizes the importance of original research being conducted by faculty members, and the participation of faculty members in learned and professional society activities. As money is available, travel funds will be provided to support the participation of each full-time ranked faculty member in one professional meeting per year in order to present a paper reporting on his or her original research. The faculty member will be reimbursed for the most reasonable and economical transportation costs available as well as reasonable lodging, food costs and registration fees as per the University travel policy. The number of days for which food and lodging will be allowed may be limited to less than the full period of the convention.

Further, the Administration, when possible, will provide funds to pay the transportation costs to one professional meeting per year for remaining full-time ranked faculty members who are not reporting on their original research. Reimbursement will be provided for the most reasonable and economical transportation available.

Travel assistance to state conventions will be provided, as funds allow, under the following policies:

A formal request for expenses must be made in advance to the dean and must be approved by both the dean and Vice Chancellor of Academic Affairs. A report of professional activities at the meeting will be submitted to the Vice Chancellor of Academic Affairs upon request following the meeting, including a copy of the paper presented. Faculty and staff members traveling at Missouri State University expense must submit receipts for commercial transportation, lodging and food expenditures as well as registration fees in order to receive reimbursement.

For further information refer to the University Travel Policy at <https://www.missouristate.edu/financialservices/travelregulations.htm>

If a faculty member travels on University business, all travel expenses which meet travel guidelines will be paid by the University.

7.6.5 Professional Organization Dues

Full time faculty may request the payment of dues for one (1) professional organization, directly related to the faculty member's duties, per fiscal year. As funds are available, this payment will be made from the faculty member's individual annual development fund monies. Payment will be processed through the office of academic affairs.

1.0 Leave Benefits

1.1 Leaves

The following leaves are available to faculty. Additional information on sabbatical leaves, professional leaves, educational leaves and special leaves may be found in Section 7.

1.2 Short-Term and Extended Sick Leave

Normally, absences due to short-term illnesses are handled informally within the academic departments. Requests for extended sick leave for full-time faculty members (leave extending for more than six weeks for one disability) may be authorized by the chancellor after receiving recommendations from the appropriate dean and Vice Chancellor of Academic Affairs. For extended sick leaves, the faculty member must provide a physician's statement containing the approximate length of time that the employee, on medical advice, cannot or should not perform the typical duties of his or her job. Sick leave due to pregnancy or childbirth is treated as any other short-term or extended sick leave. In these cases colleagues who perform required professional duties for a faculty member on an extended sick leave may be reimbursed on an overload basis or per-course instructors may be retained for the period of the leave.

1.3 Civil Duty Leave

Any full-time faculty member who is validly subpoenaed or summoned to involuntarily appear or serve as a juror in a judicial form or compelled to appear before a judicial legislative or administrative body with civil power to compel attendance during regularly scheduled work hours shall be entitled to receive leave with pay for a period of time necessary for such appearance. Any compensation received for the appearance, other than travel and meal allowances, shall be reported to the University and deducted from any salary paid by the University for such civil leave. Civil leave shall not be granted for appearances as an expert witness for a party to litigation. The faculty member must notify his/her Department Chair and Dean in writing in advance of the leave.

1.4 Bereavement Leave

A full-time or part-time faculty member may be given time off, not to exceed five business days, without loss of pay to make arrangements for or to attend the funeral of a family member or loved one.

1.5 Military Leave

Faculty members are entitled to military leave and return rights as provided by applicable federal and state law. A faculty member under contract to the University must provide to the office of human resources a copy of official military orders containing certification of the faculty member's commanding officer of performance of duty in accordance with the terms of such order, prior to receiving University salary for the period of the military leave (refer to Section 105.270 RSMo). Reservists or members of the National Guard who are called to active duty have rehire and other benefits as prescribed by federal law in Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA).

Additional information on the military leave policy, especially where the leave in question exceeds a total of 15 calendar days in any federal fiscal year, may be obtained from the office of human resources.

1.6 Voting Leave

Faculty members are ordinarily able to vote before or after work. However, if a full-time or part-time faculty member's work schedule is such that he or she does not have three consecutive hours of unscheduled time during an election day, he or she will be excused from duties at the University for a period of time for voting, not to exceed three successive hours, including off-duty time, between the opening and closing of the polls on the day of election.

1.7 Leave of Absence

A leave of absence might be taken for personal reasons or for purposes of accepting a visiting Professorship, for research, for study or for other kinds of work performed with or without compensation. Normally, this type of leave shall not be granted to any employee who has accepted a tenured position elsewhere.

A full-time member of the ranked faculty desiring a leave without pay should make application early to the dean, usually by April 1 preceding the beginning of the academic year in which the leave is to be taken. No leave applications will be considered without the recommendation of the dean. If the dean approves of the leave, he or she will prepare a written memorandum and forward it, along with the faculty member's request, to the Vice Chancellor of Academic Affairs. Before making a recommendation, a dean will consider:

- a. Has the individual contributed to the division and the campus in such a positive way that the department wishes to encourage his or her return as a faculty member?
- b. Is it possible to obtain an effective teaching replacement for the period of the leave?

Faculty members on leave without pay will not have fringe benefits paid for them by the University while they are on such leave. They may maintain their insurance coverage for a period up to a maximum of one year with personal contributions if they wish. If a faculty member desires to maintain coverage during a leave of absence without pay arrangements must be made with the director of personnel sixty days prior to the leave and premiums must be paid one month in advance of the month of insurance coverage.

A faculty member who is on leave without pay for less than a full academic year will receive salary payments only during the semester in which he or she is teaching.

When a faculty member returns from an unpaid leave, his or her salary will be adjusted to include across-the-board increments which have been given during the time of the leave.

Faculty members are not covered under retirement system benefits for the period of leave without pay and do not receive creditable service for that period.

1.8 Family and Medical Leave

In compliance with the Family and Medical Leave Act (FMLA) of 1993, full-time faculty members of the University shall be entitled to a total of 12 work weeks of unpaid leave during any 12-month period if requested by a faculty member for one or more of the following reasons:

- a. Birth of a faculty member's child or to care for such child;
- b. Placement of a child with the faculty member for adoption or foster care;
- c. Care of a spouse, child or parent who has a serious health condition;
- d. The faculty member's own serious health condition.

The University has the legal authority to consider an employee's absence as family and medical leave when it has sufficient evidence that the absence is due to an FMLA qualifying reason even if the employee has not applied for family and medical leave.

The following provisions shall apply to "family leave":

8.8.1 Leave for Birth or Adoption of a Child

Entitlement of family leave expires 12 months after the birth or adoption of a child. Leave for birth or adoption shall be limited to one consecutive leave period. The University may move a faculty member on intermittent or reduced time leave to an alternate position that can accommodate such scheduling.

8.8.2 Leave for Serious Health Condition

Serious health condition is defined as a health condition that involves in-patient care in a hospice, hospital or residential care facility or continuing treatment by a health care provider. Leave for serious health conditions may be intermittent or on a reduced time basis if such schedule is needed for medical reasons.

8.8.3 Request for Family Leave

A faculty member requesting family leave under this leave provision should complete a standard Request for Leave form or letter and submit it to his/her department head/dean. When leave is foreseeable, an employee must give the campus 30 days' advance notice. In addition, when foreseeable leave is for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the campus' operations. If it is not possible to provide 30 days' notice, as much notice as is practicable must be provided. The dean will forward the request to the office of human resources. Upon receipt of the request, the office of human resources will provide the faculty member with the Family and Medical Leave Provisions and a leave questionnaire for him or her to complete.

8.8.4 Medical Care Certification

The University may require certification from a health care provider concerning the serious health condition of the faculty member or family member. The office of human resources will inform the faculty member of the procedure for any required certification from a health care provider.

8.8.5 Status During Family Leave

During leave, the faculty member is required to report periodically on his/her status and intent to return to work. The University shall continue health care coverage of the faculty member during family leave on the same basis as if the individual had been actively at work. The University shall return the faculty member to the same or an equivalent position and employment benefits upon return from approved family leave.

9.0 Professional Issues

9.1 Prohibition of Discrimination and Harassment Policy

The University recognizes the human dignity of each member of the Missouri State University community and believes that each member has a responsibility to promote respect and dignity for others so that all employees and students are free to pursue their goals in an open environment, able to participate in the free exchange of ideas and able to share equally in the benefits of the University's employment and educational opportunities. To achieve this end, the University believes it should foster a learning, working and living environment free from discrimination and harassment on any basis not related to the applicable educational requirements for students or the applicable job requirements for employees.

It is policy of Missouri State University to maintain the campus as a place of work and study for faculty, staff and students free from discrimination and harassment in violation of the University's policies and in accordance with federal and state law and the Missouri State University Nondiscrimination Policy Statement. Discrimination or harassment against any member of the University community will not be tolerated at Missouri State University.

The University will respond to instances of discrimination or harassment, and members of the University community who engage in such acts or behavior are subject to disciplinary sanctions up to and including dismissal from the University (with respect to students) or termination of employment with respect to faculty and/or staff).

9.2 Sexual Harassment

Consistent with the G1.05 Non-Discrimination Policy Statement, the University prohibits all forms of sex discrimination, including sexual harassment and sexual assault.

Sexual harassment is a form of sex discrimination that is prohibited by both Title VII of the Civil Rights Act of 1964 ("Title VII) and Title IX of the Education Amendments of 1972 ("Title IX). Although sexual harassment is defined in slightly different ways under Title VII and Title IX, it generally refers to unwelcome conduct of a sexual nature toward another person or an identifiable group of people. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may occur where such circumstances occur between supervisor and subordinate, employees, students and employees and non-University persons and employees. It may occur between members of the opposite sex or of the same sex.

The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material. Sexual advances, requests for sexual favors and other speech or conduct of a sexual nature constitute sexual harassment when: (1) such advances or requests are made under circumstances implying that one's response might affect academic or personnel decisions that are subject to the influence of the person making the proposal or (2) such speech or conduct is directed against another and is either abusive or severely humiliating or persists despite the objection of the person targeted by the speech or (3) such speech or conduct is reasonably regarded as offensive and substantially impairs the academic or work

opportunity of students, colleagues or co-workers. If sexual harassment takes place in the teaching context, it must also be persistent, pervasive and not germane to the subject matter.

Sexual harassment in any situation is reprehensible; it is particularly damaging when it exploits the educational dependence and trust between students and faculty. When the authority and power inherent in faculty relationships to students, whether overtly, implicitly or through misinterpretation, is abused in this way, there is potentially great damage to individual students, to persons subject to complaint and to the educational climate of the institution. While a particular interaction must be offensive and un-consented to be defined as harassment, authority should be sensitive to the questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships where professional and educational relationships are also involved. (Refer also to Section 9.4.)

The university has established a Title IX Office that is responsible for processing all complaints of discrimination or harassment on the basis of sex, including complaints arising from Title IX, as well as complaints arising under Title VII. Allegations of sexual harassment against faculty members that meet the definition and jurisdictional requirements of Title IX and its implementing regulations are required by federal law to be addressed as set forth in Op1.02-11 Title IX Sexual Harassment Grievance Procedure Policy, rather than through the disciplinary procedure outlined in Section 14.0 of this Handbook.

All other allegations of discrimination or harassment (including sexual harassment as defined by Title VII) will be addressed in a manner consistent with Op1.02-2 Discrimination Complaint and Investigation Procedures. Results of investigations conducted and/or evaluated pursuant to Op1.02-2 Discrimination Complaint and Investigation Procedures, may be reported to the Provost and other appropriate administrators, who may take such actions as are consonant with the disciplinary procedures prescribed in Chapter 13.

Consistent with G1.31 Reporting Allegations of Discrimination on the Basis of a Protected Class, all employees – including faculty members – are required to report any concerns or allegations of sexual harassment involving members of the university community (i.e., faculty, staff, and/or students) of which they become aware. Such reports should be made as soon as possible, but in no event later than three (3) calendar days after learning of such concern or allegation. Reports must be made to the Title IX Office or the West Plains Equal Opportunity/Title IX Liaison. Reporting a concern or allegation of discrimination or harassment to a supervisor, without also reporting to the Title IX Office or the West Plains Equal Opportunity/Title IX Liaison, does not satisfy a faculty member's reporting obligation. Faculty members who refuse or otherwise fail to report a sexual harassment allegation or concern are subject to disciplinary sanction, as set forth in Section 14.0 of this Handbook.

9.3 Faculty Absences

The office of academic affairs should be notified when it is impossible to meet a class because of illness or other extenuating circumstances. The circumstances concerning absences, as well as the arrangements made, should be reported. Insofar as possible, students should be notified in advance when it is necessary to cancel a class. This is vitally important in view of the distance that many of our students commute.

9.4 Consensual Sexual or Romantic Relationships Policy

The University's mission is promoted by professionalism, which is fostered by an atmosphere of mutual trust and respect. These are diminished when persons in positions of authority abuse their authority, as in the case of consensual sexual or romantic relationships between faculty and students.

A consensual sexual or romantic relationship between a faculty member and a student is generally wrong when the faculty member has professional responsibility such as grading or advising for the student. Such a situation increases the chances for abuse of power. The University will view it as unethical if faculty members engage in consensual sexual or romantic relationships with students enrolled in their classes or subject to their supervision. The behavior is, in most cases, unethical even when the relationship is consensual (i.e., both parties have consented), because the voluntary consent of the student is in doubt, given the power imbalance in the student-faculty relationship. Even if consent were to be shown, a clear conflict of interest would still exist which might create the appearance of discrimination or favoritism in grading or access to educational opportunities.

Relationships between a graduate student and an undergraduate student, when the graduate student has some supervisory responsibility for the undergraduate, are covered by this policy. Relationships between a student and an administrator, coach, advisor, program director, counselor or residence life and services staff member who has supervisory responsibility for that student also are covered.

A request for a specific exception to this policy may be made by an employee to his or her supervisor, who may approve or deny the request. The supervisor should maintain written documentation of the employee request and the decision to approve or deny the request.

Faculty or employees engaged in unethical conduct of the type described in this policy are subject to the normal disciplinary procedures of the University. Such unethical conduct may or may not constitute sexual harassment as prescribed G1.31 Reporting Allegations of Discrimination on the Basis of a Protected Class, [Op1.02-11 Title IX Sexual Harassment Grievance Procedure Policy](#), and/or [Op1.02-2 Discrimination Complaint and Investigation Procedures](#).

9.5 Drug-Free Workplace

Faculty members are expected to perform their professional responsibilities in an environment which is conducive to the educational process and which is drug-free, healthful, safe and secure. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on University premises or while conducting University business off its premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination and may have legal consequences. Faculty members must, as a condition of employment, abide by the terms of this policy and report to the University any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of conviction must be made within five (5) days after the conviction. This report requirement is mandated by the Drug-Free Workplace Act of 1988.

9.6 Use of Tobacco

The University recognizes that tobacco smoke is a hazard to the health of the University community. To protect the health of the University community, Missouri State University-West Plains is a tobacco-free campus. To the extent possible, the University will provide access to cessation programs to help those who presently use tobacco products and desire to quit. <https://wp.missouristate.edu/physicalplant/tobacco.htm>

9.7 General Policies

9.7.1 Use of Copyrighted Materials

Faculty members should be aware of laws and ethical responsibilities that govern the use of copyrighted materials. Legal responsibility for the use of such materials rests with the individual faculty member who, consequently, should remain informed about current copyright law.

To secure the benefits of ownership to creators of intellectual property, the United States and other nations severely restrict the right to make copies of another person's work. Violation of copyright law carries substantial penalties that may extend to the University and to businesses such as copy shops. However, copyright law compliance is often difficult because of the complexity of the rules governing infringement, "fair use," and permissions.

In general, copyrightable expression is original authorship, fixed in a tangible medium. Among the types of work protected by copyright are literary productions, musical notation and recorded music, pictures and graphics, motion pictures and video footage, databases, web pages and computer programs. Faculty members should assume that all material is copyrighted unless its source states clearly that it is not.

Faculty members do not need to get permission for all uses of copyrighted work. The law permits use of a portion of a work without the copyright owner's permission for purposes such as teaching, research, criticism and comment. Four criteria must be considered when determining whether a faculty member is making "fair use" of a copyrighted work: (1) purpose; (2) the nature of the work; (3) the percentage of the work used and (4) the effect of the use on the work's market value. Guidelines and definitions of these applications can be found in the booklet "Questions and Answers on Copyright" available at the Missouri State University-West Plains Garnett Library.

New technologies, especially those related to computers and computer networks, raise novel copyright issues. Under most circumstances, faculty members cannot transfer works from one medium to another without securing permission from the copyright holder. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access and trade secret and copyright violations may be grounds for sanctions against members of the faculty (see Sections 3.2.1.1).

Faculty members are required to secure permission for use that falls outside of the standards of "fair use" and "educational use exemptions." Such permission must be in writing. Because computer software falls under copyright law, faculty members should be aware of specific licensing agreements that control particular programs. A program user should consult the license agreement to determine whether copying a particular program or data set is permissible.

Faculty members should not be deterred from using copyrighted work simply because they are uncertain about the law which applies to a particular use of such works. To prevent conflict between legal restrictions and effective teaching, Faculty members seeking general guidance for making decisions in this area may consult the documents *Reproduction of Copyrighted Works by Educators and Librarians*, <http://www.copyright.gov/circs/circ21.pdf>; *Fair Use Guidelines for Educational Multimedia*, <http://www.adec.edu/admin/papers/fair10-17.html> or *Complete Copyright: An Everyday Guide for Librarians* (KF2995 .C57 2004) available at the Garnett Library. Missouri State University-West Plains provides a variety of information resources about copyright. Sources for such information include:

- a. Useful information is available in the Garnett Library. Librarians can direct faculty members to resources that might answer particular questions.
- b. The Garnett Library can contact the copyright clearance center to obtain copyright clearances for faculty for print reserves in the library if items are to be used more than one semester or more extensively than "fair use" guidelines dictate. The average processing time needed for the copyright clearance center is forty days.
- c. The Library can contact the copyright clearance center for digital articles and can also provide access to a vendor that can create Internet-accessible reserves of copyright-cleared readings.
- d. The Drago College Store can provide assistance to faculty interested in obtaining copyright clearance for printed readings to be sold to students.
- e. The University maintains a copyright website on its homepage that provides hyperlinks to many information sources about copyright.

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy and right to determine the form, manner and terms of publication and distribution.

9.7.2 Sale of Faculty or Departmental Materials

Instructional materials prepared by departments or faculty members for student use may be given to students but may not be sold, except through the Drago College Store or a commercial bookstore or print shop. No faculty member or department may profit financially from such sales and the faculty member or members involved must assume any liability resulting from copyright infringement associated with sales through commercial outlets (see Sections 9.7.1 and Appendix A). If members of the faculty prepare materials to be sold in the Drago College Store, they must abide by the following principles:

- a. Because copyrighted materials must not be included in such materials in any form without proper authorization and acknowledgment, the faculty member must certify either that no copyrighted materials have been included in the printed materials or that appropriate arrangements with owner(s) of the copyright(s) have been made and that an appropriate statement of credit has been included in the text for each portion of copyrighted material used therein. Finally, a copy of each arrangement for use of copyrighted material must be attached to the request for printing and selling of said materials.
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