



## **Faculty Handbook**

Produced by the Office of the Senior Vice President and Provost

Approved by the Virginia Tech Board of Visitors

September 15, 2014

This document is subject to change. Please refer to the Office of the Senior Vice President and Provost's [website](#) for the most recent *Faculty Handbook* information.

[University policies](#) are available online, as are many important procedures maintained by the [Purchasing Department](#), Department of [Human Resources](#), and the [Controller's Office](#). These websites will be updated as policies and procedures change. Please refer to them for issues not addressed in the *Faculty Handbook*.

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# CHAPTER ONE

## 1.0 Mission and Governance of the University

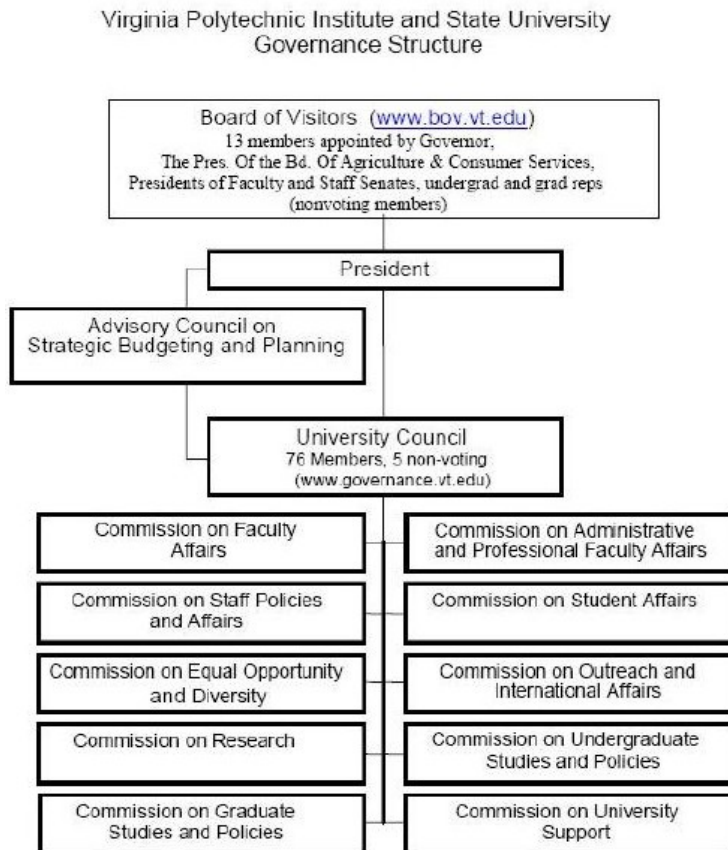
### 1.1 Mission of the University

[Virginia Polytechnic Institute and State University](#) (Virginia Tech) is a public land-grant university serving the Commonwealth of Virginia, the nation, and the world community. The discovery and dissemination of new knowledge are central to its mission. Through its focus on teaching and learning, research and discovery, and outreach and engagement, the university creates, conveys, and applies knowledge to extend personal growth and opportunity, advance social and community development, foster economic competitiveness, and improve the quality of life.

### 1.2 Governance of the University

The Board of Visitors is the primary governing body of the university. The board appoints the president of the university, who serves as the chief executive. The president may delegate authority to the senior vice president and provost and vice presidents.

#### 1.2.1 Governance Structure



### **1.2.2 Board of Visitors**

By statute of the Commonwealth of Virginia, the governing body of the university is the [Board of Visitors](#) which exists as a corporation under the control of the Virginia General Assembly. The board is comprised of 13 members appointed by the governor—subject to confirmation by the senate—and the president of the Virginia Board of Agriculture and Consumer Services, who is an ex-officio member. The board appoints two non-voting student representatives (one undergraduate, one graduate) who serve a one-year term and attend open sessions. Board members appointed by the governor serve for overlapping four-year terms. A rector and vice-rector are elected annually by the membership, and the board appoints a secretary annually. The president of the Faculty Senate and the president of the Staff Senate sit with the board at all meetings, except those held in closed session, and participate in discussion without authority to vote. By law, the board meets at least once a year, but typically meets quarterly to consider policy matters and to review the progress of the university.

The Board of Visitors is responsible for institutional policies except those under the direct jurisdiction of the Commonwealth of Virginia. The board's responsibilities are specified by state statute. Responsibilities include, but are not restricted to, the appointment of the university president; appointment, promotion, and granting of tenure; removal of members of the faculty; the prescription of faculty responsibilities; the setting of faculty salaries; the determination of student tuition, fees, and other charges; and the government and discipline of students.

### **1.2.3 Governance by Shared Responsibility**

There is a wide recognition of the complexity of university governance and general acknowledgment of the need for faculty, staff, and student participation in the conduct of university affairs. The University Council, university commissions, university advisory council, and university standing committees provide an organizational structure through which faculty, staff, student, and administrative responsibilities are shared and fulfilled.

The University Council and university commissions constitute the main resident bodies for policy formulation. Their memberships include representatives from administration, Faculty Senate, Staff Senate, college faculty associations, administrative and professional faculty, Graduate Student Assembly, Student Government Association, and representatives from other interest groups where appropriate. The university commissions formulate and recommend policies to the University Council, which in turn makes recommendations to the president of the university. Final authority rests with the president of the university and the board of visitors.

The constitutions and bylaws of the University Council, Faculty Senate, Staff Senate, and Graduate Student Assembly are found on their respective Virginia Tech websites. The constitution and bylaws of the Student Government Association are available from their office. Persons concerned with the governance of the university are encouraged to consult the constitutions and bylaws of these organizations. The constitution and bylaws of University Council contain the specific membership lists for University Council, the commissions, and the committees. Also available are lists of the specific persons who hold membership on the various

bodies. These lists are updated as the personnel change. The membership lists are maintained by the president's office and are available on the governance website.

#### **1.2.4 University Advisory Council on Strategic Budgeting and Planning**

The university Advisory Council on Strategic Budgeting and Planning serves a primary advisory role for the university budgeting and planning process. It reports jointly to the president and the University Council. Areas for consideration include: monitoring the university's planning and budgeting processes; participating in and advising on the development of biennial budgets, formulation of the university plan, development of university capital and facilities plans, and reconciliation of the plan and available resources; consulting on other budget and planning matters; addressing matters of policy relative to budget and planning appropriate for governance consideration and, in such instances, making recommendations to the University Council.

#### **1.2.5 University Council**

The functions of the [University Council](#) are to advise the president on matters of university governance; to accept functions and authority delegated to it by the president; and to review and make recommendations on matters of concern to the faculty, staff, students, and administration. Any council member, in accordance with its constitution and bylaws, may place such matters on the University Council agenda. The University Council refers appropriate matters to the commissions, advisory councils, Faculty Senate, Staff Senate, groups, or individuals for consideration and recommendation.

#### **1.2.6 University Commissions**

University commissions are responsible for fulfilling their charge as outlined in the University Council constitution and bylaws. The commissions are:

- [Commission on Faculty Affairs](#)
- [Commission on Staff Policies and Affairs](#)
- [Commission on Equal Opportunity and Diversity](#)
- [Commission on Research](#)
- [Commission on Graduate Studies and Policies](#)
- [Commission on Administrative and Faculty Affairs](#)
- [Commission on Student Affairs](#)
- [Commission on Outreach and International Affairs](#)
- [Commission on Undergraduate Studies and Policies](#)
- [Commission on University Support](#)

#### **1.2.7 University Committees**

University standing committees are those committees constituted on a continuing basis by the president on recommendation of the University Council to deal with matters of a university-wide interest. Each standing committee reports directly to one commission. The university standing committees are:

Academic Support  
Athletics  
Campus Development  
Commencement  
Computing and Communications Resources  
Employee Benefits  
Energy and Sustainability  
Faculty Honorifics  
Graduate Curriculum  
Honor System Review Board  
Intellectual Property  
Library  
Transportation and Parking  
University Curriculum Committee for Liberal Education  
Undergraduate Curriculum Committee

The president also constitutes ad hoc and special committees as needed. In addition, university operational committees are constituted on a continuing basis and appointed by the senior vice president and provost, the vice president for administration, or one of the other vice presidents. These committees deal with matters of university-wide interest that fall primarily within the responsibilities of the appointing officers. Unless made the subject of specific legislation to the contrary, each university operational committee is constituted, charged, and staffed as the appointing administrative officer deems appropriate. The secretary of the University Council maintains a record of university operational committee chairs and members. Approved minutes of meetings of university operational committees are maintained by each committee and by the secretary of the University Council so that they are accessible, as required or requested, to the University Council.

### **1.2.8 University Policies, Administrative Policies, and Presidential Policy Memoranda**

In addition to policies outlined in the Faculty Handbook, [university policies](#) are generally applicable to more than one office or department of the university. University Council and the university commissions constitute the main resident bodies for University Policy formation. The university commissions formulate and recommend policies to the University Council, which in turn makes recommendations to the university president. Final authority rests with the university president and the Board of Visitors.

Administrative policies are issued by the vice presidents who are responsible for the accuracy and timeliness of policies and procedures relating to their areas. This responsibility includes proper notification of changes and updates to these policies and procedures, and conducting a review of policies annually.

Presidential policy memoranda provide information regarding policies and procedures that apply to specific situations, groups, or individuals. Presidential policy memoranda are issued by the university president and are available at <http://www.policies.vt.edu/policymemos/index.php>.

## **1.3 Additional Governance Organizations**

### **1.3.1 College Faculty Associations**

The faculties are formally organized as faculty associations in the colleges of Agriculture and Life Sciences, Architecture and Urban Studies, Engineering, Liberal Arts and Human Sciences, Natural Resources and Environment, Science, and Veterinary Medicine, as well as in the University Libraries and Virginia Cooperative Extension. These associations have constitutions that designate the purposes of the association, membership, officers, election procedures, standing committees and their duties, and other organizational and procedural matters. The Pamplin College of Business vests similar rights and responsibilities on its faculty members through a less formal structure.

### **1.3.2 Staff Senate**

The purpose of the [Staff Senate](#) is to create an effective staff organization that can enter into partnership for shared responsibility and cooperative action between the staff, faculty, administration, and students in order to promote the general welfare of the university.

The functions of the Staff Senate are:

- To serve as the representative body for staff employees of Virginia Tech;
- To act in an advisory capacity to the university administration and governance system;
- To appoint or recommend staff representatives to University Council, commissions, advisory councils, and committees;
- To facilitate the exchange of information between staff and the administration;
- To foster a spirit of unity and cooperation;
- To provide referral for individual concerns and problems to appropriate organizations or personnel, and
- To accept and share responsibility with the administration, faculty, and students in all efforts to attain the stated goals of the university.

### **1.3.3 Student Government Association**

[The Student Government Association \(SGA\)](#) is the official representative body for undergraduate students. Popular elections for officers and senators of SGA are held annually each spring. Senators are elected within academic colleges to represent proportionate enrollment in each respective college. The student senate and house make up the legislative branch of the SGA. The representatives to the house are elected or appointed by student organizations across campus.

The functions of the Student Government Association are:

- To express opinion on university affairs as the legislative branch of the SGA deems appropriate and necessary;
- To establish an effective means for advising and responding to the University Council, university commissions, the university administration, the Faculty Senate, the Board of Visitors, and the public on university affairs;



- To participate in the formulation of academic and education policies which concern more than one college, division, or center at the university;
- To consider policies, programs, and other matters as the administration, college faculties, student organizations, and individuals of the university may propose;
- To afford avenues and procedures whereby communications within the university may flow freely, fully, and systematically;
- To help create, maintain, and protect a university environment conducive to the richest growth of scholarship, learning, teaching, research, and respect or dignity and rights, and
- To accept and share responsibility with the administration and faculty in all efforts to improve the stature and value of the university.

#### **1.3.4 Graduate Student Assembly**

[The Graduate Student Assembly \(GSA\)](#) is the governing and representative body of graduate students. The graduate students of each department offering graduate work elect two members to the assembly. Every year the GSA governing board and delegate body work to improve campus life, scholarly development, and the graduate community by creating and implementing goals based on the issues and concerns of graduate students at Virginia Tech.

The functions of the Graduate Student Assembly are:

- To represent the interests of graduate students in all university activities and to facilitate the exchange of information between the university's governance structure and graduate students;
- To solicit, codify, and promote graduate student opinions and concerns and to develop and recommend policies concerning graduate students to the university's governance system;
- To work with the administration of the graduate school and other appropriate commissions and committees to improve the quality of graduate educational programs, graduate research activity, and graduate teaching programs, and
- To work within the university's governance structure to improve graduate student life and social programs.

#### **1.3.5 Faculty Senate**

The purpose of the [Faculty Senate](#) is to create an effective faculty organization that can enter into partnership for shared responsibility and cooperative action between the faculty, staff, administration, and students in order to promote the general welfare of the university.

The membership of the Faculty Senate consists of elected faculty members. A faculty member is eligible to be elected to the Faculty Senate and to vote in the election of faculty senators if the faculty member holds: (1) the rank of professor, associate professor, assistant professor, or instructor [this includes faculty in the clinical professor series, professor of practice series, and all ranks of instructor]; (2) a full-time and continuing appointment to the university; (3) an appointment or tenure in an academic department, or in the library, or as an extra-collegiate faculty member.

Although otherwise qualified, those faculty members in administrative positions at the college level, the university level, or the library, and those faculty members studying for a degree at the university are ineligible.

Faculty Senate members, though uninstructed representatives of their constituents, have the responsibility to seek the opinions of their electorate. Having done so, they make decisions and vote on matters brought before the Faculty Senate according to their own reasoned judgment.

The functions of the Faculty Senate are:

- To establish within the laws applicable to the university an effective means for advising and responding to the university commissions, the University Council, the administration, and the Board of Visitors on university affairs;
- To express opinion on university affairs as the Faculty Senate deems appropriate and necessary;
- To participate in the formulation of academic and educational policies that concern more than one college, division, or center;
- To consider policies, programs, and other matters that the administration, college faculties, student organizations, and individuals of the faculty may propose;
- To afford avenues and procedures whereby communications within the university may flow freely, fully, and systematically;
- To help create, maintain, and protect a university environment conducive to the richest growth of scholarship, learning, teaching, research, service, and respect for human dignity and rights;
- To accept and share responsibility with the administration, staff, and students in all efforts to improve the stature and usefulness of the university, and
- To advise, respond to, and participate in the Faculty Senate of Virginia, thereby providing university faculty with a voice in matters of broader concern to faculty across the commonwealth.

The following standing committees aid the Faculty Senate in performing its functions: Committee on Reconciliation, Faculty Review Committee, and Committee on Faculty Ethics.

The Faculty Senate cabinet is comprised of the officers and representatives of each of the colleges and the libraries. It is concerned primarily with the general business of the Faculty Senate. The president of the Faculty Senate may create additional work groups and ad hoc committees as necessary to address specific issues or concerns of the faculty.

### **1.3.5.1 Committee on Reconciliation**

The [Committee on Reconciliation](#) is composed of eight tenured faculty members eligible for membership in the Faculty Senate. Faculty appointed to administrative positions with responsibility for recommending promotions, salary adjustments, and distribution of teaching, research, and extension assignments are ineligible for membership. The functions of this committee are to offer advice and counsel to faculty members who seek it, particularly in relation to disputes with immediate supervisors or university administrators.

The committee has a designated role within the grievance process to assist in resolving disputes that are eligible for consideration as a grievance if so requested by the faculty member. See the relevant grievance procedure for guidance on valid and ineligible issues for grievance that define the committee's purview in relation to the grievance process. Faculty members who wish to engage the assistance of the committee in the context of a potential grievance submit their request concurrently to the Office of the Senior Vice President and Provost and the chair of the Committee on Reconciliation within 30 calendar days of the time when the faculty member knew, or should have known, of the event or action that is the basis for the potential grievance. The senior vice president and provost automatically grants a 60-day postponement of grievance timelines for the Committee on Reconciliation to attempt to resolve the complaint between the parties.

The Faculty Senate Committee on Reconciliation may also be consulted by faculty members concerning serious disagreements with immediate supervisors or other university administrators concerning issues that are not eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute. The Office of the Senior Vice President and Provost need not be notified to initiate discussions with the committee in such instances.

Cooperation and candor from all members of the university community are prerequisite to the successful functioning of the Committee on Reconciliation in investigating serious and delicate cases. Confidential information concerning personnel and academic issues may be shared with the committee. The committee keeps no written records and treats all matters with utmost sensitivity.

In conducting its work, the Committee on Reconciliation takes special measures to assure that participating members have no conflict of interest in the matter. In contrast to the Faculty Review Committee, which has responsibility for formally investigating a grievance through hearings, calling witnesses, and collecting and assessing evidence prior to rendering its judgment, the Committee on Reconciliation operates more informally as a facilitator. It meets with the respective parties to determine if there is common ground for resolution of the matter, facilitating a solution that is agreeable to the principal parties and consistent with University Policy and practice.

Generally the faculty member initiates the request for assistance of the committee; however, an administrator may seek the committee's involvement in resolving a dispute with a faculty member. Both parties to the dispute must agree to be participants in the reconciliation process. If no resolution is reached, the matter reverts to formal review as part of the grievance process if the matter is eligible for such consideration.

### **1.3.5.2 Faculty Review Committee**

The [Faculty Review Committee](#) (FRC) includes a minimum of two faculty members from each college and two each from the libraries and the extra-collegiate extension faculty. Additional members from colleges are appointed in direct proportion to the colleges' representation in the

Faculty Senate. The president of the Faculty Senate, in consultation with the cabinet, appoints the chair. The chair is either a member of the senate or a member of the FRC. FRC members, who are appointed by the Faculty Senate president in consultation with the senate cabinet, must, at the time of their initial appointment, have served on their college or equivalent promotion and tenure committee or in the Faculty Senate. Members cannot serve on a university or college promotion and tenure committee and serve on the Faculty Review Committee simultaneously. In the event that no eligible faculty members from a particular college or the libraries or the extra-collegiate extension are identified as willing and able to fill a vacant position on the FRC, the Faculty Senate president, in consultation with the senate cabinet, appoints the appropriate number of tenured faculty members to complete the membership of the FRC.

The functions of the Faculty Review Committee are: to provide faculty review of faculty grievances and to consider appeals in the promotion and tenure or continued appointment process when the senior vice president and provost does not concur with a positive recommendation from the University Committee on Promotion and Tenure (see chapter three “Appeals of Decisions on Reappointment, Tenure, or Promotion”) or the University Committee on Promotion and Continued Appointment (see chapter four “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion”).

The Faculty Review Committee reports annually to the Faculty Senate cabinet on the number of cases handled, their disposition, and on the effectiveness of the review process.

Separate grievance procedures exist for administrative and professional faculty and for research faculty. See the relevant sections of this handbook for a description of those appeal processes.

### **1.3.5.3 Committee on Faculty Ethics**

[The Committee on Faculty Ethics](#) (CFE) receives and considers charges of violations of faculty ethics that abrogate the principles of ethical behavior set forward in chapter two of the Faculty Handbook “Professional Responsibilities and Conduct.” The CFE also acts to promote knowledge of and adherence to the principles of ethical behavior.

The Committee on Faculty Ethics is not used to seek remedies such as monetary damages. The CFE does not act when legal, mediation, or other proceedings are initiated or are ongoing by complainants that render the CFE's pursuit of an investigation redundant or disruptive. The CFE does not act on matters that are referred or should be referred for investigation and action to an administrative officer, supervisor, or another appropriately charged committee in accordance with university policies and procedures. Complaints concerning personnel actions taken by a supervisor are handled by the applicable grievance procedure. If ethical issues arise from, or remain unresolved following such proceedings, the CFE is available to receive or consider charges of violations of the principles in chapter two of the Faculty Handbook “Professional Responsibilities and Conduct.”

The Committee on Faculty Ethics is composed of one faculty member from each college, one from the libraries faculty and one from the extension faculty with continued appointment. The president of the Faculty Senate, with the advice of the senate cabinet, appoints committee

members. All CFE members hold tenure or continued appointment. The senate president designates one committee member to serve as chair. Voting members of the CFE serve a two-year appointment and are limited to serving two consecutive terms. A quorum of the CFE consists of two-thirds of the appointed members.

While the Committee on Faculty Ethics is not a legal body, conflicts of interest may affect members' judgment on a given case. All members of the CFE are required to disclose any potential conflicts of interest with regard to cases that come before the CFE. Decisions concerning recusal are made by the individual member in consultation with the committee as a whole. In the event of a conflict of interest concerning the chair of the CFE, the chair steps down from that position during the course of any discussion or investigation of that case. In such a situation, the president of the Faculty Senate appoints an interim chair from within the current CFE membership. Decisions with regard to the chair's recusal from the committee itself are made in consultation with the committee and the Faculty Senate president.

Anyone may bring incidents to the Committee on Faculty Ethics by writing to the chair of the CFE. The CFE will decide if a violation may have occurred and may conduct investigations, as it deems appropriate. The CFE will inform those involved of its findings and the processes and rationale by which the findings were formulated as described in the CFE operating procedures. When it is determined that a breach of faculty ethics has occurred, the CFE's findings along with its recommendations, will be reported to appropriate administrative personnel including, when appropriate, the Faculty Senate president. Strict confidentiality will be maintained. The [CFE operating procedures](#) are available on the Faculty Senate website.

The Committee on Faculty Ethics chair will provide a summary of its activities to the Faculty Senate annually.

## **1.4 Central Administration**

The university's central administration includes the president, senior vice president and provost, deans, and vice presidents.

### **1.4.1 President**

[The president](#) is the chief executive officer of the university, is selected by the Board of Visitors to execute approved policies and to administer the university subject to the pleasure of the board. The president is charged with the overall organization and supervision of the university and all of the state agencies, services, and regulatory activities, which have been placed under the president's supervision by the Board of Visitors. The president serves as the authorized officer through whom communication takes place between the board and the faculty, the board and the students, and the board and the other officers of administration or instruction employed by the university.

University officers who report to the president include the senior vice president and provost, vice president for finance and chief financial officer, vice president for administration, vice president for alumni relations, vice president for development and university relations, vice president for

information technology and chief information officer, university legal counsel, the chief of staff to the president, the executive director of governmental relations, and the director of intercollegiate athletics.

The directors and executive officers of the individual agencies, services, and regulatory activities report directly to the vice president under whom the president has placed each organization.

#### Office of the President

Senior Vice President and Provost

Vice President for Finance and Chief Financial Officer

Vice President for Administration

Vice President for Alumni Relations

Vice President for Development and University Relations

Vice President for Information Technology and Chief Information Officer

#### **1.4.2 Senior Vice President and Provost**

The [senior vice president and provost](#) serves as the university's chief executive officer in the president's absence, and assists the president in the administration, coordination, and development of the university's learning, discovery, and engagement programs. Reporting to this officer are the college deans, dean of University Libraries, executive directors of the Center for the Arts, and the Virginia Tech Carilion Research Institute, director of the Institute for Creativity, Arts, and Technology, vice president and dean for graduate education, vice president for outreach and international affairs, vice president for research, vice president and executive director of the national capital region, and vice president for student affairs.

In addition, the senior vice president and provost is responsible for maintaining the university's relations with the academic program function of the State Council of Higher Education for Virginia (SCHEV).

Also reporting the senior vice president and provost are the vice provost for undergraduate academic affairs, the vice provost for faculty affairs, the vice provost for enrollment and degree management, and the vice provost for resource management and institutional effectiveness.

#### Senior Vice President and Provost

Vice President and Dean for Graduate Education

Vice President for Research

Vice President for Student Affairs

Vice President for Outreach and International Affairs

Vice President and Executive Director, National Capital Region

## **1.5 University Academic Administration**

### **1.5.1 College Deans**

The deans of the colleges are responsible for the academic activities of their respective colleges. These responsibilities include the allocation and administration of resources, appointment and evaluation of faculty and support staff, and curriculum development. The department heads or chairs in each college report directly to their respective deans for all matters related to the programs of the colleges.

The college deans are appointed by the senior vice president and provost, and may be reappointed indefinitely. Periodic evaluations of their effectiveness in this capacity occur every five years.

[College of Agriculture and Life Sciences](#)

[College of Architecture and Urban Studies](#)

[Pamplin College of Business](#)

[College of Engineering](#)

[College of Liberal Arts and Human Sciences](#)

[College of Natural Resources and Environment](#)

[College of Science](#)

[Virginia-Maryland Regional College of Veterinary Medicine](#)

### **1.5.2 Academic Department Administration**

The colleges are subdivided into academic departments and/or schools. Departments are under the supervision of department heads, chairs, or school directors, who report to the dean of the college.

Department heads or chairs are responsible for the growth and vigor of the academic programs, for the recruitment of new faculty, and for the administration of the curriculum and the budget of their departments. In certain cases, some of these responsibilities may be delegated to program chairs of specific disciplines.

Department heads or chairs serve for fixed-length terms, specified by the dean. The dean, in consultation with departmental faculty, takes into account the periodic review required prior to reappointment and decides the length of term and procedures for renewal. The president or the senior vice president and provost authorizes the appointment.

As an integral part of shared governance of the university, faculty committees are formed in departments to make recommendations and otherwise assist the head or chair in curricular modification, in the selection of new faculty, and in the determination and application of policies.



### **1.5.3 Dean of University Libraries**

The dean of [University Libraries](#) directs the University Libraries in providing the Virginia Tech community with information collections and services necessary to support the learning, discovery, and engagement programs of the university. The dean allocates and administers resources, and appoints and evaluates faculty and staff in support of University Libraries goals. The dean reports to the senior vice president and provost.

The dean of the libraries is appointed by the senior vice president and provost, and may be reappointed indefinitely. A periodic evaluation of the dean's effectiveness in this capacity occurs every five years.

### **1.5.4 Director of Virginia Cooperative Extension**

The director of [Virginia Cooperative Extension \(VCE\)](#) reports to the dean of the College of Agriculture and Life Sciences and is responsible for the administration of VCE programs in cooperation with the U.S. Department of Agriculture and state and local governments, as well as the Cooperative Extension Service Program at Virginia State University. The director is responsible for the VCE programs in agriculture and natural resources, family and consumer sciences, 4-H youth development, and community viability. Since three colleges provide these services, the director administers these programs under the guidance of a committee chaired by the senior vice president and provost. Committee members include the vice president for finance and chief financial officer, vice president for outreach and international affairs, vice president for research, director of VCE, director of the Agricultural Experiment Station, and deans of the colleges of Agriculture and Life Sciences, Natural Resources and Environment, and Veterinary Medicine.



## CHAPTER TWO

### 2.0 Employment Policies and Procedures for All Faculty

#### 2.1 Types of Positions at the University

In compliance with regulations and statutes of the Commonwealth of Virginia, university employees fall into distinct categories:

- classified staff covered by the state personnel system,
- university staff covered by the university's human resources system,
- faculty, and
- non-salaried (wage) employees

Employees are in a variety of position types:

- teaching and research faculty (T&R),
- research faculty,
- administrative and professional faculty (A/P),
- adjunct wage faculty, staff (classified and university),
- wage, student wage, emergency hires, and others.

The majority of positions are either faculty or staff.

Faculty employment is under the purview of the Board of Visitors, which is responsible for establishing faculty employment policies.

#### 2.2 Faculty Definitions

**General Faculty.** All faculty members are designated as members of the general faculty of the university. The general faculty is composed of those faculty members outside the staff personnel system who are appointed to carry out the learning, discovery, and engagement programs of the university; carry out general university administration; or provide academic support to those programs.

**Faculty Categories.** For the purpose of designation within the university, and for the application of faculty policies, especially those related to promotion and tenure or continued appointment, the general faculty is divided into five categories:

- Collegiate faculty
- Libraries faculty on the continued appointment-track (extra-collegiate)
- Extension faculty on the continued appointment-track
- Administrative and professional faculty
- Research faculty

**Tenure-track, Tenured, and Continued-Appointment Ranks.** Faculty members may be assigned to one of the following ranks: extra-collegiate instructor (in the libraries or extension), assistant professor, associate professor, or professor.

**Non-tenure instructional ranks.** Or, faculty members may be assigned to one of the following non-tenure instructional ranks: lecturer, visiting assistant professor, visiting associate professor, visiting professor, adjunct assistant professor, adjunct associate professor, adjunct professor, assistant professor of practice, associate professor of practice, professor of practice, clinical instructor, clinical assistant professor, clinical associate professor, clinical professor, instructor, advanced instructor, or senior instructor.

**Research faculty ranks.** Or, faculty members may be assigned to one of the following research faculty ranks: research associate, senior research associate, research scientist, senior research scientist, postdoctoral associate, project associate, senior project associate, project director, research assistant professor, research associate professor, or research professor.

Specification of faculty rank in the libraries faculty, extension faculty, or the administrative and professional faculty does not imply a particular rank in any collegiate department. Libraries and extension faculty may be invited to hold concurrent adjunct status in a collegiate department to formally recognize their contributions to the undergraduate or graduate program. Policies regarding the assignment of a standard faculty rank in a collegiate department for an administrative or professional faculty member are described in chapter seven “Faculty Rank and Title.”

Typically, the Commission on Faculty Affairs provides oversight of employment policies for the collegiate, libraries, and extension faculty on continued appointment-track, while the Commission on Administrative and Professional Faculty Affairs provides oversight for administrative and professional faculty, and the Commission on Research provides oversight for research faculty.

## **2.3 Faculty Categories**

### **2.3.1 The Collegiate Faculty**

The collegiate faculties are composed of teaching and research (T&R) faculty members with a standard rank or non-tenure-track instructional rank who are appointed to full- or part-time positions in academic departments or schools in the eight colleges. (Subsequent references to departments or schools in this handbook are subsumed under the term “department.”)

T&R faculty are teaching faculty members with substantial responsibilities for undergraduate and graduate instruction, research, and outreach. Research and extension specialist positions are also T&R faculty, although they may have a relatively small instructional component. The T&R positions may be tenure-track with the ranks of assistant, associate, or full professor. Typically such positions would be regular and require a terminal degree in the field. Employment policies and procedures for tenured and tenure track faculty are in chapter three of this handbook. T&R faculty may also be non-tenure-track, such as the instructor ranks, clinical faculty ranks, or professor of practice ranks. These positions may be either restricted or regular.

Members of the collegiate faculty who relinquish full-time responsibilities in a collegiate department to assume responsibilities elsewhere at the university may choose to continue to have

their professional development evaluated by that department and college. The same is true for someone who accepts a position in the libraries faculty, Virginia Cooperative Extension faculty, or in the administrative and professional faculty. The evaluation for promotion in rank or the granting of tenure is according to the criteria and procedures of promotion and tenure for collegiate faculty. Tenure already granted need not be relinquished. Annual evaluation for merit salary adjustment is based on the responsibilities of the current position.

### **2.3.2 University Libraries Faculty with Continued Appointment or on the Continued Appointment-Track**

Employment policies and procedures for library faculty with continued appointment or on the continued appointment-track are described in chapter four of this handbook. University Libraries faculty may or may not hold appointments as a collegiate faculty member. They perform a unique and indispensable function in the educational process and share many of the professional concerns of their collegiate colleagues. The university recognizes the need to protect the academic freedom of librarians in their responsibility to ensure the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn.

### **2.3.3 Virginia Cooperative Extension Faculty with Continued Appointment or on the Continued Appointment-Track**

Employment policies and procedures for extension faculty with continued appointment or on the continued appointment-track are described in chapter four of this handbook. Extension faculty may or may not hold appointment as a collegiate faculty member. They are, nonetheless, subject to high professional standards in the dissemination of knowledge through the Virginia Cooperative Extension programs and in the planning and delivery of educational programs and programs of assistance to industries and local governmental agencies. In these functions, extension faculty share many of the professional concerns of their collegiate colleagues, including the need for the protection of academic freedom in these responsibilities.

### **2.3.4 Administrative and Professional Faculty**

Administrative and professional faculty employment policies and procedures are described in chapter seven of this handbook. Administrative and professional (A/P) faculty may or may not hold appointment as a collegiate faculty member.

**Administrative faculty.** Administrative faculty, also referred to as senior administrators, typically serve in executive level leadership roles such as vice president, dean, assistant or associate vice president or dean, or director of a major unit. They perform work directly related to management of the institution, college, or an administrative department.

**Professional faculty.** Professional faculty, also referred to as managers and professionals, may direct or provide support for academic, administrative, extension, outreach, athletic, or other programs. They may also provide vital university functions such as information technology,

budget or finance, human resources, public relations, development, and architectural or engineering functions.

### **2.3.5 Research Faculty**

Research faculty employment policies and procedures are described in chapter six of this handbook. Faculty designated to promote and expedite university research activities and who have responsibilities primarily in the research area are considered research faculty. Research faculty are typically employed on sponsored grants and contracts for a restricted period to carry out research or outreach projects.

Research faculty ranks are: research associate, senior research associate, research scientist, senior research scientist, postdoctoral associate, project associate, senior project associate, project director, research assistant professor, research associate professor, and research professor.

#### **2.3.5.1 Affiliated Research Faculty**

See chapter six “Affiliated Research Faculty” for more information. Occasionally, individuals outside of university employment are identified to team with university faculty to enhance research opportunities through departments. To support these associations, the university has developed the affiliated research faculty program. Affiliated research appointments may be made for individuals connected to specific academic departments, or may be made through research institutes or centers. Affiliated research appointments may also be established to facilitate research partnerships. This program may address occasions where a university faculty member has a spouse or partner who also has professional academic credentials, but who has not found appropriate employment opportunities. The vice president for research reviews nominations from departments, colleges, or the provost, and approves appropriate applications.

### **2.3.6 Non-Tenure-Track Instructional Faculty**

The following titles are reserved for non-tenure-track faculty in instructional positions: lecturer; visiting assistant professor, visiting associate professor, and visiting professor; adjunct assistant professor, adjunct associate professor, and adjunct professor; assistant professor of practice, associate professor of practice, and professor of practice; clinical instructor, clinical assistant professor, clinical associate professor, and clinical professor; instructor, advanced instructor, and senior instructor.

Non-tenure-track instructional faculty employment policies and procedures are described in chapter five of this handbook. Information regarding appropriate credentials for instructional faculty is found in chapter two “Faculty Credentialing Guidelines” and on the provost’s website.

## **2.4 Faculty Compensation Plan**

The Board of Visitors annually approves a faculty compensation plan, which is prepared using the parameters provided by the commonwealth’s secretary of education in the Consolidated Salary Authorization for Faculty Positions in Institutions of Higher Education. In accordance

with the Consolidated Salary Authorization, the faculty compensation plan provides information about:

- the promotion and tenure process,
- the annual evaluation and salary adjustment process for teaching and research (T&R) faculty, administrative and professional (A/P) faculty, and research faculty,
- salary adjustments within the evaluation period, and
- the pay structure.

## **2.5 General Procedures for Faculty Searches, Academic and Senior Administrative Searches and Appointments**

It is the policy of Virginia Tech to provide equal opportunity for all qualified individuals while rejecting all forms of prejudice and discrimination, including those based on race, gender, gender identity, gender expression, disability, age, veteran status, national origin, religion, sexual orientation or political affiliation. Anyone having questions concerning discrimination should contact the [Office for Equity and Access](#).

Virginia Tech is committed to ensuring that all qualified individuals with disabilities have the opportunity to take part in educational and employment programs and services on an equal basis. The aim is to provide this opportunity in an integrated setting that fosters independence and meets the guidelines of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973.

Reasonable accommodations are made on an individual and flexible basis. Appropriate services include: (1) support, counseling, and information, (2) academic assistance services, (3) referral services, or (4) environmental modifications. However, it is the responsibility of individuals with disabilities to make their needs known and to provide documentation of a disability. It is the responsibility of the supervisor to comply with accommodation requests made by appropriate university offices. Appeals of requests are made through procedures stated in [University Policy 4075](#), “Accommodation of Employees with Disabilities.”

Virginia Tech is committed to increasing the number of women and underrepresented faculty and administrators. This commitment is stated and elaborated in the Affirmative Action Program, Executive Order 11246, and other documents filed with federal and state officials. The guidelines below are designed to ensure that searches are conducted affirmatively, resulting in greater faculty diversity.

### **2.5.1 Faculty Search Procedures**

Faculty search resources are available on the [Department of Human Resources website](#). Please refer to that website for detailed information on the search process. The procedures found there apply to all types of full-time, regular faculty positions. Search exemptions may be approved under specified circumstances. Search procedures for research faculty are available on the [Office of Research Human Resources website](#).

In general, once approval for the position is granted, search processes include the establishment of a representative search committee, the development of a tailored, aggressive search strategy that usually includes national advertising in appropriate journals in the discipline; personal contacts with colleagues; follow up with female and underrepresented colleagues and doctoral students listed in relevant directories; and other targeted efforts to identify a strong and diversified pool of candidates. Prior to selecting candidates for interview, the search committee head reviews the diversity and strength of the candidate pool with the dean, who makes a judgment as to whether additional recruitment efforts should be made. The committee reviews applications once a representative pool is established or recruitment strategies are exhausted. A limited number of candidates are usually invited for on-campus interviews. Prior to tendering an offer, the department head or chair reviews the search and interview process with the dean.

Review and recommendation by the applicable departmental or school committee dealing with promotion and tenure or continued appointment shall be sought before a decision is made to extend to a candidate a firm offer that includes the granting of tenure or continued appointment, or the award of a rank higher than assistant professor.

### **2.5.2 Appointment of Department Heads or Chairs**

When a vacancy occurs, the college dean requests that the department nominate members of its faculty for service on a search committee. The dean appoints the committee from among those nominated and may appoint additional members who shall constitute a minority of the committee.

The committee elects its chairperson and meets with the college dean to determine appropriate conditions of the position, such as rank and available resources. The dean should share with the search committee a realistic assessment of the college and university commitment to the department and its programs.

The position is nationally advertised unless the dean and the committee agree that the position should be considered a promotional opportunity restricted to candidates from faculty of the department without national advertisement. Such a decision should be reached only in a department having a quality of program and a maturity of development to afford several well-qualified candidates from within its own ranks. The decision may be influenced by the lack of a vacant faculty position in the department.

After professional credentials of candidates are reviewed, references and colleagues of the best-qualified candidates are consulted. A limited number of candidates (ordinarily three) are invited, on approval of the college dean, to visit the campus. The search committee, the college dean, and university officials, as available and appropriate, interview the candidates. They also meet with selected students and faculty members in the department. The committee should take care to provide internal candidates with fair opportunities to make their qualifications equally well known.

The search committee seeks advice from those who meet with the candidates and makes its recommendations on the preferred candidate(s) to the college dean. The head or chair is

recommended for appointment by the dean to the provost, but only after extensive consultation with the department faculty. It should, in effect, be a joint process. The appointment is subject to approval by the Board of Visitors.

### **2.5.3 Appointment of Deans**

When a vacancy occurs, the provost determines the procedures that will be used for identifying qualified candidates. In addition, the provost requests nominations for membership on a search committee from the appropriate faculty members or faculty association. The provost appoints a search committee from the list of nominees and may appoint additional members who shall constitute a minority of the committee. When a vacancy occurs in an academic deanship that has university responsibility cutting across college lines, the search committee shall include faculty representatives from all appropriate colleges. The provost or designee serves as chairperson of the search committee. Ordinarily a national search is conducted.

After professional credentials of candidates are reviewed, references and colleagues of the best-qualified candidates are consulted. A limited number of candidates are invited to visit the campus. The search committee, representative department heads/chairs, academic deans, the vice presidents, and the president interview the candidates. Candidates also meet with selected students and faculty members of the college. The committee should take care to provide internal candidates with fair opportunities to make their qualifications equally well known.

The provost seeks advice from those who meet with the candidates and seeks agreement with the search committee on the candidate(s) to be recommended. The provost's recommendation is made to the president, who then authorizes the extension of an offer. The appointment is subject to approval by the Board of Visitors.

### **2.5.4 Appointment of Associate and Assistant Deans**

When a vacancy occurs in the position of associate dean, assistant dean, or assistant to the dean, and the position does not involve responsibility for assignment of faculty activities or recommendations on salaries and promotions, it is filled on recommendation by the dean to the provost and the president. Department heads or chairs and representative faculty should be consulted; a formal search committee is used if the appointment is not limited to an internal promotional opportunity. If the position involves responsibility for assignment of faculty activities or recommendations on salaries and promotions, the search and selection procedures are similar to those used for deans, but the dean serves as chairperson of the search committee.

### **2.5.5 Appointment of Senior Vice President and Provost and Vice Presidents**

When a vacancy occurs, the president determines the procedures that will be used for identifying qualified candidates, including the decision to engage a search firm and/or to appoint a university search or screening committee. Where the position involves considerable interaction with the academic faculty, significant engagement of faculty members in the search and/or interview process is desirable and expected. The Board of Visitors retains authority to approve appointments of all vice presidents.

### **2.5.6 Appointment of the President**

The Board of Visitors establishes the procedures for the selection of a president when the vacancy is announced.

### **2.5.7 Conviction and Driving Record Investigation**

The university conducts criminal background and/or driving record checks on all candidates, according to the provisions in [University Policy 4060](#), “Conviction and Driving Record Investigation.” the Department of Human Resources coordinates the conviction and driving record check process.

A preliminary offer may be made to the selected candidate, contingent on the results of the check. However, at no time should the selected candidate be allowed to begin work before completion of the process.

The university recognizes that its interests in investigating employees’ backgrounds must be balanced with the need to protect the privacy of employees and prospective employees. University Policy and state and federal laws recognize the individual’s right to privacy and prohibit university employees from seeking, using, or disclosing information except within the scope of their assigned duties. Any information related to personal history, including conviction records, is maintained in confidence. Such information is shared only with the hiring official, university legal counsel, and the Virginia Tech Police Department, as necessary.

### **2.5.8 Terms of Faculty Offer and Final Approval of Appointment**

All new appointments and reappointments are documented in the terms of faculty offer prepared by the department head or chair, approved according to procedures established by the dean or senior manager, signed by the candidate, and forwarded to the Department of Human Resources. The terms of offer (and the reappointment contract) for research faculty require prior review and approval by the Office of the Vice President for Research. See the Department of Human Resources website for the [terms of faculty offer templates](#) for each type of faculty appointment. The terms of faculty offer documents the tenure or continued appointment status (tenured, tenure-track, non-tenure track, continued appointment, or continued appointment-track), appointment status (regular or restricted, effective date and, if restricted, an end date), the appointment period (academic or calendar year) and length of the appointment, assigned faculty rank, and other conditions relevant to the employment offer. If the appointment is tenure-track or continued appointment-track, reference to prior service credit should be addressed if relevant (see chapters three and four “Guidelines for Calculation of Prior Service”). All letters of appointment shall make reference to further terms and conditions of employment contained in the Faculty Handbook.

The terms of faculty offer for a restricted appointment must clearly define the length of the appointment. In cases where there is no expected opportunity for continuation, the document also serves as a notice of termination. Continuation of a restricted appointment, even during the



specified appointment period, is subject to the availability of funds, the need for services, and satisfactory performance; this information is included in the terms of offer template. Related letters of offer or reappointment should not contain promises that the hiring unit may not be able to keep; the university looks to the department to make good on defaults. The department head/ or chair's approval is required before an offer is extended.

The Board of Visitors holds the authority to approve all faculty appointments. The authority has been delegated to university officials for certain types of new appointments, generally including non-tenure positions and restricted appointments. Final approval by the Board of Visitors is required for new appointments of instructional and research faculty members on the tenure-track or continued appointment-track, including those appointed with tenure or continued appointment; faculty-ranked athletic personnel; senior administrators (such as deans and vice presidents) and their direct reports; and administrative and professional faculty members reporting directly to the president and their direct reports.

### **2.5.9 Dual Career Program**

Prospective candidates for faculty positions at Virginia Tech may have spouses or partners who are also seeking employment. The ability of a spouse or partner to find suitable employment is a crucial element in the recruiting process, and may be a determining factor in the couple's decision.

The spouse or partner of a faculty candidate or administrator who is being recruited to Virginia Tech is eligible for participation in the [dual career program](#). The spouse or partner of a current faculty member who has been recently hired or is negotiating a retention package is also eligible for participation in the dual career program.

The dual career program offers job search assistance for up to one year; advice regarding résumé, curriculum vitae, and cover letter; assistance with interview preparation; and networking assistance. These services do not mean entitlement to employment or a guarantee of job placement. Guidelines that describe procedures for Virginia Tech's hiring of dual career partners are available on the Department of Human Resources and provost's websites.

### **2.5.10 Faculty Credentialing Guidelines**

In accordance with federal law, on the first day of their employment, new employees must provide documentation of U.S. citizenship or lawful authorization to work in the United States.

For regional accreditation purposes, Virginia Tech must justify and document the qualifications of all instructors of record as outlined by the Southern Association of Colleges and Schools Commission on Colleges (SASCOC) faculty credentials guidelines. All faculty members, including part-time and adjunct faculty, must hold credentials appropriate to the level and subject matter they are teaching. Employment is contingent upon presentation of satisfactory documentation of credentials prior to employment.

Documenting the credentials of teaching faculty is the responsibility of the department where the course originates or is listed. This may be different than the employing department in some cases. A completed transcript cover sheet signed by the department head/chair and an original transcript from the institution awarding the highest degree are required of all new teaching faculty members upon employment. An original transcript has an official raised seal from the institutional source in rare instances, an electronic copy may be acceptable with appropriate verification.

SACSCOC recommends the following as credential guidelines for instructors of record by course level:

- Baccalaureate/undergraduate courses, a doctorate, terminal, or master's degree in the teaching discipline or a master's degree with a concentration in the teaching discipline (minimum of 18 graduate semester hours in the teaching discipline) is required;
- Graduate/post-baccalaureate courses, an earned doctorate/terminal degree in the teaching discipline or a related discipline is required.

The university's processes for collecting and storing the documentation of a faculty member's credentials are as follows:

- Salaried faculty members: a transcript cover sheet and the original transcript must be submitted to the Department of Human Resources (mail code 0318). After these are scanned into the university's document repository system, the originals will be returned to the faculty member. It is suggested that the faculty member's home department retain copies of these documents prior to submission to the Department of Human Resources.
- Adjunct and wage faculty appointments: the transcript cover sheet and original transcript must be submitted to the [Office of Institutional Research and Effectiveness](#) (mail code 0433). After these are scanned into the university's document repository system, the originals will be returned to the faculty member. It is suggested that the department retain copies of these documents prior to submission to Institutional Research.

If the instructor of record is not a faculty member in the course-origination department, that department head or chair is responsible for verifying that the faculty member's teaching credentials are appropriate for the course content and level. In such cases, a copy of the original transcript for the course-origination departmental file is acceptable if the faculty member or graduate assistant has an official transcript documented elsewhere at Virginia Tech.

[Faculty credentialing guidelines](#) and the transcript cover sheet are available on the provost's website. Faculty credentialing guidelines for Administrative and Professional faculty are found in chapter seven of this handbook.

## **2.6 Terms of Appointment**

### **2.6.1 Academic Year Appointments**

New faculty appointments and renewals of term appointments are made in writing by the department head, chair, or dean.

Most faculty appointments in the academic units of the university are for the nine-month academic year; they are called academic year (AY) appointments. While the contractual payroll dates for the academic year are August 10 through May 9, faculty are expected to be available two weeks prior to the first day of classes and two weeks following commencement. No annual leave is awarded within the academic year, but the discretion of the department head or chair is recognized in assigning duties during periods when the university is not in session. Faculty members are expected to inform their department heads or chairs of their whereabouts during such periods.

Although the annual salary assigned for an academic year appointment covers only the academic year, the salary is paid in 24 semi-monthly installments over the calendar year, with payment occurring on the first and sixteenth day of each month. (If that day of the month falls on a Saturday, the payment is made on the preceding Friday; if Sunday, the payment is made on the following Monday.) Payment is made directly to the faculty member's bank or financial establishment.

Faculty members whose appointments are for only part of the academic year receive a pro rata portion of the annual salary. Details of the faculty compensation plan are available from the Department of Human Resources.

Faculty members on academic year appointments whose employment with the university ceases at the end of the academic year, or any academic term, may request (with proper notice) that all remaining installments of their earned salary be paid on the next available payroll the Department of Human Resources is notified and employment has ceased.

### **2.6.2 Calendar Year Appointments**

Some faculty members have assigned responsibilities that extend throughout the calendar year, largely independent of the academic calendar. Such faculty members are on calendar year (CY) appointments with work assignments covering the full 12 months except for periods of annual leave. The kinds of positions that may call for calendar year appointments include department heads or chairs, administrative and professional faculty, and research faculty.

Faculty who assume calendar year appointments while serving in department head or other administrative roles retain the calendar year appointment only for the duration of the assignment. Upon returning to an instructional faculty position in a department characterized by academic year appointments, the faculty member resumes an academic year appointment with a corresponding adjustment in salary. (Instructional faculty on calendar year appointments prior to assuming the administrative assignment usually resume their prior calendar year appointment and salary upon completion of the assignment.)

Conversions of appointment from academic year to calendar year or the reverse (or to any other appointment period acceptable under University Policy) are done in accordance with standard formulas approved by the senior vice president and provost or vice president for administration. Any exception requires approval by the senior vice president and provost or vice president for administration, depending upon the reporting structure.

### **2.6.3 Research Extended Appointments**

Under certain conditions, faculty members on academic year appointments have the opportunity to extend their base nine-month appointment to a 10-, 11-, or 12-month appointment reflecting the faculty member's sponsored research responsibilities.

Academic year faculty members with approved research extended appointments may earn and accrue annual leave proportional to their appointments. Faculty members with one, two, or three months of sponsored funding are strongly urged to convert their nine-month appointment to a 10, 11, or 12-month research extended appointment, which entitles them to earn and use annual leave and have the summer pay included as creditable compensation for retirement purposes in accordance with university policies. Unused annual leave will not be compensated at the time of reconversion or separation.

Faculty members requesting a research extended appointment complete the [request form](#) available on the provost's website. Documentation of the additional months of funding must be provided. Requests for research extended appointments require approval of the department head or chair, dean (or appropriate administrator), and senior vice president and provost or vice president for administration (or their designees).

Research extended appointments are renewed annually with verification of sponsored funding by the department head or chair to support the continuation. The [continuation request form](#) is also available on the provost's website.

Information regarding employment policies and practices for research faculty is available in chapter six of this handbook.

### **2.6.4 Restricted Appointments**

Appointments to the general faculty may be made for which there is no presumption or consideration of renewal. Such appointments are called "restricted" and should be so designated, with a specified term (start and end dates), in the terms of faculty offer. Restricted appointments are commonly made in the cases of research faculty employed to work on projects with external funding, visiting professorships, and other temporarily available faculty positions. See chapter two "Terms of Faculty Offer and Final Approval of Appointment." Restricted appointments are in contrast to renewable term appointments (often called "probationary," "tenure-track," or "continued appointment-track" appointments), tenured appointments, continued appointments, and year by year appointments of administrative and professional faculty, all of which are categorized as "regular" appointments.

When a person on a restricted appointment is to be continued, a formal reappointment is required and should be issued prior to the end of the existing contract. The reappointment contract restates

the conditions of the appointment. Any changes should be made explicit. If a salary increase is approved, it should be a part of the reappointment contract. The reappointment contract requires the prior approval of the department head or chair, dean, and the Office for the Vice President for Research.

Faculty members on restricted appointments earn sick leave at the rate of five hours per pay period under the policy that was standard for all faculty members before September 1, 1981. Sick leave does not extend beyond the date of termination of appointment. Faculty members on calendar year restricted appointments earn annual leave at the same rate as faculty on regular appointments, but earned annual leave must be taken during the term of appointment; accrued annual leave will not be paid on termination of appointment. Restricted faculty who are eligible to earn annual and sick leave may carry over their unused balances to the next leave year; however, they are not paid out upon separation.

### **2.6.5 Summer and Winter Appointments**

Faculty on academic year appointments may be invited by the department head or chair to teach one or more courses in summer session for special compensation. Maximum compensation is set at 11.25% of the faculty member's annual salary for each scheduled three-credit semester course taught, subject to a salary limit that is determined each year.

No summer appointments are made without the consent of the faculty member involved.

Faculty members on academic year appointments may also receive special compensation for engaging in approved sponsored research, extension activities, or non-credit instructional activity conducted by continuing and professional education. The total of special compensation earned through all university programs in the summer by any faculty member on academic year appointment shall not exceed 33  $\frac{1}{3}$  percent of the annual salary for the preceding academic year.

For purposes of sponsored grant and contract activity and for limitations on compensation, May 10 to August 9 designates the summer work period. Faculty members who receive summer salary from sponsored projects must certify the effort expended on those projects during the summer period. Work on a sponsored project during the academic year for which compensation is then provided during the summer is specifically prohibited by federal regulations. Summer pay for sponsored projects is only justified by appropriate effort expended on the project during the summer period.

Only academic year faculty members who have approved research extended appointments earn and accrue annual leave proportional to their appointments. Faculty members with one, two, or three months of sponsored funding are strongly urged to convert their nine-month appointment to a 10-, 11-, or 12-month research extended appointment, which entitles them to earn and use annual leave and have the summer pay included as creditable compensation for retirement purposes in accordance with university policies. Alternatively, the faculty member can charge less than one, two, or three months of full-time salary to the sponsored project (or other sources as appropriate) and take uncompensated leave for the remainder of the summer in order to have vacation.

**Winter Session Appointments.** Faculty members on academic or calendar year appointments may be invited by the department head or chair to teach in Winter Session. The faculty member will receive overload payment for teaching a Winter Session credit course as it is not considered part of the usual expectation for the instructional year. Compensation for teaching in the session is negotiated by the faculty member and the department. Maximum compensation is set at 3.75% of the faculty member's annual salary for each one-credit semester course taught. An additional incentive grant may be negotiated up to a maximum of one month's salary. The overload payment including any incentive grant is considered in the total allowable additional aggregate compensation of no more than 33 1/3% of annual salary.

Appropriately credentialed administrative and professional (A/P) faculty may also teach during this session with approval of their department head. Guidelines set forth in [University Policy 4071](#), *Policy for Staff Employed to Teach For-Credit Courses* and [University Policy 4072](#), *Teaching Credit Classes and Overload Compensation for Administrative and Professional Faculty Members* apply.

### **2.6.6 University-Sponsored Applications for Permanent Residency**

Virginia Tech welcomes the contributions of scholars from all over the world in carrying out its learning, discovery, and engagement missions. Employer-sponsored applications for permanent residency assure the ongoing involvement of the foreign scholar in the life of the university and the work for which the employee was hired. To receive Virginia Tech sponsorship, all of the following conditions must be met:

1. The position must have the potential to be ongoing with successive renewals over a period of several years. For positions funded from sponsored grants or contracts, the supporting unit must demonstrate a record of sustained external funding.
2. The individual's appointment must be full-time and salaried, and in compliance with federal regulations, such as prevailing wage rate. The appointment may be restricted or regular, either academic or calendar year, as long as it is salaried, full-time, and there is an expectation of successive renewals over a period of several years. Wage employment does not meet this test.
3. The position is significant and meets institutional needs as documented by the department and validated by the approval of the relevant senior manager. Significance may be signaled, in part, by rank and title, as well as documented in the job description and supported by the credentials of the individual. These include:
  - Instructional faculty: ranks of instructor and assistant professor or above, including clinical faculty, but excluding adjunct, wage, or visiting faculty members;
  - Research faculty: all ranks except postdoctoral associates, whose appointments are limited, by definition, to four years;
  - Administrative/professional faculty with significant expertise critical to the university;
  - Staff members with significant expertise critical to the university.
4. The department verifies that they wish to retain the employee in the position indefinitely subject to availability of funding, need for services, and satisfactory performance.

## **2.7 Professional Responsibilities and Conduct**

### **2.7.1 Statement of Principles of Ethical Behavior**

The faculty of Virginia Tech believe that academic freedom is essential to attain our missions as scholars and teachers. We also recognize and accept the responsibilities attendant to academic freedom as fundamental to a scholarly community. We believe we must exercise our rights with due regard to the rights of others and we must meet our obligations fully as faculty members. We hold ourselves accountable to ensure that the faculty of Virginia Tech is recognized for its commitment and leadership to pursue knowledge, to promote the free expression of ideas, to teach our students, and to serve the citizens of Virginia.

**Scholarship.** Guided by a deep conviction of the worth and dignity of the advancement of knowledge, we recognize our primary responsibility to our disciplines is to seek and to state the truth. To this end, we devote our energies to developing and improving our scholarly competence. We accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. We practice intellectual honesty and do not compromise our freedom of inquiry.

**Students.** We encourage the free pursuit of learning in our students and exemplify the best scholarly and ethical standards of our disciplines. We value and promote differences among students and respect students as individuals and serve as their intellectual guides and counselors. We make every reasonable effort to foster honest academic conduct and to assure that our evaluations of students reflect each student's true merit. We respect the confidential nature of the relationship between professors and students. We avoid any exploitation, harassment, or discriminatory treatment of students and acknowledge significant academic or scholarly assistance from students. We do not engage in any romantic or sexual relationships with students whom we are in a position to evaluate by virtue of our teaching, research, or administrative responsibilities.

**Instruction.** We strive to be fair, compassionate, and effective teachers. We prepare classes adequately, present materials fairly, and make ourselves available to students for consultation and advice. We avoid bias and we respect diverse points of view.

**Colleagues.** We accept our obligations that derive from common membership in the faculty of Virginia Tech. We relate to colleagues and other university personnel in a responsible, professional, and civil manner, avoiding behaviors and actions that purposefully, consistently, and unnecessarily tend to disrupt, impede, harass, or abuse them in the performance of their assigned tasks and professional duties. We do not discriminate against colleagues, nor do we engage in romantic or sexual relationships with employees whom we are in a position to supervise or evaluate. We respect and defend free inquiry by all. In the exchange of criticisms

and ideas, we show respect for the opinions of others, acknowledge significant academic or scholarly assistance, and strive to be open-minded and fair in our professional judgments. We accept our share of faculty responsibilities for the governance of Virginia Tech and take due care in the discharge of those responsibilities.

**University.** We seek above all to be effective in our assigned responsibilities. We give paramount importance to these responsibilities in determining the amount and character of work done outside of Virginia Tech. Although we observe the Faculty Handbook, we maintain our right to criticize and seek revision of University Policy.

**Community.** As members of the larger community, we have the same rights and obligations as other citizens. We measure the importance of these rights and obligations in light of our responsibilities to our disciplines, to our professions, to our students, and to Virginia Tech. When we speak or act as private persons, we avoid creating the impression of speaking or acting for Virginia Tech. As citizens engaged in a profession that depends upon freedom for its welfare and integrity, we have a particular obligation to promote conditions of free inquiry and of further public understanding of academic freedom.

### **2.7.1.1 Allegations of Unprofessional or Unethical Conduct**

The [Committee on Faculty Ethics](#) (CFE) receives, investigates, and considers allegations of unprofessional or unethical conduct for all types of faculty members, except administrative and professional faculty members. See chapter one “Committee on Faculty Ethics” for further information on the committee charge, membership, and procedures. If the committee finds a serious breach of ethical conduct that leads to a recommendation for a severe sanction or dismissal for cause, the procedures in chapters three and four “Imposition of a Severe Sanction or Dismissal for Cause,” are followed in implementing such sanctions.

When the allegation is against an administrative or professional (A/P) faculty member without tenure or continued appointment, a special panel of five administrative or professional faculty members is selected to review the charges and hear the case, if appropriate. The chair of the Commission on Administrative and Professional Faculty Affairs (CAPFA) chooses panel members from among the A/P faculty at large. The CAPFA chair may invite an experienced member of the CFE to serve as a non-voting member of the panel. All potential members must disclose possible conflicts of interest concerning their participation in the case.

### **2.7.2 [Virginia Tech Principles of Community](#)**

Virginia Tech is a public land-grant university, committed to teaching and learning, research, and outreach to the Commonwealth of Virginia, the nation, and the world community. Learning from the experiences that shape Virginia Tech as an institution, we acknowledge those aspects of our legacy that reflected bias and exclusion. Therefore, we adopt and practice the following principles as fundamental to our ongoing efforts to increase access and inclusion and to create a community that nurtures learning and growth for all of its members:



We affirm the inherent dignity and value of every person and strive to maintain a climate for work and learning based on mutual respect and understanding.

We affirm the right of each person to express thoughts and opinions freely. We encourage open expression within a climate of civility, sensitivity, and mutual respect.

We affirm the value of human diversity because it enriches our lives and the university. We acknowledge and respect our differences while affirming our common humanity.

We reject all forms of prejudice and discrimination, including those based on age, color, disability, gender, gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, and veteran status.

We take individual and collective responsibility for helping to eliminate bias and discrimination and for increasing our own understanding of these issues through education, training, and interaction with others.

We pledge our collective commitment to these principles in the spirit of the Virginia Tech motto of *Ut Prosim* (That I May Serve).

### **2.7.3 University Safety and Security Policy**

In the interest of promoting a safe and secure working, learning, and living environment for employees, students, and visitors, the university developed [University Policy 5615](#), “University Safety and Security.” As part of a larger and institution-wide commitment to a safe and secure campus, the president established the Safety and Security Policy Committee and charged it with general oversight and leadership for the university’s safety, emergency management, and security efforts. The policy further affirms the structure of operational committees that report to the Safety and Security Policy Committee.

Additionally, the policy recognizes the responsibility of department heads and individuals in supervisory roles to ensure that personnel within their departments are aware of safety and security policies and reporting procedures. Individuals are responsible for being aware of and complying with university policies, procedures, and applicable law.

University facilities must be used in a safe and appropriate manner so as not to endanger the university community or the general public. All faculty, staff, students, and other members of the Virginia Tech community share responsibility for the safety and security of the institution and must conduct university activities and operations in compliance with applicable federal and state regulations and university policies. Employees and students should take any threat or violent act seriously and report acts of violence or threats to the appropriate authorities. Any individual who believes there is an immediate danger to the health or safety of any member of the university community should contact the Virginia Tech Police Department immediately.

### **2.7.4 Campus and Workplace Violence Prevention**

Virginia Tech does not tolerate acts of violence committed by or against employees, students, contractual workers, temporary employment agency workers, volunteers, visitors, or other third parties on university owned, controlled, or leased properties, or while conducting university business at another location, including representing the university at conferences or off-site meetings, or riding in university owned or leased vehicles. Violence includes, but is not limited to, intimidation, threats, physical attack, domestic and dating violence, stalking, or property damage.

Per the university's "[Weapons on Campus Regulation](#)", the university's employees, students, and volunteers, or any visitor or other third party attending a sporting, entertainment, or educational event, or visiting an academic or administrative office building, dining facility, or residence hall, are further prohibited from carrying, maintaining, or storing a firearm or weapon on any university facility, even if the owner has a valid permit, when it is not required by the individual's job or in accordance with the relevant university student life policies.

The Board of Visitors established a Campus and Workplace Violence Prevention Committee, charged with developing and implementing violence prevention and education procedures, programs, and guidance. The board further endorsed the president's appointment of a [Threat Assessment Team](#), charged with using its judgment to assess, intervene, and follow policies for individuals whose behaviors may present a threat to the safety of the campus community as appropriate; working with enforcement and mental health agencies to expedite assessment and intervention; and developing comprehensive fact-based assessments of students, employees, or other individuals who may present a threat to the university. The Threat Assessment Team is empowered to take timely and appropriate action consistent with the judgment of the team, University Policy, and applicable law.

### **2.7.5 Health and Safety**

[University Policy 1005](#), "Health and Safety Policy," is intended to help prevent accidents, illnesses and injuries; increase safety awareness; meet requirements of environmental, occupational health, and safety laws and regulations; reduce institutional liability; and establish safety responsibilities for members of the university community and visitors to university-owned or occupied property. All members of the university community are expected to be thoroughly familiar with their safety responsibilities, strive to follow safety practices at all times, act proactively to prevent accidents and injuries, communicate hazards to supervisors, and be prepared for emergencies that may occur in the workplace. Faculty, staff, students, and other members of the Virginia Tech community must conduct university operations in compliance with applicable federal, state, and local regulations, and Environmental Health and Safety requirements. The policy outlines the responsibilities of department heads, faculty, principal investigators, supervisors, staff, students, and contractors.

### **2.7.6 Statement of Business Conduct Standards**

Each employee makes an important contribution to the overall success of Virginia Tech by performing job responsibilities in accordance with university policies and procedures. The university's business standards provide a strong foundation of business practices to support the

core missions of learning, discovery, and engagement. These standards are described in the [statement of business conduct standards](#) available on the Capital Assets and Financial Management website.

All employees are expected to ensure that business activities are conducted properly and in compliance with various federal and state laws. Many important procedures are located on the websites of the Controller's Office, Purchasing Department, the Department of Human Resources, and in university policies. The websites are updated as policies change.

### **2.7.7 Policy on Anti-Discrimination and Harassment Prevention**

Virginia Tech does not discriminate against employees, students, or applicants for admission or employment on the basis of race, color, gender, gender identity, gender expression, disability, age, veteran status, national origin, religion, sexual orientation, political affiliation, genetic information. Such behavior is inconsistent with the university's commitments to excellence and to a community in which mutual respect is a core value as articulated in the Virginia Tech Principles of Community and outlined in [University Policy 1025](#). The prohibition against discrimination and harassment applies to all levels and areas of university operations and programs, to students, administrators, faculty, staff, volunteers, vendors, and contractors.

Virginia Tech is also committed to the free and vigorous discussion of ideas and issues. University Policy 1025 does not allow curtailment or censorship of constitutionally protected expression, nor does it attempt to address behaviors that do not constitute discrimination or harassment. The appropriate supervisor or administrator is responsible for addressing offensive behavior that does not violate the discrimination/harassment policy.

Discrimination/harassment includes the following behaviors:

- Conduct that conditions any element of a person's employment, enrollment as a student, receipt of student financial aid, or participation in university activities on that person's age, color, disability, gender (including pregnancy), gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, or veteran status, genetic information unless otherwise permitted or required by applicable law;
- Conduct of any type (oral, written, graphic, electronic, or physical) based upon a person's age, color, disability, gender (including pregnancy), gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, or veteran status, genetic information and which unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening, or intimidating;
- Conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education; or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual.

It is also a violation of this policy to retaliate against anyone for filing a complaint of discrimination/harassment or otherwise participating in the investigation of such a complaint.

It should be understood by all members of the university community that consensual amorous or sexual relationships (hereinafter referred to as consensual relationships) that occur in the context of educational or employment supervision and evaluation present serious ethical concerns. Consensual relationships between faculty and students enrolled in their classes or students for whom they have professional responsibility as advisor or supervisor violate the policy on professional ethics and responsibilities and may be a violation of this anti-discrimination/harassment policy. Similarly, consensual relationships between supervisors and employees they directly supervise violate University Policy. Faculty members or others performing instructional or academic advising duties and supervisors involved in consensual relationships must remove themselves from any activity or evaluation that may reward or penalize the affected student or employee.

Consensual relationships between faculty and students are particularly susceptible to exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and future employment, make voluntary consent by the student suspect, given the fundamentally asymmetric nature of the relationship.

Faculty and supervisors should be aware that engaging in consensual relationships with students or employees they supervise could make them liable for formal action. Even when both parties have consented to the development of such a relationship, it is the faculty member or supervisor who, by virtue of his or her special responsibility, may be held accountable for unprofessional behavior. Complaints alleging discrimination/harassment, as defined above, may be filed by either party to the consensual relationship or by an aggrieved party outside the relationship.

University administrators, supervisors, faculty members, and others performing instructional or academic advising duties have an added responsibility to create and maintain a work and learning environment free of discrimination/harassment.

If an administrator, supervisor, or faculty member becomes aware of an incident that might reasonably be construed as constituting discrimination/harassment, he or she must take immediate steps to address the matter. In such cases, the administrator, supervisor, or faculty member should promptly contact the Office of Equity and Access in the Department of Human Resources to coordinate any further action that may be necessary.

Administrators, supervisors and faculty members should act whenever they learn - directly or indirectly - about discrimination/harassment. This obligation exists even if the complainant requests that no action be taken. It is not the responsibility of the complainant to correct the situation.

Administrators, supervisors, and faculty members have the legal responsibility to protect a complainant from continued discrimination, harassment, or retaliation. They must also protect persons accused of discrimination/harassment from potential damage by false allegations. Administrators and supervisors will be held accountable for dealing with and taking necessary steps to prevent discrimination/harassment.

Administrators and supervisors are responsible for informing their employees and students of this policy.

For additional information, including procedures to follow when concerns or questions about discrimination/harassment arise, contact the [Office of Equity and Access](#) in the Department of Human Resources.

## **2.7.8 Policies Related to Electronic Communications**

### **2.7.8.1 Privacy of Electronic Communications**

Human resource policy 1.75 of the Commonwealth of Virginia states, “no user should have any expectation of privacy in any message, file, image, or data created, sent, retrieved, or received by use of the commonwealth’s equipment and/or access.” A policy defining the balance between the university’s business needs and respect for employees’ freedom of inquiry has been established to guide actions of managers in certain situations and to clarify expectations for all employees about when and how the university may access employees’ communications.

Virginia Tech requires all employees to obey applicable policies and laws in the use of university computing and communications technologies.

The university does not routinely monitor or access the content of electronic communications, computer files, or voice mail of its employees, whether stored on university equipment or in transit on the university network. Content of employees’ electronic communications or files are not accessed during the execution of systems support, network performance, and related security functions.

However, monitoring or access may be necessary under certain circumstances. Legal or administrative circumstances where monitoring and/or access may occur without further authorization are communications or files required to be released by law, by orders of a court, or requested in accordance with the Virginia Freedom of Information Act; approved internal audit reviews; resolution of technical problems, emergency situations involving an imminent threat of irreparable harm to persons or property; and resources assigned to a group or publicly available to any user.

If routine monitoring or the examination of employee electronic communications or files are an essential part of the work environment, the department must develop and maintain a clearly written operating policy that is regularly disseminated to the affected employees. Affected employees must be given an opportunity to comment during the development or major revision of such a policy. Prior written approval of such departmental policies is required from the relevant dean or senior manager.

Authorization for non-law enforcement university personnel to monitor or access electronic communications or files of employees is not granted casually. Such authorization requires justification based on reasonable business needs or reasonably substantiated allegations of

violation of law or policy on the part of the employee. In carrying out retrieval of files or information, due respect should be accorded to confidential or personal information and legally protected files.

Requests for authorization to monitor or review electronic communications or files because of allegations of violations of policy or law by faculty or staff members may originate with supervisors. They may also originate with an investigatory authority such as the Office of Equity and Access investigating a claim of sexual harassment. Requests must be made in writing and include the rationale for the request, a description of the information or files to be accessed or retrieved, and the proposed handling and disposition of the files. In such cases, the relevant dean, senior manager (including vice presidents), or higher-level authority may grant authorization if needed.

The senior manager who is asked to consider authorization for monitoring or reviewing the electronic communications or files of an employee must use his or her best professional judgment in determining if there exists reasonable grounds to grant such authorization, with consideration given to the surrounding circumstances and environment. The senior manager maintains confidentiality in such a situation. He or she is encouraged to consult with University Legal Counsel or the Department of Human Resources in determining whether to authorize monitoring or review, and in determining if the affected employee or anyone else should be notified that the monitoring or review is taking place.

Where there is a reasonable need for access to business or educational documents and the employee is unavailable, authorization to access that employee's electronic communications should be provided by the department head/chair or director, or next higher authority. Whenever possible, the employee should be informed and asked to help obtain the needed business materials. If that help is not reasonably available, then other steps should be considered to respect the confidential or personal nature of any other materials present. The employee is promptly notified of the access and the nature of the documents or communications reviewed or obtained.

### **2.7.8.2 Guidelines for Acceptable Use of Information Systems**

Access to computer systems and networks owned or operated by Virginia Tech imposes certain responsibilities and obligations and is granted subject to university policies, and local, state, and federal laws. Acceptable use is always ethical, reflects academic honesty, and shows restraint in the consumption of shared resources. It demonstrates respect for intellectual property, ownership of data, system security mechanisms, and individuals' rights to privacy and to freedom from intimidation, harassment, and unwarranted annoyance. Please consult the [acceptable use of information systems website and University Policy 7000](#) "Acceptable Use and Administration of Computer and Communication Systems."

In making acceptable use of resources you must use resources only for authorized purposes; protect your user ID and system from unauthorized use (you are responsible for all activities on your user ID or that originate from your system); access only files and data that are your own, that are publicly available, or to which you have been given authorized access; use only legal

versions of copyrighted software in compliance with vendor license requirements; and be considerate in your use of shared resources. Refrain from monopolizing systems, overloading networks with excessive data, or wasting computer time, connect time, disk space, printer paper, manuals, or other resources.

In making acceptable use of resources you must not use another person's system, user ID, password, files, or data without permission; use computer programs to decode passwords or access control information; attempt to circumvent or subvert system or network security measures; engage in any activity that might be harmful to systems or to any information stored thereon, such as creating or propagating viruses, disrupting services, or damaging files; use university systems for commercial or partisan political purposes, such as using electronic mail to circulate advertising for products or for political candidates; make or use illegal copies of copyrighted software, store such copies on university systems, or transmit them over university networks; use mail or messaging services to harass, intimidate, or otherwise annoy another person, for example, by broadcasting unsolicited messages or sending unwanted mail; waste computing resources, for example, by intentionally placing a program in an endless loop, printing excessive amounts of paper, or sending chain letters; use the university's systems or networks for personal gain; for example, by selling access to your user ID or to university systems or networks, or by performing work for profit with university resources in a manner not authorized by the university; or engage in any other activity that does not comply with the general principles presented above.

The university considers any violation of acceptable use principles or guidelines to be a serious offense and reserves the right to copy and examine any files or information resident on university systems allegedly related to unacceptable use. Violators are subject to disciplinary action as prescribed in the honor codes and the student and employee handbooks. Offenders also may be prosecuted under laws including (but not limited to) the Communications Act of 1934 (amended), the Privacy Protection Act of 1974, the Computer Fraud and Abuse Act of 1986, the Computer Virus Eradication Act of 1989, Interstate Transportation of Stolen Property, the Virginia Computer Crimes Act, and the Electronic Communications Privacy Act.

### **2.7.9 Policy on Misconduct in Research**

The university endorses high ethical standards in conducting research to ensure public trust in the integrity of research results. The university recognizes that deception in research erodes the credibility of an institution and the confidence of those who might benefit from the research. The university takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research and research training (and activities related to that research or research training), discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct. The [Research Integrity Office](#) offers additional information. Chapter 10 of this handbook includes additional information and procedures regarding misconduct in research.

## **2.8 Advanced Study at Virginia Tech**



Virginia Tech encourages and supports the continuing and advanced education of its faculty and staff. Educational leave to pursue a degree elsewhere is one option available to faculty. In addition, faculty may enroll for credit courses or degree programs at Virginia Tech. The program is administered under the provisions of the general appropriations act and operates under certain constraints imposed by the state policy on educational aid to state employees.

The following provisions apply to full-time salaried faculty (including administrative and professional faculty and research faculty) who wish to take courses at Virginia Tech. Part-time salaried faculty are eligible for a partial tuition benefit. Only courses or degree programs approved in advance by the faculty member's department head/chair or supervisor are eligible for tuition waiver or reimbursement. Enrollment should not impede the usual work schedule of the department. Time spent attending class during usual work hours must be made up under a plan approved by the head or supervisor, unless the course is a work-related course required by the university.

Faculty who take courses must meet all admissions requirements, registration, and payment deadlines, just as any other student. Application for admission must be made and approval granted by the graduate school prior to the waiver of tuition for classes. If approved by the department head, faculty may register for credit or audit a total of 12 credit hours per calendar year with no more than six credit hours taken in any enrollment period—fall, spring, summer I, or summer II. (The year begins with fall term and ends with summer II.) Additional hours may be taken outside the normal work schedule with the employee paying all applicable fees in excess of those allowable for tuition waiver or reimbursement.

The university adopted policy memorandum 19, "Clarification on Faculty Earning Degrees at the University," that instructional faculty members of the rank of assistant professor or above are not eligible to become candidates for a degree or to earn an additional degree at this institution. The policy is designed to avoid the awkwardness of faculty members evaluating their colleagues in the fulfillment of degree requirements. This policy may be waived on a case-by-case basis through appeal to the Commission on Faculty Affairs (CFA). CFA may find and recommend to the Office of the Senior Vice President and Provost that in a specific case the purpose of the policy is not contradicted. This policy does not apply to degree-seeking administrative and professional faculty, or non-instructional research faculty.

## **2.9 Leaves**

Several types of approved leave, with or without salary, are available to faculty members. Unapproved absence from assigned duties, which is not covered by an approved or earned leave, is subject to a subsequent adjustment in pay.

When collegiate faculty members are absent during the academic year to attend meetings or consult about research funding, etc., and when these absences take fewer than five days, the department head or chair is the principal approving officer and is responsible for ensuring the adequate coverage of the duties of the absent colleague. An absence of up to two weeks is managed entirely within the college and requires the approval of the department head or chair and the dean. But, absences beyond two weeks must be forwarded through the department head



or chair and dean to the provost for review and approval. A determination is made about the necessity of a leave of absence without pay or a change of duty station with pay for university approved activities away from the home location (see chapter two “Change of Duty Station and Special Leave”).

### **2.9.1 Leave Report**

Salaried faculty and staff use the university leave and work report to record all types of leave. A summary of leave policies and detailed procedures to complete the report is available on the [Department of Human Resources website](#).

Calendar year faculty are required to submit leave reports in a timely manner during any leave period in which leave is used and are to submit leave periods six and 12 for financial reporting purposes. Department heads may require leave reports to be submitted monthly by all faculty.

Regular calendar-year faculty members are eligible to donate annual leave hours to the leave sharing program. Under state policy, only full-time and part-time salaried staff employees may be recipients of leave sharing.

### **2.9.2 Educational Leave**

Leaves of absence on partial salary (not to exceed one-half salary) may be granted to faculty members for educational purposes. Such leaves are granted for formal educational advancement ordinarily leading to an advanced degree from another institution, which is of demonstrable benefit to the university and to the faculty member.

The leave is granted only if satisfactory arrangements can be made for effective continuation of the relevant program. Only that fraction of a position not supported by the partial salary of the leave is available for the appointment of a replacement faculty member during the period of the leave. Educational leaves ordinarily are granted for periods of one year or less. If the program of study is completed, or if the faculty member ceases active participation in that program, before the ending date of the approved leave, the faculty member immediately returns to full employment or resigns employment. Application should be made to the provost or vice president for administration, depending upon the reporting structure, on recommendation of the department head or chair and dean (or appropriate administrator).

On approval of educational leave with partial pay, the faculty member must sign a memorandum of agreement, which obligates the faculty member to return to full employment in the university for a period twice the time of the approved leave or to repay the university the salary received plus interest. If a leave recipient returns to the university, but resigns before completing that obligation, the salary repayment is prorated.

Policies governing advanced study at Virginia Tech without leave are covered in “Advanced Study at Virginia Tech.”

### **2.9.3 Military Leave**

Military leave is available to all faculty members, including those on restricted, wage, or adjunct appointments. Faculty members are eligible for leave with pay for 15 days including an additional day for a physical in a federal fiscal year (October 1 through September 30) for military duty, including training, if they are members of any reserve component of the Armed Forces or the National Guard. Fifteen days of paid military leave plus an additional day for a physical is the maximum allowable for one tour of duty, even when that tour encompasses more than one federal fiscal year. Employees may use accrued annual leave to continue their pay while on military leave. Employees are granted unconditional leave without pay for the duty indicated in their military orders that is not covered by military leave with pay. To qualify for military leave, faculty members must furnish their department head or chair and the Department of Human Resources with copies of their orders.

Employees are reinstated to their previous positions or to positions comparable to their previous positions provided that certain conditions are met. Requests for reinstatement must be made to the Department of Human Resources and should state that the individual is seeking reinstatement to employment upon return from military service. If the military leave was for a period of 31 to 180 days, the employee must apply for reinstatement within 14 days of discharge. If the military leave was for a period of 181 days or more, the employee must apply for reinstatement within 90 days of discharge. Contact the Department of Human Resources for a full description of military leave benefits and conditions, and guidance on all requests for military leave and/or reinstatement.

### **2.9.4 Administrative Leave**

If a faculty member is called for jury duty, subpoenaed, or summonsed to appear in court, this absence may be charged to administrative leave, except when he or she is a defendant in a criminal or civil case. This leave should be requested before it is taken. Any time spent in court as a defendant in a criminal or civil case must be charged to annual leave, overtime leave, compensatory leave, or leave without pay. Faculty members receive full pay for administrative leave, provided a copy of the subpoena or other supporting document accompanies the leave report.

Administrative leave with pay is not granted for more time than actually required for the purpose for which it is taken. Any additional administrative leave time taken on the same day must be charged to leave without pay or appropriate leave balances and reported on the monthly leave report.

Faculty members are granted administrative leave to attend work-related hearings as a witness under subpoena or regarding a personal claim. Administrative leave may be used when called to serve on councils, commissions, boards, or committees of the commonwealth. If a faculty member is serving as an official representative of the university, then administrative leave is not used. The service time is treated as part of the faculty member's regular work hours.

### **2.9.5 Annual Leave and Holidays**

Instructional and research faculty members on academic year appointments do not earn or accrue annual leave. Regular administrative and professional (A/P) faculty members on academic year appointment earn annual leave only during the period of their appointment at the same rate as regular A/P faculty members on calendar year appointment. Faculty members on calendar year appointments earn two days (16 hours) of annual leave credit per month in accordance with [leave policies](#); after 20 years of continuous employment by the commonwealth, 18 hours of annual leave are earned per month. Faculty members on research extended appointments earn annual leave proportional to their appointments. However, unused annual leave will not be compensated at the time of reconversion or separation for faculty on research extended appointments or restricted appointments.

All faculty members who earn annual leave are expected to record the appropriate leave type on the monthly leave report if they do not work during the academic breaks. Use of annual leave requires the advance approval of the department head/chair or supervisor.

Faculty members on calendar year appointments, who are on regular appointment, may carry forward accrued annual leave to a maximum of 36 days (288 hours) at the beginning of each calendar year or may be paid up to the maximum on termination of employment. After 20 years of service, the maximum accrued leave carried forward or paid upon separation becomes 42 days (336 hours).

Annual leave must be credited before it is used. Holidays observed by university faculty members are New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Thanksgiving Day and the day following, Christmas Day, and other holidays that may be designated by the governor. If faculty members are required to work on these days due to extenuating circumstances as determined by the supervisor, or if they are designated as emergency personnel, they may take compensatory days off later, but compensatory days do not accrue as earned annual leave.

The university closes between December 25 and January 1 each year. Twelve-month faculty (and those on research extended appointments earning leave), research faculty, and administrative and professional faculty must use annual or other appropriate leave balances to cover the days not worked that have not been designated as official holidays or additional days designated as holidays by the governor.

Faculty members with accrued annual leave who temporarily change their status (for example, going on leave without pay or changing to a part-time appointment for a short period of time) should contact the Department of Human Resources to discuss their options and indicate their preference for either payout of their leave balance or retention of their leave balance until they resume full-time status. Calendar year faculty on study-research assignment earn annual leave at a rate that is half their usual annual leave earnings.

Regular calendar-year faculty members are eligible to donate annual leave hours to the leave sharing program. Under state policy, only full-time and part-time salaried staff employees may be recipients of leave sharing.

## **2.9.6 Sick Leave**

Faculty members in regular salaried positions are ordinarily eligible for limited sick leave at full pay under a policy approved by the Board of Visitors in July 1981. Under this policy, eligible faculty members have immediate protection of 26 weeks of sick leave. On return from sick leave, reaccrual to a maximum of 26 weeks takes place at the rate of one week of sick leave for each two weeks of full-time work. Isolated minor illnesses extending over a maximum of 10 days are handled at the department level with the cooperation of faculty colleagues for the covering of necessary duties. Sick leave must be recorded for absences exceeding 10 days in duration. Faculty members are strongly encouraged to record use of sick leave, even when in increments of less than 10 days. Ability to document the onset of illness can provide critical financial protection for faculty members ultimately needing long-term disability. Provision is made for prorated sick leave when partial resumption of duties can be undertaken. However, reaccrual does not begin until full-time service resumes. Faculty members whose appointments began on or after September 1, 1981, are subject to this policy.

Faculty members whose appointments began before September 1, 1981, had the option of selecting the above policy or continuing coverage under the previously existing sick leave policy. Under that policy, sick leave is accrued at the rate of 15 days (120 hours) per calendar year with no maximum accrued limitation. Sick leave credit is not given for service of less than one-half month; leave cannot be granted before it is earned. All faculty members on restricted appointment have coverage under this previously existing sick leave policy.

Faculty members in full-time restricted salary positions receive 10 hours per month of sick leave. Faculty on part-time restricted appointments earn sick leave based on their percentage of employment.

In 1999, state employees in regular or restricted positions, who were participants under the Virginia Retirement System (VRS), could choose to enroll in the Virginia Sickness and Disability Program (VSDP). VSDP provides employees with a minimum of 64 hours of sick leave and 32 hours of family/personal leave annually. These hours are replenished each year, but do not carry over. In addition, VSDP provides salary continuation during periods of short-term disability up to six months and long-term disability to age 65 or later depending on age at the time of disability.

The sick leave plans do not provide for compensation for unused sick leave upon termination.

Under all policies, sick leave may be used for illness, accidents, and pregnancy-related conditions. Faculty under the first two plans may use sick leave for family emergencies. (For more information on leave for family emergencies and pregnancy-related conditions, see sections below on the Family Medical Leave Act and family leave.) The university may require certification of the medical necessity of the period of absence from work due to illness, accident, or pregnancy-related condition. Certification, when required, is requested from the attending health care provider and/or a health care provider designated by the university.

Faculty on academic year appointments are not covered during the period of a summer appointment under any sick leave policy. Faculty positions are not released for replacement purposes because of sick leave; authorization by the dean is necessary when replacement is needed.

Full details of all sick leave policies and procedures, including eligibility, are available from the Department of Human Resources.

### **2.9.7 Family Leave**

The university recognizes that faculty members have family responsibilities that may make extraordinary claims on their time, making it difficult to carry out fully their responsibilities. Department heads or chairs, deans, and other supervisory personnel are urged to be as flexible as possible within existing University Policy in responding to the need for leave or temporary adjustment of duties for family-related reasons.

Paid sick leave is available for pregnancy-related medical conditions, childbirth, and recovery. The length of time charged to sick leave varies and is based on the recommendation of a physician. Sick leave may also be used for family emergencies. Leave for this purpose is restricted to a total of 10 days (80 hours) during a calendar year for absence necessitated by the serious illness or death of a family member or any individual residing in the same household. Use of such leave must be recorded through the regular leave reporting system so that total usage during the period can be monitored. Restricted faculty may use 80 hours of their earned sick leave or annual leave for these purposes.

#### **2.9.7.1 Family Medical Leave Act (FMLA)**

Federal law (Family Medical Leave Act) guarantees employees a minimum period of 12 workweeks of leave during a year for family care if they have been employed at Virginia Tech for at least 12 months and if they have worked at least 1,250 hours during the previous 12 months. The time frame for calculating a year is measured forward from the date the employee is approved for FMLA. Accrued sick and annual leave may be used, as appropriate; the use of paid leave should be concurrent with the approved FMLA period (i.e., run concurrently). The remainder of the 12-workweek leave period is leave without pay. The faculty member may request a longer period of leave without pay as suggested in the following section, which requires approval of the department head or chair, dean or vice president, and senior administrator. Adjunct faculty are eligible for unpaid leave under FMLA if they meet the minimum employment requirements.

Eligible faculty are granted unpaid family or medical leave for one or more of the following: birth of a child; placement of a child with the faculty member for adoption or foster care; the care of an immediate family member (child, spouse, parent) who has a serious health condition; or a serious health condition that makes the faculty member unable to perform the function of his or her position. Prior to leave approval, the department head or chair may require documentation of the health condition necessitating care of a family member by the employee or the employee's own health condition.

The period of up to 12 workweeks of family leave for purposes of birth or adoption may be taken intermittently or on a reduced schedule if the faculty member and department head or chair agree and it does not create an undue hardship on the program or project. In the case of medical leave because of a faculty illness or illness of a family member, leave may be taken intermittently or on a reduced schedule when medically necessary. The department head or chair may require documentation of such medical necessity. The department head or chair may reassign responsibilities or transfer the faculty member to another position with the same salary in order to accommodate the intermittent or reduced leave schedule.

On return from leave, the faculty member returns to the same position or an equivalent position with the same benefits and salary at the time leave was taken. There is no accrual of additional sick or annual leave during the leave without pay period taken, or service toward the minimum six-year requirement for consideration for research-study leave. However, if the requested amount of leave extends beyond the term of appointment of a restricted faculty member or wage/adjunct employee and reappointment is not anticipated, the department head or chair is not required to maintain the position of the faculty member on leave beyond the original termination date. The request for family or medical leave shall not constitute sufficient reason for non-reappointment, termination, or other retaliatory action.

Eligibility for family leave for the purpose of birth or adoption expires at the end of the 12-month period beginning on the date of birth or placement. The faculty member gives the department head or chair at least 30 days' notice regardless of reason, whenever practicable. If leave is requested for care of a family member, documentation of the serious health condition necessitating care by the faculty member may be required.

Benefits are continued for full-time employees in accordance with state personnel policies and the federal Family and Medical Leave Act of 1993. For detailed information on which benefits will be continued for what period, faculty members should contact the Department of Human Resources. The procedures for requesting FMLA are available at the Department of Human Resources. Unlike some other leave types, the employee and medical professionals must complete specific forms.

#### **2.9.7.2 Additional Faculty Leave Benefits for Faculty on Regular, Salaried Appointments**

President's Policy Memorandum 189, "Modification of Family Sick Leave Policy" provides family leave benefits greater than the minimum guarantees set forth in the FMLA for faculty on regular, salaried (non-restricted) appointments. In addition to any paid sick leave used for pregnancy, childbirth, and recovery, up to 10 days of paid family leave may be used by either parent at the birth of a child or at the time of adoption. (If both parents are eligible Virginia Tech faculty members, then both may request and receive 10 days of leave.) This leave is also available to faculty who are under the Virginia Sickness and Disability Program (VSDP). Use of such leave must be recorded through the regular leave reporting system so that total usage during the period can be monitored. Calendar year faculty may use annual leave to extend the paid leave period for childbirth, adoption, or family care.

Faculty members on regular, salaried appointments wishing or requiring an extended period of time for child or family care may be granted leave without pay for up to one year (academic year or calendar year depending on type of appointment) thereby guaranteeing their job during the period of leave. A second year of leave without pay may be requested and approved in unusual cases (see chapter two “Leave Without Pay” for terms and conditions). Sick leave and accrued annual leave if appropriate and applicable may be used prior to leave without pay.

It is in the university’s interest to help employees combine new parenthood (or other temporary extraordinary family obligations) and employment when possible and preferred by the faculty member over a full leave from the university. Regular faculty members who find that they cannot carry on their usual university duties in the usual manner and fulfill their family obligations at the same time may request consideration for part-time employment at proportional pay. Assigned responsibilities for a part-time load vary depending on the needs of both the individual and department. Expectations for learning, discovery, engagement, and committee assignments should be discussed in advance with the head or supervisor. The department head or chair may require the faculty member to be assigned different responsibilities or transferred to another position at the same salary in order to accommodate the intermittent leave or reduced schedule.

Probationary faculty moving to part-time status for the purposes of child or family care receive an extension of the mandatory tenure or continued appointment review date, consistent with sections in chapter three “Extending the Tenure Clock” and chapter four “Extending the Continued Appointment Clock.”

Department heads/chairs and supervisors should be sensitive and responsive where possible in establishing work hours, course and committee scheduling, and other aspects of employment for faculty members who are new parents or who are experiencing temporary extraordinary family obligations.

A one-year probationary period extension is automatically granted to either parent (or both, if both parents are tenure-track or continued appointment-track faculty members) in recognition of the demands of caring for a newborn child or a child under five newly placed for adoption or foster care. The request should be made within a year of the child’s arrival in the family.

An extension of the probationary period may also be approved on a discretionary basis for other extenuating non-professional circumstances that have had a significant impact on the faculty member’s productivity, such as a serious personal illness or major illness of a member of the immediate family (see chapter three “Extending the Tenure Clock” and chapter four “Extending the Continued Appointment Clock”).

### **2.9.8 Leave Without Pay**

Faculty members wishing to take leave from their duties without salary may request such leave from the provost or vice president for administration, depending upon the reporting structure, on the recommendation of the department head or chair and the dean (or appropriate administrator). The period of requested leave cannot exceed two years. The request must be made with sufficient notice to allow time to secure a qualified replacement. The request should include the reason for

the leave, whether for personal reasons or because of opportunity for further professional development.

When approval of a leave is granted, a date is specified by which any request for extension of the leave or notification of intent not to return to the university at the conclusion of the leave must be received. The granting of the leave or of any extension is dependent on the interests of the university and those of the faculty member. Consult with the Department of Human Resources to determine what benefits may be purchased.

### **2.9.9 Disaster Relief Leave**

Department heads or chairs may grant release time to faculty when they are formally called to provide disaster relief services because of their specialized skill or training. Release time for faculty is not recorded in the leave system. For audit purposes, record of time off should be noted in the faculty member's departmental file, along with the written request.

### **2.10 Change of Duty Station or Special Leave**

Absence from campus or the home work location for a period of more than two weeks while carrying out university-approved activities is called change of duty station or special leave. A change of duty station may be approved in instances such as grant responsibilities, opportunity of a prestigious fellowship in residence at another institution, or similar activities of benefit to the individual faculty member and the university. When such absences involve salary payment by university general funds, either in full or in part, approval of the provost or vice president for administration, depending upon the reporting structure, on recommendation of the department head or chair and dean (or appropriate administrator) is required. Such authorization is not granted for longer than one semester. The host institution, agency, or sponsored project is expected to make a significant contribution toward the cost of the faculty member's salary and/or benefits. The provost or the vice president for administration determines whether a change of duty station involving institutional salary support or leave without pay is appropriate to the circumstances.

### **2.11 Retirement, Resignation, and Non-Reappointment**

#### **2.11.1 Retirement**

State law prohibits mandatory retirement on the basis of age alone. There is no mandatory retirement age for university faculty and staff.

##### **2.11.1.1 Retirement Transition Program for Faculty with Tenure or Continued Appointment**

Tenured faculty members (or those with a continued appointment in the library or Virginia Cooperative Extension) who are at least 60 years of age and have at least 10 years full-time service at Virginia Tech are eligible for the faculty retirement transition program. The program



has two major benefits: employer-paid medical benefits to age 65 and, where mutually agreeable, part-time employment following retirement.

### **2.11.2 Resignation**

Faculty members wishing to resign should give notice as far in advance as possible. Faculty members with instructional responsibilities are expected to provide notice of at least one full academic semester. The minimum acceptable notice for tenured, tenure-track, or non-tenure-track instructional faculty members without an instructional assignment is three months.

### **2.11.3 Non-Reappointment**

In the cases of faculty members on temporary or restricted appointments for which there is no indicated opportunity for reappointment, the letter of appointment also serves as notice of the termination of employment. The appointment is discontinued unless notified otherwise.

Research faculty members are ordinarily on restricted appointments for a fixed period because of limitations of external funding. Reappointments may be possible if such funding is renewed, but should not be assumed.

The decision not to reappoint a faculty member on a regular appointment may stem from many factors beyond unsatisfactory service, such as modification of programmatic emphasis, enrollment trends, a change in the nature of the position, or simply the intention to seek an appointee with superior qualifications or stronger potential for professional development. Non-reappointment does not require establishment or documentation of just cause.

#### **2.11.3.1 Non-Reappointment for Faculty on Tenure-Track or Continued Appointment-Track**

Faculty members on probationary term appointments should make no presumption of reappointment, including reappointment with tenure. Non-reappointment may be determined by the department head or chair in consultation with the dean and with the advice of a departmental personnel committee or faculty development committee.

Faculty members on probationary term appointments that will not be renewed are given notice of non-reappointment in writing within the following time limits:

- First year of employment (one-year term appointment)—February 9 of academic year or three months before end of employment year;
- Second year of employment—November 9 of the academic year or six months before end of employment year;
- Subsequent years—12 months before end of employment year (May 9 for academic year appointments).

#### **2.11.3.2 Non-Reappointment for Non-Tenure-Track Instructional Faculty on Regular Appointments**

Notice of non-reappointment for non-tenure-track faculty members on regular appointments is:

- At least three months before the end of the current contract for those who have been in regular appointments for less than two years;
- At least one semester before the end of the current contract for those on academic year appointments (or six months for those on a calendar year appointment) for those who have been in regular appointments for two years up to five years;
- At least one year before the end of the current contract for those on regular appointments for five years or more (May 9 for academic year appointments).

### **2.11.3.3 Non-Reappointment for Research Faculty on Regular Appointments**

Notice of non-reappointment for research faculty on regular appointments is:

- At least three months for those who have been in regular appointments for less than two years;
- At least six months for those who have been in regular appointments for two years or more;
- For those research faculty appointed to regular positions before March 2001, the notice of reappointment is 12 months.

### **2.11.3.4 Non-Reappointment for Administrative and Professional Faculty on Regular Appointments**

Notice of non-reappointment for administrative and professional faculty on regular appointments is:

- At least three months before the expiration of an initial one-year appointment (for example, if the effective date of an initial one-year appointment was July 1, then written notice of non-reappointment must be made by March 31 for termination effective June 30);
- At least six months for administrative and professional faculty who have been employed by the university for more than one year, but less than two years;
- At least 12 months for administrative and professional faculty members who have been at the university two years or more.

### **2.11.4 Unclaimed Personal Property**

All personal property—tangible, intangible, electronic, or other personal property—is removed by close of business on the faculty member's final day of employment at Virginia Tech. Unless prior approval is granted, the university is not responsible for keeping or maintaining personal property left by the faculty member. The university accepts no liability for lost, damaged, or destroyed personal property.

A departing faculty member may request permission to store his or her personal property beyond the last day of employment. The following stipulations apply: (1) the request to store personal property must be submitted prior to the last day of employment, (2) such a request must be

submitted to the department head or authorized supervisor, and (3) the department head or authorized supervisor has absolute discretion in approving or denying the request.

## **2.12 Reduction in Force**

Termination refers to the involuntary cessation of employment of a tenured or continued appointment faculty member or of a faculty member on a fixed-term appointment before the end of the term. Termination takes place only as dismissal for adequate cause or in the case of a reduction in force.

Furlough refers to the involuntary interruption of employment of a tenured or continued appointment faculty member or of a faculty member on a fixed-term appointment before the end of the term. This differs from termination in that it conveys an intention of the university to reappoint affected faculty members within some reasonable period if circumstances permit.

A reduction in force is the termination or interruption of employment of a member of the general faculty under conditions of financial exigency or program reduction. Reduction in personnel by attrition, freezes on new hiring, across-the-board reductions of salaries and/or teaching schedules, and the offering of incentives for early retirement, whether at the program level or institution-wide, are not considered reductions in force. Rather, they are lesser remedies that may be implemented before any reduction in force.

Denial of tenure to an untenured faculty member or non-renewal of appointment of an untenured faculty member on probationary appointment, or non-renewal of appointment of an untenured member of the administrative and professional faculty, where usual procedures have been affected in each instance, is not considered a termination within the meaning of this policy.

For the purpose of the procedures outlined below, seniority refers to the number of years served at this university by a member of the general faculty in tenured, tenure-track, or functionally equivalent positions. Service need not be continuous to contribute to an individual's seniority. Years of service include those during which a faculty member is employed at least half time. Years during which a faculty member is employed less than half time will not count toward years of service for purposes of this section.

### **2.12.1 Reduction in Force Under Conditions of Financial Exigency**

Reductions in force (RIF) may occur when financial conditions disallow the usual operation of programs. While the university has a right to initiate reductions in force, including those affecting tenured faculty, it is the policy of the university (to the extent consistent with the degree of financial exigency) to ensure that the rights of tenure or continued appointment are preserved; to ensure that the integrity of the university and its programs is preserved; to protect the contractual expectations of untenured faculty; to provide that the burden of corrective action is shared by the various categories of personnel of the university, including all members of the general faculty; and to ensure that any reductions that do occur follow an orderly and predictable process.

A financial exigency is an imminent financial crisis that threatens the survival of the university and that cannot be alleviated by ordinary budgeting practices. Reductions in force in response to conditions of financial exigency are determined and implemented as follows:

**Declaration of a state of financial exigency:** Should the president determine that so extraordinary a circumstance has arisen or is anticipated that it might be necessary to terminate or interrupt the appointments of faculty members, the president may declare a state of exigency. Upon such declaration, the president forms an ad hoc committee to review the budgetary situation and the president's plan for addressing it.

**Committee review:** The ad hoc committee is comprised of no fewer than nine members, a majority of whom are faculty members nominated by the Faculty Senate. This includes at least one representative from each college. Where a RIF may affect the extra-collegiate faculty, at least one representative from that faculty should also be selected to serve on the committee. Any person who resigns from or otherwise discontinues his or her service on the committee is replaced by a new member chosen in the same manner as was the individual being replaced, and such replacement members are so selected that each college and, where appropriate, the extra-collegiate faculty retain at least one representative. Within the constraints of time and circumstance, the committee reviews the proposal submitted by the president and any alternative remedies that are available, and recommends to the president a plan of action that may incorporate reductions in force of the administrative and support staff as well as the general faculty. The committee is charged with protecting both academic freedom and, insofar as circumstances permit, the presumption of continuous employment that tenure or continued appointment bestows, and considers as well the curricular needs and goals of the university and the effects of any anticipated actions on the future financial well-being of the institution.

**Determination of policy:** After receiving the recommendations of the ad hoc committee, the president determines the response of the university to the declared state of exigency. If the president's decision is substantially at variance with the recommendations of the committee with specific regard to the implementation of RIFs, the committee may, by majority vote, appeal the president's actions to the Board of Visitors. In all other matters, and in cases where the president's decision to carry out a reduction in force accords with the recommendations of the ad hoc committee, no such appeal is available. The ad hoc committee consults with the president and receives periodic reports until the state of exigency ends and the committee determines that the obligations of the university to furloughed or terminated faculty are met.

**Implementation:** Reductions in force are implemented either within specified programs or across the institution. Whenever a RIF is undertaken, it is guided by the following considerations:

- Insofar as circumstances permit, all temporary or part-time faculty members and those not holding tenured or tenure-track appointments or their functional equivalent are retained through the then-existing term of appointment.
- Insofar as circumstances permit, untenured faculty holding tenure-track appointments and library and other faculty holding probationary appointments are retained through the then-existing term of appointment. No tenure-track or functionally equivalent appointment is terminated or interrupted unless and until all appropriate temporary appointments are terminated. Where reductions in force of these personnel are required,

they are implemented in ascending order of rank and of seniority within rank. Whenever possible, the university provides notice of furlough or termination equivalent to that for non-reappointment schedule as set forth in “Non-Reappointment.”

- Except in the most extraordinary circumstances, all tenured faculty and those on continued appointment retain their positions. Where reductions in force of tenured or continued appointment personnel are required, they are implemented in ascending order of rank and of seniority within rank. Whenever possible, the university provides at least one year’s notice of furlough or termination.

**Notification:** The university provides written notification to all faculty affected by a RIF including: (a) a statement of the basis for its action, (b) a description of the manner in which the decision in question was reached, (c) a disclosure of the information and data on which the decision makers relied, (d) information regarding reappointment rights and process, and (e) information regarding procedures available for appealing the decision.

**Appeals:** The decision to furlough or terminate a member of the general faculty because of a reduction in force may be appealed in two ways.

- The affected individual may appeal through the grievance procedure specified in the relevant section of the Faculty Handbook.
- After consulting with the appropriate dean and an elected committee of faculty members from the affected program, the principal administrative officer of a program may appeal individual RIF decisions to the provost on programmatic grounds. Reductions in force of no more than one-quarter of the affected faculty in any program may be appealed in this manner.

**Replacement and Reappointment:** The university recognizes its obligation to reappoint personnel furloughed or terminated through a RIF insofar as circumstances permit within a reasonable period following such action. Accordingly, temporary personnel cannot replace a probationary term faculty member who has been furloughed or terminated through a reduction in force for a period of three years following that action. Similarly, temporary or probationary term personnel cannot replace a tenured or continued appointment faculty member who has been furloughed or terminated through a reduction in force for a period of five years following that action.

Rather, affected members of the general faculty are granted first refusal of re-established positions for which they are qualified, with positions offered in descending order of rank and seniority within rank whenever the number of qualified personnel exceeds the number of available positions. The university attempts to identify funds to enable the university to extend to affected faculty during these periods of three and five years, respectively, all health insurance benefits for which they would otherwise have qualified. On reaching age 70, or on declining at least one offer of employment in a position equivalent in tenure status, salary, and teaching load (as adjusted to reflect post-RIF changes in his or her department) to that which was terminated, each faculty member affected by a reduction in force forfeits all protections afforded by this paragraph.

For purposes of providing insurance benefits and implementing these reappointment procedures, the provost keeps the curriculum vitae and current address of each terminated or furloughed faculty member. Terminated or furloughed faculty have an obligation to maintain the accuracy and timeliness of these records; the failure to do so results in forfeiture of the protections afforded by this paragraph.

### **2.12.2 Reduction in Force for Academic Program Restructuring or Discontinuance**

Ordinarily, change to academic programs within the university is planned so that the appointments of faculty members are not compromised. Such changes are considered part of the ongoing evolution of academic programs and are subject to the usual procedures established by the colleges, relevant commissions, and the State Council of Higher Education for Virginia.

However, when extraordinary circumstances require more rapid change, it may be necessary to restructure or discontinue programs or departments in a way that leads to involuntary terminations or other alterations of appointments of faculty members with tenure or continued appointment. In such circumstances, the policy in this section applies.

It should be understood that any decision to restructure or discontinue academic programs in a way that alters faculty appointments is a university-wide responsibility and should be made to support the educational mission of the university as a whole. In all such circumstances, early and meaningful faculty participation is essential and fundamental to the process outlined in this policy.

The restructuring or discontinuing of one or more academic programs with the potential to invoke this policy may be initiated by the provost or president, by the college deans, by the collegiate faculties, or by an appropriately charged commission. If the provost determines that such restructuring or discontinuing of academic programs should be considered, a Steering Committee for Academic Restructuring, hereinafter referred to as the steering committee, is appointed as described below. The purpose of the steering committee is to evaluate and coordinate the proposed restructuring effort, and to ensure that the procedures in this section are followed.

The steering committee is composed of nine members determined jointly by the provost and the president of the Faculty Senate: two faculty members selected from the membership of the Commission on Faculty Affairs; two faculty members selected from the membership of the Commission on Undergraduate Studies and Policies; two faculty members selected from the membership of the Commission on Graduate Studies and Policies; one faculty member selected from the University Advisory Council on Strategic Budgeting and Planning; one member selected from nominations by the Faculty Senate; and the provost, or an administrative designee.

The steering committee elects a chair by vote of all members of the committee. The steering committee composition is intended to ensure that the expertise and perspectives of the relevant commissions are incorporated in the deliberations.

The provost initiates discussion of a proposed program restructuring or discontinuance with the steering committee, describing the need for the change, the proposed type and scope of restructuring effort, the educational rationale for the change, and an explanation of how it is consistent with the long-term goals of the university. If after these preliminary discussions and upon considering the advice of the steering committee, the provost decides to proceed, the provost prepares a more detailed proposal including identification of programs to be restructured or discontinued (or how they will be identified); timelines for development of specific plans by the affected programs and for the restructuring effort as a whole; and the estimated impact on the affected faculty, staff, and students, and on the university as a whole. If a budget reduction is involved, then reduction targets for any affected unit(s) must be included in the draft proposal.

The steering committee reviews the draft proposal and makes recommendations to the provost either to proceed with the proposal as written or with modifications, or to return it as insufficiently justified. The steering committee shares its recommendations with the university community.

The provost considers the steering committee's recommendations and makes every effort to develop a plan acceptable to the steering committee. If the provost decides to proceed, he or she directs the relevant dean(s) to prepare specific plans for the affected programs, based on guidelines in the following section. These plans identify which specific programs are to be reduced or eliminated; how the faculty, staff, and students will be affected; and how the rights, interests, and privileges of the faculty and staff members will be protected. If a budget reduction is involved, the specific plan must describe how the reduction targets will be met.

Under specific circumstances approved in advance by the provost and president, an option that may be available to the deans for meeting reduction targets is the Alternative Severance Option. The Alternative Severance Option (ASO) is described in chapter two.

The deans submit specific plans to the provost, who reconvenes the steering committee to oversee the review and comment process. All specific plans are made available to the university community for comment for a period of not less than three weeks. The relevant commissions (including the commissions on Staff Policies and Affairs and Administrative and Professional Faculty Affairs if such employees are affected) are also asked to review and comment on the plans. The steering committee receives all comments and makes recommendations to the provost; these recommendations are also shared with the university community at large. The president and Board of Visitors have final authority to approve and implement all plans. Notification to affected faculty does not proceed until final approval is given.

**Guidelines for Development of College Plans:** The relevant deans should develop specific plans by involving the faculty at all levels of decision-making. Staff members should be involved as appropriate.

College-level planning for programmatic reductions follows the guidance and intent of the plan reviewed by the steering committee and approved by the provost. For the purpose of developing the specific plans, an academic program should meet one or more of the following criteria: (a) has “program” as part of its title, (b) grants a degree or a credential, (c) has a sequence of courses

with a common prefix, or (d) has been identified as an academic program in official university documents. A program is generally smaller than a department and must be larger than the activities of a single faculty member.

If restructuring requires the termination of faculty members, then the following guidelines must be followed:

- When programs are identified for restructuring or discontinuance, all faculty assigned to the program, both tenured and untenured, are potentially subject to reassignment or termination.
- Within programs identified for restructuring or discontinuance, tenured faculty must not ordinarily be terminated before untenured faculty. Termination decisions within the tenured faculty as a group or within the untenured faculty as a group should be based on rank and merit.
- Faculty members on restricted or temporary appointments should be terminated before faculty members on regular appointments.
- The number of involuntary terminations of tenured faculty members should be minimized by providing incentives for resignation, retirement, or reassignment.

**Minimum Responsibilities to Individual Faculty Members:** The University recognizes its responsibility to faculty members if this policy is implemented. All plans to restructure academic programs guarantee the following to individual faculty members:

- Notice of termination: Faculty members with tenure or continued appointment whose positions are eliminated as part of restructuring are given notice of not less than three years. Administrative and professional faculty members shall be given at least 90 days' notice (see chapter seven "Non-Reappointment of Administrative and Professional Faculty on Restricted Appointments"). All other faculty members shall complete their current contracts or be given a one-year notice, whichever is less. In particular, notice of termination longer than the minimum specified above may be given to particular faculty members whose expertise is essential to closing out an academic program in which students are enrolled.
- Written notification: After final approval has been given for specific plans, written notification is provided to all faculty members whose appointments will be terminated or altered. The notification shall include a statement of the basis for its action, a description of the manner in which the decision was reached, a disclosure of the information and data on which the decision was based, and information regarding procedures available for appealing the decision.
- Transition assistance: Every effort is made to place affected faculty members with tenure or continued appointment in available openings in the university or to reassign them to continuing programs. Transition assistance may include training to qualify for placement in a related field if desired and appropriate. Where placement in another position is not possible, the university provides appropriate and reasonable career transition assistance such as clerical support, communications, office space, and outplacement services.
- Reappointment: In all cases of termination of appointment because of program reduction or discontinuance, the position of a faculty member with tenure or continued appointment cannot be filled by a replacement within a period of three years following separation



unless the released faculty member was first offered reinstatement and a reasonable time in which to accept or decline.

**Appeals:** A faculty member whose appointment is terminated or altered due to program reduction or discontinuance may file a grievance as outlined in the relevant section of the Faculty Handbook. Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section. Because faculty members, through the steering committee, are involved in the review and development of recommendations guiding the restructuring or discontinuance, the determination of which programs or departments are affected cannot be a basis for appeal.

## **2.13 Severance Benefits**

The university provides severance benefits for eligible faculty who are involuntarily separated due to budget reduction, agency reorganizations, or workforce downsizings for reasons unrelated to performance or conduct. Faculty hired on restricted appointments funded from sponsored contracts or grants, or term appointments with a specified ending date, regardless of funding source, are not eligible to receive severance benefits. Non-reappointments and voluntary resignations for any reason shall not be deemed “involuntary separation” for purposes of the severance policy.

### **2.13.1 Alternative Severance Option**

Under specific circumstances approved in advance by the provost and president, an Alternative Severance Option (ASO) may be available to eligible faculty. Severance of faculty members with tenure or continued appointment must be voluntary; no tenured faculty member can be required to participate. Tenure-track and continued appointment-track faculty members are not eligible, nor are restricted employees.

The premise for any severance payment rests on the rationale of business necessity to reduce personnel expenses. When such a situation occurs, deans and senior managers will be asked to define the business operations, academic programs, departments, or units where personnel reductions will occur. An approved business plan for each participating college or vice presidential area will describe the specific units and eligibility criteria for participation in the ASO or layoff substitution process. These plans will necessarily differ. Some college and senior management do not offer the ASO as a means to reach their budget reduction targets. Not all employees who are eligible will be selected to participate if more apply than are needed to address the reductions or if an individual employee serves a critical function. Eligible employees in units with approved business plans are notified if the option is available to them.

## **2.14 Consulting and Outside Employment**

### **2.14.1 Consulting Activities**

The university recognizes that consulting work for external entities enhances the professional development of faculty members and provides channels for communication and outreach not

otherwise available. For complete and updated information and forms consult the Conflict of Interest (COI) webpage maintained by the Office of the Vice President for Research.

This policy differentiates between external consulting and professional service activities as follows:

*External consulting* is professional activity related to an individual's area of expertise, where that individual generally receives compensation from a third party and is not acting as an agent of the university. Consulting may take many forms, but the guiding principle is that, in consulting, a person agrees to use his or her professional capabilities to further the agenda of a third party in return for an immediate or prospective gain. Even in cases without compensation, advance approval is required to document the proposed external activities and to ensure they do not constitute a conflict of commitment, or a conflict of interest where gifts of equipment or donations to the faculty member's laboratory may substitute for direct compensation. Provisions of the consulting policy also apply to external activities where the faculty member has a direct relationship to the external entity, such as personal or family ownership of the company. Consulting does not involve becoming an employee of the external entity.

*Professional service* includes service on national commissions, on boards of governmental agencies, on granting agency peer review panels, on visiting committees or advisory groups to other universities, on professional associations, and on analogous bodies. Professional service activities may involve a token honorarium and/or expense reimbursement. These activities are considered part of the faculty member's institutional responsibilities for participation in the larger scholarly academic community. Participation in external professional service activities may require supervisor approval depending on departmental practice and expectations of the position. Annual leave is not required.

Consulting arrangements may be entered into by faculty members during periods of university employment provided that:

- such advice is not part of their usual responsibility to the university and is not usually provided through Virginia Cooperative Extension, outreach programs, or other component of the university;
- the work undertaken contributes to their professional development;
- the work can be accomplished without interference with their assigned duties and does not ordinarily involve more than one day per week and does not exceed five days in any five-week period;
- university resources and facilities are not involved (except as described below in the use of university facilities policy); and
- written approval in advance is obtained from the faculty member's department head or chair, and dean or senior manager.

Faculty members whose appointments are funded in whole or in part by sponsored projects may participate in consulting when consistent with their responsibilities and in compliance with federal contract compliance and state regulations. University time available for consulting is in proportion to base salary funding from non-sponsored sources. With supervisor approval, additional consulting days may be charged to annual leave.

Consulting work should involve advisory services based on a faculty member's store of knowledge and experience in contrast to programs of research, development, or testing, which may interfere with the performance of the faculty member's duties or conflict with university interests.

In any faculty consulting arrangement, the name of the university must not be used in connection with any product or service developed as a result of such consulting nor in any connection arising out of the arrangement.

Paid consulting by faculty members is not permitted for work done for a group within the university. For example, if a faculty member advises or assists the principal investigator on a grant, there shall be no pay for the services. Such consulting is considered part of the usual duties of faculty members. Faculty members may be paid for participation in non-credit instruction offered through appropriate university units, such as Continuing and Professional Education or University Organizational and Professional Development, in accordance with overload payment policies in chapter two of the Faculty Handbook.

When a faculty member testifies as an expert witness, the following conditions apply: a disclaimer is given in court indicating that the faculty member is speaking as a professional and not as a representative of the university; when a faculty member is under subpoena, the university civil leave policies apply; and a faculty member may not testify in civil suits involving the Commonwealth of Virginia, except under subpoena.

Virginia Cooperative Extension employees should also be aware of specific policies covering faculty having federal appointments (These appear in chapters four and seven "Consulting Activities for Virginia Cooperative Extension Faculty").

Faculty members intending to do consulting work should also read the policy on use of university facilities. Except under the provisions specified in that policy, faculty members are not allowed to use university resources in conjunction with consulting or otherwise for private gain. This includes the parallel use of university facilities associated with consulting activities; i.e., when a faculty member is engaged in authorized consulting activities, the consulting employer may not enter into an agreement to use university resources for any purpose related to the consulting activity. Instead, when significant resources of the university are required, the employer may request that an agreement, grant, or contract be drawn with the university that provides the necessary services, including the Department of Human Resources. The faculty members then carry out duties attendant on the agreement as part of their assigned university duties. Because library facilities are made available to the public, their use in consulting is not regarded as being in contravention of this policy.

Because of the university's land-grant mission, it may be in the best interest of the university to impose some additional restrictions on the consulting activity of the faculty of one or more of the colleges. Therefore, an academic dean, after consulting with his or her faculty, may recommend to the provost that the faculty of that college need to satisfy additional requirements for consulting approval. The provost, after consulting with the Commission on Faculty Affairs, and

with the approval of the president and the Board of Visitors, may require that the faculty of the affected college satisfy such additional requirements.

Oversight of faculty consulting is a responsibility of the department heads or chairs and other relevant administrative officers of the university so that a reasonable and appropriate level of external activities is maintained and usual duties are not neglected.

A consulting request must be approved by the department head or chair and dean. Notice of approval is accomplished by returning a copy of the signed approved consulting request form to the faculty member (see related reporting forms available on the [Conflict of Interest](#) website maintained by the Office of the Vice President for Research). Further information on the conflict of interest policy appears below and on that website.

Approval of consulting or other external activities for faculty members holding nine-month appointments is not necessary during the summer unless there is concern about conflict of interest, or the university employs the faculty member during the consulting period. When the university employs the faculty member in the summer months, university and college consulting policies apply.

Setting the consulting fee is the prerogative of the faculty member. The actual or estimated consulting income is reported on the request form to allow reviewers a full assessment of potential financial conflicts of interest. Income received for consulting work is not considered when faculty members are evaluated for annual merit salary increases.

#### **2.14.2 Technical Assistance Program**

Consulting agreements may be negotiated by the individual faculty member and the sponsoring organization, not involving university participation in any way, or they may be negotiated as part of a technical assistance agreement through the university. The Technical Assistance Program was created as part of the university's outreach mission to respond to requests from business and industry for the application of knowledge to a specific process-related or technical situation.

Proposals for technical assistance are small scale (generally less than \$25,000), short-term, require a rapid response, and do not involve the generation of new knowledge or the development of intellectual property (Projects involving the generation of knowledge and/or faculty buyouts must be handled as sponsored projects). Contracts for technical assistance are negotiated and administered by the Division of Continuing and Professional Education.

Technical assistance contracts typically identify the faculty member who will provide the needed expertise, the amount of time to be devoted to the project, the scope and estimated cost of the work, timelines for the consulting or project, and any required deliverables.

Payment to the faculty member for such consulting is negotiable and provided through university payroll. Faculty earnings for technical assistance agreements must be within the overall limitation of 33 ⅓ percent of annual income during the academic year for nine-month faculty members; summer earnings from all university sources are also capped at an additional 33 ⅓ percent for academic year faculty members. Faculty members on calendar year appointments

may earn 33 ⅓ percent of annual income during the fiscal year. The earnings limitation is for payments from all university sources, including approved non-credit continuing education activities. Similarly, total time involved in technical assistance, other approved consulting, and non-credit teaching must be within the constraints of this policy.

For further information on technical assistance agreements, please contact the Division of Continuing and Professional Education. Completion and approval by the department head or chair and dean of a technical assistance agreement substitutes for approval of a Request to Engage in External Activity Form 13010A usually required for approval of consulting.

### **2.14.3 Outside Employment and External Activities Other Than Consulting**

Outside employment, not meeting the definition or intent of the consulting policy, requires prior approval of the supervisor and relevant university officials. Approval is contingent on assurance that the primary commitment to Virginia Tech will be fulfilled and that the proposed employment does not constitute a conflict of interest. Release time from university work is not usually available for paid activities that are primarily personal in nature, do not enhance the faculty member's professional skills, or that are not a potential benefit to the university. The faculty member must use pre-approved leave (or leave without pay) in cases where outside personal work creates a potential conflict with university responsibilities.

### **2.15 Conflict of Commitment**

A conflict of commitment arises when the external activities of a faculty member are so demanding of time, attention, or focus that they interfere with the individual's responsibilities to the university.

Faculty members have traditionally been allowed wide latitude in defining their professional agendas and their degree of involvement in external activities when those activities advance the mission or prestige of the university. The university encourages active participation by faculty members in external activities that are integral to and/or enhance their professional skills and standing or that constitute substantive outreach and public service activities.

Such activities are usually expected of faculty members to promote academic development, and to enrich their contributions to the institution, their profession, the state, and the national and world societies. Additionally, Virginia Tech encourages entrepreneurial activities by faculty, recognizing that such activities are critical to promoting economic development and meeting society's needs, provided that participation in those activities is in compliance with federal and state laws and policies, the Virginia Tech conflict of interest policy, and these guidelines.

Faculty members should make the fulfillment of their responsibilities to the university the focal point of their professional effort. They are expected to arrange their external activities so that they do not impede or compromise their university duties and responsibilities. Responsibility for ensuring commitment to the university and for reporting activities that might be perceived as compromising that commitment rests with each faculty member in consultation with his or her unit administrator (typically the department head or chair, or school or center director) and dean.

The university recognizes that the balance of external activities varies among individuals, from discipline to discipline, and from one type of proposed activity to another. That balance is affected by unit goals and changing needs for teaching, research, creative/artistic activities, extension, service, and outreach. Primary duties and responsibilities may vary from year to year for individual faculty members. Undergraduate and graduate enrollment demands, faculty-staffing levels, and changes in the nature and scope of outreach, teaching, and research within the unit may affect the primary duties and responsibilities of individual faculty. The primary judgment as to whether a faculty member is meeting his or her professional responsibilities to the unit rests with the department head and dean (or relevant senior manager).

If a faculty member is committed to engaging in an external activity that compromises his or her ability to meet university responsibilities, a leave of absence or a reduction in percent employment may be appropriate or necessary. Approval of a leave request or change in appointment depends on the needs of the college and unit and protection of university interests.

If a unit administrator, or dean, observes that a faculty member appears not to be fulfilling his or her primary responsibilities to the university, the administrator shall immediately address these concerns with the faculty member to ensure that these responsibilities are adequately met. Failure to meet primary departmental and university obligations is handled through established university procedures appropriate to the situation (for example, formal reprimand, non-reappointment, post-tenure review, or dismissal for cause).

Nothing in this policy statement shall be interpreted as interfering with the academic freedom of faculty members, nor with their primary responsibility to direct their own research.

## **2.16 Conflicts of Interest**

Please consult [University Policy 13010](#). Virginia Tech recognizes that external activities congruent with the professional expertise of faculty and consistent with the mission of the affiliated department can enhance professional development of the faculty member and enrich the academic experiences of students. Activities such as licensing of technology, consulting, or business start-ups can be critical to promoting economic development and meeting society's needs. Given these potential benefits, Virginia Tech has encouraged innovation and entrepreneurial activity in support of the broad missions of the institution. However, the primary professional allegiance of the faculty must be, both in fact and in perception, to the university, and the primary commitment of the faculty member's time and intellectual energies must be devoted to the education, research/scholarship, and outreach programs of Virginia Tech. While external activities are encouraged, the integrity of the institution and of the research conducted by individual faculty members and students depends on a high degree of transparency and appropriate oversight of relationships with outside entities. Elimination or careful management of disclosed potential conflicts of interest provides assurance to research sponsors, subjects, and the broader public that possible personal gain has not influenced the design, conduct, or outcomes of the research, nor inappropriately biased decision making in other university activities. This policy provides the basic framework for assessing potential conflicts of interest or commitment and outlines related procedures for the management and monitoring of external

activities in a manner that will both promote and safeguard the interests and reputation of Virginia Tech, its faculty and students, and their research.

All faculty members must be committed to conducting themselves in accordance with the highest standards of integrity and ethics, described in Professional Responsibilities and Conduct in the Faculty Handbook as well as in other university policies. These standards also include identification of the potential for *conflicts of interest and commitment*, and the assurance that participation in external activities does not improperly affect the faculty member's teaching and research, relationships with students or colleagues, or otherwise jeopardize the reputation of the university. While this policy refers to "faculty," its provisions apply to all employees, including all types of faculty, staff, or employed students, whether full or part-time. Issues of conflict of interest and commitment are also addressed in the Statement of Business Conduct Standards; all employees must acknowledge receipt of the statement and agree to abide by the standards.

An *individual conflict of interest* occurs when a faculty member is in a position to advance one's own interests or that of one's family or others, to the detriment of the university.

A conflict of interest may occur when an individual's private interests influence his or her professional obligations such that an independent observer might reasonably question whether the individual's actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest is assessed based on the factual context of the situation; it is not based on any implied judgment about the character or intent of the individual.

State and federal law define differently a *significant financial interest* and the conditions under which a conflict of interest may be deemed acceptable. The *Virginia State and Local Government Conflict of Interests Act* defines a prohibited conflict of interest when an employee, or a company in which an employee or member of the employee's immediate family, has a personal interest contract directly or through a subcontract with a state institution of higher education. In this instance, a *personal interest* is defined as owning three percent or more of the equity in the company or receiving payments from the entity of \$10,000 or more annually from consulting fees, salary, royalties, honoraria, rent, or other income.

In the case of grants and contracts, federal agency guidelines on conflict of interest disclosure apply in addition to state requirements. As a result, investigators are required to disclose personal financial interests beyond that required by state law in order to comply with sponsoring agency regulations. For publicly traded entities, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For non-publicly traded entities, the threshold is \$5,000 for remuneration or when the investigator or investigator's spouse or immediate family members hold *any* equity interest (e.g. stock, stock option, or other ownership interest). A detailed definition of significant financial interest and a list of income and investments excluded from disclosure requirements are included in chapter two "Definitions" and on the COI website.

The required disclosures are those that are reasonably related to the investigator's institutional responsibilities. Institutional responsibilities are defined broadly and include but are not limited

to teaching, advising, research and scholarly activities, outreach, administrative and institutional committee service, and service to professional associations or on panels such as peer, institutional, or accreditation review boards.

Individuals in administrative positions have substantial influence by virtue of their roles in professional appointments, promotions, tenure decisions, allocations of space, determinations of salary, execution of business contracts, etc., and they must take particular care to avoid relationships that have the potential to advantage the individual but adversely affect the university's interests or inject inappropriate considerations into administrative decisions. Administrators must be vigilant in exercising their authority so that their decisions are not in fact, nor do they appear in the perception of others, to be colored by personal financial interests.

### **2.16.1 Potential Conflicts Involving Research and Development Contracts or Commercialization of Intellectual Property**

To ensure compliance with federal regulations and to provide consistent institutional policies and practices in relation to all research sponsors, investigators engaged in sponsored research must disclose any financial interest that meets or exceeds the federal definition of significant financial interest as detailed in the Definitions section of this policy. The investigator must present a complete picture of his or her financial interests, not just those interests related to a specific funded project. Examples of potential conflicts of interest in research and development (R&D) that must be reported by investigators are available on the COI website. Investigator obligations for disclosure extend to collaborators, consultants, and subcontractors on a sponsored project, who must certify disclosure and compliance with conflict of interest policies promulgated by their home institution or, in the absence of relevant institutional policies, must disclose in accordance with Virginia Tech policies and procedures.

Contracts between employee-owned businesses and the university that involve research and development activities and/or commercialization of intellectual property are permitted by state law provided that disclosure and approval requirements of this policy are followed. In the case of a sponsored project funded by an employee-owned business, the role of the faculty-owner in relation to the university research project must be carefully examined. The faculty-owner may only serve as principal investigator with an independent co-principal investigator responsible for financial oversight of the project, never as sole PI. Work done on behalf of a faculty owner's company in a university facility must be done in accordance with the provisions of [Policy 5000, University Facilities Usage and Event Approval](#). Because of the high potential for appearance of an irresolvable conflict of interest in the case of an SBIR/STTR (Small Business Innovation Research or Small Business Technology Transfer) project, an individual may not serve as both the small business PI and the university subcontract PI (or co-PI), nor may the employee contribute to both the small business and university components of a single project as an employee, investigator, or consultant.

Organizational conflicts of interest may occur where the involvement of a faculty member in a consulting or advisory services contract with a federal agency may bar other faculty members from participating in a subsequent contract or grant from that agency. The limitation is based on a perceived institutional advantage derived from that prior involvement. The Office of the Vice



President for Research, in consultation with the department head, dean, or unit leader as appropriate, is responsible for determining whether the risk of exclusion from bidding on a subsequent contract should result in denial of the faculty member's involvement in the initial consulting or advisory services contract.

Virginia Tech is committed to the free and open exchange of ideas and the timely dissemination of research results to the broader scholarly community and public. Providing preferential access to an outside entity to research results, materials, or products generated from university teaching, research, or administrative activities for personal financial gain is prohibited. University resources, including facilities, personnel, equipment, email, or confidential information, may not be used for faculty consulting or other non-university purposes. University letterhead may only be used for university business and not for outside consulting or other personal purposes. Employees must separate clearly and cleanly the personal financial aspects of their entrepreneurial activities from their university activities. Even though permitted, entrepreneurial activities should not be confused with assigned duties of the university.

## **2.16.2 Potential Conflicts Involving Spouses and Immediate Family Members**

As a matter of state law, employees must avoid being in a position of authority over a spouse or a member of the immediate family who is also employed by the university where the spouse or family member earns \$10,000 or more during a fiscal year. An employee and his or her spouse or another member of the immediate family may both be employed by the university so long as the employee does not exercise any control over the employment conditions and activities (such as initial appointment, retention, promotion, tenure, salary, travel approval, leave of absence, or grievance review) of the spouse and is not in a position to influence those activities. Proposed exceptions and alternate reporting relationships are reviewed and approved by the senior vice president and provost (or relevant vice president for a non-academic appointment) prior to submission to the Board of Visitors for approval.

Faculty members have a responsibility to avoid potential conflicts of interest between their professional responsibilities in teaching, research, or administration and their personal interests in relationship to students who are also family members. The concern is assuring an absence of bias in evaluation of coursework and maintaining both the appearance and reality of fairness of treatment among all students in a class or an academic program. When there is no reasonable alternate course or instructor for a required course taught only by the conflicted faculty member, then the relevant academic associate dean and department head work with the faculty member to identify an alternate evaluator for the student-family member's work. It is the prerogative of the conflicted faculty member to agree to the selection of the faculty colleague for this alternate evaluator assignment. Graduate School policies prohibit faculty members from serving as advisor or committee member for family members (spouse or dependent immediate family member), or for individuals with whom they have a close personal relationship such as partner or extended family member, or close professional relationship such as business associate or supervisor.

Consensual relationships between faculty members (including GTAs) and students enrolled in their classes, or students for whom they have professional responsibility as advisor or supervisor,

violate the policy on Professional Ethics and Responsibilities and may be a violation of policy 1025, Anti-Discrimination and Harassment Prevention Policy.

### **2.16.3 Potential Conflicts Involving Students and Post-Doctoral or Other Trainees.**

The impact of a perceived or actual conflict of interest or commitment of faculty members on their students (including post-doctoral fellows and other trainees) is of special concern to the university. In particular, the university is committed to maintaining the content and quality of the educational experience for students whose research is sponsored by a for-profit business and whose faculty advisors have a financial interest or a management role in that business. The concern is even greater if the dissertation work could potentially affect the value of a company in which the faculty member has an ownership or managerial interest. It is most important that students make acceptable progress towards their degree goals. Work on a sponsored project funded by a faculty company, or working directly for a faculty-owned enterprise (or consulting), must not inhibit the student's academic advancement.

This policy recognizes that the involvement of students in faculty-owned or managed businesses or consulting may yield substantial benefit to the student, provided that certain conditions are met. Faculty members must disclose the proposed involvement of students in their external activities or in company-sponsored research. Faculty members who intend to serve as PI or co-PI on sponsored projects and have graduate students or trainees conduct a portion of the research under their supervision must develop a conflict of interest management plan to address protections for these early career scholars. Students, trainees, and lab personnel have a right to be fully informed about the source of their funding, the nature of the faculty member's personal interest or involvement, and, if relevant, any agreements concerning data collection, copyright, or patent protection arising from the research. Documentation of a discussion held with the student by the graduate program director or department head and the relevant associate dean is required to assure that the student has been informed of university and academic policies, the potential risks of the proposed involvement, and the channels available through the department or Graduate School to address perceived problems.

A faculty member with a significant financial interest in a company may not serve as sole advisor of a dissertation or thesis committee for a student who is funded through a university sponsored project supported by the advisor's company, or for a student who is employed directly by the faculty member's company. The faculty member with the conflict may serve as co-chair or committee member. If another co-chair is appointed, that faculty member must be of equal or greater rank, must not be involved with the sponsoring company, and must not be subject to undue influence by the faculty-owner.

If the student is engaged in longer term or more time-consuming participation in the advisor's consulting practice, or employed only during the summer months by the advisor-owned company, a co-advisor appointment may also be warranted, but is not automatically required.

The Graduate School shall receive a copy of any approved management plan involving a graduate student performing work for an advisor's company or consulting practice, and the signed student agreement acknowledging his or her understanding and voluntary participation.

Every effort must be made by departmental and college officials to meet with the student prior to the start of the company-funded assistantship, or as quickly thereafter as possible, to review relevant policies and the terms of the student agreement. Copies of the signed student agreement should be distributed to all members of the student's graduate committee by the department head or graduate program director to encourage their active engagement in protecting the student and assuring the integrity of the research.

Careful monitoring of the approved management strategies and annual reports of academic progress for the student is the responsibility of the department head and graduate program director, with oversight by the relevant academic dean(s).

#### **2.16.4 Potential Conflicts Involving Other University Employees**

The involvement of other faculty or staff members in employee-owned businesses or faculty consulting also requires caution and careful consideration. Any such employment must be outside the scope, and schedule, of their regular university duties and must be approved by the department head and other administrators as required by this policy and policy 4070, Additional/Outside Employment for Classified or University Staff. The concerns may be a potential conflict of interest if the faculty member supervises and evaluates the staff member (or a less senior faculty member), creating an opportunity for bias (favorable or unfavorable) toward the individual based on their involvement in the faculty member's (or supervisor's) personal company or consulting. There is also a potential conflict of commitment, where the employee's effectiveness in his or her primary role at VT may be compromised by the outside employment. For university or classified staff, the department head will determine if the additional employment may adversely affect the employee's performance in the university salaried position and therefore should not be approved. If a request is granted and job performance subsequently deteriorates, the department head may rescind permission for the outside/additional employment. The involvement of other faculty members in an employee-owned business or consulting is documented and approved as part of the disclosure by the employee-owner and by the faculty member's own request for involvement in external activities.

#### **2.16.5 Procurement-Related Conflicts and Gifts to Employees**

The purchase of goods or services by the university from an entity owned by an employee of the university, or by a member of the employee's immediate family, is a prohibited conflict of interest under state law. The conflict exists even if the purchase is being made by a department/unit other than the employee's home department. A business owned by an employee's spouse or immediate family member is thus barred from doing business with Virginia Tech to prevent any perception of inappropriate favoritism. Any proposed exception must be handled in accordance with the Virginia Public Procurement Act.

The university seeks to maintain the highest level of public trust in its procurement processes, which includes avoiding perceptions of conflicts of interest that might be generated by contracting with firms where employees were previously employed or with whom they have a close personal relationship when the employee is in a position to influence a purchasing or

contracting decision. Decision makers with potential conflicts should recuse themselves from participation in the evaluation and selection process.

The university's [Business Conduct Standards](#) apply to all employees and they prohibit the acceptance of gifts and gratuities, or promises of future employment from contractors or individuals seeking to do business with the university. Meals and travel offered by vendors are included in this prohibition. Nominal gifts (such as pens, calendars, note pads, other giveaways or reception food provided by vendors at a public event such as a conference) may be accepted. More information and examples of potential conflicts related to procurement and gifts can be found on the [Purchasing website](#).

#### **2.16.6 Disclosure Requirement**

State law and federal law require that faculty members fully disclose personal financial interests that present a potential conflict of interest with one's university responsibilities. Involvement with external activities, such as consulting or outside employment, or financial relationships with external entities related to one's professional responsibilities must be approved in advance. All employees (or their immediate family members) who have a private company (or personal ownership interest meeting or exceeding state limitations) that wishes to do business with Virginia Tech must disclose this financial interest annually. All investigators (or their immediate family members) who own or have ownership interest in a private business that would reasonably appear to be related to their institutional responsibilities must disclose that financial interest and have it evaluated for potential conflicts of interest or commitment, whether or not that company intends to do business with Virginia Tech. A renewal application must be filed annually for those approved activities that extend beyond one year. When a conflict management plan is required by the circumstances, full and immediate compliance is essential to assure the integrity of university-sponsored research, teaching, outreach, and administrative activities. University officials, not the faculty member, ultimately determine whether a reported financial interest constitutes a conflict and whether an award can be accepted or must be declined given the possible unresolved issues.

Virginia Tech will follow regulations contained in the Code of Federal Regulations and state law to respond to a written request for information concerning disclosed financial conflicts of interest related to research projects funded by the Public Health Service.

#### **2.16.7 Training Requirement**

The complexity and importance of managing potential conflicts of interest warrant the full attention of members of the university community. Initial and periodic training concerning applicable university policies and state and federal law and the investigator's responsibilities for disclosure is required for all faculty engaged in sponsored research. Federal regulations require all Public Health Service investigators to complete training prior to the award of a grant or contract. Initial training for other investigators must be completed in conformance with procedures issued by the Vice President for Research.

Retraining related to conflict of interest is required every four years and/or whenever there is significant change in University Policy related to investigator responsibilities. Any investigator found to be in non-compliance with disclosure requirements will also be required to complete immediate training.

### **2.16.8 Related Policies**

This policy must be read in conjunction with related university policies and procedures, such as intellectual property, use of facilities and university resources, procurement, and Faculty Handbook sections on consulting, outside employment, and conflict of interest and conflict of commitment. Policy guidance is provided on the Conflict of Interest (COI) website maintained by the Office of the Vice President for Research and the Standards of Conduct and Ethics website maintained by the Purchasing Department.

### **2.16.9 Conflict of Interest Procedures**

The sections below outline procedures for disclosing external activities, potential conflicts of interest, economic interest, managing potential conflicts, and participant and payment of students.

#### **2.16.9.1 Disclosure of External Activities**

University Policy requires reporting of a wide variety of external activities, whether they generate additional income for the faculty member, or an immediate family member, or not. Certain traditional scholarly-related activities do not require reporting, such as serving on a peer-review panel, guest lecturing at another institution, serving as a speaker or panelist at a professional society meeting or conference, or editing a scholarly journal, even when the faculty member receives an honorarium for such service. A list of common activities that do not need to be reported is available on the COI website.

Advance approval is required for consulting or outside employment. Use [form 13010](#) for disclosure and approval of such activities on an annual basis each fall, or as needed for new activities. Include sufficient information for department and college officials to review and evaluate the proposed activities for conflict of interest or commitment. A single form may be submitted for on-going consulting activity with a single entity during the fiscal year. Continuation of that same consulting activity beyond the current fiscal year must be reported and approved annually. Separate disclosures are required for each consulting client so that potential conflicts of interest or commitment can be properly evaluated. A single disclosure denoting ownership of a consulting company with multiple unidentified clients does not allow an adequate assessment and is considered insufficient and unacceptable. Proposed external activities must be reported sufficiently in advance to allow a meaningful evaluation and approval process, including development of a management plan in the case of a conflict of interest or other legal issues posed by the proposed activity.

External activities with no anticipated impact on related sponsored research, or employment or funding of students or trainees, and within stated limitations of university policies on consulting

and/or outside employment may be approved by the department head and relevant dean or senior administrator. Exceptions to the time limitations on consulting and outside or additional VT employment require approval by the provost, or the relevant vice president. The original approved form is kept in the employee's departmental personnel file. Copies are sent to the employee and the designated conflict of interest officer, and retained by the relevant dean or vice president's office.

Staff members may request approval for outside employment and/or additional employment at Virginia Tech in accordance with [University Policy 4070](#) using the [form \*Request for Additional/Outside Employment for Classified or University Staff\*](#).

### **2.16.9.2 Disclosure of Potential Conflicts of Interest**

Form 13010 is also used to disclose annually external activities, or relationships with external entities, that may involve a potential conflict of interest. Examples of activities that generally require disclosure are available on the COI website, such as employee (or family) ownership of a private business seeking to sponsor research at Virginia Tech, or utilizing students, trainees, or other university employees in the faculty member's private business or consulting. A newly acquired significant financial interest, such as might occur through marriage, inheritance, or establishment of a new company, must be disclosed within 30 days. Disclosures must be filed and approved prior to submission of a related proposal for sponsored research.

For faculty members with PHS/NIH funding, reimbursed or sponsored travel paid for by an external entity must also be disclosed. Disclosure includes at a minimum the purpose of the trip, identity of the sponsor/organizer, the destination, and duration. Disclosure is not required for travel reimbursed by the university from any source of university funds (e.g. departmental, foundation, sponsored project), or travel paid for (or reimbursed) by a federal, state, or local government agency, an institution of higher education, affiliated research institute, or academic teaching hospital. Special rules concerning reporting of travel apply to those employees who must complete the annual Commonwealth Statement of Economic Interest forms.

It is essential that the employee describe in detail the totality of the relationship with the external entity, including but not limited to the extent of personal or family financial interest, any involvement of students or other employees, and any project-specific considerations. Disclosures will be reviewed initially by the department head or the designated administrator for employees in non-academic units. Guidance on how to assess reported activities or relationships for potential conflicts of interest is available on the COI website. A management plan must be drafted if the faculty member expects related future research involvement with the entity.

Once approved by the department or unit head, the form is routed for review and approval by the relevant dean or vice president's office. Review and approval by the Office of the Vice President for Research is required for disclosures involving business ownership interests of investigators (or their family members), significant financial interests related to sponsored research, employment or funding of students/trainees/staff, and any proposed management plan.

When the Office of Sponsored Programs receives a proposal involving an employee-owned business either as a research sponsor or subcontractor, relevant disclosures (completed form 13010, management plan, Virginia Statement of Economic Interest) are collected and reviewed by the designated COI officer for sufficiency. A summary of the proposed award and nature of the financial interest is prepared for further review by university legal counsel, the vice president for research, the provost, and president. Contracts approved by the president are subsequently reported to the board of the visitors.

A fully approved disclosure and management plan, if relevant, must be in place prior to execution of a related sponsored award. An investigator's significant financial interest related to a sponsored project and key elements of the management plan are reported by the designated conflict of interest officer to the federal agency sponsor in accordance with agency requirements. Should a significant financial interest be identified subsequent to project initiation, the COI officer will promptly review the financial interest and its relationship to the project and implement an interim management plan to mitigate the potential conflict, including suspending further project expenditures pending a more complete review and determination of appropriate action.

### **2.16.9.3 Virginia Statement of Economic Interest**

The Commonwealth of Virginia requires separate, additional reporting of economic interests by members of the boards of visitors, senior administrators, select others with financial decision making authority, and employee business owners whose companies seek to contract with the university for research and development or commercialization of intellectual property. The *Statement of Economic Interest* is completed annually and submitted on or before January 15, and as needed in the case of a new research contract. The form must be notarized and filed with the associate vice president for human resources, who will submit it to the commonwealth authorities. For disclosures related to a pending research contract, a copy of the employee's completed statement is sent to the designated COI officer in the Office of the Vice President for Research. A current, completed statement must be filed prior to execution of an award for a related research contract.

### **2.16.9.4 Management of Potential Conflicts**

A management plan is used to document the proposed strategies for eliminating, mitigating, or managing a potential conflict of interest. Approved strategies must reflect the commitment of the faculty member to university principles and values of transparency; strict adherence to the highest standards of professional ethics and conduct of research; appropriate and timely dissemination of research results; and protection of students, employees, and human subjects involved in the research. The management plan can call for implementation of several strategies designed to protect these values and the integrity of the research, research sponsors, the employee, and the university. Examples of frequently adopted strategies and sample management plans are available on the COI website. Management plans are typically project specific, reflecting the conditions of the proposed research. Management plans must fully describe the situation giving rise to the potential conflict, the proposed strategy to eliminate, mitigate, or manage the potential conflict, and the process by which the activities and the

management plan will be monitored. Appropriate monitoring should include an oversight function to evaluate the effectiveness of and ensure compliance with the strategies specified in the management plan. In accordance with Public Health Service (PHS) regulations, disclosure of an investigator's significant financial interest must be made directly to the human subjects involved in the PHS-funded research project.

A faculty-owner may not serve as sole principal investigator on a university project that is funded wholly, or partially, by the external organization with which the faculty-owner is associated. The co-principal investigator must be a faculty member who is not in a subordinate position to the faculty-owner, nor associated with the faculty-owner's company, or in any way susceptible to potentially inappropriate influence by the faculty-owner. The faculty-owner may not have financial responsibility for the contract. Oversight arrangements must be carefully crafted for those cases where the faculty-owner remains involved in the sponsored research. Faculty consulting with an external entity which then sponsors research at the university involving that faculty member also presents a potentially serious conflict of interest which must be eliminated or carefully mitigated.

All management plans are reviewed and approved by the Office of the Vice President for Research to assure consistency and compliance with applicable sponsor regulations and University Policy.

Awards will be contingent upon acceptance and implementation of the plan by the faculty member. While the faculty member bears primary responsibility for carrying out the plan, department heads and deans are expected to monitor compliance and assure that protections are provided for employees and students. The faculty member must submit a report annually and at the end of a related sponsored project to the department head and the Office of the Vice President for Research to demonstrate compliance with all conditions identified in the management plan. The report must include certifications of compliance from other parties identified in the management plan, such as a research oversight committee. Such reports may also be required for submission to specific federal agency sponsors.

#### **2.16.9.5 Participation of and Payment to Students**

The participation of students in projects involving faculty-owners should be given particularly careful consideration. Work for faculty-owned companies or in faculty consulting provides valuable experience for undergraduate and graduate students. Nevertheless, such opportunities come with some risk that the student may be diverted from his or her educational goals or the perception that students are being used primarily for the benefit of those companies. For example, a faculty member who pressures a student to complete work related to the faculty member's company could easily affect the student's completion of graduate studies in a timely and appropriate way, thereby putting the faculty member's interest in obtaining proprietary results ahead of the student's academic or scholarly research activities. The concern is similar for the involvement of students in faculty consulting or other external activities. The risks and benefits of such involvement must be carefully weighed by departmental administrators responsible for evaluating the disclosure and approving the request, particularly where the involvement may be longer term and/or more time consuming. See additional sections in this



chapter for further discussion of issues related to student involvement in faculty members' external activities or outside businesses.

Where approved, students may be paid for involvement in faculty-owner activities in either of two ways:

1. Remuneration may be in the form of an assistantship and tuition, or wages funded by a sponsored project contracted to the university from the business or organization with which the faculty-owner is associated. The assistantship or wages are remuneration for work only within the agreed scope of that funded project and for no other tasks undertaken for the benefit of the external organization. This is no different from any other sponsored project that involves graduate research assistants or wage-earning students. In these circumstances, assistantships are constrained to payments within the scales published by the university.
2. Alternatively, the company or agency might engage students directly as employees. This is the situation experienced by most off-campus and part-time graduate students. However, it is envisaged that in the case of faculty-owned businesses, students will spend time in university facilities when not engaged in direct work for the company at the company site or in an off-campus location. [Students may not do work on behalf of the company in university facilities.] Remuneration is not limited to university scales when students are employed directly by the company and may include the cost of tuition.

Students who will be employed by either of the two methods of payment and have their research supervised by the faculty-owner must sign an agreement acknowledging that they have been informed by their graduate program director or department head and associate dean about the source of their funding, the potential concerns associated with conflict of interest, and their channels for redress if needed.

Any work done on behalf of the faculty-owner's company in university facilities must be done in accordance with sponsored program guidelines and/or [policy 5000, University Facilities Usage and Event Approval](#).

#### **2.16.10 Compliance**

Virginia Tech expects its employees to comply fully and promptly with the policy. The Office of the Vice President for Research is responsible for overseeing the implementation of the policy and associated procedures. The designated conflict of interest officer will work cooperatively with investigators and others to resolve any minor issues of noncompliance.

Breaches of the disclosure process, including (a) failures to comply with such process, whether by virtue of an employee's refusal to respond or by his or her responding with incomplete or knowingly inaccurate information, (b) failures to remedy conflicts, and (c) failures to comply with a prescribed management plan, will be forwarded to the appropriate university unit for investigation and appropriate action. Concerns about potential bias in the research will be reviewed in accordance with procedures established by the Office of the Vice President for Research and posted on the COI website.

Instances of deliberate breach of policy - including failure to file a required disclosure form, knowingly filing an incomplete, erroneous, or misleading disclosure form, or failure to comply with prescribed monitoring procedures - will be adjudicated in accordance with applicable disciplinary policies and procedures of the university as described in the Faculty and Staff Handbooks. University procedures for imposition of a severe sanction or dismissal for cause described in chapter three of the Faculty Handbook provide appeal mechanisms for faculty members charged with serious breaches of university policies. Staff employees may appeal through the staff grievance process.

#### **2.16.11 Record Retention**

All original signed disclosure forms and management plans related to conflicts of interest and commitment will be retained in the employee's departmental personnel file in accordance with university record retention guidelines. Copies of disclosure forms and management plans related to research will be maintained in the Office of the Vice President for Research in accordance with state and federal requirements.

#### **2.16.12 Definitions**

1. "Business" means any corporation, partnership, sole proprietorship, firm, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit. The definition excludes the University or any other entity controlled by, controlling, or under common control with the University.
2. "Disclosure" is the full recording or specification of the employee's relationship with an external organization or involvement in external activities.
3. "Faculty member" is anyone who has faculty status at Virginia Tech, regardless of rank and including research faculty and administrative and professional faculty. The complete categories of faculty are defined in an earlier section of chapter two of the Faculty Handbook. This policy also applies to staff employees and employed students where relevant.
4. "Family Member" means an employee's spouse or immediate family member who is a dependent of the employee (or of whom the employee is a dependent). A potential conflict of interest may arise when the party holding the "Financial Interest" as defined in (8) below is related to the employee in ways other than spouse and dependent children. Financial interests held by this party should be disclosed by the employee to the best of his or her knowledge.
5. "Institutional responsibilities" are defined broadly and include but are not limited to teaching, advising, research and scholarly activities, outreach, administrative and institutional committee service, and service to professional associations or on panels such as peer, institutional, or accreditation review boards.
6. "Investigator" means the project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research. Collaborators, consultants, or subcontractors are considered investigators for the purposes of this policy, as is anyone identified as key personnel in the contract proposal and contract. Investigator disclosures must include the financial interests of their spouse and dependents.

7. “Organizational Conflict of Interest” exists when multiple university relationships with sponsors create an actual or perceived conflict of interest. Virginia Tech is treated as a single contractual entity in the federal contracting context. Separate sponsored projects and their principal investigators are considered part of the overall Virginia Tech contracting entity. Hence, the involvement of one faculty member in a consulting or advisory services contract with the agency may preclude a subsequent related contract from that agency based on potential concerns that there may have been access to source selection criteria or confidential information not in the public domain in advance of an RFP or procurement, or that the organization might be evaluating its own work products and hence open to charges of biased judgment, or that the preparation of specifications or statements of work might have favored the institution. Organizational conflict of interest applies to more than one project and may affect all current or even future sponsored research with a particular federal sponsor.
8. “Significant financial interest” is defined differently by state law and federal regulation. The Virginia State and Local Government Conflict of Interests Act uses the term “Personal Interest” and the defined thresholds for disclosure apply to all employees not engaged in sponsored research. The definition for “significant financial interest” below applies to all investigators involved in sponsored research, regardless of the source of funds for that research.
  - a. “Personal Interest” as defined by the Virginia State and Local Governments Conflict of Interests Act: A financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$10,000 annually; (iv) ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of (i) or (iv) above.
  - b. “Significant Financial Interest”: A financial interest consisting of one or more of the following interests of the investigator (and those of the investigator’s spouse and dependent children) that reasonably appears to be related to the investigator’s institutional responsibilities:
    - 1) With regard to any publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of the equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock

option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.

- 2) With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the investigator (or the investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or
- 3) Intellectual property rights and interest (e.g. patents, copyrights), upon receipt of income related to such rights and interest;

PHS investigators must also disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the investigator and not reimbursed to the investigator so that the exact monetary value may not be readily available), related to their institutional responsibilities. However, this disclosure requirement does not apply to travel that is reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education.

The term significant financial interest does not include the following types of financial interests:

- salary, royalties, or remuneration paid by Virginia Tech to the investigator, including intellectual property rights assigned to the institution and agreements to share in royalties related to such rights;
- income from investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles;
- income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, and institutions of higher education; or
- income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

## **2.17 Overload Payments for Credit or Non-Credit Instruction**

[University Policy 6362](#) "Policy on Continuing and Professional Education" requires that academic colleges, centers, and administrative units designing and delivering continuing and professional education activities, both on- and off-campus, under the auspices of Virginia Tech must work through Continuing and Professional Education. The policy provides additional guidance concerning services to be provided in support of faculty, expectations for the use of university or auxiliary enterprise facilities and services for university-supported conferences, and procedures for review and authorization of contractual relationships with non-Virginia Tech parties.

### **2.17.1 Participation in and Compensation for Non-Credit Continuing and Professional Education Activities**

Faculty members may be eligible for direct payment for non-credit instructional activity in programs of the Division of Continuing and Professional Education.

All faculty members not supported by educational and general funds of the Virginia Cooperative Extension Service, the Division of Continuing and Professional Education, or outreach programs are eligible for such payments. Faculty members supported by such funding whose job descriptions do not include activity in non-credit instruction may request approval of their dean or director (or appropriate administrator) and the provost or vice president for administrative services, depending upon the reporting structure, for participation for payment.

Non-credit teaching for direct pay is subject to the provisions of the university consulting policy, i.e., the total of non-credit teaching and other approved consulting does not ordinarily involve more than one day per week and does not exceed five days in any five-week period. For purposes of limitation of consulting, each day in which non-credit instruction is undertaken is counted as one day, unless the participation does not exceed one-half day (as defined below), in which case it is counted as one-half day. Because of the scheduling requirements of certain continuing and professional education programs, exceptions to the limitation of five days of consultation in any five-week period may be approved as long as the maximum of 39 days in the academic year is not exceeded.

For direct payment purposes, a day is defined as six contact hours of non-credit instruction; *pro rata* payments are made for portions of days, usually in units of 1½ hours. For teleconferences involving televised delivery, a day is defined as three contact hours.

To encourage faculty to develop academically innovative programs with significant market potential, faculty may request preparation time as part of the program and budget development process. This additional faculty compensation for research and development may not exceed three days for each day of instruction.

Research and development time is associated with two types of programs. The first type is research and project development undertaken for a specific organization. As such, the payment of the research and project development is assured with the other program services under contract. The second type of program involves those programs offered on a solicitation basis to members of a specific audience. The generation of revenues for faculty research and development are included in participant fees. The actual amount and timing of the faculty payment depends on program success. The agreement is subject to approval by the department head or chair and director of program development.

If research and development initiatives are perceived by a contracting agency or department to be more extensive, the college has the option of providing additional compensation to faculty through college surplus funds or of buying their time in the summer. Such additional compensation beyond three days for each day of delivery requires the approval of the vice president for outreach and international affairs and the director of continuing education. Approval for such payment is required through the P14 payment process initiated by the [Division of Continuing and Professional Education](#).

For a particular program, a daily payment rate is determined by agreement of program faculty in the Division of Continuing and Professional Education, the participating faculty member, and the faculty member's department head or chair, subject to the approval of the director of continuing education. Such a negotiated rate may depend on the anticipated enrollment and the budgetary constraints of the program.

The provost may set a maximum applicable daily payment rate. The provost advises the Commission on Faculty Affairs of any changes in the maximum applicable daily payment rate if set.

The Division of Continuing and Professional Education is responsible for seeking approval for direct pay (P14) through the university and authorizing final payment. Such payments are made after teaching services are provided.

In addition to the constraints imposed by the consulting policy, there is a limitation on the aggregate amount of such direct payments that may be earned in a faculty member's appointment year. Faculty members on calendar year appointments may earn no more than 33 ⅓ percent of their annual salary during the July 1 - June 30 appointment year. Faculty members on academic year appointments may earn no more than 33 ⅓ percent of their annual salary during the academic year. Payments made to academic year faculty members in the summer period will be included in the 33 ⅓ percent limitation of the previous academic year's salary that is currently imposed on summer payment from all university sources combined.

Costs of producing materials for continuing and professional education programs are borne by the program budget, not by the operating budgets of any unit except where provided for that specific purpose.

### **2.17.2 Participation in and Compensation for Credit Continuing and Professional Education Activities**

The university's mission and goals include increasing outreach, continuing and professional education, and distance learning activities to serve the workforce and professional development needs of business and industry, government, organizations, and individuals. Some professional audiences seek credit course work to meet their educational needs—not just a short term, non-credit experience such as workshops or seminars. In some cases, these audiences look to some of the university's most visible and distinguished faculty members to deliver this programming. Often such programming involves a contract with businesses or organizations, which covers the cost of course delivery, including faculty compensation. The programs are generally delivered off-campus, perhaps at the organization/business site or elsewhere, or via distance learning.

The following policy guidelines provide information regarding compensation for faculty members involved in delivering credit continuing and professional education. Credit programming designed for executive/professional audiences is included among programs eligible for additional faculty compensation; even if such programs are offered for individual enrollment

rather than for employees of a specific corporation or agency; and even if course work is delivered at the faculty member's home base.

Overload responsibilities undertaken for supplemental compensation may be assumed only when the intended task is clearly outside usual responsibilities of the individual, as determined by the appropriate department head or chair and academic dean; the conduct of the task is clearly in the best interest of the university; the individual is eminently qualified to undertake the task; and such an overload is included within the overall time limitations of the consulting policy.

Continuing projects, or projects occupying an identifiable amount of time longer than a semester or more, are arranged on a released-time basis. All overload commitments undertaken for supplemental compensation require prior approvals of the department head or chair and academic dean.

Overload compensation may be approved in cases involving credit continuing and professional education where:

- The faculty member is required to travel away from his or her home base to an off-campus location, or
- The faculty member is delivering a program to students at one or more off-campus locations through distance learning technology, whether the instruction is delivered in a synchronous or asynchronous mode, or
- The faculty member is delivering credit course work as part of an executive/professional program approved for overload compensation, even if the course is being delivered at the faculty member's home base.

There should be no expectation that course work currently taught on-load, which requires a faculty member to travel to another location to teach, or for which the faculty member is delivering the program via distance learning technology, would automatically be considered for overload compensation. Determination of the faculty member's assignment is the responsibility of the department head or chair and dean. Distance learning instruction and teaching at off-campus sites are appropriate on-load assignments which faculty members are expected to fulfill without additional compensation.

Faculty members are not required to accept overload assignments for credit continuing and professional education instructional activities.

Faculty compensation is determined as part of the budget development and contract negotiation process and may vary based on discipline, level of expertise, effort required, group size, number of credits, and other factors usually considered in setting compensation for continuing education instruction. P14 payments for credit continuing and professional education course work also require the approval of the associate provost for faculty affairs. Contracts with businesses, organizations, or other approved revenue sources are expected to cover the full cost of such faculty compensation.

The department head or chair is responsible for the fair and appropriate assignment of overload credit course work to faculty members in the department. To assure equity and appropriateness,

the department heads/chairs and deans monitor the responsibilities and assignments of faculty earning additional compensation.

Faculty members on calendar year appointments may earn up to an additional 33 ⅓ percent during the fiscal year, by teaching non-credit programs administered through the university; teaching an eligible credit continuing and professional education course on overload; and/or participation in a technical assistance agreement.

Similarly, faculty members on academic year appointments may earn up to an additional 33 ⅓ percent of their academic year salaries *during* the academic year through these approved activities. Earnings during the summer *from all university sources*, including those cited above, summer session teaching, and sponsored research are capped at 33 ⅓ percent of the prior academic year salary.

The consulting policy sets the institutional maximum on the number of days that a faculty member can spend in approved, paid professional activity while on salary. All approved activity—consulting, technical assistance agreements, credit continuing and professional education course work, and non-credit continuing and professional education—must stay within the consulting policy guidelines of one day per week or no more than five days in a five-week period. Six contact hours constitute the equivalent of one consulting day.

Exceptions require the approval of the department head or chair, dean (or appropriate administrator), and provost or vice president for administrative services, depending upon the reporting structure.

## **2.18 Faculty Involvement with the Virginia Tech Carilion School of Medicine**

Virginia Tech and Carilion Clinic partnered to establish the Virginia Tech Carilion School of Medicine as a separate, private, non-profit entity. Medical school faculty are drawn, in part, from the two founding partners.

Virginia Tech Carilion School of Medicine initiates, defines, and contracts for professional services requested from a Virginia Tech faculty member. The contract may be for a buyout of the faculty member's time through a sponsored project, or the faculty member may be paid directly through overload (wage) compensation. The payment mechanism reflects the level of time commitment, the ability of the department to release the faculty member from current assignments, and the needs of both Virginia Tech Carilion School of Medicine and the faculty member's department at Virginia Tech.

As part of its commitment to partnership, Virginia Tech provides faculty mentorship of medical student research projects without additional compensation or buyout.

Payments made to Virginia Tech faculty members are made through an approved Virginia Tech payroll mechanism. Virginia Tech faculty members may not hold a private consulting contract with Virginia Tech Carilion School of Medicine since this would violate the Virginia Conflict of Interests Act.



### **2.18.1 Faculty Buyout Agreements with Virginia Tech Carilion School of Medicine**

A buyout of the faculty member's time is appropriate when the professional services requested are of longer duration and/or exceed 20 percent of the faculty member's time (more than one day per week, for example). A buyout may also be used in the context of shorter duration commitments if determined to be in the best interest of Virginia Tech Carilion School of Medicine, the Virginia Tech department, and the faculty member.

Buyouts work as any other sponsored project buyout, releasing salary savings to the department and/or college to hire behind as needed, and requiring approval by the department head or chair and dean.

### **2.18.2 Faculty Overload Payment Agreements with Virginia Tech Carilion School of Medicine**

Overload or wage payments that are made directly to the faculty member are appropriate for short duration and/or occasional professional services rendered to Virginia Tech Carilion School of Medicine (usually up to 20 percent time or one day per week). The rate of payment is established by Virginia Tech Carilion School of Medicine as a general rate of compensation or in individual negotiation with the faculty member.

Faculty members may earn up to 33 ⅓ percent of their current salary through all overload wage payments, including Virginia Tech Carilion School of Medicine, continuing education, or other authorized special wage payments during the period of their Virginia Tech contract. Faculty on 10-, 11-, or 12-month research extended appointments may also earn up to this limit as overload compensation during their contract period.

Summer pay from all Virginia Tech sources (e.g., summer school, funded research paid as wages, Virginia Tech Carilion School of Medicine, etc.) for nine-month faculty members may not exceed 33 ⅓ percent of the prior academic year salary.

Contracts for professional service to Virginia Tech Carilion School of Medicine paid as overload compensation may not exceed the current time limitations defined in the consulting policy, which is one day per week or five days in a five-week period. Time limitations also include the accumulation of other types of authorized special or external activity, including continuing education and consulting. University policies on conflict of commitment (described in "Faculty Commitment to the University") set the expectation that a faculty member owes his or her primary professional responsibility to the university.

Overload agreements and payments require approval of the department head or chair and dean. In lieu of salary compensation, a faculty member may choose to receive an equivalent contribution to an operating allocation in support of professional activities.

## **2.19 Use of University Facilities**

The facilities of the university are intended for the use of its faculty, staff, students, and invited guests participating in university-approved programs and activities, sponsored by or under the direction of the university or one of its related agencies or approved organizations, or by other organizations outside the university. Refer to University Policy 5000, "University Facilities Usage and Event Approval," for further guidance regarding approved uses of university facilities.

[University Policy 6362](#), "Policy on Continuing and Professional Education," requires that university or auxiliary enterprise facilities and services be used for university-sponsored continuing and professional education programs held in Blacksburg. Alternate arrangements may be made in the case of lack of availability of appropriate space or mutual agreement between the sponsoring university entity and Continuing and Professional Education.

University facilities are to be used in a manner consistent with their intended purpose. Priority of use is given to those activities related to the academic, residential, cultural, and recreational programs of the university. The facilities must be used in a safe, professional manner so as not to endanger the university community or the general public. The university may restrict access to land and buildings to protect individuals, property, and equipment.

In general, the associate vice president for facilities services is responsible for implementing policies and procedures about university facilities, including academic buildings. The vice president for administration delegates general responsibility for use of academic facilities to the deans of the colleges, with the understanding that the registrar schedules classrooms in accordance with procedures outlined in [University Policy 5000](#), "University Facilities Usage and Event Approval." The appropriate dean's permission is obtained for nonscheduled classroom functions, posting of announcements and bulletins on non-departmental bulletin boards, and for similar non-academic usage. In some instances, the dean may refer recommendations to the associate vice president and chief facilities officer.

Rooms in academic buildings may be reserved for special functions such as lectures, social meetings, and recreational activities through approval of the college deans. Requests for use of rooms in The Inn at Virginia Tech and Skelton Conference Center are sent to The Inn's space reservationist. Requests for use of the residence halls are sent to the associate vice president for student affairs and director of housing and residence life. Requests for the use of Virginia Tech athletic department facilities are sent to: (1) the athletic department facilities and scheduling manager, and (2) the student centers and activities office. Refer to University Policy 5000, "University Facilities Usage and Event Approval," for specific information regarding use of other university buildings and grounds.

Faculty and staff are not allowed to use university resources for private gain. However, under the following conditions, the compensated use of specialized facilities or equipment is allowed in support of approved consulting activities:

- The facility or equipment must have a charge rate, established by the Controller's Office, which reflects all direct and indirect costs associated with the use of the facility or equipment and applies to use by parties outside the university. The charge rate is applied to the actual use.

- A Request to Engage in External Activity Form 13010A must be filed, specifying the facility or equipment to be used and estimating, in time or charges, the extent of the proposed use.
- The head or chair of the department responsible for the facility or equipment verifies, on the Request to Engage in External Activity Form 13010A, that the proposed use does not interfere with, or have priority over, anticipated university use of the facility or equipment.
- In approving the Request to Engage in External Activity Form 13010A, the faculty member's department head/chair, dean, and the provost determine that the consultation is of substantial professional merit and presents no conflict of interest in the use of the facilities or equipment. Particular care is given to the relationship of the consultation with current or potential grants or contracts and to the possibility of unfair competition with local firms and businesses.
- If a faculty member uses the equipment of a specialized service center, the faculty member is charged the "commercial" or "consulting" rate, as determined by the Controller's Office. The faculty member is billed based on actual use. The deposit is credited to the appropriate service center account.
- If the faculty member uses facilities such as those of the Virginia Tech athletic department, Squires Student Center, or the G. Burke Johnston Student Center, the faculty member is charged at a rate established by the Controller's Office for such use. The deposit is made to the appropriate department's account.
- For facilities other than specialized service centers, computing services, or other facilities for which a charge rate has been determined, the use of the facilities must be authorized and reimbursed at a rate determined by the joint collaboration of the faculty member's department head/chair and the Controller's Office.
- The use of library facilities in connection with consulting is exempt from the above regulations, since those facilities are available to the public.

### **2.19.1 Required Use of Continuing and Professional Education Program Services and Facilities**

[University Policy 6362](#), "Policy on Continuing and Professional Education," requires that university or auxiliary enterprise facilities and services be used for university-sponsored continuing and professional education programs held in Blacksburg. Alternate arrangements may be made in the case of lack of availability of appropriate space or mutual agreement between the sponsoring university entity and Continuing and Professional Education. For further information, contact the Division of Continuing and Professional Education.

### **2.20 Use of University Letterhead**

As the primary identifier of the university, letterhead should be used for appropriate university business. As such, university letterhead should not be used for personal business or where personal gain results. Endorsements of political personages, businesses, or products should be avoided. Discretion is advised if correspondence on university letterhead could be construed as a university endorsement.

## **2.21 Political Activities**

Candidacy for political office, service on county and state commissions, and active participation in political campaigns are recognized as individual freedoms of each faculty member. The only restriction placed upon such activities is that they not interfere with the faculty member's academic responsibilities. Faculty members must take care to assure that their positions in the university are kept separate from their political activities; it must be clear that they act as citizens in such activities, not as representatives of the university.

The university encourages interest in civic affairs. However, neither political nor community activities are considered in the annual merit evaluation of a faculty member. If income is obtained for such activities, approval must be obtained under consulting policies.

## **2.22 Indemnity**

All university employees, while acting within the course and scope of their employment, are covered by the commonwealth's insurance plan and will be defended by the Office of the Attorney General in actions brought against them. Questions concerning any specific situation should be addressed to the Office of the University Legal Counsel.

## **2.23 Geographical Transfer Policy**

Reassignment of a faculty member at the initiative of the university to a primary workstation located more than 50 miles from the current workstation is considered a geographical transfer. A department head or chair may request the geographical transfer of a faculty member to implement a programmatic mission of the university. The affected faculty member shall be involved in planning for the transfer prior to the submission of a formal request for transfer. The request for geographical transfer shall be transmitted in writing to a second-level administrator for approval with accompanying documentation justifying the need for the transfer of the selected individual. The justification shall describe the university program and the position to which the faculty member is being transferred. This description shall list the unique skills and knowledge required to fulfill the program's mission. The alternatives for meeting the requirements shall be outlined, along with the reasons for selecting the alternative of geographical transfer of the particular faculty member. A faculty member must be notified in writing at least six months in advance of the geographical transfer. The transferred faculty member shall be reimbursed for all allowable expenses as defined by the university and state policy. A cost of living adjustment will be added to the faculty member's base salary during the period they are employed in a high-cost area as defined for employees in the Virginia Compensation Plan issued by the state Human Resources director.

## **CHAPTER THREE**

### **3.0 Employment Policies and Procedures for Tenured and Tenure-Track Faculty**

#### **3.1 Standard Faculty Ranks**

##### **3.1.1 Assistant Professor**

An assistant professor may be assigned responsibility for teaching graduate courses, supervising master's theses and dissertations, and serve on graduate student committees. The terminal degree appropriate to the field is expected for appointment to this rank. (Further information regarding appropriate credentials for teaching faculty is found in chapter two "Faculty Credentialing Guidelines" and on the provost's website).

##### **3.1.2 Associate Professor**

In addition to the requirements for assistant professor, a person appointed as associate professor must have demonstrated substantial professional achievements by evidence of an appropriate combination of outstanding teaching, creative scholarship, and recognized performance in extension, outreach, library, or related academic and professional service.

##### **3.1.3 Professor**

In addition to the requirements for associate professor, appointment to the rank of professor is contingent upon national or international recognition as an outstanding scholar and educator.

#### **3.2 Honored Faculty Appointments**

##### **3.2.1 Endowed Chairs, Professorships, and Fellowships**

Each college has formal procedures for the nomination and appointment to endowed chairs, professorships, and fellowships, which include review by a college honorifics committee or promotion and tenure committee. After review by the appropriate college committee, recommendations are then made by the college dean for approval by the provost and the Board of Visitors. Such an appointment may continue through the active career of the professor at the university, unless it is relinquished in favor of some other honored or administrative appointment or unless the appointment has specific term limitations that may be renewable. The university Faculty Honorifics Committee reviews extra-collegiate nominations to endowed chairs, professorships, and fellowships.

Endowed chairs, professorships, and fellowships are established by a donor who provides an endowment to support the salary and/or operating funds of the professor. Funding levels determine whether the endowed position is a chair, professorship, or junior fellowship, or fellowship. For further information regarding the establishment of an endowment, see the Virginia Tech Foundation website.

### **3.2.1.1 Eminent Scholar Program**

The state General Assembly appropriates funds each year for the purpose of attracting eminent scholars to Virginia's colleges and universities. Institutions of higher education can request funds from this appropriation item if gifts from private donors have been specifically designated for purposes of the Eminent Scholars Program. The earnings from these endowments are intended to match state funds appropriated for this purpose. However, state appropriations may not be sufficient in some years to fully match the available private support.

### **3.2.2 Alumni Distinguished Professor**

**General Conditions and Definitions:** The Alumni Distinguished Professorship (ADP) recognizes extraordinary academic citizenship and distinguished service within the Virginia Tech community. In recognition of the importance of alumni to the university, the Alumni Distinguished Professorship is a pre-eminent faculty appointment, reserved by the Board of Visitors for recognition of faculty members who, over time, have made outstanding contributions to the instructional program of the university and, in so doing, have touched the lives of generations of Virginia Tech alumni.

The Board of Visitors confers upon an individual an appointment as Alumni Distinguished Professor for a period of 10 years; the appointment may be renewed. Currently, 10 Alumni Distinguished Professors may be appointed. There is no quota by college or department.

**Eligibility and Criteria for Selection:** Since the hallmark of the Alumni Distinguished Professorship is distinguished contribution—over time—to Virginia Tech, newly arrived faculty are not eligible for nomination. And while there is no specified minimum number of years of service required for eligibility, the selection committee places strong emphasis on the magnitude and character of the candidate's impact on academic programs at Virginia Tech. Nominees should also have established outstanding personal records of accomplishment in creative scholarship.

**Nomination and Selection Procedures:** Each academic year the provost determines if there is to be one or more vacancies in the Alumni Distinguished Professor group and, if appropriate, issues a call to the academic deans for nominations. The deans, in turn, invite nominations from academic departments. Screening procedures at departmental and collegiate levels involve appropriate personnel or executive committees in place. Nominations are accompanied by a full dossier of relevant materials including current *curriculum vitae*, letters of nomination from both the departmental and collegiate screening committees, letters of support, and other evidence attesting to the quality of the contributions of the nominee(s).

In developing recommendations the provost relies primarily on the advice and counsel of the university Commission on Faculty Affairs. The commission, in turn, invites the evaluation of nominees by the incumbent distinguished professors. The provost's recommendation(s) are sent through the president to the executive committee of the Board of Directors of the Virginia Tech Alumni Association for its review and recommendation. The president makes the final recommendation to the Board of Visitors for its approval.

**Perquisites and Responsibilities:** Each Alumni Distinguished Professor is provided a base salary supplement from the endowment established by the Alumni Association and matched by available funds, if available, from the eminent scholar program. The ADPs receive a salary supplement and operating allocation from the university comparable to that provided for other endowed professorships.

Each Alumni Distinguished Professor is expected to continue in service to the department, the college, and the university at the same high level evident at the time of appointment. But in particular, within whatever latitude the department head or chair and college dean can accommodate, the Alumni Distinguished Professor is encouraged to teach, when invited, in other departments of the university or in collegiate or university courses (e.g., honors colloquia). He or she may also elect, in a given term, to divert energies from the usual classroom responsibilities to other valued activities, such as substantive curriculum revision or textbook preparation.

Alumni Distinguished Professors are also called upon from time to time, individually and also as a group, to render special service or to offer particular advice to the university at large.

Given the high level of performance expected of this select group of faculty members, university and college administrators are cognizant of the particular needs of each individual Alumni Distinguished Professor for appropriate support personnel and sufficient space, within acknowledged fiscal and physical constraints.

### **3.2.3 University Distinguished Professor**

**General Conditions and Definitions:** The University Distinguished Professorship (UDP) is a pre-eminent faculty rank bestowed by the university's Board of Visitors upon members of the university faculty whose scholarly attainments have attracted national and/or international recognition. The professorship is bestowed upon no more than 1 percent of the total full-time faculty at any time.

**Nomination and Selection Procedures:** Each academic year the provost determines if there will be one or more vacancies in the rank of University Distinguished Professor and, if appropriate, issues a call to the academic deans for nominations. The deans, in turn, invite nominations from academic departments.

Screening procedures at departmental and collegiate levels involve personnel or executive committees in place. Nominations are accompanied by a full dossier of relevant materials including current *curriculum vitae*, letters of nomination from both the department and collegiate screening committees, and letters of support and other evidence attesting to the scholarly reputation of the nominee(s).

In developing recommendations, the provost relies primarily on the advice and counsel of the university Commission on Faculty Affairs. The commission, in turn, invites the evaluation of nominees by the incumbent distinguished professors. The president makes the final judgment at the university level and, if that judgment so determines, takes the recommendation(s) to the Board of Visitors for approval.

Perquisites and Responsibilities: The rank of University Distinguished Professor is conferred by the university and is considered a university appointment (as distinct from a collegiate or departmental appointment). While the successful nominee is nominated by departmental and collegiate colleagues, and while he or she continues to serve in the discipline and department of origin, nonetheless the perquisites and responsibilities of each University Distinguished Professor are fixed by the university.

The president of the university annually adjusts the salary of University Distinguished Professors after consultation with the provost and dean of the relevant college.

The sole responsibility of the University Distinguished Professors is to continue their professional development at the same high level evident at the time of appointment. They are free to define the exact nature of their work after consultation with the dean of the college and the head or chair of the department. They are expected to engage fully with their colleagues in the governance of their departments.

At the same time they may freely decide to teach, when invited, in other departments of the university or in collegiate or university courses (e.g., honors colloquia). They may also elect, in a given term, to devote all of their energies to research, scholarship, or extension activities. In shaping their plans of work, the University Distinguished Professors take full cognizance of departmental and collegiate needs and expectations. But their principal responsibility is to serve the university well by giving their talents to the development and sharing of their competencies where, in their judgments, they are most effectively employed.

It is the university's responsibility to provide such support as seems necessary to sustain the high level of performance expected of University Distinguished Professors.

Tenure: Incumbents carry the rank of University Distinguished Professor until resignation or retirement from the university, subject to the usual standard of continuous high performance. The rank is conferred only by the university Board of Visitors and is altered by that body alone, on the recommendation of the president of the university.

### **3.2.4 Emeritus or Emerita Designation**

The title of emeritus or emerita is conferred on retired full professors, associate professors, administrative officers, extra-collegiate faculty with continued appointment, and senior extension agents who have given exemplary service to the university, and who are specifically recommended by the president to the Board of Visitors for approval. Their names are listed on the appropriate university website(s). [University Policy 4405](#), "Emeritus Faculty" and the provost's website provides further guidance.

### **3.3 Procedures for Faculty Appointments with Tenure**

An offer of faculty appointment with tenure may be made with the review and approval of the department head or chair, the department promotion and tenure committee, the dean, the provost, and the president. Ultimately, final approval rests with the Board of Visitors.



The dean forwards to the provost and president for their consideration and decision: the candidate's application package, including cover letter, *curriculum vitae*, and letters of reference; documentation of the department promotion and tenure committee's approval of rank and tenure, and concurrence of the department head or chair and dean with as much supporting evidence as deemed appropriate; and a brief overview of the search itself - how many candidates applied, were interviewed, and what is the compelling case for the candidate.

In general, faculty recruited from a comparable university should be recommended for a position at Virginia Tech at a similar level with tenure. If the recommended appointment involves a promotion or the initial awarding of tenure, the case must be strongly justified. If an individual is coming from a university with a less extensive research mission, or a university of lesser stature, the case must also be strongly justified.

### **3.3.1 Part-Time Tenure-Track and Tenured Appointments**

While tenure-track and tenured appointments are usually full time, Virginia Tech recognizes the importance of allowing flexibility in the percent of employment so that faculty members can better manage the balance between their professional work and family or personal obligations over a defined period of time, or perhaps permanently. This policy is intended to encourage departments to accommodate reasonable requests for part-time appointments; however, part-time appointments are not an entitlement, and requests may be turned down when the faculty member and the department cannot agree upon a workable plan.

When conducting a search for a tenure-track appointment, departments continue to advertise for full-time tenure-track or tenured positions and must have funding for a full-time hire. Advertisements include information about university policies for flexible appointments. If desired, the faculty member requests and negotiates a part-time appointment at or after the point of hire if acceptable to the department.

Tenure-track faculty members may request a part-time appointment only for reasons of balancing work and family such as the arrival or care of a child, the care of a family member, or for personal circumstances related to the health of the faculty member. In addition, they may request a *term* part-time appointment only (with specific starting and ending dates), allowing the issue to be revisited on a defined cycle. While such term appointments can be renewed throughout the probationary period, a *permanent* part-time appointment may not be granted until tenure is awarded.

Tenured faculty members may request either *term* or *permanent* part-time appointments for reasons stated above, or to balance work at Virginia Tech with professional practice or significant community or public service, for example, a professor who wishes to serve as a consultant in addition to an appointment at Virginia Tech; a professor who wishes to engage in entrepreneurial activity outside of university responsibilities; or a professor who runs for public office for a limited term and wishes to reduce the workload at Virginia Tech for that period. Other reasonable justifications may be considered if approved by the department head or chair, dean, and provost.

### **3.3.1.1 Part-Time *Term* Tenure-Track and Tenured Appointments**

Part-time tenure-track and tenured appointments are either *term* or *permanent*. *Term* part-time appointments are in increments from one semester up to two years. During the duration of a part-time term appointment, terms of the appointment are only changed via the agreement of all parties. A term agreement must specify the date on which the faculty member is expected to return to full-time status. Renewal of a term appointment should be negotiated no less than three months before the end of the current term so that the department can plan accordingly. For term part-time appointments, departments are able to use the salary savings to replace the work of the faculty member on part-time appointment.

Only the faculty member may initiate a request for conversion from full-time to part-time appointment. The reasons for the request for a change in the percentage of appointment should be clearly stated. The department chair should make a careful assessment of the needs of the department, and works with the faculty member requesting the part-time appointment to facilitate the request whenever possible. The period for which this part-time appointment is granted shall be clearly stated (renewable terms from one semester up to two years, or permanent).

The written agreement should include a careful and thorough statement of work expectations for the part-time appointment. Generally, faculty members continue to contribute to all areas of responsibility, but with reduced expectations for accomplishment proportional to the fractional appointment. Service responsibilities for faculty members on part-time appointments are generally proportional to their appointments. Faculty members on part-time appointments are not excused from regular departmental, college, or university service because of the part-time appointments.

The written agreement for either an initial appointment or a conversion of a full-time appointment to part-time status and any subsequent renewal requires the approval of the faculty member, department head or chair, dean, and provost.

An initial *term* part-time appointment, either tenured or tenure-track, may be approved to accommodate a dual career hire if funding is not immediately available to support a full-time position, or if the faculty member seeks a part-time appointment consistent with the intent of this policy. The expectation is that the subsequent reappointment, if recommended, is for a full-time position, unless the faculty member requests a renewal of the term part-time appointment in accordance with these guidelines. A part-time appointment created for a dual career hire is approved through the usual approval processes for dual career hires (see chapter two “Dual Career Program”).

### **3.3.1.2 Permanent Part-Time Tenure-Track or Tenured Appointments**

For *permanent* part-time tenure-track or tenured appointments with no end date, a return to a full-time appointment is not guaranteed. If tenured, the faculty member remains entitled to the tenured appointment on the part-time basis only. However, an increase in the percent of the appointment up to full-time may be renegotiated between the faculty member and department

head or chair if mutually agreeable and funds are available. The department and the college determine the best way to cover the costs of the academic work in the case of conversion to a permanent part-time appointment.

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a tenure-track or tenured faculty member.

Part-time appointments are made for any fraction 50 percent or greater of a full appointment; faculty members receive proportional salary. Faculty members considering such appointments are strongly encouraged to meet with representatives in the benefits office in the Department of Human Resources to gain a clear understanding of the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.

### **3.4 Promotion and Tenure**

The university has a tradition of upholding academic freedom. It endorses the “1940 Statement of Principles on Academic Freedom and Tenure” of the American Association of University Professors and the Association of American Colleges (*AAUP Bulletin*, September 1970, pp. 323-326).

#### **3.4.1 Tenure Eligibility**

Tenure is an institution developed for the protection of the academic freedom of the teaching faculty in institutions of higher education. Eligibility for tenure consideration is limited to faculty members holding regular faculty appointments of 50 percent to 100 percent in academic departments. Tenure is not granted to faculty members with temporary appointments or to administrative and professional faculty. Individuals holding tenure in academic departments who are appointed to administrative positions, however, continue to hold tenure in those departments.

Full-time administrators who also hold appointments in academic departments and engage in teaching and research may be recommended for tenure in such departments.

#### **3.4.2 Pre-tenure Probationary Period and Progress Reviews**

The term “probationary period” (“pre-tenure”) is applied to the succession of term appointments that an individual undertakes on a full- or part-time regular faculty appointment, and during which continued evaluation for reappointment and for an eventual tenured appointment takes place. The beginning of the probationary period for faculty members on term appointments is taken as July 1 or August 10 of the calendar year in which their initial full-time appointment begins, depending on whether they are on a calendar year or academic year appointment, regardless of the month in which their services are initiated. (The probationary period for new faculty appointed for spring semester begins the following fall even though the spring contract period officially begins December 25.)

Under usual circumstances, departmental promotion and tenure committees review the professional progress and performance of pre-tenure faculty members twice during the probationary period, usually their second and fourth, or third and fifth, years. The timing of the reviews depends upon the nature of the faculty member's discipline and must be clearly indicated in written departmental policies. The terms of offer identifies the initial appointment period. Pre-tenure reviews may be delayed if there is an approved extension as described below. Changes or variations in the standard review cycle must be documented in writing.

The initial review for a part-time faculty member should be no later than the third year of service (regardless of percent of employment) to give early feedback on their progress. At least two reviews should be conducted for part-time faculty members during their probationary period; more are recommended. The anticipated schedule for such reviews for reappointment and for the mandatory review for tenure should be documented in writing as part of the agreement for the part-time appointment. Changes should be agreed upon and documented by the faculty member and department.

Reviews are substantive and thorough. At a minimum, departmental promotion and tenure committees must review the faculty member's relevant annual activity reports, peer evaluations of teaching, and authored materials. It is strongly suggested that promotion and tenure committees and pre-tenure faculty use the [promotion and tenure dossier format](#) (available on the [provost's website](#)) in organizing and presenting information for review.

The pre-tenure reviews should analyze the faculty member's progress toward promotion and tenure and offer guidance regarding future activities and plans. All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for his or her departmental file. In addition, the promotion and tenure committee and the department head or chair meet with the faculty member to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues and the department head or chair. Pre-tenure faculty members bear responsibility for understanding departmental expectations for promotion and tenure and for meeting those expectations.

The initial appointment for assistant professors, and for associate professors and professors employed without tenure, is ordinarily for a period of not less than two years. Multiple-year reappointment may be subsequently recommended.

The maximum total period for full-time probationary appointments is six years, unless an approved extension is granted. Decision about tenure, if not made earlier, is made in the sixth year of the probationary appointment. If the tenure decision made in the sixth year is negative, a one-year terminal appointment is offered.

Pre-tenure faculty members may request a term part-time appointment as described in section "Part-Time Tenure-Track and Tenured Appointments," for reasons of balancing work and family or personal health issues. In such cases, the probationary period is extended proportionately. For example, two years of service at 50 percent count as one year of full-time service. The term appointment may be renewed (A permanent part-time appointment may be requested and granted following award of tenure).

In determining the mandatory tenure review year for those with partial appointments, general equivalency to full-time appointments is expected, so that approximately five years of full-time equivalent service is expected prior to the mandatory tenure review year if no tenure clock extensions are granted; six years if one year of extension is granted, and seven years if two extensions are granted. (In summing partial years of service, a total resulting in a fraction equal to or less than .5 is rounded down, and a fraction greater than .5 is rounded up.) However, review for tenure must occur no later than the tenth year of service, resulting in somewhat less full-time equivalent service (4.5 years) for a faculty member with 50 percent appointment throughout all nine probationary years prior to review. If denied tenure following a mandatory review, a one-year terminal appointment is offered.

Faculty members on part-time appointments may request a tenure clock extension in accordance with section “Extending the Tenure Clock.” (Extensions are granted in one-year increments, not prorated by the part-time appointment percentage.) However, the extension is not approved if it results in a mandatory review date beyond the tenth year.

Up to three years of appropriate service at other accredited American four-year colleges and universities may be credited toward the six-year probationary period, as specified in section “Guidelines for the Calculation of Prior Service.”

A faculty member on probationary appointment who wishes to request a leave of absence consults with his or her department head or chair about the effect of the leave on the probationary period, taking into account the professional development that the leave promises. The request for leave should address this matter and the provost’s approval of the leave request specifies whether the leave is to be included in the probationary period.

#### **3.4.2.1 Extending the Tenure Clock**

A one-year probationary period extension is *automatically* granted to either parent (or both, if both parents are tenure-track faculty members) in recognition of the demands of caring for a newborn child or a child under five newly placed for adoption or foster care. The request should be made within a year of the child’s arrival in the family.

An extension of the probationary period may also be approved on a discretionary basis for other extenuating non-professional circumstances that have a significant impact on the faculty member’s productivity, such as a serious personal illness or major illness of a member of the immediate family. In rare cases, extraordinary professional circumstances not of the faculty member’s own making may be acceptable justification for a probationary period extension, for example exceptional delays in providing critical equipment, laboratory renovations, or other elements of the committed start-up package essential to establishing a viable research program. Faculty members who benefit from this policy are expected to fulfill their usual responsibilities during the probationary period extension unless they are also granted a period of modified duties or unless other arrangements are made. (See section “Modified Duties”)

Probationary period extensions are granted in one-year increments. A cumulative total of two years is usually the maximum probationary period extension for any combination of reasons. Requests should be made within a year of the qualifying event or extenuating circumstance. The provost may approve exceptions to these limitations.

Requests for a probationary period extension are submitted in writing to the department head or chair. (A form is available on the [provost's website](#).) Approval is automatic for new parents. Documentation of medical reasons (other than childbirth or adoption) is required prior to approval; documentation of other extenuating circumstances may also be required. Approvals by the department head or chair, dean, and provost are required for probationary period extensions. The faculty member may appeal denial of the request to the next higher level in their organizational reporting structure.

It is very important that all individuals and committees participating in tenure reviews understand that any individual who receives a probationary period extension must be held to the same standard—not a higher or more stringent one—to which other candidates without such an extension are held. This is also true in the case where the candidate's dossier is considered on the original schedule for review. However, in this instance where an approved extension was granted but not utilized, the tenure review is not considered mandatory and can be conducted again in the subsequent year without penalty. A probationary extension usually extends the time frame for each subsequent review and reappointment during the probationary period. For example, an extension granted prior to the fourth year review and reappointment typically delays that review by one year.

### **3.4.3 Guidelines for the Calculation of Prior Service**

At the time of a faculty member's initial appointment, the department head/chair notifies the new faculty member of his or her standing regarding the tenure system. Excepting temporary appointments with limited terms, the faculty appointees are given clear notice of when their appointments will be considered for renewal and when consideration for tenure will be given.

In this latter calculation, appropriate full-time service in another accredited four-year American college or university is credited toward probationary service at Virginia Tech only if the appointed faculty member requests such credit.

In such a request, all prior service is presented if undertaken after the faculty member completes the terminal degree appropriate to the field. A maximum of three years may be credited toward probationary service at Virginia Tech. The request must be made in writing within one year of the initial appointment. The specification of credit for prior service toward the probationary period is subject to the approval of the provost on the recommendation of the department head or chair and dean.

### **3.4.4 Evaluation Procedures for Promotion and Tenure**

Promotion to a higher rank and appointment with tenure may be granted to faculty members on a regular faculty appointment who demonstrate outstanding accomplishments in an appropriate

combination of learning, discovery, engagement, and other professional activities. Every faculty member should maintain a current *curriculum vitae*, with copies filed in the department and college (or equivalent academic units, as appropriate). The *curriculum vitae* together with annual reports, student evaluations, reprints of publications, reference letters, and other similar documents comprise a dossier that furnishes the principal basis for promotion and tenure decisions.

Faculty members being considered for either promotion or the awarding of tenure have their dossiers reviewed at as many as three levels: by a departmental committee and the head or chair; by a college committee and the dean; and by a university committee and the provost.

Although some participants in the review process may serve at more than one level - for example a departmental committee member may also serve on the college committee - participants may only vote once on a case. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship (see section in chapter two “Potential Conflicts Involving Spouses and Immediate Family Members”).

Each candidate for tenure and/or promotion to associate professor is evaluated in the light of the triple mission of the university: learning, discovery, and engagement. Although not all candidates are expected to have equal levels of commitment or equal responsibilities in each of these missions, a high level of general competence is expected, in recognition of the need for flexibility in the future establishment of priorities in academic programs. Beyond that basic foundation of competence, decisions related to tenure or promotion to associate professor require evidence of excellence in at least one area.

The award of tenure is based on the achievement of distinction in an area of learning and the prediction of eminence throughout the individual’s professional career. The documentation and evaluation should recognize some significant impact of the candidate’s contributions beyond the borders of the university. If the primary strength is in instruction, there should be recognition that the candidate’s pedagogical contributions have influence beyond the immediate classroom; if in research, that there is significant impression on colleagues nationally; if in outreach that the influence of the contributions reaches beyond the immediate clientele.

The criteria by which faculty with part-time appointments are evaluated for tenure-is the same as the criteria by which full-time faculty are evaluated. Promotion and tenure committees consider years of full-time equivalent service when reaching decisions, excluding any approved probationary period extensions granted under the extending the tenure clock policy.

Each candidate for the rank of professor must demonstrate a high level of competence in an appropriate combination of instruction, outreach, and professional activities relevant to his or her assignment. Because of the university’s mission and commitment as a major research institution, successful candidates for the rank of professor must demonstrate excellence in research, scholarship, or creative achievement, as appropriate for the candidate’s discipline and assignment. Promotion to the rank of professor is contingent upon national or international recognition as an outstanding scholar and educator.

The university recognizes and encourages appropriate international involvement of its faculty as a mission of the university that cuts across the three traditional missions of learning, discovery, and engagement. Occasionally faculty members are placed on international assignments at full salary away from the university's domestic locations. Under such circumstances, faculty members should be given the usual consideration for tenure, promotion, and salary advancement.

In cases of tenure recommendation - in addition to evaluation of the candidate's professional abilities - consideration should be given, at all stages of evaluation and review, to future departmental program directions and concern for maintaining currency and flexibility by preserving opportunities to appoint new faculty members in the various sub-fields of the department.

Levels of expectation vary, of course, with the level of the decision. Where probationary reappointments recognize, in part, perceived potential instead of accomplishment, recommendations for tenure should suggest that the potential is being achieved and should imply few, if any, lingering doubts about the value of the candidate to the department's program for a "lifetime." And promotion to professor, which leaves limited opportunity for further university recognition of professional development, should be reserved for those whose achievements are broad and noteworthy.

Besides consideration of specific professional criteria, evaluation for promotion or tenure should consider the candidate's integrity, professional conduct, and ethics. To the extent that such considerations are significant factors in reaching a negative recommendation, they should be documented as part of the formal review process.

#### **3.4.4.1 Departmental Evaluation for Promotion and Tenure**

Each department has one or more committees with appropriate faculty representation to evaluate candidates for promotion and/or tenure and make recommendation to the department head or chair. The department head/chair may chair the committee or may remain separate from the committee's deliberations and subsequently receive its recommendations. (See guidelines at the end of this section.)

The committee reviews the cases of all members who the head or chair of the committee believes deserve consideration for promotion or tenure, including those faculty members in the sixth year of probationary service. The department head or chair furnishes the committee with a dossier for each candidate.

Guidelines for compiling the dossier are recommended by the University Promotion and Tenure Committee and are available on the [provost's website](#).

The committee makes a recommendation on each candidate to the department head or chair, including a written evaluation that assesses the quality of the candidate's performance in each relevant area. The division of the vote is conveyed to the college-level committee and administrator, but must otherwise remain confidential outside the committee. In the absence of a



unanimous recommendation, a minority report may be included. Whenever the department head or chair does not concur with the committee's recommendation, the committee is so notified.

In all cases of mandatory (sixth year) tenure decision, the head or chair passes on to the dean the dossier of every candidate, which includes the committee's evaluation and recommendation and the head's or chair's own recommendation, whether concurring or not. If not concurring, the head or chair includes a letter specifying the reasons. If concurring, the head or chair may submit a letter that combines the committee's and the head's or chair's evaluation and recommendation. Should the committee and the head or chair agree on a negative recommendation, the dean may declare that to be the final decision or may choose to have the recommendation reviewed by the college committee. In all other cases (promotion or tenure before the sixth year of probationary service), the head or chair follows the same procedures except that, when the committee's recommendation is negative and the head or chair concurs, the head or chair declares a final decision and no further review is carried out. The head or chair informs the faculty member of a negative decision if no further review is scheduled. In that case the faculty member is notified in writing of appeal options.

In sending dossiers to the college level, the head or chair may hold back supplementary materials not deemed central to the review but indicates their nature and their availability. Accompanying the set of dossiers is a statement from the head or chair describing the formation and procedures of the departmental committee and summarizing the number of candidates considered in each category (mandatory tenure, pre-sixth-year tenure, promotion at each rank).

On recommendation of the Commission on Faculty Affairs, University Council approved guidelines for the careful consideration by colleges and departments in the composition and method of selection of departmental promotion and tenure committees. They are presented as guidelines in the recognition that some flexibility is necessary to accommodate the diversity in size, structure, and composition of departments and in the desire to preserve some degree of department and college autonomy in such matters.

**Composition and Size:** Individual departments must develop and publish written policies to guide their promotion and tenure review processes, including the rules governing eligibility and selection of committee members. Individual departments determine who is eligible to serve on committees from among tenured faculty members. A balance between adequate representation and effectiveness of operation as a committee suggests that a size between four to seven members is most appropriate.

**Method of selection:** Some significant elements of faculty choice must be a part of the selection procedure. Some possibilities are: a combination of elected and appointed representatives; an elected slate significantly larger than the committee size, allowing the department head or chair to appoint the committee from the slate; or a committee elected by the faculty.

**Role of the department head or chair:** Given their responsibility to make a separate and independent recommendation on each case, department heads or chairs may not vote as members of committees. Department heads or chairs may convene committees and may discuss each candidate with committees as appropriate. However, it is recommended that committees discuss

the merits of the candidates and frame their recommendations without heads or chairs in attendance.

#### **3.4.4.2 College Evaluation for Promotion and Tenure**

Each college shall have a committee with appropriate faculty representation to review the recommendations on promotion and tenure sent by the department head or chair. The committee reviews the cases of any candidates recommended by the departmental committee and/or the head or chair and, if requested by the dean, reviews cases of mandatory tenure receiving negative recommendations by both the departmental committee and the head or chair.

The purposes of the review are to verify that the recommendations are consistent with the evidence, reflecting college-wide standards, and that they consider the goals, objectives, and programmatic priorities of the college as components of the university mission.

The committee makes a recommendation on each candidate to the dean. The division of the vote at both the departmental and college level is conveyed to the university-level committee and provost, but must otherwise remain confidential. If the recommendation is at variance with that received from the department head or chair, reasons for that variance should be specified in the recommendation.

Whenever the dean does not concur with the committee's recommendation, the committee is so notified. The dean sends to the provost the full dossier of every candidate for whom the dean makes positive recommendation and also the dossiers of those cases where the dean does not concur with the college committee's positive recommendation. The dean includes a letter specifying the reasons for any reversal of the committee's recommendation and, in cases of concurrence, may include a letter to bring out additional points not raised in earlier evaluations.

In the case of any candidate for promotion or tenure whose dossier is not being sent to the provost, the dean informs the department head or chair of the rejection and the department head or chair so notifies the departmental committee and the faculty member. In that case, the faculty member is notified in writing of appeal options.

The dossiers that the dean sends to the provost are accompanied by a statement describing the formation and procedures of the college committee and by a summary of the number of candidates considered by the committee in each category.

On recommendation of the Commission on Faculty Affairs, University Council approved the following further guidelines on formation and procedures of the college-level evaluation:

**Committee Composition:** Rules governing eligibility and selection of college committee members and the committee chair, and operating guidelines for the committee's deliberations must be documented in written college policies, formally approved by the faculty.

1. Individual colleges determine who is eligible to serve on committees from among tenured faculty members.

2. The college committee may include department heads, chairs, or department-level promotion and tenure committee members. However, none of these members may vote on cases from their departments since each has already had an opportunity to vote or make a recommendation on those candidates.
3. As far as possible, each department within the college should be represented on the committee.
4. A significant element of faculty choice must be part of the committee selection procedure. Some possibilities are: election by the college faculty, appointment by an elected college executive committee, a combination of elected and appointed (by the dean or college executive committee) representatives, or an elected slate significantly larger than the required committee size, thus allowing the dean or college executive committee to appoint the committee from the elected slate.
5. The dean may appoint up to three tenured faculty members to serve on the college committee in order to assure appropriate representation of disciplines or very large departments, participation by members of underrepresented groups, or other critical considerations to help assure fairness of the process in both fact and perception. Appointments by the dean may not constitute more than a third of the committee's total membership.
6. If department heads or chairs serve on college committees, their total number must be less than that of other faculty members.
7. Committee appointments should be staggered to assure continuity from one year's deliberation to the next. If possible, members should not serve more than two successive terms.
8. Selection of the committee chair is determined in accordance with college policies, approved by the faculty.
9. The dean may be present at college committee deliberations and serve in an advisory capacity to the committee to assure compliance with college and university procedures and fairness and equity of treatment of candidates. The dean does not vote on committee recommendations, but provides a separate recommendation to the provost.
10. Faculty members appointed to serve on the university-level promotion and tenure committee are encouraged to observe college-level deliberations to better prepare for their roles, but should not participate or attempt to influence college-level recommendations.

**Committee Procedures and Recommendations:** The college committee may ask the department head or chair, the candidate, and/or a representative(s) of the department committee

to appear before the college committee to present additional information or clarification of recommendations.

The committee makes a recommendation on each candidate to the dean and prepares a letter summarizing its evaluation to forward with the dossier. A record of the committee's vote is documented and forwarded to the dean.

**Review and Recommendations by the Dean:** The dean sends forward to the provost the full dossier of every candidate for whom there is a positive recommendation from either the college committee or the dean, or both. The dean prepares a separate letter of recommendation to be forwarded with the dossier. Whenever the dean does not concur with the committee's recommendation, the committee is so notified.

The dossiers that the dean sends to the provost are accompanied by a statement describing the formation and procedures of the college committee and a summary of the number of candidates considered by the committee in each category. The division of the vote at both the departmental and college levels is conveyed to the university-level committee and provost, but must otherwise remain confidential.

If both the college committee and the dean of the college reject a positive department recommendation, the usual process of review is concluded and the dossier is not sent forward to the provost. The dean informs the department head or chair of the rejection and the department head or chair notifies the departmental committee and the faculty member. In that case, the dean informs the faculty member in writing of the specific reasons for the decision and provides notification of appeal options outlined in section "Appeals of Decisions on Reappointment, Tenure, or Promotion."

### **3.4.4.3 University Evaluation for Promotion and Tenure**

The University Promotion and Tenure Committee is appointed and chaired by the senior vice president and provost. The committee reviews the qualifications of the candidates recommended for promotion or tenure by each college dean. It also reviews those cases in which the dean does not concur with the college committee's positive recommendation. The purpose of the reviews is to verify that the recommendations are consistent with the evidence, reflecting university standards, and that they are consistent with university objectives, programmatic plans, and budgetary constraints.

Guidelines for submission of candidates' dossiers are available on the [provost's website](#).

The committee makes a recommendation on each candidate to the provost. The provost makes recommendations to the president, informing the committee of those recommendations, including the basis for any non-concurrence with committee recommendations. The provost informs the president of any variation between the provost's recommendations and those of the committee.

The president makes recommendation to the Board of Visitors from among those candidates reported by the provost with the Board of Visitors being responsible for the final decision.

The provost notifies the appropriate dean of any negative decision reached by the provost, the president, or the Board of Visitors. The dean, when notifying the faculty member in writing, notes appeal options.

On recommendation of the Commission on Faculty Affairs, the University Council approved the following further guidelines on formation and procedures of the university committee:

- The university committee consists of the college deans and tenured faculty members of the rank of associate professor or higher, one from each college and one faculty member-at-large. The selection of the faculty members should be based on demonstrated professional excellence.
- All members of the committee hold voting privileges. Regardless of the size of the committee, the faculty must always have at least a majority of the potential votes. Consistent with the principle that participants at all levels of the promotion and tenure review process vote only once on an individual case, deans do not vote on cases from their own college. Similarly, faculty members serving on the university committee do not vote on any case they previously voted on, should this circumstance occur.
- Some significant element of faculty choice should be part of the selection procedure; therefore, each college faculty, by means deemed suitable by them, nominates two faculty members for each vacancy, from which the provost selects one. The Faculty Senate nominates two faculty members for the at-large appointment, from which the provost selects one.
- The faculty members of the committee hold rotating terms of three years.
- The provost chairs the committee, but does not hold voting privileges.
- All voting within the committee should be by written secret ballot; the division of any ballot must remain confidential.

#### **3.4.4.4 Promotion and Tenure Guidelines**

The [promotion and tenure guidelines](#) and a standard dossier cover page are available on the provost's website. All candidate dossiers must be submitted to the University Promotion and Tenure Committee according to the guidelines on the [provost's website](#).

#### **3.4.5 Appeals of Decisions on Reappointment, Tenure, or Promotion**

A faculty member who is notified of a negative decision following evaluation for a term reappointment during the probationary period, for a tenured appointment, or for promotion, and who believes that the decision was improperly or unfairly determined may appeal for review of the decision under conditions and procedures specified in this section.

Such an appeal must be filed, in writing, within 14 calendar days of formal notification of the decision, which shall make reference to appeal procedures. The appeal can only be based on grounds that certain relevant information was not provided or considered in the decision, or that the decision was influenced by improper consideration. The written appeal must specify the grounds and the basis for such an allegation.

Although the provisions for appeal described below are designed to give faculty members protection against capricious or arbitrary decisions, the faculty member who believes that these procedures have been improperly followed may, at any point, seek advice from [the Faculty Senate Committee on Reconciliation](#) and/or file a grievance in accordance with the grievance procedure in section in chapter three, “Faculty Grievance Policy and Procedures.”

#### **3.4.5.1 Probationary Reappointment**

Faculty members on probationary term appointments should make no presumption of reappointment. The department head or chair with the advice of the departmental personnel committee or the faculty development committee determines non-reappointment. Notice of non-reappointment is furnished according to the schedule in section in chapter two, “Retirement, Resignation, and Non-Reappointment.” The specific reasons for the decision are provided to the faculty member in writing, if requested.

If the decision is based primarily on evaluation of the faculty member’s performance, including perceived lack of potential for further professional development, then the faculty member may request a review of the decision by the dean of the college. If the dean sustains the departmental decision, the faculty member may request, through the dean, the further and independent review of the decision by the properly constituted college committee on promotion and tenure.

The faculty member presents the appeal in writing as specified in section in chapter three, “Appeals of Decisions on Reappointment, Tenure, or Promotion.” The faculty member may elect to present oral arguments to the committee. The college committee makes recommendation to the dean, who informs the faculty member of the committee’s recommendation and the dean’s subsequent decision. The dean’s decision closes the appeal process, unless it is at variance with the college committee’s recommendation, in which case the faculty member may appeal to the provost for a final decision.

#### **3.4.5.2 Tenure Decision**

Occasionally faculty members are evaluated for a tenured appointment during the probationary period but before the final probationary year. In such a case, there is no recourse to appeal or review of a negative decision, at whatever level it is reached, because of the certainty that the evaluation will be undertaken again within a limited time.

Evaluation for a tenured appointment is mandatory in the sixth year of probationary service unless the faculty member has given written notice of resignation from the faculty. If both the departmental committee and the department head or chair agree that the faculty member’s record does not warrant a tenured appointment, there is an automatic review of the candidate’s dossier by the dean. If the dean concurs, the faculty member is notified by the dean, in writing, of the decision and the specific reasons for it.

The faculty member may then request, through the dean, that the college committee on promotion and tenure independently review the decision. The faculty member presents the appeal in writing as specified in chapter three “Appeals of Decisions on Reappointment, Tenure,

or Promotion.” The faculty member may elect to present oral arguments to the committee as well. If the committee concurs with the decision, the decision is final, the dean so notifies the faculty member in writing, and no further appeal is provided.

During the automatic review of the candidate’s dossier, the dean may wish to reserve judgment. In such a case, the dean notifies the faculty member of the departmental decision and tells the faculty member that he or she is requesting the college committee on promotion and tenure to undertake an independent review, as specified in the previous paragraph, and to make a recommendation. Should the college committee and the dean concur with the departmental decision, the decision is declared final, the faculty member is so notified, and no further appeal is provided. The specific reason for the decision is provided to the faculty member in writing.

In any case of college-level review of a negative departmental decision, a positive recommendation by either the college committee or the dean is sent with the dossier to the University Promotion and Tenure Committee in the same way as in the usual review process.

If the college committee and the dean undertake the review based on a positive recommendation of either or both the departmental committee and the department head or chair and if the college committee recommends that tenure not be awarded and the dean concurs, the faculty member is notified of the negative decision with reference to appeal procedures. The specific reasons for the decision are furnished to the faculty member in writing. The faculty member may then appeal to the provost for review of the decision by the university committee, which makes a recommendation to the provost for a final decision. The faculty member presents the appeal in writing as specified in section “Appeals of Decisions on Reappointment, Tenure, or Promotion.” No further appeal is provided. The university committee may choose to hear oral arguments.

Should the provost not concur with a positive recommendation from the University Promotion and Tenure Committee, whether that recommendation culminates a usual review or an appeal, the faculty member is so notified in writing of the specific reason for the decision. The faculty member may appeal to the [Faculty Review Committee](#). That committee investigates the case and, if the differences cannot be reconciled, makes a recommendation to the president on the matter. The president’s decision is final.

During review following an appeal, the college committee may find reason to believe that the departmental evaluation was biased or was significantly influenced by improper considerations. In that case, the reviewing committee may request that the college dean form an *ad hoc* committee to re-initiate the evaluation. The *ad hoc* committee is composed, as feasible, of faculty members in the candidate’s department or in closely allied fields and does not contain any members of the original committee.

Should the university committee make such a finding in the review of an appeal relative to the college evaluation, it requests the dean to form a new *ad hoc* committee at the college level. The *ad hoc* committee makes a recommendation to the committee that requested its formation.

### **3.4.5.3 Review of Progress Toward Promotion to Professor**

At least one review of progress toward promotion to professor should be conducted three to five years after promotion and tenure is awarded (or after tenure is awarded at the current rank of associate professor). The review is required for faculty promoted and tenured during 2012-13 and thereafter. The review is to be substantive and thorough. At a minimum, an appropriate departmental committee (e.g., promotion and tenure committee, personnel committee, annual review committee) must review the faculty member's relevant annual activity reports, peer evaluations of teaching, and authored materials since the last promotion. The committee may also wish to review an updated curriculum vitae. The faculty member may wish to complete a draft promotion dossier (using the format available on the [provost's website](#)) to organize and present information for review.

The review should be developmental and focus on the faculty member's progress toward promotion to professor. The developmental guidance should focus on recommended future activities and plans that will position the faculty member for promotion. All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for his or her departmental file. In addition, the faculty member may request a meeting with the department committee chair and the department head or chair to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues and the department head or chair.

### **3.4.5.4 Promotion Consideration and Decision**

There is no specification for minimum or maximum time of service in the rank of associate professor with tenure. Consideration for promotion to professor may be requested of the department head or chair by a faculty member at any time if the department head or chair or committee has not chosen to undertake such an evaluation. However, appeal of a negative promotion decision is provided only if the faculty member has been in rank for at least six years and if the faculty member has formally requested, in writing, consideration for promotion in a previous year. In such a case, for a member of the collegiate faculty, or a member of the administrative and professional faculty seeking promotion in rank through an academic department, an appeal follows the same procedures as in section in chapter three, "Appeals of Decisions on Reappointment, Tenure, or Promotion."

## **3.5 Annual Evaluation, Post-Tenure Review, and Periodic Review of College and Departmental Administrators**

### **3.5.1 Annual Evaluation and Salary Adjustments**

All departments are required to have written guidelines outlining the process and criteria used in faculty evaluations. The adoption of such guidelines promotes consistency and transparency in this important aspect of faculty life. Guidelines and procedures for the annual review of University or Alumni Distinguished Professors are established by the president and/or provost, who are responsible for their evaluations.



Every faculty member's professional performance is evaluated annually and written feedback is provided separately from confirmation of any merit adjustments. The process begins with submission of a Faculty Activity Report (FAR). All non-temporary faculty members must submit a FAR annually. These reports form part of the basis for performance evaluations, awarding merit adjustments, and promotion, tenure, and post-tenure reviews.

Department heads/chairs are responsible for conducting annual faculty evaluations, either independently or in consultation with an appropriately charged committee in accordance with departmental procedures. All evaluations must be in writing and include a discussion of contributions and accomplishments in all areas of the faculty member's responsibilities, comments on the faculty member's plans and goals, and any recommendations for improvement or change. Faculty members should receive their written evaluations within 90 days of submission of required materials, and they acknowledge receipt by signing and returning a copy for their departmental file, or the electronic equivalent. Acknowledging receipt of the evaluation does not imply agreement. If a faculty member substantially disagrees with the evaluation, he or she may submit a written response to the department head/chair for inclusion in his or her personnel file.

In addition to their annual evaluation letters, all pre-tenure faculty members receive at least two thorough reviews during the six-year probationary period and written feedback on their progress toward tenure by their departmental promotion and tenure committee prior to reappointment in accordance with guidance included in section "Probationary Period."

Faculty with part-time appointments are reviewed on the annual review cycle used for all faculty members in the department. For purposes of annual review, the fraction of the appointment must be taken into account when considering the appropriate level of achievement in that year.

Salary adjustments are based on merit; they are not automatic. Recommendations for salary adjustments originate with the department head or chair and are reviewed by the dean, the provost, and the president. Because salary adjustments are determined administratively on an annual basis and based significantly on the quality of the faculty member's response to assigned responsibility, they do not necessarily reflect an accurate measure of the full scope of the faculty member's professional development as evaluated by relevant committees in the tenure and promotion process.

The salary adjustments of continuing faculty members are approved by the Board of Visitors, and each faculty member is informed in writing of the board's action as soon as possible. (See section in chapter two, "Faculty Compensation Plan.")

### **3.5.2 Unsatisfactory Performance**

For tenured and pre-tenure faculty members, failure to meet the minimal obligations and standards the department has stipulated for its faculty results in an "unsatisfactory" rating. Written notification of an unsatisfactory rating and the considerations upon which it was based is given to the faculty member, with copies to the dean and provost. A single unsatisfactory evaluation indicates a serious problem, which should prompt remedial action. Faculty members

may respond in writing with a letter to the head or chair for inclusion in their personnel file, or they may seek redress through either the reconciliation or grievance procedures. Two successive annual ratings of unsatisfactory performance for a tenured faculty member results in a post-tenure review.

### **3.5.3 Departmental Minimal Standards**

Each academic department shall develop, maintain, and publish a statement of minimal standards for satisfactory faculty performance using the following process. Standards should be written with the participation of faculty in the department and approved by a vote of the tenured and tenure-track faculty in the department. Standards developed and approved by departments and the head or chair are then reviewed by the college-level promotion and tenure committee and the dean, and reviewed and approved by the provost. Once approved, the department's standards are published and made available to all faculty in the department. Revisions of departmental standards also follow these procedures. The following guidance is provided for the development of departmental minimal standards:

- Departments should carefully assess and state the overall standards of professional performance and contribution they consider minimally acceptable for tenured faculty. Each department's evaluation mechanism should allow a distinction between performance that is deficient in one or more areas requiring improvement, and performance that is so seriously deficient as to merit the formal designation, "unsatisfactory."
- Departmental standards should embrace the entire scope of faculty contributions. Expectations should recognize differences in faculty assignments within the same department. Departmental standards should typically address the individual's skill, effort, and effectiveness in contributing to all aspects of the instructional mission; the individual's activity in and contributions to the academic discipline; the individual's contributions to the collective life of the department, college, and university; and the individual's activity in and contributions to the university's outreach mission.
- Departmental statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative actions.
- Departmental statements should include the expectation that tenured faculty will adhere to the standards of conduct and ethical behavior as stated in the *Faculty Handbook* and/or promulgated through other official channels.

### **3.5.4 Post-Tenure Review**

Nothing in this section should be interpreted as abridging the university's right to proceed directly to dismissal for cause as defined in chapter three, "Dismissal for Cause," or the right of individual faculty members to pursue existing mechanisms of reconciliation and redress.

A post-tenure review is mandatory whenever a faculty member with tenure receives two consecutive annual evaluations of unsatisfactory performance. Annual reviews for years spent on leave without pay are disregarded for the purpose of this calculation. The departmental promotion and tenure committee conducts the review, unless the same committee was involved

in the original unsatisfactory annual evaluations. In this case, the department elects a committee to carry out the review function.

Upon recommendation of the head or chair and with the approval of the dean, a post-tenure review may be waived or postponed if there are extenuating circumstances (such as health problems).

The purpose of a post-tenure review is to focus the perspective of faculty peers on the full scope of a faculty member's professional competence, performance, and contributions to the department, college, and university mission and priorities.

The faculty member has both the right and the obligation to provide a dossier with all documents, materials, and statements he or she believes are relevant and necessary for the review. Ordinarily, such a dossier includes at least the following: an up-to-date *curriculum vitae*, the past two or more faculty activity reports, teaching assessments, and a description of activities and accomplishments since the last faculty activity report. The faculty member is given a period of no less than four weeks to assemble the dossier for the committee. The head or chair supplies the review committee with the last two annual evaluations, all materials that were considered in those evaluations, any further materials deemed relevant, and other materials the committee requests. Copies of all materials supplied to the committee are given to the faculty member. The faculty member has the right to provide a written rebuttal of evidence provided by the head or chair.

The committee weighs the faculty member's contributions to the discipline, the department, and the university through learning, discovery, and engagement. The burden of proving unsatisfactory performance is on the university. The committee prepares a summary of its findings and makes a recommendation to the head or chair, with copies to the dean and provost. Final action and notification of the faculty member is the responsibility of the head or chair and dean, with the concurrence of the provost.

The review may result in one of the following outcomes:

**Certification of satisfactory performance:** The committee may conclude that the faculty member's competence and professional contributions are satisfactory to meet the department's minimal expectations, thus failing to sustain the assessment of the head or chair. The review is then complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Certification of deficiencies:** The committee may concur that the faculty member's competence and/or professional contributions are unsatisfactory to meet the department's minimal expectations. The committee may recommend dismissal for cause, a sanction other than dismissal for cause, or a single period of remediation not to exceed two years.

**Remediation:** If a period of remediation is recommended, the committee specifies in detail the deficiencies it noted, defines specific goals and measurable outcomes the faculty member should achieve, and establishes a timeline for meeting the goals. The head or chair meets with the faculty member at least twice annually to review the individual's progress. The head or chair

prepares a summary report for the committee following each meeting and at the end of the specified remediation period, at which time the committee either certifies satisfactory performance or recommends dismissal for cause or a sanction other than dismissal for cause following the procedures described below.

**Sanction other than dismissal for cause:** A departmental recommendation to impose a severe sanction, as defined in chapter three, “Imposition of a Severe Sanction,” shall be referred to the college-level promotion and tenure committee, which reviews the case as presented to the departmental committee, provides an opportunity for the faculty member to be heard, and determines whether the recommendation is consistent with the evidence. The college-level committee may reject, uphold, or modify the specific sanction recommended by the departmental committee. If the college-level committee also recommends imposition of a severe sanction, then the same procedures used for dismissal for cause guides the process. The reviews conducted by the department- and college-level committees satisfy the requirement in step two in chapter three, “Dismissal for Cause,” for an informal inquiry by an *ad hoc* or standing personnel committee. Thus, in the case of a post-tenure review, this step is not repeated.

If a severe sanction is imposed or ultimately rejected, then the post-tenure review cycle is considered complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Dismissal for cause:** If dismissal for cause is recommended, the case shall be referred to the college-level promotion and tenure committee as described in chapter three, “College Evaluation,” which reviews the case as presented to the departmental committee and determines whether the recommendation is consistent with the evidence. If the college-level committee upholds the recommendation for dismissal, then the procedures specified in chapter three, “Dismissal for Cause,” begin immediately. The committee review satisfies the requirement in chapter three for an informal inquiry by a standing personnel committee.

### **3.5.5 Periodic Review of Academic Deans, Dean of the Libraries, Department Heads, Senior Administrators, and Academic Vice Presidents**

In addition to an annual performance evaluation, and in accordance with [University Policy 6105](#), academic deans, dean of the libraries, and academic vice presidents are subject to evaluations every five years. If the review of a dean cannot be conducted in the fifth year as would usually be the case, the senior vice president and provost will inform the officers of the relevant college or libraries faculty association as to the reason for delay. A review may also be initiated at any time by the senior vice president and provost and/or at the request of at least one-third of the tenure-track faculty in the college, or in the case of the libraries, one-third of the continued appointment faculty. If the review of a vice president who reports to the provost cannot be conducted in the fifth year, the senior vice president and provost will notify the deans and the chairs of the college and libraries faculty associations as to the reason for the delay. In the semester prior to a periodic evaluation, the faculty association will be notified of the review and the association may schedule a meeting with the provost to discuss the upcoming review.

[University Policy 6100](#) “Department Head or Chair Appointments” outlines the review process for academic department heads or chairs. In addition, colleges should adopt more detailed procedures in accordance with the broad guidelines below so that reviews may be conducted consistently and appropriately across the college for those serving in academic leadership roles.

The purpose of the periodic review is to support the success of the university's academic units by providing developmental feedback to promote fair and effective academic leadership. Reappointment of an individual to academic department head, chair, academic dean, or academic vice president must be preceded by a periodic review conducted in accordance with guidelines outlined in [University Policy 6105](#) or in [University Policy 6100](#).

### **3.6 Imposition of a Severe Sanction or Dismissal for Cause**

#### **3.6.1 Adequate Cause**

Adequate cause for imposition of a severe sanction or dismissal is related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.<sup>1</sup>

Adequate cause includes: violation of professional ethics (see chapter two, “Professional Responsibilities and Conduct”); incompetence as determined through post-tenure review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately-charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-tenure review) or by the relevant administrator (for example, the department head/chair, compliance officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include a recommendation for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

#### **3.6.2 Imposition of a Severe Sanction**

**Definition and Examples:** A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of University Policy.

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<sup>1</sup> The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the AAUP.

Routine personnel actions such as a recommendation for no or a below-average merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in the Faculty Handbook.

**Process for Imposing a Severe Sanction:** The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or *ad hoc* faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by an appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct policies) and, having determined that in its opinion there is adequate cause for imposing a severe sanction, refers the matter to the administration.

### **3.6.3 Dismissal for Cause**

The following procedures apply to faculty members with tenure or for dismissal of a tenure-track faculty member before the end of their current contract.

Dismissal is preceded by:

1. Step one: Discussions between the faculty member, department head or chair, dean, and/or provost, looking toward a mutual settlement.
2. Step two: Informal inquiry by a standing (or, if necessary, *ad hoc*) faculty committee having concern for personnel matters. This committee attempts to effect an adjustment and, failing to do so, determines whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president’s decision whether to proceed.
3. Step three: The furnishing by the president (in what follows, the president may delegate the provost to serve instead) of a statement of particular charges, in consultation with the department head or chair and dean. The statement of charges is included in a letter to the faculty member indicating the intention to dismiss, with notification of the right to a formal hearing. The faculty member is given a specified reasonable time limit to request a hearing, that time limit is no less than 10 days.

**Procedures for conducting a formal hearing, if requested:** If a hearing committee is to be established, the president asks the [Faculty Senate](#), through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members should be nominated on the basis of their objectivity, competence, and regard in which they are held in the academic community. They must have no bias or untoward interest in the case and be available at the anticipated time of hearing. The faculty member and the president each have a maximum of two challenges from among the nominees without stated cause. The president then names a five-member hearing committee from the remaining names on the nominated slate. The hearing committee elects its chair.

Pending a final decision on the dismissal, the faculty member is suspended only if immediate harm to him or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation takes place with the [Reconciliation Committee](#) of the Faculty Senate concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary continues during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.

Notice of hearing of at least 20 days is made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case, the hearing committee evaluates all available evidence and rests its recommendation on the evidence in the record.

The committee, in consultation with the president and the faculty member, exercises its judgment as to whether the hearing is public or private. During the proceedings, the faculty member is permitted to have an academic advisor and legal counsel. At the request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association is permitted to attend the hearing as an observer.

A verbatim record of the hearing is taken.

The burden of proof that adequate cause exists rests with the university.

The hearing committee grants adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. The faculty member is afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration cooperates with the hearing committee in securing witnesses and evidence. The faculty member and administration have the right to confront and cross-examine all witnesses. The committee determines the admissibility of statements of unavailable witnesses and, if possible, provides for interrogatories.

The hearing committee is not bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issues involved. Every possible effort is made to obtain the most reliable evidence available.

The findings of fact and the recommendation are based solely on the hearing record. The president and the faculty member are notified of the recommendation in writing and are given a written copy of the record of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it so reports to the president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the president rejects the recommendation,

the hearing committee and the faculty member are so informed in writing, with reasons, and each is given an opportunity for response.

**Appeal to the Board of Visitors:** If the president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full record of the case be submitted to the Board of Visitors (or a duly constituted committee of the board). The board's review is based on the record of the committee hearing, and it provides opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding returns to the committee with specific objections. The committee then reconsiders, taking into account the stated objections and receiving new evidence if necessary. The board makes a final decision only after study of the committee's reconsideration.

**Notice of Termination/Dismissal:** In cases where gross misconduct is decided, termination is usually immediate. The standard for gross misconduct is behavior so egregious that it evokes condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay. The first faculty committee that considers the case determines gross misconduct. In cases not involving gross misconduct: (a) a faculty member with tenure receives up to one year of salary or notice, and (b) a probationary faculty member receives up to three months' salary or notice. These terms of dismissal begin on the date of final notification of dismissal.

### **3.7 Faculty Grievance Policy and Procedures**

The following procedures are provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by tenured or tenure-track faculty members.

#### **3.7.1 Faculty Reconciliation and Mediation Services**

**Informal Dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels he or she has a grievance is encouraged to take it to his or her immediate supervisor in the—collegial spirit of problem solving rather than as a confrontation between adversaries.

**Reconciliation:** At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the Faculty Senate [Committee on Reconciliation](#) in fashioning an equitable solution. Contacting the Faculty Senate Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether his or her concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant must contact the chair of the Faculty Senate Committee on



Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the Faculty Senate Committee on Reconciliation, that committee requests a postponement of the time limits involved in the formal grievance procedure while it deals with the case. The request is submitted in writing to the vice provost for faculty affairs by the chair of the Faculty Senate Committee on Reconciliation. Also, the grievant should reach an understanding with the Faculty Senate Committee on Reconciliation of the time frame planned for that committee's work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Senior Vice President and Provost. Additional information regarding the faculty reconciliation process is available on the [provost's website](#).

**Mediation:** [Mediation](#) is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through the Department of Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

**Role of Mediators:** Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting Mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

### 3.7.2 The Formal Grievance Procedure

If the assistance of the Faculty Senate [Committee on Reconciliation](#) is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of his or her case.

1. Step one: The grievant must meet with his or her immediate supervisor (usually the department head or chair) within 30 calendar days of the date that grievant knew or should have known of the event or action that is basis for the grievance and orally identifies the grievance and the grievant's concerns. The supervisor provides an oral response to the grievant within five weekdays following the meeting. If the supervisor's response is satisfactory to the grievant, that ends the matter.
2. Step two: If a satisfactory resolution of the grievance is not achieved by the immediate supervisor's oral response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be on the [faculty grievance form](#), must define the grievance and the relief requested specifically and precisely, and must be submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor's oral response to the first step meeting. Faculty grievance forms are available on the [provost's website](#).

Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form, citing reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

3. Step three: If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for collegiate faculty is usually the college dean. The administrator involved at this next level is hereafter referred to as the second-level administrator.

Following receipt of the faculty grievance form, the second-level administrator, or designated representative, meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a representative of his or her choice from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five

weekdays after the meeting, citing reasons for his or her decision. If the second-level administrator's written response to the grievance is satisfactory to the grievant it ends the matter.

4. Step four: If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the [Faculty Review Committee](#). A description of the charge and membership of the [Faculty Review Committee](#) is included in chapter one "Faculty Review Committee."

Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the [Procedures of the Faculty Review Committee](#) to parties in the grievance process. The provost immediately forwards a copy of the grievance to the [president of the Faculty Senate](#), who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost's decision, however, may be appealed to the president, as described in step five. If the provost does not accept the petition, the Faculty Review Committee hears the grievance as outlined in these procedures.

- **Hearing Panel:** A hearing panel consists of five members appointed by the chair of the Faculty Review Committee from among the members of the Faculty Review Committee. The chair of the Faculty Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Review Committee or his or her designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

- **Hearings:** After a hearing panel is appointed, the chair of the Faculty Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel

completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel. Detailed procedures followed in hearings are specified in the “Procedures of the Faculty Review Committee” as approved by the Faculty Senate.

- **Findings and Recommendations:** The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Review Committee.

- **Provost’s Action:** The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant his or her decision in writing concerning the disposition of the grievance. If the provost’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.
5. Step five: If the provost’s decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president acts as he or she sees fit. The president’s decision is final.

### **3.7.3 Timeliness of Grievance and Procedural Compliance**

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when he or she knew or should have known of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the [Faculty Review Committee](#) in writing, and the chair of the Faculty Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee (or the vice president of the senate if the president is also chair of the Faculty Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

### **3.7.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion and tenure procedures (see appeal process in chapter three, “Appeals of Decisions on Reappointment, Tenure, or Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

**Issues not open to grievance:** While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion and/or tenure decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of

university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the [chair of the Faculty Review Committee](#) within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

### **3.7.5 Particular Concerns and Definitions**

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An [agreement form to extend the grievance response time](#) is available on the [provost's website](#).)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from his or her assigned work location at the time he or she discovers the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with his or her immediate supervisor to initiate the grievance process begins when the faculty member returns to his or her assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to his or her assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume his or her duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will

not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and he or she is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers he or she has a grievance about actions by an administrator above the level of his or her immediate supervisor that directly involve the faculty member, or with actions by an administrator not in his or her department that directly involve the faculty member, the grievant initiates the grievance process by seeking the intervention of his or her immediate supervisor within 30 calendar days of the discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting his or her immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in the usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the chair of the Faculty Review Committee and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the president of the university for his or her ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and University Policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations, or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

### **3.7.6 Overview of the Formal Grievance Process for Tenured and Tenure-Track Faculty**

Below is an *abbreviated* overview of the grievance process and deadlines. Refer to chapter three, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. ([An agreement form to extend the grievance response time](#) is available on the [provost’s website](#).)



Step one:

- Within 30 days of event 1a. Grievant meets with immediate supervisor (usually department head).
- Within 5 weekdays 1b. Department head provides oral response.
- 1c. If department head's response is satisfactory to grievant, that ends the matter.
- 1d. If department head's response is not satisfactory to grievant, move to step two within 5 weekdays.

Step two:

- Within 5 weekdays 2a. Grievant submits written grievance to department head.
- Within 5 weekdays 2b. Department head responds in writing on grievance form.
- 2c. If department head's response is satisfactory to grievant, that ends the matter.
- 2d. If department head's response is not satisfactory to grievant, move to step three within 5 weekdays.

Step three:

- Within 5 weekdays 3a. Grievant advances grievance form to the second level administrator (usually dean).
- Within 5 weekdays 3b. Dean meets with grievant; dean may request department head to be present.
- W/in 5 weekdays 3c. Dean responds in writing on grievance form.
- 3d. If dean's written response is satisfactory to grievant, that ends the matter.
- 3e. If dean's written response is not satisfactory to grievant, move to step four within 5 weekdays.

Step four:

- Within 5 weekdays 4a. Grievant advances grievance form to the provost.
- Within 5 weekdays 4b. Provost acknowledges receipt of grievance and forwards copy to Faculty Senate president to receive recommendation of an impartial hearing panel of the Faculty Review Committee.
- Within 5 weekdays 4c. Faculty Senate president acknowledges in writing to grievant that copy of grievance has been received from provost.
- Within 15 weekdays 4d. Faculty Review Committee chair appoints hearing panel from among Faculty Review Committee members; panel holds its initial meeting with both principals.
- Within 45 weekdays 4e. Hearing panel concludes its work and makes recommendations to provost and grievant.
- Within 10 weekdays 4f. Provost meets with grievant.
- Within 10 weekdays 4g. Provost notifies grievant in writing of his or her decision.
- 4f. If the provost's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.
- 4h. If the provost's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, move to step five within 20 calendar days.



Step five:

- Within 20 calendar days
- 5a. Grievant appeals in writing to university president.
  - 5b. University president's decision is final.

### **3.8 Study-Research Leave**

Study-research leave may be granted to faculty members for research and/or advanced study necessary to enhance the competencies of those faculty members to carry out their obligations to the university. (At other universities this program is often called "sabbatical").

Full-time tenured faculty members with the rank of associate professor or higher, having accrued a minimum of six years of service, are eligible for study-research leave. Following a period of study-research leave, an additional six years of full-time service are necessary before a faculty member is eligible for another leave. Requests may be submitted prior to completion of six years of service, but faculty members must have tenure and have completed the sixth year before the leave period begins. Tenure-track faculty members are not eligible to apply for study-research leave until after tenure has been awarded.

Time spent on study-research leave, educational leave, or leave without pay is not considered in compiling minimum service requirements for further leaves.

As part of the commonwealth's educational leave program, recipients of study-research leaves are provided with partial salary (not to exceed one-half salary). Full employee benefits remain in force while faculty members are on study-research leaves. Calendar year faculty on study-research leave earn annual leave at a rate of half their usual annual leave earnings.

Instead of a proposal for a leave of a full academic or calendar year, faculty members may propose a sequence of semester leave periods at half-salary over several years, not to exceed in total one academic year (for a faculty member on academic year appointment) or 12 months (for a faculty member on calendar year appointment). If such a sequence of leaves is undertaken, all intervening periods of full-time appointment at Virginia Tech accrue toward the six-year minimum service required before eligibility for another study-research leave or sequence of leaves.

Alternatively, following completion of any study-research leave, faculty members may propose a single semester of study-research leave at half-salary following three years of full-time service to the university.

Recipients of a study-research leave may receive additional compensation from other approved sources up to a total equal to their annual salary from the university. Faculty members may receive the additional half salary from sponsored grants or contracts, resulting in a one-year period at full salary from university sources; the appropriate level of effort must be expended on grant-related activities. They may also obtain additional funds from external sources to cover expenses for travel, research, administrative assistance, and the purchase of relevant materials. Documentation of all external earnings and expected payments is required and must be reviewed

and approved by the department head and provost. Engagement in consulting activities must be consonant with existing University Policy.

The request for study-research leave is made in the fall and, if approved, is taken the following academic year. Requests for study-research leave should be submitted to the department head or chair by November 1 for processing through the college, provost, and consideration by the Board of Visitors at the March (or spring) meeting of the board. Requests are forwarded to the board, subject to recommendation of the department head or chair, dean, and the provost, with consideration of the need for effective continuation of the department's program. Specific leave request due dates are established annually and made available in the [Calendar of Important Dates](#) found on the [provost's website](#).

The faculty member must return to full-time service with the university for a minimum of at least one academic year at the end of the approved leave or repay the university the salary received plus interest. If less than this required period of service is met, repayment is required of the *pro rata* portion of the compensation provided by the university during the leave period. The faculty member, before undertaking the leave, must sign a memorandum of agreement to this effect.

Within 60 days of returning to full-time status, the faculty member must send a letter to the provost summarizing his or her accomplishments.

### **3.9 Research Assignment**

Research assignment is a special category of study-research leave that is awarded to a tenured academic faculty member for one semester of intensive study or research that increases the quality of the individual's professional stature and future contributions to the university. It may be taken in lieu of an ordinary year-long study-research leave. Tenure-track faculty members are not eligible to apply for research assignment leave until after tenure has been awarded.

Full-time tenured faculty members with the rank of associate professor or higher, having accrued a minimum of six years of service, are eligible for research assignment leave. Following such a leave, an additional six years of full-time service is necessary before a faculty member may be considered for another research assignment. Requests may be submitted prior to completion of six years of service, but faculty members must have completed the sixth year before the leave period begins. Faculty members on calendar year appointments may take research assignment leave for up to six months.

Approval for research assignment provides the faculty member with full salary and related benefits for the period of the leave; faculty members may not take on additional responsibilities for outside income except as allowed by the university's [consulting policy](#). Modest stipends associated with competitive visiting scholar programs at other institutions, competitive national or international fellowships, the Fulbright Scholar Program, and similar prestigious opportunities to support study and/or scholarly research may be approved where there is clear benefit to the faculty member and the university. Similarly, externally funded reimbursements or allotments for travel, temporary relocation, and other expenses associated with the proposed research assignment may be approved. Documentation of all external earnings and expected payments is

required and must be reviewed and approved by the department head and provost. When a faculty member proposes a period of paid employment greater than 50 percent of the annual salary in a corporate or governmental setting, leave without pay or a contract through [Intergovernmental Personnel Act](#) may be more appropriate than a research assignment.

The primary privilege of a research assignment is entire relief from teaching and administrative duties for one semester. A secondary privilege is that the assignment may be carried out at any location approved by the dean, although research programs that require facilities, library resources, or collaborations not available at the university are given special consideration.

An application for research assignment should be submitted to the appropriate department head or chair by November 1 of the academic year preceding that in which the research assignment will be made. Application forms are available from the [provost's website](#). The application should be in the form of a letter, which includes a detailed description of the proposed research or other scholarly project, the location of that activity, and the relevance of the proposed activity in contributing to the faculty member's own scholarly research program. The department head or chair reviews the application and forwards it with a recommendation to the college dean by mid-November indicating the provisions that will be made to accommodate the faculty member's teaching and advising responsibilities. The dean is expected to weigh fiscal and academic load considerations to assure an equitable distribution of the awards. The dean forwards research assignment requests to the provost by mid-December. The provost reviews the recommendations, communicates with the deans, and announces the results to each candidate, following approval by the Board of Visitors. Specific leave request due dates are established annually and made available in the Calendar of Important Dates found on the [provost's website](#).

The faculty member must return to full-time service with the university for a minimum of at least one academic year at the end of the approved leave. If less than this required period of service is met, repayment is required of the *pro rata* portion of the compensation provided by the university during the leave period. The faculty member, before undertaking the leave, must sign a memorandum of agreement to this effect.

Within 60 days of returning to full-time status, the faculty member must send a letter to the provost summarizing his or her accomplishments.

### **3.10 Modified Duties**

The university recognizes the need for all tenured and tenure-track faculty members to balance the commitments of family and work. Special family circumstances, for example, birth or adoption of a child, severe illness of an immediate family member, or even issues of personal health, can cause substantial alterations to one's daily routine, thus creating a need to construct a modified workload and flexible schedule for a period of time.

Since the circumstances may vary widely for faculty members at different stages of their careers and with different family and workload situations, this policy does not prescribe the exact nature of the accommodation. In many cases, it may be a reduction or elimination of a teaching assignment while the faculty member continues to meet ongoing, but more flexible research and

graduate student supervision obligations. In general, the university's commitment is to work with a faculty member to devise a modified workload and schedule that enables the faculty member to remain an active and productive member of the department. Because there is no reduction in salary, the faculty member is expected to have a set of full-time responsibilities.

An eligible faculty member is encouraged to speak with his or her department head or chair as soon as possible about the need for modified duties to ensure the maximum amount of time for planning. A department chair, in conjunction with the dean, is responsible for working with a faculty member to ensure a fair plan for modified duties is implemented if possible, budgetary constraints are considered, and student or other needs are met. The policy does not create an entitlement if there are legitimate business-related reasons for denying the request. Final decisions about the nature of the modified duties are the responsibility of the department head or chair in consultation with the dean.

Provisions of this policy cannot adequately address all individual circumstances. Sick leave (including disability), leave without pay, or permanent reduction in appointment to part-time status may be options to consider for longer-term or more demanding needs. This policy is not intended to provide release time from teaching for the purpose of allowing additional time for research. Reduction in teaching assignment for research purposes is the prerogative of the department and a function of the university's program of study-research leaves.

Extension of the probationary period (see section "Extending the Tenure Clock") is available to faculty members on tenure-track appointments who are confronted with extenuating personal or family circumstances, or birth or adoption of a child. The extension may be requested as a complement to a request for modified duties. However, the semester of modified duties does not automatically affect the tenure probationary period.

**Eligibility:** Modified duties may be requested by any faculty member in a full-time tenured or tenure-track appointment for the purpose of managing family responsibilities or, in exceptional cases, personal health issues not addressed by sick leave. The policy applies to eligible faculty upon employment.

**Guidelines:** The period of modified duties is one semester, or an equivalent amount of time for those faculty members whose responsibilities are not tied directly to teaching on the academic calendar.

Modification of duties should not result in additional duties during the subsequent semester, e.g., the faculty member should not be asked to make up the released teaching before or after the semester of modified duties. The faculty member cannot be employed by another institution during the period of modified duties, nor can the release time be used for extensive professional travel or other increased professional activities (including consulting) that do not meet the goals of the policy.

Medical documentation is required if the period of modified duties is requested related to a health issue not addressed by sick leave.

A semester of modified duties should be considered *in addition to*, not as a substitute for, sick leave and family leave available to those giving birth or adopting during the period of the appointment (i.e., during the academic year for those on academic year appointments, or any time for those on calendar year appointments). There are no work expectations for individuals on approved sick or family leave.

Requests for outside consulting during the period of modified duties are not usually approved.

A faculty member should submit a [request for modified duties](#) as early as possible so the department can plan appropriately. The request form is available on the [provost's website](#). The plan of proposed activities is developed in consultation with the department head/chair and the dean. The duties can be department-based, college-based, or a combination thereof.

Subject to available funding, the Office of the Senior Vice President and Provost provides an allotment to the faculty member's unit to replace teaching (or to use in other ways relevant to the duties) that is lost through the granting of a term of modified duties. Additional support from departments and colleges is strongly encouraged, and should be noted in the request.

Approval of the department head or chair, dean, and provost are necessary. If the department head or chair does not support the request, the reasons for denial are provided in writing, and the request is automatically forwarded to the dean for further review.

## CHAPTER FOUR

### **4.0 Employment Policies and Procedures for Faculty with Continued Appointment or on the Continued Appointment-Track**

#### **4.1 University Libraries Faculty with Continued Appointment or on the Continued Appointment-Track**

As the primary means through which students and faculty gain access to the storehouse of organized knowledge, the University Libraries perform a unique and indispensable function in the educational process. In this function, faculty members of the University Libraries share many of the professional concerns of their collegiate colleagues. The university recognizes the need to protect the academic freedom of librarians in their responsibility to ensure the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn.

Continued appointment is the extra-collegiate equivalent of tenure. Extra-collegiate faculty in the library may hold continued appointment or may be on the continued appointment-track; just as collegiate faculty may be tenured or on the tenure-track (see chapter three). Provisions for term appointments during a probationary period are parallel to those for members of the collegiate faculty. Evaluation for continued appointment (in contrast to term appointment) is made no later than the sixth year of such a probationary period.

A library faculty member with continued appointment will have continued employment until retirement with termination of employment based only on unsatisfactory performance, proof of misconduct, discontinuance or reduction in a segment of the university's research or educational program, or library reorganization because of changing patterns of library service or technological advances.

If a position held by a library faculty member with continued appointment is eliminated or changes to such a degree that the incumbent can no longer fulfill the requirements, every effort will be made to reassign the faculty member to another position. If the position of a library faculty member with continued appointment is terminated, it will not be re-established and refilled within a period of two years unless the appointment has been offered to and declined by the faculty member who was originally displaced.

Tenure awarded to faculty of the University Libraries before July 1, 1983 continues to be recognized.

To instill the highest professional standards in the library faculty, procedures for probationary appointment, continued appointment, and promotion for faculty of the University Libraries, including evaluative criteria, have been developed by the Library Faculty Association and the dean of University Libraries. These procedures are contained in [\*Procedures on Promotion and Continued Appointment: University Libraries\*](#).

The University Promotion and Continued Appointment Committee reviews recommendations for continued appointment and for promotion in rank above the level of assistant professor, and makes recommendations to the senior vice president and provost. (See “University Evaluation.”)

#### **4.2 Virginia Cooperative Extension Faculty with Continued Appointment or on the Continued Appointment-Track**

Extension faculty, as defined in chapter two, “Virginia Cooperative Extension Faculty with Continued Appointment or on the Continued Appointment-Track,” may or may not hold appointments in the collegiate faculty. They are, nonetheless, subject to high professional standards in the dissemination of knowledge through the Virginia Cooperative Extension programs and in the planning and delivery of educational programs and programs of assistance to industries and local governmental agencies. In these functions, extension faculty members share many of the professional concerns of their collegiate colleagues, including the need for the protection of academic freedom in these responsibilities.

Continued appointment is the extra-collegiate equivalent of tenure. Extra-collegiate faculty in extension may hold continued appointment or may be on the continued appointment-track; just as collegiate faculty may be tenured or on the tenure-track (see chapter three). Provisions for term appointments during a probationary period are parallel to those for members of the collegiate faculty. Evaluation for continued appointment (in contrast to term appointment) is made no later than the sixth year of such a probationary period.

An extension faculty member with continued appointment can expect continued employment until retirement with termination of employment based only on unsatisfactory performance, proof of misconduct, discontinuance or reduction in a segment of the university’s extension programs, or reorganization because of changing patterns of programming.

If a position held by an extension faculty member with continued appointment is eliminated or changes to such a degree that the incumbent can no longer fulfill the requirements, every effort will be made to reassign the faculty member to another position. If the position of an extension faculty member with continued appointment is terminated, it will not be re-established and refilled within a period of two years unless the appointment has been offered to and declined by the displaced faculty member.

Tenure awarded to any member of the Virginia Cooperative Extension faculty before July 1, 1983 continues to be recognized.

Several relevant programmatic units develop standards and procedures for probationary appointments and continued appointment of extension faculty, including evaluative criteria and procedures for promotion in rank.

The University Promotion and Continued Appointment Committee reviews promotions in rank and/or continued appointments and makes recommendations to the senior vice president and provost.

### **4.3 Library and Extension Faculty Ranks**

Specification of faculty rank in the library or extension does not imply a particular rank in any collegiate department. Library and extension faculty may be invited to hold concurrent adjunct status in a collegiate department in order to formally recognize their contributions to the undergraduate or graduate program.

#### **4.3.1 Extra-Collegiate Instructor**

The rank of extra-collegiate instructor is for either library faculty or for Virginia Cooperative Extension faculty on the continued appointment-track whose positions have been designated for continued appointment-track and who have not completed the terminal degree. Annual appointments may be renewed within the limits of a probationary period. Ordinarily, continued appointment would not be awarded at the instructor rank, although time spent at this rank counts in the probationary period leading to continued appointment. A master's degree or significant professional experience is the minimum expectation for appointment at this rank.

Extra-collegiate extension instructors who complete their terminal degree may be recommended for promotion to assistant professor by the unit chair with the approval of the director, dean, provost, president, and the Board of Visitors. Extra-collegiate instructors in the library may be recommended for promotion to assistant professor by the dean of University Libraries with the approval of the provost, the president, and the Board of Visitors.

Promotion of library and extension faculty to the ranks of associate or full professor is conducted in accordance with procedures in chapter four, "Evaluation Procedures for Promotion and Continued Appointment."

#### **4.3.2 Assistant Professor**

The rank of assistant professor is the usual rank of initial appointment for faculty on the continued appointment track. Appointment to the rank of assistant professor carries with it professional responsibilities in learning, discovery, and engagement. An assistant professor may be assigned responsibility for teaching graduate courses and for supervising master's theses and dissertations, as well as serving on graduate student committees. The terminal degree appropriate to the field is expected for appointment to this rank (further information regarding appropriate credentials for teaching faculty is found in chapter two "Faculty Credentialing Guidelines" and on the [provost's website](#)).

#### **4.3.3 Associate Professor**

In addition to the requirements for assistant professor, a person appointed as associate professor must have demonstrated substantial professional achievements by evidence of an appropriate combination of outstanding teaching, creative scholarship, and recognized performance in extension, outreach, library, or related academic and professional service.



#### **4.3.4 Professor**

In addition to the requirements for associate professor, appointment to the rank of professor is contingent upon national recognition as an outstanding scholar and educator.

#### **4.3.5 Emeritus or Emerita Designation**

The title of emeritus or emerita is conferred on retired full professors, associate professors, administrative officers, extra-collegiate faculty with continued appointment, and senior extension agents who have given exemplary service to the university, and who are specifically recommended to the Board of Visitors by the president and approved. Their names are listed on the appropriate university website(s). [University Policy 4405](#), “Emeritus Faculty,” provides further guidance for department heads or chairs and retiring faculty members concerning emeriti status and continued involvement with the life of the university.

#### **4.4 Procedures for Appointments with Continued Appointment**

An offer of faculty appointment with continued appointment may be made with the review and approval of the department head or chair, the divisional promotion and continued appointment committee, the library dean or director of extension, the provost, and the president. Ultimately, final approval rests with the Board of Visitors.

The dean or director forwards the following information to the provost and president for their consideration and decision: the candidate’s application package, including cover letter, *curriculum vitae*, and letters of reference; documentation of the division-level promotion and continued appointment committee’s approval of rank and continued appointment, and concurrence of the dean or director with as much supporting evidence as deemed appropriate; and a brief overview of the search itself - how many candidates applied, were interviewed, and what is the compelling case for the candidate.

In general, faculty recruited from a comparable university should be recommended for a position at Virginia Tech at a similar level with continued appointment. If the recommended appointment involves a promotion or the initial awarding of continued appointment, the case must be strongly justified. If an individual is coming from a university with a less extensive research mission, or a university of lesser stature, the case must also be strongly justified.

##### **4.4.1 Part-Time Continued Appointment and Continued Appointment-Track Appointments**

While continued appointment and continued appointment-track appointments are usually full time, Virginia Tech recognizes the importance of allowing flexibility in the percent of employment so that faculty members can better manage the balance between their professional work and family or personal obligations over a defined period of time, or perhaps permanently. This policy is intended to encourage departments to accommodate reasonable requests for part-time appointments; however, part-time appointments are not an entitlement, and requests may be turned down when the faculty member and the department cannot agree upon a workable plan.

Departments continue to advertise for full-time continued appointment or continued appointment-track positions and must have funding for a full-time hire. Advertisements include information about university policies for flexible appointments. If desired, the faculty member requests and negotiates a part-time appointment at or after the point of hire if acceptable to the department.

Continued appointment-track faculty members may request a part-time appointment only for reasons of balancing work and family such as the arrival or care of a child, the care of a family member, or for personal circumstances related to the health of the faculty member. In addition, they may request a *term* part-time appointment only allowing the issue to be revisited on a defined cycle. While such term appointments can be renewed throughout the probationary period, a *permanent* part-time appointment may not be granted until continued appointment is awarded.

Faculty members with continued appointment may request either *term* or *permanent* part-time appointments for reasons stated above, or to balance work at Virginia Tech with professional practice or significant community or public service, for example, a professor who wishes to serve as a consultant in addition to an appointment at Virginia Tech; a professor who wishes to engage in entrepreneurial activity outside of university responsibilities; or a professor who runs for public office for a limited term and wishes to reduce the workload at Virginia Tech for that period. Other reasonable justifications may be considered if approved by the department head or chair, library dean or director of extension, and provost.

#### **4.4.1.1 Part-Time *Term* Continued Appointment and Continued Appointment-Track Appointments**

Part-time continued appointment and continued appointment-track appointments are either *term* or *permanent*. *Term* part-time appointments are in increments from one semester up to two years. During the duration of a part-time term appointment, terms of the appointment are only changed via the agreement of all parties. A term agreement must specify the date on which the faculty member is expected to return to full-time status. Renewal of a term appointment should be negotiated no less than three months before the end of the current term so that the department can plan accordingly. For term part-time appointments, departments are able to use the salary savings to replace the work of the faculty member on part-time appointment.

Only the faculty member may initiate a request for conversion from full-time to part-time appointment. The reasons for the request for a change in the percentage of appointment should be clearly stated. The department chair should make a careful assessment of the needs of the department, and works with the faculty member requesting the part-time appointment to facilitate the request whenever possible. The period for which this part-time appointment is granted shall be clearly stated (renewable terms from one semester up to two years, or permanent).

The written agreement should include a careful and thorough statement of work expectations for the part-time appointment. Generally, faculty members continue to contribute to all areas of responsibility, but with reduced expectations for accomplishment proportional to the fractional

appointment. Service responsibilities for faculty members on part-time appointments are generally proportional to their appointments. Faculty members on part-time appointments are not excused from regular departmental, division, or university service because of the part-time appointments.

The written agreement for either an initial appointment or a conversion of a full-time appointment to part-time status and any subsequent renewal requires the approval of the faculty member, department head or chair, library dean or director of extension, and provost.

An initial *term* part-time appointment, either continued appointment or continued appointment-track, may be approved to accommodate a dual career hire if funding is not immediately available to support a full-time position, or if the faculty member seeks a part-time appointment consistent with the intent of this policy. The expectation is that the subsequent reappointment, if recommended, is for a full-time position, unless the faculty member requests a renewal of the term part-time appointment in accordance with these guidelines. A part-time appointment created for a dual career hire is approved through the usual approval processes for dual career hires (see chapter two “Dual Career Program”).

#### **4.4.1.2      *Permanent Part-Time Continued Appointment and Continued Appointment-Track Appointments***

For *permanent* part-time continued appointment and continued appointment-track appointments with no end date, a return to a full-time appointment is not guaranteed. If holding continued appointment, the faculty member remains entitled to the continued appointment on the part-time basis only. However, an increase in the percent of the appointment up to full-time may be renegotiated between the faculty member and department head or chair if mutually agreeable and funds are available. The department and the division determine the best way to cover the costs of the work in the case of conversion to a permanent part-time appointment.

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a continued appointment and continued appointment-track faculty member.

Part-time appointments are made for any fraction 50 percent or greater of a full appointment; faculty members receive proportional salary. Faculty members considering such appointments are strongly encouraged to meet with representatives in the [benefits office of](#) the Department of Human Resources to gain a clear understanding of the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.

### **4.5                      Continued Appointment and Promotion**

The university has a tradition of upholding academic freedom. It endorses the [“1940 Statement of Principles on Academic Freedom and Tenure” of the American Association of University Professors and the Association of American Colleges](#) (*AAUP Bulletin*, September 1970, pp. 323-326). Members of the library faculty and extension faculty not holding appointments in a

collegiate department may be considered for continued appointment or for promotion in faculty rank in recognition of appropriate professional accomplishments as noted in the sections above.

#### **4.5.1 Continued Appointment Eligibility**

Like tenure, continued appointment is granted to protect the academic freedom of the library and extension faculty who are engaged in creating new programs and scholarship. Eligibility for continued appointment consideration is limited to faculty members holding regular faculty appointments of 50 percent to 100 percent in the University Libraries or Virginia Cooperative Extension. Continued appointment is not granted to faculty members with temporary appointments. Individuals holding continued appointment who are subsequently appointed to an administrative position retain the status and privileges of continued appointment.

#### **4.5.2 Pre-Continued Appointment Probationary Period and Progress Reviews**

The term “probationary period” is applied to the succession of term appointments, which an individual undertakes on a full- or part-time regular faculty appointment, and during which evaluation for reappointment and for an eventual continued appointment takes place. The beginning of the probationary period for faculty members on term appointments is taken as July 1 or August 10 of the calendar year in which their initial full-time appointment begins, depending on whether they are on a calendar year or academic year appointment, regardless of the month in which their services are initiated. (The probationary period for new faculty appointed for spring semester begins the following fall even though the spring contract period officially begins December 25.)

The initial appointment for instructors and assistant professors (or those appointed to higher ranks) without continued appointment is ordinarily for a period of not less than two years. Multiple-year reappointments may be subsequently recommended.

The maximum total period for full-time probationary appointments is six years, unless an approved extension is granted. Decision about continued appointment, if not made earlier, is made in the sixth year of the probationary appointment. If the continued appointment decision made in the sixth year is negative, a one-year terminal appointment is offered.

Pre-continued appointment faculty members may request a term part-time appointment as described in “Part-Time Continued Appointment and Continued Appointment-Track Appointments” for reasons of balancing work and family or personal health issues. In such cases, the probationary period is extended proportionately. For example, two years of service at 50 percent counts as one year of full-time service. The term appointment may be renewed. (A permanent part-time appointment may be requested and granted following award of continued appointment.)

In determining the mandatory continued appointment review year for those with partial appointments, general equivalency to full-time appointments is expected, so that approximately five years of full-time equivalent service is expected prior to the mandatory continued appointment review year if no continued appointment clock extensions have been granted; six

years if one year of extension is granted, and seven years if two extensions are granted. (In summing partial years of service, a total resulting in a fraction equal to or less than .5 is rounded down, and a fraction greater than .5 is rounded up.) However, review for continued appointment must occur no later than the tenth year of service, resulting in somewhat less full-time equivalent service (4.5 years) for a faculty member with 50 percent appointment throughout all nine probationary years prior to review. If denied continued appointment following a mandatory review, a one-year terminal appointment is offered.

Faculty members on part-time appointments may request a continued appointment clock extension in accordance with procedures described in section “Extending the Continued Appointment Clock.” (Extensions are granted in one-year increments, not prorated by the part-time appointment percentage.) However, the extension is not approved if it results in a mandatory review date beyond the tenth year.

Up to three years of appropriate service at other accredited American four-year colleges and universities may be credited toward the six-year probationary period, as specified in “Guidelines for the Calculation of Prior Service.”

A faculty member on probationary appointment who wishes to request a leave of absence consults with the dean or director about the effect of the leave on the probationary period, taking into account the professional development that the leave promises. The request for leave addresses this matter and the provost’s approval of the leave request specifies whether the leave is to be included in the probationary period.

Under usual circumstances, division-level promotion and continued appointment committees review pre-continued appointment faculty members twice during the probationary period, usually their second and fourth, or third and fifth, years of service. The timing of the reviews depends upon the nature of the faculty member’s discipline and must be clearly indicated in written division-level policies. The terms of offer identifies the initial appointment period. Pre-continued appointment reviews may be delayed if there is an approved extension as described below. Changes or variations in the standard review cycle must be documented in writing.

The initial review for a part-time faculty member should be no later than the third year of service (regardless of percent of employment) to give early feedback on their progress. At least two reviews should be conducted for part-time faculty members during their probationary period; more are recommended. The anticipated schedule for such reviews for reappointment and for the mandatory review for continued appointment should be documented in writing as part of the agreement for the part-time appointment. Changes should be agreed upon by the faculty member and division.

These reviews are substantive and thorough. At a minimum, division-level promotion and continued appointment committees must review the faculty member’s relevant annual activity reports, peer evaluations of teaching, and authored materials.

The pre-continued appointment reviews should analyze the faculty member’s progress toward promotion and continued appointment and offer guidance regarding future activities and plans.

All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for his or her division-level file. In addition, the promotion and continued appointment committee and the dean or director meet with the faculty member to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues. Pre-continued appointment faculty members bear responsibility for understanding division-level expectations for promotion and continued appointment and for meeting those expectations.

#### **4.5.2.1 Extending the Continued Appointment Clock**

A one-year probationary period extension is *automatically* granted to either parent (or both, if both parents are continued appointment-track faculty members) in recognition of the demands of caring for a newborn child or a child under five newly placed for adoption or foster care. The request should be made within a year of the child's arrival in the family.

An extension of the probationary period may also be approved on a discretionary basis for other extenuating non-professional circumstances that have a significant impact on the faculty member's productivity, such as a serious personal illness or major illness of a member of the immediate family. In rare cases, extraordinary professional circumstances not of the faculty member's own making may be acceptable justification for a probationary period extension, for example exceptional delays in providing critical equipment, laboratory renovations, or other elements of the committed start-up package essential to establishing a viable research program.

Faculty members who benefit from this policy are expected to fulfill their usual responsibilities during the probationary period extension unless they are also granted a period of modified duties or unless other arrangements are made.

Probationary period extensions are granted in one-year increments. A cumulative total of two years is usually the maximum probationary period extension for any combination of reasons. Requests should be made within a year of the qualifying event or extenuating circumstance. The provost may approve exceptions to these limitations.

Requests for a probationary period extension are submitted in writing to the department head or chair. (*A form is available on the provost's website.*) Approval is automatic for new parents. Documentation of medical reasons (other than childbirth or adoption) is required prior to approval; documentation of other extenuating circumstances may also be required. Approvals by the department head or chair, dean, and provost are required for probationary period extensions. The faculty member may appeal denial of the request to the next higher level in their organizational reporting structure.

It is very important that all individuals and committees participating in continued appointment reviews understand that any individual who receives a probationary period extension must be held to the same standard—not a higher or more stringent one—to which other candidates without such an extension are held. This is also true in the case where the candidate's dossier is considered on the original schedule for review. However, in this instance where an approved extension was granted but not utilized, the continued appointment review is not considered

mandatory and can be conducted again in the subsequent year without penalty. A probationary extension also usually extends the time frame for each subsequent review and reappointment during the probationary period. For example, an extension granted prior to the fourth year review and reappointment typically delays that review by one year.

#### **4.5.3 Guidelines for the Calculation of Prior Service**

At the time of a faculty member's initial appointment to the library or extension, the dean of University Libraries or the director of Virginia Cooperative Extension notifies the new faculty member of his or her standing regarding the continued appointment system. Excepting temporary appointments with limited terms, the faculty appointees are given clear notice of when their appointments will be considered for renewal and, if on the continued appointment-track, when consideration for continued appointment will be given.

In this latter calculation, appropriate full-time service in another accredited four-year American college or university is credited toward probationary service at Virginia Tech only if the appointed faculty member requests such credit.

In such a request, all prior service is presented if undertaken after the faculty member completes the terminal degree appropriate to the field. A maximum of three years may be credited toward probationary service at Virginia Tech. The request must be made in writing within one year of the initial appointment. The specification of credit for prior service toward the probationary period is subject to the approval of the provost on the recommendation of the dean of University Libraries or the director of Virginia Cooperative Extension.

#### **4.5.4 Evaluation Procedures for Promotion and Continued Appointment**

The evaluation of candidates for continued appointment parallels the process for tenure consideration for collegiate faculty, and incorporates the same, or similar, elements of procedure whenever relevant or reasonable. Given the small number of faculty members on the continued appointment-track, their dossiers are reviewed at two levels (rather than three as required for collegiate faculty): first by the library or extension promotion and continued appointment committee and dean of University Libraries or director of Virginia Cooperative Extension, and second by the University Promotion and Continued Appointment Committee and the provost.

Although some participants in the review process may serve at more than one level—for example a departmental committee member may also serve on the divisional committee—participants may only vote once on a case. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship (see chapter two “Potential Conflicts Involving Spouses and Immediate Family Members”).

Because the job descriptions and responsibilities of the candidates being considered do not conform to a single pattern or norm, it is not possible to set forth a statement of criteria with reference to which all recommendations for promotion or continued appointment must be made. Nevertheless, members of the general faculty seeking continued appointment or promotion in

faculty rank are generally expected to have records of outstanding accomplishment in an appropriate combination of the following categories:

- Professional responsibilities: Carrying out the responsibilities of the position within the organizational unit by effective staff work, display of leadership, and a high degree of initiative.
- Research and scholarly activities: Publishing in journals, presenting papers at professional meetings, organizing or chairing sessions at professional meetings, and carrying out instructional responsibilities or graduate student advising.
- University activities: Participating in the conduct of the activities of the administrative unit and the university. Such service takes innumerable forms, including serving on committees or in faculty governance positions, or participating in seminars or conferences.
- External activities: Participating in local, state, regional, and national professional associations. Such participation includes activities such as holding office, serving on committees, conducting workshops, serving on panels, and attending conferences, conventions, or meetings.
- Awards and honors: Receiving awards, grants, and honorary titles or being selected for membership in honorary societies.

Activities and accomplishments in other appropriate areas, beyond these five, may be included in dossiers and are considered.

Library and extension faculty are expected to develop within this framework the performance criteria that are most relevant to the responsibilities of those units. These criteria serve both as an aid to faculty development and as a set of measures that the University Promotion and Continued Appointment Committee may apply.

Promotion to a higher rank or an award of continued appointment may be granted to faculty members on a regular faculty appointment who have demonstrated outstanding accomplishments in an appropriate combination of learning, discovery, engagement, and other professional activities. Every faculty member should maintain a current *curriculum vitae*, with copies filed in the library department or extension unit, as appropriate. The *curriculum vitae* together with annual reports, student or client evaluations, reprints of publications, reference letters, and other similar documents comprise a dossier, which furnishes the principal basis for promotion and continued appointment decisions.

The criteria by which faculty with part-time appointments are evaluated for continued appointment is the same as the criteria by which full-time faculty are evaluated. Promotion and continued appointment committees consider years of full-time equivalent service when reaching decisions, excluding any approved probationary period extensions granted under the extending the continued appointment clock policy.

Besides consideration of specific professional criteria, evaluation for promotion or continued appointment should consider the candidate's integrity, professional conduct, and ethics. To the extent that such considerations are significant factors in reaching a negative recommendation, they should be documented as part of the formal review process.



#### **4.5.4.1 Division-Level Evaluation**

The University Libraries and extension divisions each have committees with appropriate faculty representation to evaluate candidates for promotion and/or continued appointment. They make recommendations to the dean of University Libraries or to the director of Virginia Cooperative Extension. The dean or director may chair their respective committees or remain separate from the committee's deliberations and subsequently receive its recommendations. (See guidelines in "Composition of Library and Extension Division-Level Committees.")

These promotion and continued appointment committees review the cases of candidates for promotion and/or continued appointment, including those faculty members in the final probationary year. The dean or director furnishes the committee with a dossier for each candidate.

#### **4.5.4.2 Composition of Library and Extension Division-Level Committees**

Rules governing eligibility and selection of the library or extension review committee members, and operating guidelines for the committees' deliberations must be documented in written division-level policies, formally approved by the faculty.

1. The library and extension divisions each determine who is eligible to serve on committees from among faculty members with continued appointment.
2. The committee may include department heads or district directors; however, these members may not vote on cases from their departments or districts since each has already had an opportunity to vote or make a recommendation on those candidates.
3. If possible, some significant element of faculty choice should be a part of the committee selection procedure. Where small numbers make an election process impractical, the dean or director appoints the representative.
4. If library department heads or extension district directors serve on the review committees, their total number is less than that of other faculty members.
5. Committee appointments should be staggered to assure continuity from one year's deliberation to the next. If possible, members should not serve more than two successive terms.
6. Selection of the committee chair is determined in accordance with policies approved by the faculty.
7. The dean may be present at the library promotion and continued appointment committee deliberations, and the director may be present at the extension promotion and continued appointment committee deliberations. Each serves in an advisory capacity to the committee to assure compliance with university procedures and fairness and equity of

treatment of candidates. The dean and director do not vote on committee recommendations, but provide a separate recommendation to the provost.

8. Faculty members appointed to serve on the university-level promotion and continued appointment committee are encouraged to observe their division-level deliberations to better prepare for their roles, but should not participate or attempt to influence the division-level recommendations.

#### **4.5.4.3 Procedures and Recommendations of Library and Extension Division-Level Committees**

The committee makes a recommendation on each candidate to the dean of University Libraries or director of Virginia Cooperative Extension, including a written evaluation that assesses the quality of the candidate's performance in each relevant area. The division of the vote is conveyed to the University Promotion and Continued Appointment Committee and provost, but must otherwise remain confidential outside the committee. In the absence of a unanimous recommendation, a minority report may be included. Whenever the dean or director does not concur with the committee's recommendation, the committee is so notified.

Evaluation for continued appointment is mandated in the sixth year of probationary service unless the faculty member has given written notice of resignation from the faculty. If the review committee feels that the faculty member's record does not warrant a continued appointment, there is an automatic review of the candidate's dossier by the dean of University Libraries or the director of Virginia Cooperative Extension. If the dean or director concurs, the faculty member is notified by the dean or director, in writing, of the decision and the specific reasons for it.

The review committees may ask the candidate to appear before the committee to present additional information or clarification of recommendations.

#### **4.5.4.4 Review and Recommendations by the Dean of University Libraries and Director of Virginia Cooperative Extension**

The dean of University Libraries and the director of Virginia Cooperative Extension send forward to the provost the full dossier of every candidate for whom there is a positive recommendation from either the division-level review committees or the dean/director, or both. The dean and director prepare separate letters of recommendation to be forwarded with the dossiers from their division. Whenever the dean or director does not concur with their division-level committee's recommendation, the committee is so notified.

The dossiers that the dean and director send to the provost are accompanied by a statement describing the formation and procedures of the review committee and a summary of the number of candidates considered by the division in each category. The division of the vote is conveyed to the university-level committee and provost, but must otherwise remain confidential.

#### 4.5.4.5 University Evaluation for Continued Appointment

Promotions and continued appointments are considered by the University Promotion and Continued Appointment Committee.

**Composition of the University Committee for Promotion and Continued Appointment:** On recommendation of the Commission on Faculty Affairs, the University Council approved the following guidelines on formation and procedures of the university committee:

- This committee includes as members the provost or his or her designee; the dean of the University Libraries; the director of Virginia Cooperative Extension; and four faculty members with continued appointment—two each from the library faculty and the extension faculty.
- The provost asks for nominations to this committee from the library faculty and the director of Virginia Cooperative Extension. Where possible, some significant element of faculty choice should be part of the selection procedure.
- The faculty members of the committee hold staggered terms of three years; the provost makes the committee appointments.
- The provost or his or her designee chairs the committee but does not vote.
- All other members of the committee hold voting privileges. Regardless of the size of the committee, the faculty must always have at least a majority of the potential votes. Consistent with the principle that participants at all levels of the promotion and continued appointment review process vote only once on an individual case, the dean and director do not vote on cases from their own division. Similarly, faculty members serving on the university committee do not vote on any case they previously voted on, should this circumstance occur.
- All voting within the committee should be by written secret ballot; the division of any ballot must remain confidential.

**Committee Procedures and Recommendations:** The University Promotion and Continued Appointment Committee reviews the qualifications of the candidates recommended for promotion and/or continued appointment by the dean of University Libraries and the director of Virginia Cooperative Extension. It also reviews those cases in which the dean or director do not concur with their division-level committee's positive recommendation. (University-level review of a case with differing recommendations from the dean or director and the division-level committee is automatic and does not require an appeal.) The purpose of the reviews is to verify that the recommendations are consistent with the evidence, reflecting university standards, and that they are consistent with university objectives, programmatic plans, and budgetary constraints.

The committee makes a recommendation on each candidate to the provost. The provost makes recommendations to the president, informing the university committee of those recommendations, including the basis for any non-concurrence with the university committee recommendations. The provost informs the president of any variation between the provost's recommendations and those of the university committee.

The president makes recommendations to the Board of Visitors, with the Board of Visitors being responsible for the final decision.

The provost notifies the dean and director of any negative decision reached by the provost, the president, or the Board of Visitors. The dean or director, when notifying the faculty member in writing, notes appeal options.

#### **4.5.5 Appeals of Decisions on Reappointment, Continued Appointment, or Promotion**

A faculty member who is notified of a negative decision following evaluation for a term reappointment during the probationary period, for continued appointment, or for promotion, and who believes that the decision was improperly or unfairly determined may appeal for review of the decision under conditions and procedures specified in this section.

Such an appeal must be filed, in writing, within 14 calendar days of formal notification of the decision, which shall make reference to appeal procedures. The appeal can only be based on grounds that certain relevant information was not provided or considered in the decision, or that the decision was influenced by improper consideration. The written appeal must specify the grounds and the basis for such an allegation.

Although the provisions for appeal described below are designed to give faculty members protection against capricious or arbitrary decisions, the faculty member who believes that these procedures have been improperly followed may, at any point, seek advice from the [Faculty Senate Committee on Reconciliation](#) and/or file a grievance in accordance with the grievance procedure in “Faculty Grievance Policy and Procedures.”

##### **4.5.5.1 Probationary Reappointment**

Faculty members on probationary term appointments should make no presumption of reappointment. Procedures for term reappointment or the granting of continued appointment for members of the library faculty or extension faculty are developed in those units. A decision for non-reappointment to a term appointment, based primarily on performance evaluation, is final if reached by the division-level committee and is sustained by the dean of University Libraries or the director of Virginia Cooperative Extension, as appropriate. Notice of non-reappointment is furnished according to the schedule in chapter two “Retirement, Resignation, and Non-Reappointment.”

If the non-reappointment decision is reached by the dean or director in contradiction to the recommendation of the division-level committee, the faculty member may request that the non-reappointment decision be reviewed by the provost for a final decision.

The faculty member presents the appeal in writing as specified in chapter four, “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion.” The provost may ask the University Promotion and Continued Appointment Committee to review the case and make recommendation as an aid to that decision.

#### **4.5.5.2 Continued Appointment Decision**

Occasionally faculty members are evaluated for continued appointment during the probationary period, but before the final probationary year. In such a case, there is no recourse to appeal or review of a negative decision, at whatever level it is reached, because of the certainty that the evaluation will be undertaken again within a limited time.

If a faculty member is denied continued appointment in a mandatory review by both the division-level committee and the dean of University Libraries or director of Virginia Cooperative Extension, the faculty member may appeal the negative decision in writing in accordance with provisions of this section. The appeal is submitted to the provost for review by the University Committee for Promotion and Continued Appointment, which shall make a recommendation to the provost for a final decision. No further appeal is provided. The University Committee for Promotion and Continued Appointment may choose to hear oral arguments. Substantive *procedural* violations may be addressed through the grievance process described in “Faculty Grievance Policy and Procedures.”

Should the University Committee for Promotion and Continued Appointment find reason to believe that the review committee’s evaluation was biased or was significantly influenced by improper considerations, the University Committee for Promotion and Continued Appointment may request that the dean/director form a new *ad hoc* review committee. The *ad hoc* committee makes recommendation to the University Committee for Promotion and Continued Appointment that requested its formation. The University Committee for Promotion and Continued Appointment then makes a recommendation to the provost.

Should the provost not concur with a positive recommendation from the University Committee for Promotion and Continued Appointment, whether that recommendation culminates a usual review or an appeal, the faculty member is so notified in writing of the specific reason for the decision. The faculty member may appeal to the [Faculty Review Committee](#). That committee investigates the case and, if the differences cannot be reconciled, makes a recommendation to the president on the matter. The president’s decision is final.

#### **4.5.5.3 Review of Progress Toward Promotion to Professor**

At least one review of progress toward promotion to professor should be conducted three to five years after promotion and continued appointment is awarded (or after continued appointment is awarded at the current rank of associate professor). The review is required for faculty promoted and awarded continued appointment during 2012-13 and thereafter. The review is to be substantive and thorough. At a minimum, an appropriate departmental committee (e.g., continued appointment committee, personnel committee, annual review committee) must review the faculty member’s relevant annual activity reports, peer evaluations of teaching, and authored materials since the last promotion. The committee may also wish to review an updated curriculum vitae. The faculty member may wish to complete a draft promotion dossier (using the format available on the [provost’s website](#)) to organize and present information for review.

The review should be developmental and focus on the faculty member’s progress toward promotion to professor. The developmental guidance should focus on recommended future

activities and plans that will position the faculty member for promotion. All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for his or her departmental file. In addition, the faculty member may request a meeting with the department committee chair and the department head or chair to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues and the department head or chair.

#### **4.5.5.4 Promotion Consideration and Decision**

There is no specification for minimum or maximum time of service in any rank. A faculty member may request at any time a consideration for promotion in rank if the review committee has not chosen to undertake such an evaluation. However, appeal of a negative promotion decision is provided only if the faculty member has been in rank for at least six years and if the faculty member has formally requested, in writing, consideration for promotion in a previous year. Candidates for promotion who have been denied by both the division-level review committee and the dean of University Libraries or director of Virginia Cooperative Extension may appeal to the provost, who asks the University Committee for Promotion and Continued Appointment to consider the appeal. The faculty member presents the appeal in writing as specified in “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion.”

The committee makes recommendation to the provost. If the University Committee for Promotion and Continued Appointment and the provost concur with the negative decision, the decision is final; if not, the president makes a final decision.

### **4.6 Annual Evaluation and Post-Continued Appointment Review**

#### **4.6.1 Annual Evaluation and Salary Adjustments**

All departments are required to have written guidelines outlining the process and criteria used in faculty evaluations. The adoption of such guidelines promotes consistency and transparency in this important aspect of faculty life.

Every faculty member’s professional performance is evaluated annually and written feedback is provided separately from confirmation of any merit adjustments. The process begins with submission of a Faculty Activity Report (FAR). All non-temporary faculty members must submit a FAR annually. These reports form part of the basis for performance evaluations, awarding merit adjustments, and promotion, continued appointment, and post-continued appointment reviews.

The dean and director are responsible for conducting annual faculty evaluations, either independently or in consultation with an appropriately charged committee in accordance with divisional procedures. All evaluations must be in writing and include a discussion of contributions and accomplishments in all areas of the faculty member’s responsibilities, comments on the faculty member’s plans and goals, and any recommendations for improvement or change. Faculty members should receive their written evaluations within 90 days of submission of required materials, and they acknowledge receipt by signing and returning a copy

for their divisional file, or the electronic equivalent. Acknowledging receipt of the evaluation does not imply agreement. If a faculty member substantially disagrees with the evaluation, he or she may submit a written response to the dean or director for inclusion in his or her personnel file.

In addition to their annual evaluation letters, all pre-continued appointment faculty members receive at least two thorough reviews during the six-year probationary period and written feedback on their progress toward continued appointment by their divisional promotion and continued appointment committee prior to reappointment in accordance with guidance included in chapter four, “Probationary Period.”

Faculty members with part-time appointments are reviewed on the annual review cycle used for all faculty members in the department. For purposes of annual review, the fraction of the appointment must be taken into account when considering the appropriate level of achievement in that year.

Salary adjustments are based on merit; they are not automatic. Recommendations for salary adjustments originate with the dean or director and are reviewed by the provost and the president. Because salary adjustments are determined administratively on an annual basis and based significantly on the quality of the faculty member's response to assigned responsibility, they do not necessarily reflect an accurate measure of the full scope of the faculty member's professional development as evaluated by relevant committees in the continued appointment and promotion process.

The salary adjustments of continuing faculty members are approved by the Board of Visitors, and each faculty member is informed in writing of the board's action as soon as possible (see chapter two “Faculty Compensation Plan”).

#### **4.6.2 Periodic Review of Academic Deans, Dean of the Libraries, Department Heads, Senior Administrators, and Academic Vice Presidents**

In addition to an annual performance evaluation, and in accordance with [University Policy 6105](#), academic deans, dean of the libraries, and academic vice presidents are subject to periodic evaluations every five years. If the review of a dean cannot be conducted in the fifth year as would usually be the case, the senior vice president and provost will inform the officers of the relevant college or libraries faculty association as to the reason for delay. A review may also be initiated at any time by the senior vice president and provost and/or at the request of at least one-third of the tenure-track faculty in the college, or in the case of the libraries, one-third of the continued appointment faculty. If the review of a vice president who reports to the provost cannot be conducted in the fifth year, the senior vice president and provost will notify the deans and the chairs of the college and libraries faculty associations as to the reason for the delay. In the semester prior to a periodic evaluation, the faculty association will be notified of the review and the association may schedule a meeting with the provost to discuss the upcoming review.

[University Policy 6100](#), “Department Head or Chair Appointments,” outlines the review process for academic department heads or chairs. In addition, colleges should adopt more detailed

procedures in accordance with the broad guidelines below so that reviews may be conducted consistently and appropriately across the college for those serving in academic leadership roles.

The purpose of the periodic review is to support the success of the university's academic units by providing developmental feedback to promote fair and effective academic leadership. Reappointment of an individual to academic department head, chair, academic dean, or academic vice president must be preceded by a periodic review conducted in accordance with guidelines outlined in [University Policy 6105](#) or in [University Policy 6100](#).

#### **4.6.3 Unsatisfactory Performance**

Failure to meet the minimal obligations and standards the division has stipulated for its faculty results in an "unsatisfactory" rating. Written notification of an unsatisfactory rating and the considerations upon which it was based is given to the faculty member, with a copy to the provost. A single unsatisfactory evaluation indicates a serious problem, which should prompt remedial action. Faculty members may respond in writing with a letter to the dean or director for inclusion in their personnel file, or they may seek redress through either the reconciliation or grievance procedures. Two successive annual ratings of unsatisfactory performance for a faculty member with continued appointment results in a post-continued appointment review.

#### **4.6.4 Divisional Minimal Standards**

The University Libraries and extension divisions shall develop, maintain, and publish a statement of minimal standards for satisfactory faculty performance using the following process. Standards should be written with the participation of faculty in the division and approved by a vote of the continued appointment-track faculty in the division. Standards developed and approved by division-level promotion and continued appointment committee and the dean or director are then reviewed and approved by the provost. Once approved, the standards are published and available to all faculty members in the division. Revisions of divisional standards also follow these procedures.

The following guidance is provided for the development of divisional minimal standards:

- Divisions should carefully assess and state the overall standards of professional performance and contribution they consider minimally acceptable for continued appointment faculty. Each division's evaluation mechanism should allow a distinction between performance that is deficient in one or more areas requiring improvement, and performance that is so seriously deficient as to merit the formal designation, "unsatisfactory."
- Divisional standards should embrace the entire scope of faculty contributions. Expectations recognize differences in faculty assignments within the same department or unit. Divisional standards should typically address the individual's skill, effort, and effectiveness in contributing to all aspects of the instructional mission; the individual's activity in and contributions to the discipline; the individual's contributions to the collective life of the division and university; and the individual's activity in and contributions to the university's outreach mission.



- Divisional statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative actions.
- Departmental statements should include the expectation that faculty with continued appointment will adhere to the standards of conduct and ethical behavior as stated in the *Faculty Handbook* and/or promulgated through other official channels.

#### **4.6.5 Post-Continued Appointment Review**

Nothing in this section should be interpreted as abridging the university's right to proceed directly to dismissal for cause as defined in "Dismissal for Cause" or the right of individual faculty members to pursue existing mechanisms of reconciliation and redress.

A post-continued appointment review is mandatory whenever a faculty member with continued appointment receives two consecutive annual evaluations of unsatisfactory performance. Annual reviews for years spent on leave without pay are disregarded for the purpose of this calculation. The divisional promotion and continued appointment committee conducts the review, unless the same committee was involved in the original unsatisfactory annual evaluations. In this case, the division elects a committee to carry out the review function.

Upon recommendation of the dean or director, a post-continued appointment review may be waived or postponed if there are extenuating circumstances (such as health problems).

The purpose of a post-continued appointment review is to focus the perspective of faculty peers on the full scope of a faculty member's professional competence, performance, and contributions to the division and university mission and priorities.

The faculty member has both the right and the obligation to provide a dossier with all documents, materials, and statements he or she believes are relevant and necessary for the review. Ordinarily, such a dossier includes at least the following: an up-to-date *curriculum vitae*, the past two or more faculty activity reports, teaching or client assessments, if any, and a description of activities and accomplishments since the last faculty activity report. The faculty member is given a period of no less than four weeks to assemble the dossier for the committee. The dean or director supplies the review committee with the last two annual evaluations, all materials that were considered in those evaluations, any further materials deemed relevant, and other materials the committee requests. Copies of all materials supplied to the committee are given to the faculty member. The faculty member has the right to provide a written rebuttal of evidence provided by the dean or director.

The committee weighs the faculty member's contributions to the discipline, the division, and the university through learning, discovery, and engagement. The burden of proving unsatisfactory performance is on the university. The committee prepares a summary of its findings and makes a recommendation to the dean or director and provost. Final action and notification of the faculty member is the responsibility of the dean or director, with the concurrence of the provost.

The review may result in one of the following outcomes:

**Certification of satisfactory performance:** The committee may conclude that the faculty member's competence and professional contributions are satisfactory to meet the division's minimal expectations, thus failing to sustain the assessment of the dean or director. The review is then complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Certification of deficiencies:** The committee may concur that the faculty member's competence and/or professional contributions are unsatisfactory to meet the division's minimal expectations. The committee may recommend dismissal for cause, a sanction other than dismissal for cause, or a single period of remediation not to exceed two years.

**Remediation:** If a period of remediation is recommended, the committee specifies in detail the deficiencies it noted, defines specific goals and measurable outcomes the faculty member should achieve, and establishes a timeline for meeting the goals. The dean or director meets with the faculty member at least twice annually to review the individual's progress. The dean or director prepares a summary report for the committee following each meeting and at the end of the specified remediation period, at which time the committee either certifies satisfactory performance or recommends dismissal for cause or a sanction other than dismissal for cause following the procedures described below.

**Sanction other than dismissal for cause:** A division-level recommendation to impose a severe sanction, as defined in "Imposition of a Severe Sanction," is referred to the University Promotion and Continued Appointment Committee, which reviews the case as presented to the division-level committee, provides an opportunity for the faculty member to be heard, and determines whether the recommendation is consistent with the evidence. The university committee may reject, uphold, or modify the specific sanction recommended by the division-level committee. If the division-level committee also recommends imposition of a severe sanction, then the same procedures used for dismissal for cause guide the process. The review conducted by the division-level committee satisfies the requirement in step two for an informal inquiry by an *ad hoc* or standing personnel committee. Thus, in the case of a post-continued appointment review, this step is not repeated.

If a severe sanction is imposed or ultimately rejected, then the post-continued appointment review cycle is considered complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Dismissal for cause:** If dismissal for cause is recommended, the case shall be referred to the division-level promotion and continued appointment committee as described in "Procedures and Recommendations of Library and Extension Division-Level Committees" which reviews the case as presented to the departmental committee and determines whether the recommendation is consistent with the evidence. If the University Promotion and Continued Appointment Committee upholds the recommendation for dismissal, then the procedures specified in chapter four "Dismissal for Cause" begin immediately. The division-level committee review satisfies the requirement for an informal inquiry by a standing personnel committee.

## 4.7 Imposition of a Severe Sanction or Dismissal for Cause

### 4.7.1 Adequate Cause

Adequate cause for imposition of a severe sanction or dismissal is related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.<sup>2</sup>

Adequate cause includes: violation of professional ethics (see chapter two “Professional Responsibilities and Conduct”); incompetence as determined through post-continued appointment review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately-charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-continued appointment review) or by the relevant administrator (for example, the dean or director, compliance and conflict resolution officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include a recommendation for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

### 4.7.2 Imposition of a Severe Sanction

**Definition and Examples:** A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of University Policy.

Routine personnel actions such as a recommendation for a below average or no merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in the *Faculty Handbook*.

**Process for Imposing a Severe Sanction:** The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or *ad hoc*

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<sup>2</sup> The procedures specified follow closely, but differ in occasional detail from, the “1976 Institutional Regulations on Academic Freedom and Tenure” approved by Committee A of the AAUP.

faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by an appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct policies) and, having determined that in its opinion there is adequate cause for imposing a severe sanction, refers the matter to the administration.

### **4.7.3 Dismissal for Cause**

The following procedures apply to faculty members with continued appointment, or for dismissal of a continued appointment-track faculty member before the end of his or her current appointment.

Dismissal is preceded by:

1. Step one: Discussions between the faculty member, dean or director, and/or provost, looking toward a mutual settlement.
2. Step two: Informal inquiry by a standing (or, if necessary, *ad hoc*) faculty committee having concern for personnel matters. This committee attempts to effect an adjustment and, failing to do so, determines whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president's decision whether to proceed.
3. Step three: The furnishing by the president (in what follows, the president may delegate the provost to serve instead) of a statement of particular charges, in consultation with the dean or director. The statement of charges is included in a letter to the faculty member indicating the intention to dismiss, with notification of the right to a formal hearing. The faculty member is given a specified reasonable time limit to request a hearing, that time limit is no less than 10 days.

**Procedures for conducting a formal hearing, if requested:** If a hearing committee is to be established, the president asks the [Faculty Senate](#), through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members should be nominated on the basis of their objectivity, competence, and regard in which they are held in the academic community. They must have no bias or untoward interest in the case and are available at the anticipated time of hearing. The faculty member and the president each have a maximum of two challenges from among the nominees without stated cause. The president then names a five-member hearing committee from the remaining names on the nominated slate. The hearing committee elects its chair.

Pending a final decision on the dismissal, the faculty member is suspended only if immediate harm to him or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation takes place with the [Reconciliation Committee](#) of the Faculty Senate concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary continues during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.

Notice of hearing of at least 20 days is made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case, the hearing committee evaluates all available evidence and rests its recommendation on the evidence in the record.

The committee, in consultation with the president and the faculty member, exercises its judgment as to whether the hearing is public or private. During the proceedings, the faculty member is permitted to have an academic advisor and legal counsel. At the request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association is permitted to attend the hearing as an observer.

A verbatim record of the hearing is taken.

The burden of proof that adequate cause exists rests with the university.

The hearing committee grants adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. The faculty member is afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration cooperates with the hearing committee in securing witnesses and evidence. The faculty member and administration have the right to confront and cross-examine all witnesses. The committee determines the admissibility of statements of unavailable witnesses and, if possible, provides for interrogatories.

The hearing committee is not bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issues involved. Every possible effort is made to obtain the most reliable evidence available.

The findings of fact and the recommendation are based solely on the hearing record. The president and the faculty member are notified of the recommendation in writing and are given a written copy of the record of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it so reports to the president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the president rejects the recommendation, the hearing committee and the faculty member are so informed in writing, with reasons, and each is given an opportunity for response.

**Appeal to the Board of Visitors:** If the president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full record of the case be submitted to the Board of Visitors (or a duly constituted committee of the board). The board's review is based on the record of the committee hearing,

and it provides opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding returns to the committee with specific objections. The committee then reconsiders, taking into account the stated objections and receiving new evidence if necessary. The board makes a final decision only after study of the committee's reconsideration.

**Notice of Termination/Dismissal:** In cases where gross misconduct is decided, termination is usually immediate. The standard for gross misconduct is behavior so egregious that it evokes condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay. The first faculty committee that considers the case determines gross misconduct. In cases not involving gross misconduct: (a) a faculty member with continued appointment receives up to one year of salary or notice, and (b) a probationary faculty member receives up to three months' salary or notice. These terms of dismissal begin at the date of final notification of dismissal.

## **4.8 Faculty Grievance Policy and Procedures**

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the library and extension faculty with continued appointment or on the continued appointment-track. The [Faculty Review Committee](#) of the Faculty Senate conducts the step four hearing if requested.

### **4.8.1 Faculty Reconciliation and Mediation Services**

**Informal Dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels he or she has a grievance is encouraged to take it to his or her immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

**Reconciliation:** At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the [Faculty Senate Committee on Reconciliation](#) in fashioning an equitable solution. Contacting the Faculty Senate Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether his or her concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant must contact the chair of the Faculty Senate Committee on Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the Faculty Senate Committee on Reconciliation, that committee must request a postponement of the time limits involved in the grievance procedure while it deals with the case. The request is submitted in writing to the vice provost for faculty affairs by the chair of the Faculty Senate Committee on Reconciliation. Also,

the grievant should reach an understanding with the Faculty Senate Committee on Reconciliation of the time frame planned for that committee's work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Senior Vice President and Provost. Additional information regarding the faculty reconciliation process is available on the [provost's website](#).

**Mediation:** [Mediation](#) is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through the Department of Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

**Role of Mediators:** Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting Mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

#### **4.8.2 The Formal Grievance Procedure**

If the assistance of the Faculty Senate [Committee on Reconciliation](#) is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with

the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of his or her case.

1. Step one: The grievant must meet with his or her immediate supervisor (usually the department head) within 30 calendar days of the date that grievant knew or should have known of the event or action that is basis for the grievance and orally identifies the grievance and the grievant's concerns. The supervisor provides an oral response to the grievant within five weekdays following the meeting. If the supervisor's response is satisfactory to the grievant, that ends the matter.
2. Step two: If a satisfactory resolution of the grievance is not achieved by the immediate supervisor's oral response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be on the [faculty grievance form](#), must define the grievance and the relief requested specifically and precisely, and must be submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor's oral response to the first step meeting. Faculty grievance forms are available on the [provost's website](#).

Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form, citing reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

3. Step three: If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for extra-collegiate faculty in the library and extension is usually the library dean or dean of agriculture and life sciences. The administrator involved at this next level is hereafter referred to as the second-level administrator.

Following receipt of the faculty grievance form, the second-level administrator or designated representative meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a representative of his or her choice from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for his or her decision. If the second-level administrator's written response to the grievance is satisfactory to the grievant it ends the matter.

4. Step four: If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Review Committee. A description of the charge and membership of the [Faculty Review Committee](#) is included in chapter one "Faculty Review Committee."



Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the [Procedures of the Faculty Review Committee](#) to parties in the grievance process. The provost immediately forwards a copy of the grievance to the [president of the Faculty Senate](#), who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost's decision, however, may be appealed to the president, as described in step five. If the provost does not accept the petition, the Faculty Review Committee hears the grievance as outlined in these procedures.

- **Hearing Panel:** A hearing panel consists of five members appointed by the chair of the Faculty Review Committee from among the members of the Faculty Review Committee. The chair of the Faculty Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Review Committee or his or her designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

- **Hearings:** After a hearing panel is appointed, the chair of the Faculty Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel. Detailed procedures followed in hearings are specified in the [Procedures of the Faculty Review Committee](#) as approved by the Faculty Senate.

- **Findings and Recommendations:** The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties. The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Review Committee.
  - **Provost's Action:** The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant his or her decision in writing concerning the disposition of the grievance. If the provost's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.
5. Step five: If the provost's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president acts as he or she sees fit. The president's decision is final.

### 4.8.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when he or she knew or should have known of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the [chair of the Faculty Review Committee](#) in writing, and the chair of the Faculty Review Committee determines if there was good cause for the delay.

If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee (or the vice president of the senate if the president is also chair of the Faculty Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

#### **4.8.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion and continued appointment procedures (see appeal process in “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

**Issues not open to grievance:** While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion and/or continued appointment decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the [chair of the Faculty Review Committee](#) within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate

Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

#### **4.8.5 Particular Concerns and Definitions**

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An [agreement form to extend the grievance response time](#) is available on the [provost's website](#).)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the [Faculty Senate president](#) rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from his or her assigned work location at the time he or she discovers the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with his or her immediate supervisor to initiate the grievance process begins when the faculty member returns to his or her assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to his or her assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume his or her duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and he or she is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers he or she has a grievance about actions by an administrator above the level of his or her immediate supervisor that directly involve the faculty member, or with actions by an administrator not in his or her department that directly involve the

faculty member, the grievant initiates the grievance process by seeking the intervention of his or her immediate supervisor within 30 calendar days of the discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting his or her immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in the usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the [chair of the Faculty Review Committee](#) and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the president of the university for his or her ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and University Policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations, or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

#### **4.8.6 Overview of the Formal Grievance Process for Faculty with Continued Appointment or on the Continued Appointment-Track**

Below is an *abbreviated* overview of the grievance process and deadlines. Refer to “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the [provost’s website](#).)

##### Step one:

- |                         |   |
|-------------------------|---|
| Within 30 days of event | 1a. Grievant meets with immediate supervisor (usually department or division head).               |
| Within 5 weekdays       | 1b. Supervisor provides oral response.  |
|                         | 1c. If supervisor’s response is satisfactory to grievant, that ends the matter.                   |
|                         | 1d. If supervisor’s response is not satisfactory to grievant, move to step two within 5 weekdays. |

##### Step two:

- |                   |   |
|-------------------|---|
| Within 5 weekdays | 2a. Grievant submits written grievance to immediate supervisor. |
| Within 5 weekdays | 2b. Supervisor responds in writing on grievance form.           |

- 2c. If supervisor's response is satisfactory to grievant, that ends the matter.
- 2d. If supervisor's response is not satisfactory to grievant, move to step three within 5 weekdays.

Step three:

- Within 5 weekdays 3a. Grievant advances grievance form to the next-level administrator (usually the library dean or the dean of agriculture and life sciences).
- Within 5 weekdays 3b. Dean meets with grievant; dean may request department or division head to be present.
- Within 5 weekdays 3c. Dean responds in writing on grievance form.
- 3d. If dean's written response is satisfactory to grievant, that ends the matter.
- 3e. If dean's written response is not satisfactory to grievant, move to step four within 5 weekdays.

Step four:

- Within 5 weekdays 4a. Grievant advances grievance form to the provost.
- Within 5 weekdays 4b. Provost acknowledges receipt of grievance and forwards copy to Faculty Senate president to receive recommendation of an impartial hearing panel of the Faculty Review Committee.
- Within 5 weekdays 4c. Faculty Senate president acknowledges in writing to grievant that copy of grievance has been received from provost.
- Within 15 weekdays 4d. Faculty Review Committee chair appoints hearing panel from among Faculty Review Committee members; panel holds its initial meeting with both principals.
- Within 45 weekdays 4e. Hearing panel concludes its work and makes recommendations to provost and grievant.
- Within 10 weekdays 4f. Provost meets with grievant.
- Within 10 weekdays 4g. Provost notifies grievant in writing of his or her decision.
- 4h. If the provost's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.
- 4i. If the provost's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, move to step five within 20 calendar days.

Step five:

- Within 20 calendar days 5a. Grievant appeals in writing to university president.
- 5b. University president's decision is final.

## 4.9 Study-Research Leave

Study-research leave may be granted to faculty members for research and/or advanced study necessary to enhance the competencies of those faculty members to carry out their obligations to the university. Although the purposes of a study-research leave are distinct from those of an educational leave, both are subject to the statute outlined in *Educational Aid for State Employees*.

Full-time faculty members holding continued appointment with significant responsibility for instruction and scholarly productivity, with the rank of assistant professor or higher, having accrued a minimum of six years of service, are eligible for study-research leaves. Following such a leave, an additional six years of full-time service are necessary before a faculty member is eligible for another study-research leave. Requests may be submitted prior to completion of six years of service, but faculty members must have completed the sixth year before the leave period begins. Faculty members on the continued appointment-track are not eligible to apply for study-research leave until after continued appointment has been awarded.

Time spent on study-research leave, educational leave, or leave without pay is not considered in compiling minimum service requirements for further leaves.

As part of the commonwealth's educational leave program, recipients of study-research leaves are provided with partial salary (not to exceed one-half salary). Full employee benefits remain in force while faculty members are on study-research leaves. Calendar year faculty on study-research leave earn annual leave at a rate of half their usual annual leave earnings.

Instead of a proposal for a leave of a full academic or calendar year, faculty members may propose a sequence of semester leave periods at half-salary over several years, not to exceed in total one academic year (for a faculty member on academic year appointment) or 12 months (for a faculty member on calendar year appointment). If such a sequence of leaves is undertaken, all intervening periods of full-time appointment at Virginia Tech accrue toward the six-year minimum service required before eligibility for another study-research leave or sequence of leaves.

Alternatively, following completion of any study-research leave, faculty members may propose a single semester of study-research leave at half-salary following three years of full-time service to the university.

Recipients of a study-research leave may receive additional compensation from other approved sources up to a total equal to their annual salary from the university. Faculty members may receive the additional half salary from sponsored grants or contracts, resulting in a one-year period at full salary from university sources; the appropriate level of effort must be expended on grant-related activities. They may also obtain additional funds from external sources to cover expenses for travel, research, administrative assistance, and the purchase of relevant materials. Documentation of all external earnings and expected payments is required and must be reviewed and approved by the department head and provost. Engagement in consulting activities must be consonant with existing University Policy.

The request for study-research leave is made in the fall and, if approved, is taken the following academic year. Requests for study-research leave should be submitted to the department head or chair by November 1 for processing through the college, provost, and consideration by the Board of Visitors at the March (or spring) meeting of the board. Requests are forwarded to the board, subject to recommendation of the department head or chair, dean, and the provost, with consideration of the need for effective continuation of the department's program. Specific leave



request due dates are established annually and made available in the [Calendar of Important Dates](#) found on the [provost's website](#).

The faculty member must return to full-time service with the university for a minimum of at least one academic year at the end of the approved leave or repay the university the salary received plus interest. If less than this required period of service is met, repayment is required of the *pro rata* portion of the compensation provided by the university during the leave period. The faculty member, before undertaking the leave, must sign a memorandum of agreement to this effect.

Within 60 days of returning to full-time status, the faculty member must send a letter to the provost summarizing his or her accomplishments.

#### **4.10 Research Assignment**

Research assignment is a special category of study-research leave that is awarded to a faculty member with continued appointment for one semester of intensive study or research that increases the quality of the individual's professional stature and future contribution to the university. It may be taken in lieu of an ordinary year-long study-research leave.

Full-time faculty members holding continued appointment with the rank of assistant professor or higher, and having accrued a minimum of six years of service, are eligible for research assignment or study-research leave. Following such a leave, an additional six years of full-time service are necessary before a faculty member may be considered for another research assignment. Requests may be submitted prior to completion of six years of service, but faculty members must have completed the sixth year before the leave period begins. Faculty members on calendar year appointments may take research assignment leave for up to six months. Faculty on the continued appointment-track are not eligible to apply for research assignment leave until after continued appointment has been awarded.

Approval for research assignment provides the faculty member with full salary and related benefits for the period of the leave; faculty members may not take on additional responsibilities for outside income except as allowed by the university's consulting policy. Modest stipends associated with competitive visiting scholar programs at other institutions, competitive national or international fellowships, the Fulbright Scholar Program, and similar prestigious opportunities to support study and/or scholarly research may be approved where there is clear benefit to the faculty member and the university. Similarly, externally funded reimbursements or allotments for travel, temporary relocation, and other expenses associated with the proposed research assignment may be approved. Documentation of all external earnings and expected payments is required and must be reviewed and approved by the department head and provost. When a faculty member proposes a period of paid employment greater than 50 percent of the annual salary in a corporate or governmental setting, leave without pay or a contract through [Intergovernmental Personnel Act](#) may be more appropriate than a research assignment.

The primary privilege of a research assignment is entire relief from teaching, administrative duties, and other faculty duties for one semester. A secondary privilege is that the assignment may be carried out at any location approved by the dean or director, although research programs



that require facilities, library resources, or collaborations not available at the university are given special consideration.

An application for research assignment is submitted to the appropriate department head or chair by November 1 of the academic year preceding that in which the assignment will be made. Application forms are available from the [provost's website](#). The application is in the form of a letter, which includes a detailed description of the proposed research or other scholarly project, the location of that activity, and the relevance of the proposed activity in contributing to the faculty member's own scholarly research program. The dean or director reviews the application and forwards it with a recommendation to the provost by mid-December, indicating the provisions that will be made to accommodate the faculty member's responsibilities. The dean or director is expected to weigh fiscal and academic load considerations to assure an equitable distribution of the awards. The provost reviews the recommendations, communicates with the dean or director, and announces the results to each candidate, following approval by the Board of Visitors. Specific leave request due dates are established annually and made available in the Calendar of Important Dates on the [provost's website](#).

The faculty member must return to full-time service with the university for a minimum of at least one academic year at the end of the approved leave. If less than this required period of service is met, repayment is required of the *pro rata* portion of the compensation provided by the university during the leave period. The faculty member, before undertaking the leave, must sign a memorandum of agreement to this effect.

Within 60 days of returning to full-time status, the faculty member must send a letter to the provost summarizing his or her accomplishments.

#### **4.11 Modified Duties**

The university recognizes the need for all continued appointment and continued appointment-track faculty members to balance the commitments of family and work. Special family circumstances, for example, birth or adoption of a child, severe illness of an immediate family member, or even issues of personal health, can cause substantial alterations to one's daily routine, thus creating a need to construct a modified workload and flexible schedule for a period of time.

Since the circumstances may vary widely for faculty members at different stages of their careers and with different family and workload situations, this policy does not prescribe the exact nature of the accommodation. In many cases, it may be a reduction or elimination of a teaching assignment while the faculty member continues to meet ongoing, but more flexible research and graduate student supervision obligations. In general, the university's commitment is to work with a faculty member to devise a modified workload and schedule that enables the faculty member to remain an active and productive member of the department. Because there is no reduction in salary, the faculty member is expected to have a set of full-time responsibilities.

An eligible faculty member is encouraged to speak with his or her department head or chair as soon as possible about the need for modified duties to ensure the maximum amount of time for

planning. A department chair, in conjunction with the library dean or director of extension, is responsible for working with a faculty member to ensure a fair plan for modified duties is implemented if possible, budgetary constraints are considered, and student or other needs are met. The policy does not create an entitlement if there are legitimate business-related reasons for denying the request. Final decisions about the nature of the modified duties are the responsibility of the department head in consultation with the dean/director.

Provisions of this policy cannot adequately address all individual circumstances. Sick leave (including disability), leave without pay, or permanent reduction in appointment to part-time status may be options to consider for longer-term or more demanding needs. This policy is not intended to provide release time from teaching for the purpose of allowing additional time for research. Reduction in teaching assignment for research purposes is the prerogative of the division and a function of the university's program of study-research leaves.

Extension of the probationary period (see "Extending the Continued Appointment Clock") is available to faculty members on continued appointment-track appointments who are confronted with extenuating personal or family circumstances, or birth or adoption of a child. The extension may be requested as a complement to a request for modified duties. However, the semester of modified duties does not automatically affect the continued appointment probationary period.

**Eligibility:** Modified duties may be requested by any faculty member in a full-time continued appointment or continued appointment-track appointment for the purpose of managing family responsibilities or, in exceptional cases, personal health issues not addressed by sick leave. The policy applies to eligible faculty upon employment.

**Guidelines:** The period of modified duties is one semester, or an equivalent amount of time for those faculty members whose responsibilities are not tied directly to teaching on the academic calendar.

Modification of duties should not result in additional duties during the subsequent semester, e.g., the faculty member should not be asked to make up the released teaching before or after the semester of modified duties. The faculty member cannot be employed by another institution during the period of modified duties, nor can the release time be used for extensive professional travel or other increased professional activities (including consulting) that do not meet the goals of the policy.

Medical documentation is required if the period of modified duties is requested related to a health issue not addressed by sick leave.

A semester of modified duties should be considered *in addition to*, not as a substitute for, sick leave and family leave available to those giving birth or adopting during the period of the appointment (i.e., during the academic year for those on academic year appointments, or any time for those on calendar year appointments). There are no work expectations for individuals on approved sick or family leave.

Requests for outside consulting during the period of modified duties are not usually approved.

A faculty member should submit [a request for modified duties](#) as early as possible so the department can plan appropriately. The request form is available on the [provost's website](#). The plan of proposed activities is developed in consultation with the department head/chair and the library dean or director of extension. The duties can be department-based, division-based, or a combination thereof.

Subject to available funding, the Office of the Senior Vice President and Provost provides an allotment to the faculty member's unit to replace teaching (or to use in other ways relevant to the duties) that is lost through the granting of a term of modified duties. Additional support from departments and divisions is strongly encouraged, and should be noted in the request.

Approval of the department head or chair, library dean or director of extension, and provost are necessary. If the department head or chair does not support the request, the reasons for denial are provided in writing, and the request is automatically forwarded to the dean for further review.

#### **4.12 Consulting Activities for Virginia Cooperative Extension Faculty**

Consistent with the university's [policy and procedures on consulting activities](#), additional restrictions may be imposed on the consulting activity of Virginia Cooperative Extension faculty members. These restrictions are imposed to give further assurance that consulting approval is not granted for assistance that is the usual responsibility of faculty members within extension.

It is recognized that the outreach responsibilities of extension are broad and, thus, program assistance parameters are difficult to define. Consequently, the following procedures are designed to provide judgmental decisions by appropriate supervisory staff for consulting requests in ambiguous areas of program responsibilities.

The Request to Engage in External Activity Form 13010A is sent to the department head, chair, or immediate supervisor along with a letter outlining the nature of the consulting activity and why it falls outside the usual responsibilities of extension. (The form is available on the [provost's website](#).) Typically, consulting activities do not involve university sponsorship.

The department head, chair, or immediate supervisor reviews the Request to Engage in External Activity Form 13010A and either approves or disapproves it. If approval is granted, the request is sent to the college dean for approval. The director of Virginia Cooperative Extension grants final approval. If disapproval is exercised at any level, the request is sent back through the department head or supervisor, to the faculty member along with an explanation for the action.

Decisions are based upon, but not limited to, the following: consistency with guidelines stipulated in chapter two, "Consulting and Outside Employment"; whether the area of consulting is found to be within or outside usual extension responsibilities; and whether the time required falls within the number of consulting days allowed.

## CHAPTER FIVE

### 5.0 Employment Policies and Procedures for Non-Tenure-Track Instructional Faculty

Non-tenure-track faculty members fill critical roles in the learning, discovery, and engagement missions at Virginia Tech. They are intended to complement the efforts and qualifications of tenure-track faculty, provide access to specialized faculty resources, and allow flexibility to address programmatic needs. As valuable contributors to departmental and institutional missions, they are entitled to fair treatment and compensation, access to professional development opportunities, recognition for their accomplishments, and participation in the life of the university community. The following policies address specific aspects of non-tenure-track instructional faculty appointments. In a few cases, faculty members with regular academic rank (assistant, associate, or full professor) hold non-tenure-track appointments because of unusual job responsibilities and historical lack of appropriate alternative ranks. Policies in this section also apply to those individuals.

Ordinarily a graduate or professional degree is required for appointment to one of these ranks. Appointments are made using established university search procedures (see chapter two “Faculty Search Procedures” and the [Department of Human Resources website](#)).

Academic departments retain the authority and responsibility to decide whether to employ non-tenure-track faculty members to deliver aspects of their instructional program. Departmental policies and practices related to the use of non-tenure-track ranks must be approved by an appropriate departmental committee.

#### 5.1 Non-Tenure-Track Instructional Faculty Ranks

##### 5.1.2 Visiting Professor

Appointment to the rank of visiting assistant, associate, or full professor is for a restricted period to carry out learning, discovery, and engagement responsibilities within an academic department. Professional credentials required for the standard professorial ranks are required for appointment as a visiting assistant, associate, or full professor. Professional credentials are required for appointment as a visiting assistant, associate, or full professor. A visiting faculty member may not serve in such a position beyond six years. Tenure cannot be awarded individuals in the visiting ranks.

Full-time service at this rank *may* or *may not* be counted as part of the pre-tenure probationary period if the faculty member is subsequently appointed to a tenure-track position. As with prior service credit from another institution, the decision to include all or some of the years of service from a visiting appointment is at the discretion of the faculty member. However, this decision must be made at the time of appointment to the tenure-track position and documented as part of that initial contract.

### **5.1.3 Adjunct Professor**

Appointment to the rank of adjunct assistant, associate, or full professor is reserved for persons whose primary employment is with another agency, organization, or educational institution, or with a non-instructional unit of the university. Adjunct professors are usually compensated as wage employees using the university's P14 form. A ["How To Guide"](#) for processing P14 actions is available on the Department of Human Resources [website](#).

Appropriate professional credentials are required for appointment as an adjunct assistant, associate, or full professor. Appointments may be renewed annually, but tenure cannot be awarded at this rank. The professor of practice series titles may be used for wage adjunct faculty appointments in lieu of the adjunct assistant professor, associate professor, or professor titles, if appropriate for the assignment and credentials of the individuals (see "Professor of Practice Ranks").

Adjunct faculty must present credentials appropriate to the level of the course they are teaching. It is the responsibility of the department to verify documentation of appropriate credentials for adjunct faculty members prior to the start of the course. (See chapter two, "Faculty Credentialing Guidelines," or the [provost's website](#).)

If deemed qualified and appropriate by the host department, authorization for an adjunct faculty member to serve as principal investigator on a sponsored project may be requested. The department, with the approval of the dean, submits a written request for such authorization to the [Office of the Vice President for Research](#).

Wage adjunct faculty members do not typically submit an annual faculty activity report or have an annual evaluation because their employment is temporary. Although wage adjunct faculty may be hired repeatedly to teach a course or courses, they are not considered to be continuing faculty for the purposes of evaluation. Per course stipends paid to wage adjunct faculty are not fixed university-wide, but rather are determined on a departmental basis. Payments typically reflect the experience and credentials of the wage adjunct faculty member, the level of demand (market) for the necessary expertise, and general salary levels in the discipline.

### **5.1.4 Professor of Practice Ranks**

Academic departments retain the authority and responsibility to make decisions about whether to employ professors of practice. Departmental policies and practices related to the use of non-tenure-track ranks must be approved by an appropriate standing committee in the department, such as a promotion and tenure or executive/personnel committee, the department head or chair, and dean.

For disciplines where professional preparation of students is a major goal, the involvement of experienced practitioners in teaching the skills and values of the profession, overseeing internships and project experiences, and career advising, for example, are a vital aspect of a successful program. Professional programs often have a deep commitment to on-going continuing education of practitioners in the field, resulting in a greater commitment to delivery

of outreach programs than is typical of a tenure-track appointment outside of extension. Programs in the arts may wish to attract resident artists or performers for a period of time to contribute to the program. The professor of practice rank series may be appropriate in these and other roles that typically do not reflect the same range of responsibilities required for tenure-track faculty members.

The professor of practice series provides for short- or long-term, full- or part-time, non-tenure-track faculty appointments for individuals who bring specialized expertise to the instructional programs of the university, thereby complementing the qualifications and contributions of tenure-track faculty. (These rank titles may also be used for wage (“P14”) appointments in lieu of adjunct assistant, associate, or professor, if appropriate for the assignment and credentials of the individual.) Individuals appointed to these ranks are expected to be successful and effective professionals in a given field. They must be effective teachers of the profession or discipline and they are expected to be able to understand and evaluate the research that applies to their field and to teach it to students. While professor of practice faculty members may conduct research and present their findings in professional venues, there are no expectations for an extensive research program as is typical of tenure-track faculty appointments.

Professor of practice faculty members are expected to remain active in their professions in ways that contribute to their assignment—teaching, consulting or doing outreach, serving in technical and professional societies and associations, and similar activities. Where appropriate to their assignment, they may interact with graduate students and interns, serve on graduate committees, and chair graduate advisory committees with the approval of the academic unit and the graduate school. They may also be expected to serve on departmental, college, or university committees as contributing members of their departments and the broader university community.

Individuals appointed to a professor of practice rank must have a graduate or professional degree in the discipline (or a related discipline), professional certification(s) if relevant, and/or significant professional experience. Any appointment without the relevant *terminal* degree in the field must be certified by the department as appropriately credentialed for the faculty member’s particular instructional assignment in accordance with guidelines for regional accreditation and University Policy and procedures. Documentation supporting alternative credentials certification is required. Further information regarding appropriate credentials for the teaching faculty is found in chapter two, “Faculty Credentialing Guidelines,” and on the [provost’s website](#).

A record of significant professional achievement is expected for appointment at the associate or full level; initial appointments at such ranks require approval of the appropriate departmental committee and head or chair. Appointment to one of these ranks may be from one to five years and is renewable without limit.

Promotion within these ranks may be pursued through procedures outlined in this section. Tenure will not be awarded at any of these ranks and service at these ranks is excluded from the pre-tenure probationary period if the faculty member is subsequently appointed to a tenure-track position.

**Assistant Professor of Practice:** Persons appointed at this rank have a graduate or professional degree in the discipline (or a related discipline), professional certification(s) if relevant, and/or significant professional experience. Experience and a demonstrated competence in practice of the profession are expected. Credentials must be relevant to the field and type of assignment.

**Associate Professor of Practice:** Persons appointed at the associate professor of practice rank have a graduate or professional degree in the discipline (or a related discipline), professional certification(s) if relevant, and/or significant professional experience. Credentials for appointment or promotion to this rank must document a record of significant professional experience and accomplishments relevant to the field and type of assignment.

**Professor of Practice:** Professor of practice is the capstone rank in the series. Appointment to this rank denotes distinguished professional achievement, and regional, national, or international prominence in the field. Credentials for appointment or promotion to this rank must document a record of significant professional experience and accomplishments relevant to the field and type of assignment. External validation of such accomplishments and leadership in the field is expected at the time of appointment or promotion.

### **5.1.5 Clinical Faculty Ranks**

General collegiate faculty members with responsibilities primarily in instruction and/or service in a clinical setting, such as veterinary medicine, are considered clinical faculty. The following clinical faculty appointments are intended to promote and retain clinical educators and to complement the clinical activities of the university. The clinical faculty track provides for long-term, full-time or part-time faculty appointments to individuals whose primary responsibilities are in clinical settings and in the instructional programs. While clinical faculty may conduct clinical research and present their findings in professional venues, there are no expectations for an extensive research program as is typical of tenure-track faculty appointments. Tenure cannot be earned in these ranks and time spent in one of these ranks is not applicable toward pre-tenure probationary tenure-track faculty service. The clinical faculty ranks include:

**Clinical Instructor:** Persons appointed to this rank must have the appropriate professional degree. Preference is given to individuals eligible for, or certified by, the most appropriate specialty college or organization recognized by the profession. Appointments at this rank are typically for one year and are renewable.

The clinical professor series is designed for clinical faculty members who have extended appointments and who are expected to interact with graduate students/residents and interns, serving on committees or supervising their training. Appointment to one of these ranks may be from one to five years and is renewable without limit. Usually a national search is conducted for appointment at one of these ranks (or an approved exemption sought for exceptional skills or similar justification).

**Clinical Assistant Professor:** Persons appointed to this rank must have the appropriate professional degree and eligibility for, or certification by, the most appropriate specialty college recognized by the professional organization. Credentials shall be consistent with those for

appointment to assistant professor, with an expectation for primary commitment to the instructional and clinical teaching setting.

**Clinical Associate Professor:** Persons appointed to this rank must have the appropriate professional degree and be a diplomate in the appropriate specialty college recognized by their professional organization. Credentials shall be consistent with those for appointment to associate professor, with an emphasis on clinical accomplishments.

**Clinical Professor:** Persons appointed to this rank must have the appropriate professional degree and be a diplomate in the most appropriate specialty college recognized by their professional organization. Credentials shall be consistent with those for appointment to professor, with an emphasis on clinical accomplishments.

Further detail on the duties and responsibilities of these ranks, criteria and the process for promotion, and the terms and conditions of employment for clinical faculty are established by the respective academic departments and approved by an appropriate college-level committee and the dean.

### **5.1.6 Instructor Faculty Ranks**

The responsibilities of a person appointed to one of the instructor ranks in an academic department are focused on undergraduate education, with minimal or no expectation for development of an independent program of research or scholarship. A master's degree is the usual minimum educational credential for an appointment to the instructor ranks, and generally a minimum of 18 graduate credits teaching in the discipline required to meet accreditation standards. Further information regarding appropriate credentials for the teaching faculty is found in chapter two, "Faculty Credentialing Guidelines," and on the [provost's website](#).

While initial appointment is typically at the entry rank, prior experience may be considered for a recommendation of appointment at a higher rank with the approval of the appropriate departmental committee and head. Up to three years of similar instructional service at another accredited American four-year college or university may be counted toward the designated period required prior to review for promotion in rank.

Tenure is not awarded at any of these ranks and all service at any instructor rank is excluded from the pre-tenure probationary period if the faculty member is subsequently appointed to a tenure-track position. Faculty members within the instructor ranks may not chair a graduate committee.

**Instructor:** The instructor rank is the initial rank for appointment of a full- or part-time faculty member. Primary responsibilities are usually to the instructional program, but assignments vary depending on the faculty member's expertise and experience and departmental needs. Typically they include teaching undergraduate courses, advising students, developing or revising courses and curricula, and fulfilling other instructional, administrative, or service responsibilities. Appointment at this rank consists of a series of one- or two-year renewable appointments with a minimum of five years of completed service before consideration for promotion.



**Advanced Instructor:** Consideration for promotion to the rank of advanced instructor may be requested by the instructor or recommended by the department based on excellence in instructional responsibilities and significant evidence of related professional growth and development. Mentoring colleagues or graduate teaching assistants, student advising, course or curriculum development, or exemplary service or outreach are examples of ways in which instructors can make valuable contributions to the instructional programs in a department. Advanced instructors are expected to demonstrate mastery in teaching with significant impact on student learning and the department's undergraduate programs. Scholarship and publication are not typically an assigned responsibility of instructor positions, but such accomplishments may be considered as part of the evaluation for promotion. Promotion to the advanced instructor rank is generally accompanied by a renewable three-year contract.

A minimum of five years of completed service at the advanced instructor rank is required before consideration for promotion to senior instructor.

**Senior Instructor:** Senior instructor is the capstone rank in the instructor series and promotion to this rank denotes exemplary instruction, demonstrated continued professional development, and significant contributions to undergraduate education. In addition to teaching courses, senior instructors may have considerable responsibility in mentoring colleagues or graduate teaching assistants, overseeing course development or special instructional initiatives, student advising, or other responsibilities reflecting their role as instructional leaders. Promotion to the rank of senior instructor is generally accompanied by a renewable five-year contract.

## **5.2 Policies Related to Non-Tenure-Track Instructional Appointments**

### **5.2.1 Initial Appointment**

All initial non-tenure-track faculty appointments are usually for a period of one year, including appointments at the more senior ranks. Subsequent reappointments may be multi-year, as appropriate for the rank.

Appointments may be regular (renewable) or restricted (with a defined end date), calendar year or academic year, and full- or part-time depending on job responsibilities and available funding. Visiting and adjunct appointments are intended to be temporary in nature and are almost always restricted.

Non-tenure-track faculty positions are term appointments eligible for renewal based on quality of performance, continuing need for services in the unit, and available funding.

### **5.2.2 Reappointment**

Non-tenure-track faculty members on restricted contracts whose appointments will be continued are issued a reappointment contract specifying the new ending date for their appointment. Reappointments typically occur on the anniversary of the hire date or are realigned to coincide with the academic year or other relevant appointment cycle. The practice of issuing repeated one-year restricted contracts for an individual faculty member over many years is explicitly

discouraged. It results in exclusion of the faculty member from promotion consideration and can be exploitative over an extended time.

Reappointments for faculty members on regular contracts are usually effective July 1 or August 10, reflecting either calendar year or an academic year appointment. Notice of non-reappointment is in accordance with periods identified in chapter two, “Retirement, Resignation, and Non-Reappointment.”

### **5.2.3 Annual Evaluations and Merit Adjustments**

Continuing faculty members must submit an annual faculty activity report in accordance with departmental and college procedures and timelines. Timely submission of the annual faculty activity report is required for consideration for a merit adjustment. Annual evaluation of performance by the department head/chair or supervisor (or appropriately charged committee) and feedback to the faculty member are required, and should be consistent with university policies and practices for annual evaluation of tenure-track faculty members.

Non-tenure-track faculty members are entitled to full consideration for merit adjustments as available and warranted by their performance.

### **5.2.4 Promotion Guidelines for Non-Tenure-Track Faculty Appointments**

Non-tenure-track faculty members are eligible for promotion in rank in accordance with guidelines established by academic departments and approved by an appropriate college-level committee and the dean. Such guidelines should outline the process and criteria for promotion in rank; they should be widely available along with other departmental and college documents related to promotion and tenure. Faculty members must be in a *regular* rather than *restricted* appointment to be considered for promotion.

Promotion in rank for any non-tenure-track position is not a requirement of continued employment, or an entitlement for years of service without evidence of exceptional merit, continued professional development, and contribution in the assigned role. An approved promotion in rank is recognized by a change in title, increasing length of appointment contract, and a base salary adjustment as identified in the annual [faculty compensation plan](#) approved by the Board of Visitors

Consideration for promotion in rank includes preparation of a dossier using a common university format, which may be based on relevant elements of the promotion and tenure dossier format for tenure-track faculty members. Typically such a dossier includes a statement of professional direction and accomplishment, a full *curriculum vitae*, and documentation of contributions associated with the instructor’s appointment. These contributions can be to instructional programs or administrative and/or service responsibilities. Colleges and departments may request supplemental materials. The appropriate college committee and dean approve guidelines for dossier development and departmental policies and procedures for the promotion process. External evaluations of credentials are not necessary for promotion consideration for non-tenure-track faculty, except for promotion to clinical professor.

The promotion dossier is reviewed at three levels: (1) by an appropriately charged departmental committee and the department head or chair, (2) by an appropriately charged college-level committee and the dean, (3) and by the provost. The department head or chair and dean make separate recommendations to the subsequent review levels. The provost reviews college and dean recommendations and makes recommendations to the president. The Board of Visitors grants final approval.

Given the wide variation in representation of non-tenure-track instructional appointments in the various academic colleges, some latitude is provided in the nature and make up of such committees. For those departments with significant numbers of instructors, it is expected that the committee charged with such reviews would consist of majority representation of advanced and senior instructors (or associate or full clinical professors). In departments with very few such appointments, the existing departmental promotion and tenure committee may review the dossier(s) and make recommendations. Similarly, at the college level, either a special committee may be formed to review promotions of non-tenure-track instructional faculty with majority representation of those in the advanced level of such ranks, or existing promotion and tenure committees may be assigned such review and recommendation responsibilities. While the procedures vary to recognize practical issues and varying numbers, the guidelines for review should be in writing and adhered to for consistency and fair treatment of all candidates. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship (see chapter two, “Potential Conflicts Involving Spouses and Immediate Family Members”).

Given that promotion decisions do not carry the same “up or out” decision associated with tenure, a negative recommendation on a promotion request need not translate into termination of employment. Indeed, a faculty member may remain at the initial rank as long as their performance warrants continued employment and serves departmental needs. If the promotion request is not supported on the first submission, it may not be appealed until at least a second review has taken place in a subsequent or later year.

Following the same pattern as review of tenure-track faculty members, a positive recommendation from either or both the departmental committee and the department head or chair automatically advances the dossier for promotion to the college committee level. Similarly, at the college level, a positive recommendation from either or both the college committee and the dean results in automatic advancement of the recommendation to consideration by the provost. The decision of the provost is final and cannot be appealed.

Faculty members should be provided written feedback in the case of a negative recommendation at either the department or college level so that they might improve their performance or dossiers for a later submission.

### **5.2.5 Appeal Procedures**

Following a second negative review by both the departmental committee and department head or chair, the decision may be appealed to the college committee, but only on grounds that relevant information was not considered or that the decision was influenced by improper consideration.

The appeal must be filed within 14 days of official notification. A negative recommendation from both the college and the dean ends the process. There is no appeal available when both the college committee and dean vote “no.”

Significant *procedural* violations may be grieved under the faculty grievance process described in, “Faculty Grievance Policy and Procedures.”

### **5.3 Termination Procedures for Non-Tenure-Track Faculty on Regular Appointments**

Members of the non-tenure-track faculty may be removed from their position by one of the following three procedures: (1) removal for just cause, (2) non-reappointment, or (3) termination of position because of insufficient funds or no further need for services. Notice of non-reappointment for non-tenure-track instructional faculty members on regular appointments is addressed in chapter two, “Retirement, Resignation, and Non-Reappointment.”

#### **5.3.1 Dismissal for Cause**

Stated causes for removal shall include, but are not limited to, professional incompetence; unacceptable or unsatisfactory performance after due notice; unethical conduct or misconduct that interferes with the capacity of the employee to perform effectively the requirements of the position; violation of University Policy; or falsification of credentials, experience, leave reports, or other official university documents. Filing a grievance shall not constitute just cause for termination.

When it becomes necessary to terminate a non-tenure-track faculty member for unsatisfactory performance prior to the end of the appointment period, the following procedures apply:

- The department head or chair writes a letter to the faculty member detailing the areas of performance that are deficient and setting clear expectations for acceptable performance and continued employment. The college dean receives a copy. The letter states the time period in which the deficiencies must be addressed. This time period will be not less than 30 calendar days.
- At the end of that period, the department head or chair must again write the faculty member with an evaluation of his/her performance with a copy to the college dean. If performance continues to be unsatisfactory, this second letter may contain a notice of termination. The termination notice will have an effective date of 45 calendar days or more from the date of the second letter. In cases where there is a threat to health or safety, the 45-day period may be waived.

For termination for cause for reasons other than unsatisfactory performance, the faculty member shall receive written notification of the reasons for termination and shall be allowed an opportunity to respond within five workdays. With the approval of the provost, a faculty member may be suspended with or without pay pending an investigation into allegations of wrongdoing.

The faculty member may appeal notification of termination for cause to the college dean and the termination will be held in abeyance until the appeal process is complete. The appeal must be made in writing within five working days of receipt of the notification of termination. The dean must respond in writing within ten working days. If the dean's response is unsatisfactory to the appellant, an appeal may be made to the provost in writing within five working days. The provost appoints a committee of three members of the general faculty who review the case and make recommendations to the provost. The decision of the provost is final. The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.

### **5.3.2 Termination of Appointment During the Contract Period**

Occasionally a decline in funding resources makes it necessary to terminate an appointment before the end of a contract. While department heads or chairs are encouraged to make every effort to assure continuity of employment to individuals performing satisfactorily, there are circumstances in which this may not be possible or in the best interest of the university. Non-tenure-track faculty appointments may be terminated in the case where there are insufficient funds or no further need for services. Written notice of termination within the contract period shall be at least three months for those who have been in a regular appointment less than two year and at least one semester (if academic year) or six months (if calendar year) for those who have been in regular appointments two years or more. A proposed notice of termination during the contract period because of insufficient funds or lack of need for services requires the approval of the dean and provost.

### **5.4 Participation in Governance**

Salaried non-tenure-track instructional faculty members are eligible to participate in departmental, college, and university committees as appropriate for their assignments. Non-tenure-track faculty members should have meaningful engagement in program planning at the department level, especially as it relates to aspects of the curriculum for which they bear teaching responsibility. Although non-tenure-track instructional faculty members cannot be involved in reviewing cases of promotion and tenure for tenure-track or tenured faculty members, they may otherwise be voting members of the departmental faculty in accordance with the policy set by individual departmental governance.

Those faculty members at the rank of instructor, assistant, associate, or professor, or related rank variations, such as clinical assistant professor, professor of practice, or senior instructor are eligible to serve as voting members of the Faculty Senate.

### **5.5 Participation on Graduate Committees**

Non-tenure-track instructional faculty members with appropriate credentials may serve on graduate advisory committees and interact with graduate students and interns where relevant to their assignment and with approval of the departmental graduate program, department head or chair, and [graduate school](#). Faculty members within the instructor ranks may not chair a graduate committee.

## 5.6 Eligibility to Serve as a Principal Investigator

Faculty members in a non-tenure-track rank may serve as a principal investigator for a sponsored project or contract with the approval of the department head or chair, the dean, and the Office of the Vice President for Research. A written request for authorization may be submitted by the department, with the approval of the dean, to the [Office of the Vice President for Research](#).

## 5.7 Faculty Grievance Policy and Procedures

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the non-tenure-track instructional faculty. The grievance process is the same as that for tenured and tenure-track faculty. The [Faculty Review Committee](#) of the Faculty Senate conducts the step four hearing if requested.

### 5.7.1 Faculty Reconciliation and Mediation Services

**Informal Dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels he or she has a grievance is encouraged to take it to his or her immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

**Reconciliation:** At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the Faculty Senate [Committee on Reconciliation](#) in fashioning an equitable solution. Contacting the Faculty Senate Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether his or her concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant must contact the chair of the Faculty Senate Committee on Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the Faculty Senate Committee on Reconciliation, that committee requests a postponement of the time limits involved in the grievance procedure while it deals with the case. The request is submitted in writing to the vice provost for faculty affairs by the chair of the Faculty Senate Committee on Reconciliation. Also, the grievant should reach an understanding with the Faculty Senate Committee on Reconciliation of the time frame planned for that committee's work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances,

the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Senior Vice President and Provost.

Additional information regarding the faculty reconciliation process is available on the [provost's website](#).

**Mediation:** [Mediation](#) is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through the Department of Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

**Role of Mediators:** Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting Mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

### **5.7.2 The Formal Grievance Procedure**

If the assistance of the Faculty Senate [Committee on Reconciliation](#) is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of his or her case.

1. Step one: The grievant must meet with his or her immediate supervisor (usually the department head or chair) within 30 calendar days of the date that grievant knew or should have known of the event or action that is basis for the grievance and orally identifies the

grievance and the grievant's concerns. The supervisor provides an oral response to the grievant within five weekdays following the meeting. If the supervisor's response is satisfactory to the grievant, that ends the matter.

2. Step two: If a satisfactory resolution of the grievance is not achieved by the immediate supervisor's oral response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be on the faculty grievance form, must define the grievance and the relief requested specifically and precisely, and must be submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor's oral response to the first step meeting. Faculty grievance forms are available on the [provost's website](#).

Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form, citing reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

3. Step three: If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for collegiate faculty is usually the college dean. The administrator involved at this next level is hereafter referred to as the second-level administrator.

Following receipt of the faculty grievance form, the second-level administrator or designated representative meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a representative of his or her choice from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for his or her decision. If the second-level administrator's written response to the grievance is satisfactory to the grievant it ends the matter.

4. Step four: If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Review Committee. A description of the charge and membership of the [Faculty Review Committee](#) is included in chapter one, "Faculty Review Committee."

Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the [Procedures of the Faculty Review Committee](#) to parties in the grievance process. The provost immediately forwards a copy of the grievance to the



[president of the Faculty Senate](#), who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost's decision, however, may be appealed to the president, as described in step five. If the provost does not accept the petition, the Faculty Review Committee hears the grievance as outlined in these procedures.

- **Hearing Panel:** A hearing panel consists of five members appointed by the chair of the Faculty Review Committee from among the members of the Faculty Review Committee. The chair of the Faculty Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Review Committee or his or her designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

- **Hearings:** After a hearing panel is appointed, the chair of the Faculty Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel. Detailed procedures followed in hearings are specified in the "Procedures of the Faculty Review Committee" as approved by the Faculty Senate.

- **Findings and Recommendations:** The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Review Committee.

- **Provost's Action:** The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant his or her decision in writing concerning the disposition of the grievance. If the provost's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.

5. Step five: If the provost's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president acts as he or she sees fit. The president's decision is final.

### 5.7.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when he or she knew or should have known of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Review Committee in writing, and the chair of the Faculty Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate

Committee on Reconciliation, and the chair of the Faculty Review Committee (or the vice president of the senate if the president is also chair of the Faculty Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

#### **5.7.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion procedures (see appeal process in chapter three, “Appeals of Decisions [on Promotion]”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

**Issues not open to grievance:** While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the [chair of the Faculty Review Committee](#) within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

### **5.7.5 Particular Concerns and Definitions**

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An [agreement form to extend the grievance response time](#) is available on the [provost's website](#).)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from his or her assigned work location at the time he or she discovers the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with his or her immediate supervisor to initiate the grievance process begins when the faculty member returns to his or her assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to his or her assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume his or her duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and he or she is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers he or she has a grievance about actions by an administrator above the level of his or her immediate supervisor that directly involve the faculty member, or with actions by an administrator not in his or her department that directly involve the faculty member, the grievant initiates the grievance process by seeking the intervention of his or her immediate supervisor within 30 calendar days of the discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting his or her immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the

administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in the usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the chair of the Faculty Review Committee and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the president of the university for his or her ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and University Policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations, or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

#### **5.7.6 Overview of the Formal Grievance Process for Non-Tenure-Track Instructional Faculty**

Below is an *abbreviated* overview of the grievance process and deadlines. Refer to “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the [provost’s website](#).)

##### Step one:

- |                         |  |
|-------------------------|--|
| Within 30 days of event | 1a. Grievant meets with immediate supervisor (usually the department head).                            |
| Within 5 weekdays       | 1b. Department head provides oral response.  |
|                         | 1c. If department head’s response is satisfactory to grievant, that ends the matter.                   |
|                         | 1d. If department head’s response is not satisfactory to grievant, move to step two within 5 weekdays. |

##### Step two:

- |                   |  |
|-------------------|--|
| Within 5 weekdays | 2a. Grievant submits written grievance to department head.   |
| Within 5 weekdays | 2b. Department head responds in writing on grievance form.   |
|                   | 2c. If department head’s response is satisfactory to grievant, that ends the matter.                     |
|                   | 2d. If department head’s response is not satisfactory to grievant, move to step three within 5 weekdays. |

Step three:

- Within 5 weekdays 3a. Grievant advances grievance form to the next-level administrator (usually the dean).
- Within 5 weekdays 3b. Dean meets with grievant; dean may request DH to be present.
- Within 5 weekdays 3c. Dean responds in writing on grievance form.
- 3d. If dean's written response is satisfactory to grievant, that ends the matter.
- 3e. If dean's written response is not satisfactory to grievant, move to step four within 5 weekdays.

Step four:

- Within 5 weekdays 4a. Grievant advances grievance form to the provost.
- Within 5 weekdays 4b. Provost acknowledges receipt of grievance and forwards copy to Faculty Senate president to receive recommendation of an impartial hearing panel of the Faculty Review Committee.
- Within 5 weekdays 4c. Faculty Senate president acknowledges in writing to grievant that copy of grievance has been received from provost.
- Within 15 weekdays 4d. Faculty Review Committee chair appoints hearing panel from among Faculty Review Committee members; panel holds its initial meeting with both principals.
- Within 45 weekdays 4e. Hearing panel concludes its work and makes recommendations to provost and grievant.
- Within 10 weekdays 4f. Provost meets with grievant.
- Within 10 weekdays 4g. Provost notifies grievant in writing of his or her decision.
- 4h. If the provost's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.
- 4i. If the provost's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days.

Step five:

- Within 20 calendar days 5a. Grievant may appeal in writing to university president.
- 5b. University president's decision is final.

## CHAPTER SIX

### 6.0 Employment Policies and Procedures for Research Faculty

#### 6.1 Office of Vice President for Research - Human Resources

The Office of the Vice President for Research (OVPR) includes university research institutes, university research centers, and the offices of research/interdisciplinary programs administration, sponsored programs, research compliance, export and secure research compliance, and Virginia Tech Intellectual Properties. In collaboration with the Department of Human Resources, the [Office of the Vice President for Research - Human Resources \(OVPR\\_HR\)](#), supports and serves research faculty regarding policies, employment, retention, promotions, employee relations, and separations policies. These services include, but are not limited to, assistance in areas such as position descriptions, classifications, position postings, screening, salary offers, promotions, salary adjustments for increased responsibilities, equity and retention, employment contracts, visas, and referrals.

#### 6.2 Research Faculty Appointments

Research faculty appointments are designated to promote and expedite university research activities. The rank descriptions create several series common to current sponsored research or outreach projects. For example, employees involved conducting research are generally appointed as research associates or research scientists (or to the “senior” titles for either of these). Those individuals who are appointed to a research traineeship for a period of up to four years following receipt of their doctorate are usually appointed as postdoctoral associates (see [Guidelines for the Hiring of Postdoctoral Associates](#)). Usually, postdoctoral associates work closely with a faculty mentor in preparation for a career in academe or research; if they remain involved with research projects at Virginia Tech over a period of time, they are appointed or promoted into another appropriate rank.

The “project associate” series was designed for employees involved in sponsored activity other than traditional research, such as delivery of service or technical assistance, consultation with particular clients, preparation of manuals and materials, and so on. The project associate series is also appropriate for personnel involved primarily in the administration of large and complex sponsored programs.

While there is logic to the progression between and among ranks, employees may change ranks as appropriate or necessary to reflect a change in role or project. Promotions from one rank to another in order to recognize a faculty member’s increased responsibilities, credentials, and/or contributions to the program over time may be recommended by the supervisor. Recommendations for promotions are done during the annual evaluation and merit adjustment process. They require approval by the department head, dean, and Office of the Vice President for Research. Approval by a departmental committee is also required for certain ranks (see below). A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship (see chapter two, “Potential Conflicts Involving Spouses and Immediate Family Members”).



Research faculty members may be assigned a functional title in addition to their official faculty rank in order to facilitate their work or clarify their role to internal or external constituencies. (A functional title may not be an official faculty rank other than that held by the research faculty member.) In some cases, increased responsibilities may lead to a change in functional title and possibly a salary adjustment rather than a promotion in faculty rank.

Appointments to research faculty ranks, except the rank of postdoctoral associate, are indefinitely renewable. However, tenure cannot be earned in any of the research faculty ranks and service is not applicable toward the pre-tenure probationary period if the employee is subsequently appointed to a tenure-track position.

The source of funds is not the determining factor as to whether a position carries a research faculty rank, but rather the nature and purpose of the assignment. Thus, a research faculty member may be funded by sponsored projects, overhead, state dollars, or other sources. Policies related to research faculty apply, regardless of the source of funding.

Research faculty may participate in activities outside of their direct source of funding, such as providing significant contributions to the conceptualization or writing of new proposals, or teaching; however, support for any time or effort spent on activities outside of their sponsored research must come from non-sponsored research funds. Special attention should be given in the development of position descriptions where funding is limited to only sponsored funding. (See chapter six “Effort Certification Compliance Issues for Research Faculty Members,” and chapter ten “Effort Certification and Salary Charges to Sponsored Grants and Contracts.”)

Original appointments and reappointments, including rank, salary, and other conditions, require the approval of the department head, dean (or next level administrator), and the Office of the Vice President for Research *before* an offer is extended. [Requests for principal investigator status](#) may be submitted to the Office of the Vice President for Research. Such requests require the approval of the department head, dean, and the Office of the Vice President for Research.

### **6.3 Research Associate Ranks**

When establishing positions in this series, particularly at the research associate level, departments must ensure that the work anticipated for the employee is sufficiently complex and sophisticated to warrant a faculty position. There are a variety of staff roles that are appropriate for research personnel, depending on the nature of the work proposed and on the credentials being required. For example, laboratory and research specialist I or II is usually the appropriate staff role for personnel overseeing laboratory, animal care, or research support; or, conducting routine tests, compiling data, collecting and preparing samples. Careful preparation of the position description by the principal investigator and/or department head is essential in making a determination whether the position is staff or research faculty. Staff positions must be used where appropriate; exceptions are granted only in very rare cases.



### **6.3.1 Research Associate**

The research associate rank is the entry, or most junior, rank for research faculty members involved in sponsored projects. However, the work may vary from that which is appropriate for a relatively new professional to broader or more significant responsibilities expected of more experienced research faculty personnel. Research associates generally conduct research under supervision using standard and non-standard procedures appropriate to the field. They may provide input into the preparation of proposals or supervise staff or student personnel, but typically they have limited responsibility and authority in these areas. Research associates are not eligible to be principal investigators; however, [requests for principal investigator status](#) may be submitted to the Office of the Vice President for Research.

In keeping with all faculty appointments at the university, a master's degree in a relevant field is the minimum qualification for appointment as a research associate. The OVPR-HR must approve requests for exceptions for individuals with a bachelor's degree and significant related experience *before* an offer is extended.

### **6.3.2 Senior Research Associate**

The rank of senior research associate requires greater qualifications than the research associate either in education, experience, or both. The doctorate or a terminal degree in the field and some experience are required. The OVPR-HR must approve an appointment or promotion to this rank for individuals with a lesser degree and substantial related experience *before* an offer is extended.

Senior research associates conduct research under limited supervision using standard or non-standard techniques appropriate to the field. Typically, they have some significant supervisory responsibility for lower-level personnel and may contribute to the conceptualization and preparation of research proposals, reports, and resource acquisition. Senior research associates are not eligible to serve as principal investigators; however, [requests for principal investigator status](#) may be submitted to the Office of Vice President for Research.

### **6.3.3 Research Scientist**

Research scientists fulfill a senior role in the university's research program. They carry out independent research under limited supervision. A doctorate or terminal degree in the field and significant experience are expected. By virtue of their expertise and experience, research scientists make significant contributions to the conceptualization and conduct of the research. They may be involved in the preparation of proposals, reports, and publications, presentation of research results, and development of patents. Research scientists may serve as principal investigators.

### **6.3.4 Senior Research Scientist**

The senior research scientist is the highest rank in the research faculty series for those who do not also have involvement in a graduate program. The rank of senior research scientist is parallel

to that of research associate professor or research professor. A doctorate or terminal degree in the field and a considerable record of research are expected. As experienced research faculty members, senior research scientists are often responsible for the design and execution of a project and interpretation of research results. Faculty members at this rank usually serve as principal investigators of sponsored projects related to their own expertise or provide leadership to a research team. Typically, they have significant responsibility for supervision of personnel, budget preparation and execution, and organization and management of the research project.

### **6.3.5 Postdoctoral Associate**

Appointment to this rank is usually reserved for persons who have been awarded a doctoral degree no more than four years prior to the effective date of the appointment with a minimum of one year of eligibility remaining and are engaged in research for a restricted period under the direction of a faculty mentor. The position of postdoctoral associate is intended to be a limited-term traineeship lasting two to four years (not to exceed four years), during which the individual works under the supervision of one or more senior faculty mentors in preparation for a career in academe or research. Funding is usually from a grant, contract, or a postdoctoral fellowship.

The cumulative allowable duration for all postdoctoral appointments held by a single individual, even at multiple institutions, may not exceed five years. The maximum allowable time an individual may be employed in the rank of postdoctoral associate at Virginia Tech is four years. Continued appointment beyond four years would require a promotion in rank.

Typically, postdoctoral associates have very limited responsibility for project management, supervision of personnel, or design of the research project on which they are funded. Rather, the position enables the individual to continue studies in a specialty area while gaining practical experience in the field. The postdoctoral traineeship may include opportunities to write and submit grant proposals, and the postdoctoral associate may serve as co-principal investigator with the approval of the department head or chair. A postdoctoral associate may be permitted in certain cases, such as proposals for young career awards, to submit a grant as a principal investigator. [Requests for principal investigator status](#) may be submitted to the Office of the Vice President for Research.

### **6.4 Project Associate Ranks**

The project associate rank series is most appropriate for faculty personnel involved in sponsored projects that provide technical assistance, outreach, consultation, project management, preparation of specialized materials, or delivery of educational or other services, rather than conducting traditional research or scholarship. These ranks may also be appropriate for faculty personnel who are involved in the administration of large and complex research centers or programs.

There are staff or administrative and professional (A/P) faculty roles appropriate to many of these responsibility sets. Careful preparation of the position description by the principal investigator or department head/chair is essential in making a determination whether the position is staff, A/P faculty, or research faculty.

Like all research faculty members, those in the project associate series may be assigned a functional title in addition to their official faculty rank in order to facilitate their work. Given the range of activities included under sponsored programs, use of the functional title may be the most effective way to clarify the faculty member's role to internal or external constituencies. (A functional title may not be an official faculty rank other than that held by the research faculty member.)

#### **6.4.1 Project Associate**

The project associate rank is the entry, or most junior rank, for faculty members involved in sponsored projects that may deliver services to clients or involve program responsibilities other than traditional research. The work may vary from that appropriate for a relatively new professional to broader or more significant responsibilities expected of more experienced faculty personnel. Project associates work under supervision and carry out project responsibilities, such as technical assistance or consultation, which require professional preparation and application of accepted principles and practices of the field. They may be involved in preparing reports, documents, or manuals for review by project leaders. They may develop and deliver educational programs, or coordinate activities involving a number of project members. They may provide input into the preparation of proposals or supervise project personnel, but typically they have limited responsibility and authority in these areas. Project associates are not eligible to be principal investigators; however, [requests for principal investigator status](#) may be submitted to the Office of the Vice President for Research.

In keeping with all faculty appointments at the university, a master's degree in a relevant field is the minimum qualification for appointment as a project associate. The OVPR-HR must approve exception requests for individuals with a bachelor's degree and significant related experience *before* an offer is extended.

#### **6.4.2 Senior Project Associate**

The rank of senior research associate requires greater qualifications than the project associate either in education, experience, or both. The doctorate or a terminal degree in the field and some experience, or a lesser degree and substantial related experience, are required. The OVPR-HR must approve exemption requests *before* an offer is extended. Senior project associates carry out project activities under limited supervision, providing a high level of professional service and expertise. They may create original materials or methods, requiring a high level of knowledge of and/or experience in the subject matter. Typically, they have some significant supervisory responsibility for project personnel. They may contribute to the conceptualization and preparation of project proposals, reports, resource acquisition, and interaction with stakeholders. Senior project associates are not eligible to serve as principal investigators; however, [requests for principal investigator status](#) may be submitted to the Office of the Vice President for Research.

#### **6.4.3 Project Director**

Project director is the most senior rank in the project associate series. Appointment to this rank requires a doctorate or terminal degree and two or more years' experience, or a lesser degree and

related experience of substantial scope and duration. By virtue of their expertise and experience, project directors or leaders make significant contributions to the conceptualization and implementation of the project. They typically have significant independence, responsibility, and authority for all aspects of the project. Project directors may be involved in the preparation of proposals, reports, or publications; and presentation of results to sponsors or other stakeholder groups. They have significant responsibility for hiring and managing project personnel, assigning resources, and evaluating project effectiveness. Those functioning in an administrative capacity may serve in a role equivalent to an assistant center director, managing complex and varied business and other administrative responsibilities for a large research center. Project directors may serve as principal investigators with the approval of the department head.

## **6.5 Research Professor Ranks**

The research professor ranks are designed for research faculty members whose appointments are expected to last more than one year and whose credentials are comparable to those of the tenure-track faculty of similar rank. This series is parallel to research scientist and senior research scientist, not necessarily above it. Appointment to research professor ranks is not appropriate for those with short-term or limited appointments since this would disadvantage the graduate students with whom they might work. Research faculty members whose primary appointment is in a research unit not affiliated with a degree-granting academic department may also be appointed to these ranks with appropriate credentials and approvals. Tenure cannot be earned in any of the research faculty ranks and service is not applicable toward the probationary period if the employee is subsequently appointed to a tenure-track position.

With approval by the degree-granting program, those appointed to any rank in the research professor series may direct graduate theses and dissertations and serve on graduate committees consistent with program and graduate school policy. Faculty members in this series may teach occasionally in their areas of expertise in accordance with guidelines below and by providing the appropriate credentials required of instructional faculty. (See chapter two, “[Faculty Credentialing Guidelines](#),” or the [provost’s website](#).) Faculty in the research professor series may teach one course per year or two courses in a two-year period. They may teach more if funding is appropriately charged to the instructional budget and approved by the principal investigator/supervisor, department head/chair and dean.

At the discretion of the academic department, departmental faculty membership with or without voting privileges may be extended to an assistant, associate, or research professor. However, a research faculty member is not eligible to vote on matters relating to faculty appointment, retention, promotion, or tenure.

Promotion to a higher rank may be granted to research professorial faculty who have sources of continued funding and demonstrate outstanding accomplishments in appropriate activities. The *curriculum vita* together with annual reports, reprints of publications, reference letters, and other similar documents comprise a dossier, which furnishes the principal basis for promotion decisions. Besides consideration of specific professional criteria, evaluation for promotion should consider the candidate’s integrity, professional conduct, and ethics. To the extent that

such considerations are significant factors in reaching a negative recommendation, they should be documented as part of the formal review process.

Research professorial faculty members being considered for promotion have their dossiers reviewed at as many as three levels: (1) by a departmental committee and the head or chair; (2) by a college committee and the dean; and (3) by the Office of the Vice President for Research. A parallel process for review, approved in advance by the senior vice president and provost and the vice president for research, is required for promotion of a member of the research professor series whose primary appointment is not in an academic department.

### **6.5.1 Research Assistant Professor**

Persons appointed as research assistant professors are required to have a doctoral degree or terminal degree appropriate to the field and credentials consistent with those for appointment to the rank of assistant professor. Research assistant professors are equivalent to research scientists in terms of their credentials; however, appointment to this rank indicates actual or anticipated involvement with the academic program.

Research assistant professors are expected to contribute significantly to the design and execution of research projects. They may serve as principal investigators with the approval of the department head. They carry out independent research in their field of specialization under general supervision. They may have supervisory responsibility for project personnel and contribute to project management.

Original appointments including rank, salary, and other conditions require the approval of the department head, dean (or next level administrator), and the Office of the Vice President for Research *before* an offer is extended.

### **6.5.2 Research Associate Professor**

Persons appointed to this rank are required to have a doctoral degree or terminal degree appropriate to the field and credentials consistent with those for appointment to the rank of associate professor. Research associate professors are typically responsible for design and execution of research projects and interpretation of research results. They are expected to serve as principal investigators and conduct independent research in their area of specialization. They may have significant supervisory responsibility for project personnel and contribute to project management.

Original appointments follow standard departmental procedures for tenured and tenure-track faculty appointments. Typically, this involves approval by the appropriate departmental/unit committee, followed by approval of the department/unit head, dean (or next level administrator), and Office of the Vice President for Research. Promotion to this rank requires evidence of continuous professional development, documentation of excellence in their disciplinary field, contribution to research or creative activity supported through grants and contracts, and at least regional recognition. (See chapter three “Evaluation Procedures for Promotion and Tenure.”)

The promotion review and approval process is described in chapter six, “Research Professor Ranks.”

### **6.5.3 Research Professor**

Persons appointed to this rank are required to have a doctoral degree or terminal degree appropriate to the field and credentials consistent with those for appointment to the rank of professor. Research professors are typically responsible for design and execution of research projects and interpretation of research results. They are expected to serve as principal investigators and conduct independent research in their area of specialization. They may have significant supervisory responsibility for project personnel and contribute to project management.

Original appointments follow standard departmental procedures for tenured and tenure-track faculty appointments. Typically, this involves approval by the appropriate departmental/unit committee, followed by approval of the department/unit head, dean (or next level administrator), and the Office of the Vice President for Research. Promotion to this rank requires evidence of continuous professional development, documentation of excellence in their disciplinary field, outstanding research or creative activity supported by grants and contracts, and national and/or international recognition. (See chapter three, “Evaluation Procedures for Promotion and Tenure.”) The promotion review and approval process is described in chapter six, “Research Professor Ranks.”

### **6.6 Matrix of Research Ranks**

A matrix of qualifications, approval requirements, general expectations, salary guidelines, and typical position responsibilities for employees in the research faculty ranks is found on the OVPR-HR website.

### **6.7 Affiliated Research Faculty**

Occasionally, individuals outside of university employment are identified to team with university faculty to enhance research opportunities through departments. To support these associations, the university has developed the affiliated research faculty program. Affiliated research appointments may be made for individuals connected to specific academic departments, or may be made through research institutes or centers. Affiliated research appointments may also be established to facilitate research partnerships. This program may address occasions where a university faculty member has a spouse or partner who also has professional academic credentials, but who has not found appropriate employment opportunities. The Office of the Vice President for Research reviews nominations from departments, colleges, or the provost, and approves appropriate applications. Applicants must have academic credentials equivalent to those of university faculty, including the terminal degree usually required of faculty in the discipline. Applications for appointment must have the endorsement of the head or chair of the Virginia Tech department relevant to the applicant’s discipline.

Typically, an affiliated research faculty member has unpaid adjunct status in the academic department of his/her discipline. The appointment is initiated by the host department submitting to the Office of the Vice President for Research a letter of support, the applicant's *curriculum vitae*, and the [request for unpaid faculty affiliation with Virginia Tech academic department](#), approved by the department head or chair and dean or director. The appointments are renewable. The rank is the research faculty designation commensurate with the credentials of the candidate.

## **6.8 Searches for Research Faculty**

Virginia Tech is committed to announcing the availability of positions so that a diverse pool of qualified candidates is developed for faculty positions of all types. In the case of research faculty, many of whom are hired on short-term grants and contracts sometimes requiring specialized skills and abilities, there is a need to balance the demands of the sponsored grant or contract with the institution's commitment to open and aggressive recruitment practices to attract a diverse workforce.

Competitive searches are required for salaried appointments to the research faculty, except in a limited number of cases warranting an exemption. Appointments of less than one year do not require a search. Searches are not required to fill a postdoctoral associate position or in the case where the person to be appointed is the author of the grant or is listed as the principal investigator or co-principal investigator, or appointment of a dual career hire. Occasionally the identified candidate may have previously worked on the project in a significant role and continuation of personnel is critical to the success of the project and a search may not be required. Consult the OVPR-HR regarding other very limited exemptions.

## **6.9 Terms of Faculty Offer and Documentation of Credentials**

Employment is contingent upon presentation of satisfactory documentation of credentials prior to employment. In accordance with federal law, new employees must also provide on the first day of their employment documentation of U.S. citizenship or lawful authorization to work in the United States.

The terms of faculty offer, including salary, effective date, rank, and other critical information concerning faculty appointments to the university is prepared by the department and approved by the department head for each new research faculty member. (See the [OVPR-HR website](#) for terms of faculty offer templates for research faculty.) The contract specifies whether the appointment is *restricted* (usual appointment type for research faculty) or *regular*. See below for conditions under which research faculty appointments may be "regular." All letters of appointment make reference to further terms and conditions of employment contained in the *Faculty Handbook*.

The [terms of faculty offer for a restricted appointment](#) clearly defines the length of the appointment. In cases where there is no expected opportunity for continuation, the document also serves as a notice of termination. The terms of faculty offer also makes clear that continuation of appointment, even during the initial year, is subject to the availability of funds, the need for services, and satisfactory performance. Related offer or appointment letters should not contain promises that the hiring unit may not be able to keep; the university looks to the department to



make good on defaults. Approval of the department head, dean, and the OVPR-HR are required *before* an offer is extended.

It is the responsibility of the hiring department to obtain and verify documentation of credentials on all faculty prior to employment. Information regarding appropriate credentials for instructional faculty is found in chapter two, “Faculty Credentialing Guidelines,” and on the [provost’s website](#).

### **6.9.1 Restricted Appointments**

Salary support for research faculty typically comes from one or more sponsored projects. While some research faculty may be employed for years on successive grants, particularly in large, ongoing research programs, many are employed only for the duration of a specific funded project—in some cases six months and in other cases perhaps several years. Sponsored funding is seldom certain and never permanent. As a result, research faculty are usually appointed as “restricted” faculty members whose employment depends on availability of funding, the need for services, and satisfactory performance.

Procedures for terminating employees are addressed in chapter six, “Termination Procedures for Research Faculty.”

### **6.9.2 Multi-Year Restricted Appointments**

An initial appointment, or a reappointment, for a research faculty member may be for up to three years provided that documented funding for the salary and fringe benefits is available from a multi-year grant, multiple grants, or other appropriate source(s) and that a search has been conducted or an approved exemption obtained. In such cases, the [terms of faculty offer](#) specifies the length of the restricted appointment.

If a person on restricted appointment will be continued, a reappointment is required. (See chapter six, “Reappointment.”) The reappointment contract again defines the conditions of the appointment. Any changes should be made explicit. If a salary increase is approved, it should be a part of the reappointment contract. The department is expected to execute the reappointment contract prior to the current contract end date. Annual evaluation and merit adjustments occur on the same cycle as for all other faculty members. A performance review must be done annually, shared with the appointee, and documented in writing

### **6.9.3 Regular Appointments**

A research center or program, including research entities established by state or Board of Visitors’ action, may seek approval from the relevant department head, dean (or appropriate administrators as defined in University Policy 3020, “Centers and University Institutes: Financial and Administrative Policy and Procedures,” and University Policy 13005, “Centers and University Institutes: Establishment, Governance, and Programmatic Oversight”) and the vice president for research (or designee) to advertise and fill certain research faculty positions as



regular rather than restricted appointments under certain conditions. The criteria and expectations for such approval are as follows:

- The research program or center must have a documented record of substantial past funding, usually from diversified sources, generally over more than five years. In the case of a new center with multi-year funding, documentation of the new funding supported by the history of funding for the principal researchers may be considered. Research programs supported in full or in part by state funds are eligible for consideration for regular positions.
- For the purposes of this policy, “research programs or centers” are defined very broadly to include those entities established by state or Board of Visitors’ action for the purposes of conducting research, as well as those that meet the definition of departmental, college, or university centers/institutes as defined in University Policy 3020, “Centers and University Institutes: Financial and Administrative Policy and Procedures,” and University Policy 13005, “Centers and University Institutes: Establishment, Governance, and Programmatic Oversight.” Departments intending to support specific research faculty members on state funds, whether or not those individuals participate in a “program” or “center,” may also seek approval to appoint a research faculty member to a regular position.
- The research program or center must have documented prospects for continued funding at a level equal to or greater than its current funding.
- The unit must be able to guarantee payment of salary and fringe benefits from sponsored grants or contracts (or other appropriate sources) for a minimum of three years in order to advertise a research faculty position as a regular appointment.
- The unit must be able to guarantee funding of annual leave, sick leave, and salary following non-reappointment in the case of insufficient grant funds. The source of such payouts or salary support must be non-sponsored funds, such as indirect or state funds.
- The unit will advertise and conduct a national search for regular positions. Search exemptions may be approved only under certain very limited conditions, such as unique qualifications or unit restructuring. However, a search *must* be conducted if there is an intention of supporting an international candidate for permanent residency. In such a case, the hiring unit should work closely with the International Support Services Office to ensure compliance with current Immigration and Naturalization Service (INS) regulations. Appropriate documentation of the search process and selection is a critical element in supporting an application for permanent residency.
- In supporting the request for a regular faculty appointment, the unit and/or department (or approving unit) is thereby committing itself to covering shortfalls in funding between grants, or whenever there is insufficient funding for the salary, from other sources. Should this occur, duties may be reassigned in order to match the available source of funds.
- The Office of the Vice President for Research may grant approval to the unit to conduct searches for regular positions for a period of three to five years at which time the financial capabilities and commitments of the unit are reviewed and authorization granted for another three to five year period, if appropriate.
- Approval for the unit to advertise and fill some research faculty positions as regular appointments does not in any way suggest that all positions in the unit should be so designated. Indeed, careful thought should go into the shaping of such positions, the

identification of talents and skills needed in the research group, and the availability of qualified individuals that may necessitate this more generous commitment of resources.

- Postdoctoral associates are considered temporary or short-term appointments by definition and are not appropriate for regular appointments.

Research faculty members on regular appointments are entitled to notice of non-reappointment, as specified in chapter two, “Retirement, Resignation, and Non-Reappointment.”

#### **6.9.4 Calendar Year versus Academic Year Appointments**

The nature of the research enterprise generally dictates that research faculty are appointed to a calendar year (12-month) position. However, there may be circumstances in which an academic year (nine-month) appointment is justified and appropriate. The justification for an academic year appointment should accompany the faculty search authorization or search exemption request.

Academic year research appointments do not earn or accrue annual leave. Faculty members on *academic year restricted* appointments earn and accrue sick leave at the rate of five hours per pay period during the academic year; those on *regular* appointments are entitled to 1040 hours of paid sick leave upon employment. Sick leave is addressed in more detail in chapter two, “Sick Leave.”

Research faculty members on academic year appointments may accept summer research wage (P14) or summer school teaching employment during the summer months in the same department or program, or elsewhere in the university. Research faculty on H1-B visas qualify for summer wage employment only in very limited cases. Contact the [International Support Services](#) Office to verify eligibility. Those who have documentation of additional months of funding from sponsored grants or contracts may be eligible for consideration of a calendar year research conversion under the terms of University Policy 6200, “Policy on Research Extended Appointments.” (See chapter two, “Research Extended Appointments,” chapter six, “Effort Certification Compliance Issues for Research Faculty Members,” and chapter ten, “Effort Certification and Salary Charges to Sponsored Grants and Contracts.”)

#### **6.10 Position Descriptions**

Every research faculty member must have an up-to-date position description that forms the basis for initial hiring and assignment of duties and, through subsequent updates, for annual evaluation. Position descriptions should include a relatively detailed list or narrative description of assigned responsibilities and expectations for performance. A position description created and entered using the on-line hiring process. Further information is available on the OVPR-HR website.

#### **6.11 Annual Evaluations**

Supervisors, usually principal investigators, are responsible for conducting an annual evaluation for any and all research faculty. A performance review must be shared with the appointee, and

documented in writing. This documentation supports the request for annual merit and/or special adjustments. Giving regular and constructive feedback is essential to the development of employees, and it is the responsibility of the department head to be certain that research faculty are appropriately and consistently evaluated. The cycle for evaluation is the same as that for all other faculty members. Annual evaluation and merit adjustments occur on the same cycle as for all other faculty members. A performance review must be done annually, shared with the appointee, and documented in writing.

## **6.12 Merit and Special Adjustments**

Research faculty members, both regular and restricted, are eligible for annual merit adjustments (and special adjustments when necessary and appropriate) on the same cycle as all other faculty members. The result is then communicated to the research faculty member. Promotions will require generating new terms of faculty offers. Following the annual evaluation, supervisors make recommendations to department heads that, in turn, make their recommendations to college and university officials. Review and approval by the Office of the Vice President for Research is required for exceptions and promotions. Final recommendations are approved by the Board of Visitors. The result is then communicated to the research faculty member. Merit recommendations for research faculty members are generally expected to track the merit adjustments for teaching and research faculty members. Guidance on this point is issued annually by the Office of the Vice President for Research. In some cases, available funds may limit, delay, or even preclude a merit adjustment. However, performance evaluation and feedback to the employee are still required even if a merit adjustment is not possible.

Special adjustments, outside of the annual merit process, may be recommended in accordance with the guidelines for faculty salary adjustments available from the OVPR-HR. Examples of such adjustments might be for promotion in rank, increased responsibility, retention, equity, or other reasons critical to retaining productive research faculty members and compensating them fairly. Justification and appropriate approvals are required as outlined in the guidelines.

## **6.13 Reappointment**

Research faculty members on restricted appointment whose employment will be continued are issued a reappointment specifying the new ending date for their appointment. Reappointments typically occur on the anniversary of the hire date or in relation to the funding cycle of the grant or appointment. Reappointments may be for less than one year in such situations where additional funding is anticipated but not confirmed. Multiple reappointments may occur during the span of the research faculty member's employment. The reappointment date may be adjusted based as a result of other significant actions (e.g., promotion), or by issuing appointments that move the employee to the same effective date as their merit adjustment. Multi-year reappointments are possible in cases where funding is available for the proposed reappointment period.

Research faculty members on regular appointment are typically reappointed on a cycle coinciding with the merit adjustment. Reappointments may be for one or more years. Since faculty members on regular appointments do not have fixed ending dates to their contracts, they

must receive written notice of non-reappointment as described in chapter two, “Retirement, Resignation, and Non-Reappointment,” should it become necessary to end the appointment.

## **6.14 Termination Procedures for Research Faculty**

Members of the research faculty may be removed from their position by one of the following three procedures: (1) removal for just cause, (2) non-reappointment, or (3) termination of position because of insufficient funds or no further need for services. The period of notice for non-reappointment of research faculty members on regular appointments is addressed in chapter two, “Retirement, Resignation, and Non-Reappointment.”

### **6.14.1 Dismissal for Cause**

Research faculty members may be removed for just cause. Stated causes for removal shall include, but are not limited to: professional incompetence; unacceptable or unsatisfactory performance after due notice; unethical conduct or misconduct that interferes with the capacity of the employee to perform effectively the requirements of the position; violation of University Policy; falsification of credentials, experience, leave reports, or other official employment documents. Filing a grievance does not constitute just cause for termination.

When it becomes necessary to terminate a member of the research faculty for unsatisfactory performance prior to the end of the appointment period, the following procedures apply:

1. When the faculty supervisor determines that performance is unsatisfactory, the supervisor writes a letter to the individual detailing the areas of performance that are deficient. This letter should indicate specific expectations of improvement by the employee during a specified time period of not less than 30 calendar days. The department head and college dean receive copies. In cases where there is some likelihood of threat to health or safety, the 30-day period may be waived.
2. At the end of the above period, the faculty supervisor must again write the research faculty member with an evaluation of his/her performance during the interim since the first letter, with copies to the department head and college dean. If performance continues to be unsatisfactory, this second letter may contain a termination notice. The termination notice has an effective date 45 calendar days from the date of the second letter.
3. In the event of termination, the research faculty member may appeal to the department head. Should the appeal process be initiated, the termination is held in abeyance until the appeal process is complete.
  - The appeal must be made in writing within five working days of receipt of the letter. (If the department head has a conflict of interest, the head refers the matter to the college dean.)
  - The department head (or dean) must respond in writing within 10 working days. If the recommendations of the department head (or dean) are unsatisfactory to either party, an appeal may be made to the vice president for research in writing within five working days.
  - The vice president for research appoints a committee of three members of the general faculty who make recommendations to the senior vice president and provost within 10 working days.

- The decision of the provost is final and is rendered within 10 working days of receiving the report.
  - The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.
4. If the research faculty member is a member of an interdisciplinary research center, the center director as well as the department head and college dean of the faculty supervisor are copied on all correspondence.

#### **6.14.2 Termination of Appointment for Faculty on Restricted Contracts**

Occasionally a sponsor terminates funding before the end of a contract, or directs a change in the research program resulting in the need to terminate the services of an employee. While principal investigators and research centers are encouraged to make every effort to assure continuity of employment to individuals performing satisfactorily, there are circumstances in which this may not be possible or in the best interest of the research program or university. Research faculty appointments may be terminated in the case where there are insufficient funds or no further need for services. The date of termination for a restricted faculty member is at least 30 calendar days from the date of notification. A faculty member on a regular appointment is entitled to notice of non-reappointment, as stated above. A proposed notice of termination because of insufficient funds or lack of need for services requires the approval of the department head, and dean (or appropriate administrator), and the OVPR-HR.

#### **6.15 Effort Certification Compliance Issues for Research Faculty Members**

As described in chapter ten, “Effort Certification and Salary Charges to Sponsored Grants and Contracts,” a research faculty member with regular, well-defined responsibilities for new proposal preparation, teaching, or administrative duties is prohibited from charging 100 percent of salary to sponsored projects during an effort reporting period in which such activity occurred, unless those activities are specifically allowed on the sponsored project.

Research faculty members are typically on standard 12-month appointments, which earn and accrue annual leave by University Policy. Use of annual leave is recognized as an acceptable charge to a sponsored project when such leave is part of the standard university appointment.

#### **6.16 Instructional Responsibilities for Research Faculty Members**

The primary responsibility of a research faculty appointment is to conduct research and contribute to the university’s research mission through the acquisition of and successful implementation of sponsored grants and contracts. Federal guidelines require truthful and auditable documentation of the faculty member’s efforts on a semester basis. If the faculty member’s salary is paid for by sponsored grants and contracts then there is a concomitant expectation that the faculty member’s time is allocated to those projects.

While keeping the primacy of the research role in mind, there are circumstances in which the university and its instructional programs benefit from the occasional participation of research faculty members who have the appropriate credentials, expertise, and interest. The usual

limitation on teaching by research faculty members is one (three-credit) course per academic year, or no more than two courses in a two-year period. The principal investigator/supervisor, department head/chair, and dean must approve exceptions. The academic department provides instructional funding for the teaching appointment and research duties are adjusted accordingly. A three-credit course equates to .25 FTE during an academic semester; this is the usual basis for salary charges to the instructional budget.

Research faculty members with appropriate credentials and experience may serve on graduate student committees in accordance with policies of the graduate school and the department. Those with appointment to the research professor ranks may chair a committee, if approved by the degree-granting department. Involvement in supervision of graduate student research may be directly related to fulfillment of sponsored grants and contracts and thus may have a synergistic effect.

Contributions to the instructional program are monitored and evaluated by the academic department and by the supervisor.

## **6.17 Faculty Grievance Policy and Procedures**

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the research faculty.

### **6.17.1 Faculty Reconciliation and Mediation Services**

**Informal Dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels he or she has a grievance is encouraged to take it to his or her immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

**Reconciliation:** At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the Faculty Senate [Committee on Reconciliation](#) in fashioning an equitable solution. Contacting the Faculty Senate Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether his or her concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant must contact the chair of the Faculty Senate Committee on Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the Faculty Senate Committee on Reconciliation, that committee requests a postponement of the time limits involved in the grievance procedure while it deals with the case. The request is submitted in writing to the vice

provost for faculty affairs by the chair of the Faculty Senate Committee on Reconciliation. Also, the grievant should reach an understanding with the Faculty Senate Committee on Reconciliation of the time frame planned for that committee's work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Senior Vice President and Provost.

Additional information regarding the faculty reconciliation process is available on the [provost's website](#).

**Mediation:** [Mediation](#) is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through the Department of Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

**Role of Mediators:** Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting Mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

### **6.17.2 The Formal Grievance Procedure**

If the assistance of the Faculty Senate [Committee on Reconciliation](#) is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee,

the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of his or her case.

1. Step one: The grievant shall provide a written description of the event or action on the faculty grievance form and relevant supporting documentation of the grievance within 30 calendar days of the date when he or she should have known the event or action that is the basis of the grievance to his or her immediate supervisor. Research faculty grievance forms are available on the [provost's website](#).

The supervisor meets with the grievant and provides a written response within five weekdays to the grievant citing reasons for action taken or not taken and the final decision. If the supervisor's response is satisfactory to the grievant, that ends the matter.

If the response is not satisfactory to the grievant or the supervisor does not respond within five weekdays, the grievant will indicate "no resolution" on the faculty grievance form, return a copy of the form to the immediate supervisor and proceed to step two.

2. Step two: The grievant advances the written description of the event or action, relevant supporting documentation, research faculty grievance form and the written response of the immediate supervisor (or statement of non-response if the supervisor did not respond within five the weekdays at step one) to the next level administrator within five weekdays of receipt of the decision. The next level administrator is the department head. If the department head has a conflict of interest, he or she refers the matter to the college dean. The administrator involved at this level is hereafter referred to as the second-level administrator.

Within five weekdays of receipt of the research faculty grievance form, the second-level administrator meets with the grievant and may request the presence of the immediate supervisor. The grievant may similarly request that a representative of his or her choice from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present.

The second-level administrator returns the research faculty grievance form and provides a written response and final decision to the grievant with copies to the immediate supervisor within five weekdays after the meeting. The decision of the second-level administrator takes precedence over the decision of the immediate supervisor. If the response is satisfactory to the grievant, that ends the matter. If the response is not satisfactory or if there is no response within five weekdays by the second level administrator, the grievant may so indicate on the grievance form and return a copy to the second-level administrator and proceed to step three.

3. Step three: The grievant may advance the written description of the event or action, relevant supporting documentation grievance form and written responses of the immediate supervisor and second-level administrator to the dean within five weekdays of receipt of the decision in step two.

The dean will inform the immediate supervisor within five weekdays that the procedure has advanced to step three.

Within five weekdays of receipt of the grievance form, the dean meets with the grievant and may request the presence of the immediate supervisor. The grievant may similarly request that a representative of his or her choice from among the university faculty may be present.



Unless the grievant is represented by a member of the faculty who is also a lawyer, the dean does not have legal counsel present.

The dean shall return the grievance form and provide a written response and final decision to the grievant with copies to the immediate supervisor and second-level administrator within five weekdays after the meeting. The decision of the dean takes precedence over the decision of the second-level administrator. If the response is satisfactory to the grievant, the procedure is terminated. If the response is not satisfactory or if there is no response within five weekdays by the dean, the grievant may so indicate on the research faculty grievance form and return a copy to the dean and proceed to step four.

5. Step four: The grievant will advance the written description of the event or action, relevant supporting documentation, research faculty grievance form, and written responses of the immediate supervisor, second-level administrator, and dean to the senior vice president and provost within five weekdays of the decision of step four. The provost will make a decision and may wish to consult faculty members unfamiliar with the grievance for an opinion.

The decision of the senior vice president and provost will be final and will be rendered to the grievant and immediate supervisor within five weekdays of receipt of the grievance.

The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.

If the research faculty member is a member of an interdisciplinary research center, the center director as well as the department head and dean are copied on all correspondence.

### **6.17.3 Timeliness of Grievance and Procedural Compliance**

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when he or she knew or should have known of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the [Faculty Review Committee](#) in writing, and the chair of the Faculty Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of two research faculty appointed by the vice president for research and the chair of the Faculty Review Committee is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

#### **6.17.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion procedures (see section in this chapter, “Research Professor Ranks”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

**Issues not open to grievance:** While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the [chair of the Faculty Review Committee](#) within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

### **6.17.5 Particular Concerns and Definitions**

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the [provost's website](#).)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits.

If a faculty member is away from his or her assigned work location at the time he or she discovers the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with his or her immediate supervisor to initiate the grievance process begins when the faculty member returns to his or her assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to his or her assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume his or her duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and he or she is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers he or she has a grievance about actions by an administrator above the level of his or her immediate supervisor that directly involve the faculty member, or with actions by an administrator not in his or her department that directly involve the faculty member, the grievant initiates the grievance process by seeking the mediation of his or her immediate supervisor within 30 calendar days of the discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting his or her immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the chair of the Faculty Review Committee and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the president of the university for his or her ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and University Policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations, or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

### **6.17.6 Overview of the Formal Grievance Process for Research Faculty**

Below is an *abbreviated* overview of the grievance process and deadlines. Refer in this chapter to section titled, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the [provost’s website](#).)

#### Step one:

- |                         |     |   |
|-------------------------|-----|---|
| Within 30 days of event | 1a. | Grievant submits written grievance to immediate supervisor.                                   |
| Within 5 weekdays       | 1b. | Immediate supervisor meets with grievant and provides a written response.                     |
|                         | 1c. | If supervisor’s response is satisfactory to grievant, that ends the matter.                   |
|                         | 1d. | If supervisor’s response is not satisfactory to grievant, move to step two within 5 weekdays. |

#### Step two:

- |                   |     |  |
|-------------------|-----|--|
| Within 5 weekdays | 2a. | Grievant advances written grievance to the next level administrator and referred to as the second-level administrator. |
| Within 5 weekdays | 2b. | Second-level administrator responds in writing on grievance form.  |
|                   | 2c. | If second-level administrator’s response is satisfactory to grievant, that ends the matter.                            |
|                   | 2d. | If second-level administrator’s response is not satisfactory to grievant, move to step three within 5 weekdays.        |

#### Step three:

- |                   |     |   |
|-------------------|-----|---|
| Within 5 weekdays | 3a. | Grievant advances grievance form to the dean. |
|-------------------|-----|---|

Within 5 weekdays

3b. Dean meets with grievant; dean may request immediate supervisor to be present.

Within 5 weekdays

3c. Dean responds in writing on grievance form.

3d. If dean's written response is satisfactory to grievant, that ends the matter.

3e. If dean's written response is not satisfactory to grievant, move to step four within 5 weekdays.

Step four:

Within 5 weekdays

4a. Grievant advances grievance form to the provost.

Within 5 weekdays

4b. Provost may consult faculty members unfamiliar with the grievance for their opinion and provides a response in writing. The provost's decision is final.

## CHAPTER SEVEN

### 7.0 Employment Policies and Procedures for Administrative and Professional Faculty

#### 7.1 Categories and Definition of Administrative and Professional Faculty

The categories of administrative and professional (A/P) faculty were introduced by the commonwealth in 1989. Under the Higher Education Restructuring Act (2008), level-three institutions were given flexibility to redefine and realign university personnel in the A/P faculty categories. In August 2008, the Board of Visitors adopted slightly modified titles, definitions, and qualification criteria for these positions to address changes that better meet the university's need to recruit and retain a highly trained workforce by converting higher level staff positions to A/P faculty appointments. The revised titles, definitions, and criteria recognize the professional training and experience required of a wide variety of positions at the university: "Administrative" faculty who serve in senior executive roles, and "Professional" faculty members who serve as managers or professionals.

**Administrative or Senior Administrators:** Administrative faculty members are referred to as senior administrators to more accurately reflect the nature of these appointments.

Senior administrators perform work related to the management of the educational and general activities of the institution at least 50 percent or more of their contractual time. Senior administrators typically serve in executive level leadership roles such as vice president, vice provost, dean, and assistant or associate vice president or dean. The organizational reporting relationship is usually not lower than three levels below the president or the next most senior position to the president.

Qualifications criteria:

- Senior administrators must have an advanced degree or training and work experience at a level that equates to an advanced degree; a master's degree is the typical minimum entry qualification. Many of these positions, particularly senior administrators in academic leadership roles, may require a terminal degree.
- Must regularly exercise discretionary actions.

**Professional Faculty: Managers or Professionals:** Professional faculty are referred to as managers and professionals to reflect the variety of roles and appointments included in this category. Within the "Professional" category of A/P faculty there are distinctions made between those positions that are managerial (including significant managerial and budgetary oversight within a unit) and positions that provide direct services.

Professional faculty positions designated as continued appointment-track are not governed by policies outlined in this chapter. Policies applicable to library faculty on the continued appointment-track and extension faculty on the continued appointment-track are described in chapter four. Policies in this chapter *do* apply to extension agents, who are A/P faculty members. Managers (and directors) typically have responsibility for supervision and evaluation of a significant number of staff and/or professional faculty, and budgetary responsibility for their unit

or a substantive program. Incumbents exercise discretion and independent judgment and perform managerial or directorial functions at least 50 percent of their contractual appointment. Managers and directors typically report to a senior administrator and provide leadership and oversight for their unit or a significant program.

Professionals provide direct service to students, other university constituencies, or clients external to the university as part of the university's missions of learning, discovery, and engagement. They may direct or provide support for academic, administrative, extension, outreach, athletic, or other programs. Professional faculty may also provide vital university functions such as information technology, budget or finance, human resources, public relations, development, and architectural or engineering functions. Incumbents must regularly exercise professional discretion and judgment and are expected to take professional initiative in carrying out their primary roles and assignments. Professionals include, but are not limited to, extension agents, librarians (who are not in continued appointment track positions), coaches, physicians, lawyers, engineers, architects, student or academic affairs professionals, development officers, specialists in public relations, human resources, or information technology, and financial specialists.

Qualifications criteria:

- Must have an advanced degree or training and work experience at a level that equates to an advanced degree; although a master's degree is the typical entry qualification, this category also includes individuals with a bachelor's degree and professional training or certifications critical to their fields. In some cases, individuals with substantial professional level experience or expertise that equates to the minimum educational qualifications may be considered for appointment.
- Must regularly exercise discretionary actions.
- The work must be intellectual and varied in character, in contrast to positions that carry out more standardized or routine tasks and activities.

## **7.1 Faculty Rank and Title**

Members of the administrative and professional faculty who are managers or professionals have the nominal faculty rank of lecturer and a functional title appropriate to the position (e.g., lecturer and assistant dean of students). Professional advancement is recognized by salary adjustment and/or functional title advancement rather than promotion in faculty rank. Administrative and professional faculty to whom initial ranks other than lecturer were assigned prior to July 1, 1983 retain such ranks. Administrative faculty usually have a rank other than lecturer, may hold an academic rank in a college department, and may be tenured or have a continued appointment.

### **7.1.1 Standard Faculty Rank**

The rank of lecturer is generally reserved for A/P faculty who are managers or professionals. A master's degree or significant professional experience is the minimum expectation for appointment to the administrative and professional faculty. Tenure cannot be awarded at this rank. Promotion for the administrative and professional faculty is usually recognized by changes

in functional title rather than promotion in rank. Appointments are considered term and are renewable annually.

Members of the administrative and professional faculty whose credentials and professional development activities are similar to those of instructional faculty and who are involved in the instructional mission of an academic department may be assigned a standard faculty rank. Initial assignment of a standard faculty rank (assistant, associate, or full professor rank for non-tenure-track administrative and professional faculty is recommended by using standard personnel appointment or review procedures for that department, such as the departmental promotion and tenure committee or personnel committee. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship (see chapter two “Potential Conflicts Involving Spouses and Immediate Family Members”). Departmental recommendations for rank are forwarded to the dean and subsequently to the provost for approval.

Senior administrators who hold a standard faculty rank with an academic department are considered for promotion in rank by submitting their credentials through the usual department promotion process for collegiate or extra-collegiate faculty, including consideration by the college- and university-level committees. The department head or chair works closely with the committee to develop reasonable guidelines for consideration of rank promotions for senior administrators affiliated with the department and with the individual senior administrator so that the appropriate materials are submitted for committee consideration. Appeal of a negative promotion decision is handled in accordance with appeal procedures for collegiate faculty. (See chapter three “Appeals of Decisions on [Reappointment or Promotion].” The assignment of, or change in, a standard faculty rank carries no aspect of tenure.

## **7.2 Policies Related to Administrative and Professional Faculty Appointments**

### **7.2.1 Protection of Academic Freedom**

The university recognizes the need to protect the academic freedom of administrative and professional faculty members when their responsibilities include instruction, direct support of the academic programs of the university, or an activity in which academic freedom is respected.

### **7.2.2 Initial Appointment and Reappointment**

Search procedures for administrative and professional faculty positions are similar to those for instructional faculty positions. Faculty search resources are available on the Department of [Human Resources website](#). Please refer to that website for detailed information on the search process. Further guidance for searches involving senior administrative faculty positions (e.g., dean, vice president, or president) is included in other sections of this handbook.

Some administrative and professional faculty may be appointed on a “restricted” rather than “regular” appointment. The special conditions of temporary, restricted appointments are described in chapter two, “Restricted Appointments.”



Appointments to administrative and professional faculty positions are term appointments. No aspects of tenure or continued appointment are involved. Initial appointments to an administrative or professional faculty position are usually for a minimum of one calendar year or academic year, as appropriate. If the annual evaluation is positive, the faculty member can usually expect to continue employment for another year. Important determinants in any reappointment decision are a productive and effective job performance and the continued need of the university for the scope and level of services being provided.

As a means to address budget reductions, and with a six-month written notice to the employee, the university is authorized to convert administrative and professional faculty on calendar year appointments to the traditional academic year appointment period, or to an alternate 9-, 10-, or 11-month appointment.

Appointment to an administrative or professional faculty position does not carry any aspect of tenure. Senior administrators who achieve tenure or continued appointment in an academic department retain their tenure or continued appointment. On occasion, requests are made by outside candidates, particularly for senior administrative appointments or administrative appointments in academic areas, for an appointment with tenure and rank in an academic department comparable to that held at the previous institution. Review and approval by the department head or chair, the departmental promotion and tenure or continued appointment committee, the dean, the provost, and the president is required before a decision is made to extend a firm offer that includes the granting of tenure or continued appointment to a senior administrator or administrator in an academic area. Review and approval by the department promotion and tenure or continued appointment committee shall be sought before a decision is made to extend a firm offer of tenure or of a rank other than lecturer to an administrative or professional faculty.

### **7.2.3 Degree Verification**

Prior to employment, the Department of Human Resources verifies the highest degree earned for salaried administrative and professional faculty members. Verification is conducted through the National Student Clearinghouse or other certified vendor. In cases where the Department of Human Resources is unable to complete the verification for any reason, the candidate is responsible for providing an original transcript to the Department of Human Resources within 30 days of notification by the university. Employment is contingent upon verification of appropriate credentials.

Administrative or professional faculty who teach credit courses are responsible for providing an original transcript to the teaching department for verification of appropriate credentials in accordance with the faculty credentialing guidelines found in chapter two, “Faculty Credentialing Guidelines,” and on the [provost’s website](#).

### **7.2.4 Academic Year Appointments for Administrative and Professional Faculty**

Most administrative and professional faculty positions are 12-month appointments with the appointment period extending from July 1 to June 30. Some administrative and professional

faculty positions are established as 9-, 10-, or 11-month appointments based on programmatic need.

Regular administrative and professional (A/P) faculty members on academic year appointment earn annual leave only during the period of their appointment at the same rate as regular A/P faculty members on calendar year appointment. That is, two days (16 hours) of annual leave credit are earned per month in accordance with leave regulations; after 20 years of continuous employment by the commonwealth, 18 hours of annual leave are earned per month.

### **7.3 Annual Evaluations**

The supervisor is responsible for maintaining an up-to-date job description for each administrative and professional faculty member in the unit and for determining acceptable standards of performance. Goals and objectives are developed annually in consultation with the faculty member. These should relate closely to the functional title and job description of the position and should become criteria for judging professional performance at the end of the performance cycle. All administrative and professional faculty members should complete an annual faculty activity report at a time determined by the appropriate administrator, but usually near the end of the academic or fiscal year, referencing their goals and objectives and citing their successes, shortfalls, and future directions. Additional items to report are service to the university, creative scholarship, and other professional activities and recognitions during the year. The performance of each administrative and professional faculty member is evaluated annually in a discussion with the supervisor and by written response. The annual faculty activity report and evaluation are part of the basis for salary adjustments and other personnel matters.

#### **7.3.1 Periodic Evaluation of Deans, Vice Presidents, and Directors of Major Organizational Units**

In addition to annual reviews by the supervisor, periodic reviews (approximately every five years) are required for senior administrators, vice presidents, and directors of major organizational units. Administrators serving in other senior leadership roles should also be considered for periodic review where appropriate and identified by the supervisor and president. The review is intended to be formative and to assist both the administrator and the department to improve.

##### **7.3.1.1 Reviews for Senior Academic Administrators**

[University Policy 6105](#), “Periodic Evaluation of Academic Deans,” outlines the procedures used in the conduct of a periodic review of academic deans. The same general process has been adapted for the periodic reviews of other senior administrators and senior academic leaders who report to the senior vice president and provost, such as the vice presidents for research, graduate education, outreach and international affairs, and student affairs, the vice provosts, associate provosts, or associate vice presidents. The periodic reviews occur every five years, are conducted by an appointed committee with diversified membership, and include an extensive survey and/or interview process. For periodic reviews of senior administrators reporting directly to the provost, the provost oversees the appointment of members and provides the charge to the committee, and

the committee submits a confidential report to the provost with findings and recommendations. Reviews conducted for directors of major units are managed by the relevant vice president, vice provost, or associate provost to whom they report. The periodic review is used to inform the decision for reappointment.

The determination of participants, the schedule, and specific procedures for periodic review of academic administrators are the responsibility of the senior vice president and provost.

### **7.3.1.2       Reviews for the Provost, Vice Presidents, and Senior Staff Reporting to the President, and Other Non-Academic Administrators**

The Administrative Evaluation and Development Program documents the process to be used for periodic evaluations and executive development for the vice presidents reporting directly to the president, the president's direct reports, and direct reports to the vice presidents. The vice presidents participate in an external leadership assessment and development program appropriate to the stage of their career. The selected program must include an opportunity for 360-degree feedback, with responses shared with the president. Participation in the evaluation and development program is required within two years of initial appointment and every five years thereafter. The president may also solicit feedback from other individuals and/or constituencies as may be appropriate to the administrator being reviewed. Preparation of an individual development plan and executive coaching for a limited time period are also standard elements of the process. The president provides oral and written feedback to the administrator.

The review process for those senior administrators who report directly to the president and direct reports to the vice presidents will follow a similar pattern, generally using internal assessment instruments and professional development resources.

The determination of participants for the Administrative Evaluation and Development Program, the schedule, and specific procedures for periodic evaluations of administrators reporting through the president are the responsibility of the president's office.

## **7.4           Salary Adjustments**

Salary increases are based on merit; and are not automatic. Recommendations for salary adjustments are approved by the appropriate supervisor, dean (where relevant), vice president, and president prior to approval by the Board of Visitors.

Merit encompasses more than adequate performance of assigned duties. Although no faculty member can simultaneously engage successfully in activities in all areas below, administrative and professional faculty should work with their supervisor to develop a long-range plan to demonstrate a high level of competence in the areas below.

- **Performance:** Administrative and professional faculty members have an obligation to maintain a high level of performance in carrying out their job-related duties and responsibilities. A high level of competence in the performance of one's duties is the major factor in any evaluation. Evaluations are based upon standards set by the

supervisor with the participation of the faculty member and relate closely to the duties inherent in the functional title and job description of the position. Expectations set annually are important criteria for judging professional job performance at the end of the performance cycle.

- **Service to the university:** Historically, Virginia Tech depends on the administrative and professional faculty for service on a wide variety of committees and as leaders and support for important university projects and initiatives. Demonstrated participation in and leadership of departmental or university committees, special university-wide assignments, or similar activity on behalf of important university priorities is expected of those who seek high-level administrative positions.
- **Professional and scholarly activities:** Administrative and professional faculty have an obligation to maintain a high level of professional competence and to stay abreast of developments in their field. Effective administrators also benefit from active involvement in the intellectual and scholarly development of one's field, which often leads to contributions to the profession.
- **Teaching in appropriate credit or non-credit programs:** Many administrative and professional faculty at Virginia Tech contribute directly to academic programs by teaching undergraduate or graduate courses or becoming involved in continuing and professional education activities. (See below for information regarding the teaching of credit classes and overload compensation for administrative and professional faculty.)

Salary adjustments may also be recommended to address such issues as equity, increased responsibility, retention for an especially meritorious employee, or completion of the doctorate.

## **7.5 Teaching Credit Classes and Overload Compensation for Administrative and Professional Faculty**

[University Policy 4072](#), "Teaching Credit Classes and Overload Compensation for Administrative and Professional Faculty Members," allows appropriately credentialed administrative and professional (A/P) faculty to teach graduate or undergraduate courses at the university if requested to do so by an academic program. The A/P faculty member must have full responsibility for teaching a class to be eligible for overload compensation. Occasional lectures, supervision of interns or practicum students, or other minor instructional support activities typically are not compensated.

Academic departments may employ full-time administrative and professional faculty to teach one course per semester. The A/P faculty member must hold at least the minimum credentials required for teaching courses at various levels in accordance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) expectations. It is the responsibility of the teaching department to verify and document appropriate credentials for all teaching faculty. (See chapter two, "Faculty Credentialing Guidelines," or the [provost's website](#).)

The A/P faculty member may receive overload payment for teaching credit courses only when such teaching is not part of the usual expectation for the administrative and professional position. Teaching for supplemental compensation is limited by overall time and income restrictions defined in the consulting policy (chapter two, "Consulting and Outside Employment").

The specific requested teaching assignment should be approved in advance by the faculty member's own department head/chair or supervisor. The department head/chair determines whether the teaching assignment is within the A/P faculty member's usual job responsibilities, and therefore not eligible for additional compensation. In approving or disapproving the teaching assignment, the department head/chair or supervisor considers the A/P faculty member's ability to manage additional work outside of usual job expectations, whether the course occurs during normal hours of work, and whether scheduled absences and additional responsibilities will create undue disruption. The benefit to the A/P faculty member for his or her professional development and contribution to the academic program is also considered.

Engagement of administrative and professional faculty in the instructional mission of the university is encouraged; however, teaching on an overload basis is not automatic. Continued satisfactory performance in the primary position is essential and is the basis of the annual performance evaluation and merit adjustment.

## **7.6 Non-Reappointment, Reassignment, Removal, and Imposition of Sanctions Other Than Dismissal**

Members of the administrative and professional faculty may be removed from their position by one of the following four procedures: (1) non-reappointment, (2) reassignment, (3) removal for just cause, or (4) abolition of position.

### **7.6.1 Non-Reappointment of Administrative and Professional Faculty on *Regular* Appointments**

Monitoring the progress of newly appointed administrative and professional faculty members is the responsibility of the supervisor. An evaluation is made prior to the end of the first year of the appointment to ascertain that the faculty member is performing the assigned duties in a highly satisfactory manner. If the evaluation is positive, the faculty member can usually expect to be reappointed for another year. Notice of non-reappointment for administrative and professional faculty on regular appointment is given in writing in accordance with the standards of notice in chapter two, "Retirement, Resignation, and Non-Reappointment."

### **7.6.2 Non-Reappointment of Administrative and Professional Faculty on *Restricted* Appointments**

Restricted appointments may be terminated for a number of reasons including discontinuation of funding, or a change in research or other program priorities, resulting in the need to terminate the services of an employee. Administrative and professional faculty appointments may be terminated in the case where there are insufficient funds or no further need for services. The date of termination for a restricted A/P faculty member is at least 30 calendar days from the date of notification. A proposed notice of termination because of insufficient funds or lack of need for services requires the approval of the department head, dean (or appropriate administrator), and the provost or president (or their designees).

A faculty member on a regular appointment is entitled to notice of non-reappointment as stated in chapter two, “Retirement, Resignation, and Non-Reappointment.”

### **7.6.3 Reassignment**

The university may reassign administrative and professional faculty members at any time. Reassignment may involve change in administrative title or supervisory responsibilities, reassignment to another position or department, transfer to a staff position, and/or reduction in salary commensurate with reduced responsibilities. Neither notice of non-reappointment nor removal for cause is required to effect a reassignment. The university's responsibility under reassignment is to make available a substitute position or duties reasonably commensurate with the person's education, experience, and performance. Reassignment that involves a geographic transfer of more than 50 miles is conducted in accordance with the geographical transfer policy. (See chapter two, “Geographical Transfer Policy.”)

In cases of reduction in salary and/or transfer to a staff position, the proposed salary reduction or reassignment to a staff position must be reviewed and approved by the senior administrator. The effective date of the reassignment shall be no sooner than 90 days following senior administrator approval.

### **7.6.4 Removal for Just Cause**

Members of the administrative and professional faculty may be removed for just cause. Stated causes for removal shall be documented and shall include, but are not limited to, unacceptable or unsatisfactory performance; unethical conduct; misconduct that interferes with the capacity of the employee to perform effectively the requirements of the position; unsatisfactory attendance; falsifying credentials or any records—including but not limited to vouchers, reports, insurance claims, time records, leave records, or other official state or federal documents; unauthorized removal or damage of records or property belonging to others; acts of physical violence; criminal convictions for acts of conduct occurring on or off the job that are plainly related to job performance or are of such a nature that to continue the employee in the assigned position would constitute negligence in regard to the agency's duties to the public, students, or to other state employees; or violation of university policies. With approval by the provost or the associate vice president for human resources, as appropriate, an A/P faculty member may be suspended with or without pay during an internal or external investigation of any act(s) that may lead to removal.

Removal for just cause is preceded by a meeting of the supervisor and a next-level administrator with the faculty member to review the reasons for termination, which are presented in writing to the employee. The meeting requirement may be satisfied in ways other than a face-to-face on-campus session, if there is a likelihood of threat to the health or safety of students, other employees, or property. With approval of the provost or associate vice president for human resources, as appropriate, the supervisor may suspend the A/P faculty member with or without pay until the effective date of termination or until the employee is authorized to return to work.

The faculty member is given a minimum of three working days to respond to the reasons for termination. The response is made to the supervisor, who then makes a final decision and

communicates it to the faculty member. The faculty member may invoke the applicable grievance procedure.

### **7.6.5 Imposition of Sanctions Other Than Dismissal**

Minor sanctions include, but are not limited to, verbal or written reprimand. As compared to severe sanctions, minor sanctions usually do not involve a financial loss or penalty.

A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a reduction in title, responsibilities, and salary; or suspension without pay for a period not to exceed one year imposed for unacceptable conduct and/or a serious breach of university policy.

Routine personnel actions such as a recommendation for a below average or no merit increase, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in “Valid Issues for Grievance.”

Process for imposing a minor sanction: If a supervisor believes the conduct of a faculty member justifies imposition of a minor sanction, the faculty member is notified in writing of the proposed sanction and provided an opportunity to respond. A faculty member who believes that a severe sanction has been incorrectly imposed under this section, or that a minor sanction has been unjustly imposed, may file a grievance following procedures outlined in “Grievance Policy and Procedures.”

Process for imposing a severe sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause.

### **7.6.6 Abolition of Position**

Members of the administrative and professional faculty on regular appointments may be removed in the event of financial hardship within a department that cannot be alleviated by ordinary budgeting practices, or upon reduction of the specific services for which they were employed. A minimum of 90 calendar days’ notice is given in such circumstances. If an A/P faculty member on a regular appointment is separated involuntarily due to budget reduction, reorganization, or workforce downsizing, the faculty member may be eligible for severance in accordance with University Policy 4245, “Severance Benefits Policy for University Employees.” Administrative and professional faculty with tenure or continued appointment and whose A/P position is abolished return to their academic department.

## **7.7 Grievance Policy and Procedures for Administrative and Professional Faculty**

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the administrative and professional faculty. The steps in the grievance process will, in part, be

guided by the reporting relationships of the employees involved in the grievance. Step one and two administrators involved in responding to a grievance should consult with the associate vice president for human resources and/or the vice provost for faculty affairs who may involve additional parties as appropriate. Grievants, and those involved in responding to grievances, may consult with employee relations in the [Department of Human Resources](#) for additional information.

### **7.7.1 Faculty Reconciliation and Mediation Services**

**Informal Dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels he or she has a grievance is encouraged to take it to his or her immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

**Reconciliation:** Reconciliation is useful if the individual feels the issue may be amenable to, but will require time for, negotiation or if the individual is unsure whether his or her concern is a legitimate issue for a grievance, or if personal relations between the parties involved in the matter have become strained. Information regarding faculty reconciliation processes is available on the website for the Senior Vice President and Provost.

[The Commission on Administrative and Professional Faculty Affairs \(CAPFA\)](#) designates the method by which reconciliation services are offered to administrative and professional faculty members. In consultation with the associate vice president for human resources or the vice provost for faculty affairs, CAPFA may designate the [Faculty Senate Committee on Reconciliation](#), which typically includes participation by one or more administrative and professional faculty members as members of the reconciliation team, to conduct reconciliation between a faculty member and his or her supervisor. Reconciliation may include fact-finding and engaging the appropriate parties in negotiating a resolution. The designated reconciliation service is referred to hereafter as the “reconciliation team.” Engaging the reconciliation team is not required prior to filing a grievance.

For a potential grievance issue to qualify for consideration by the reconciliation team, the faculty member must contact the chair of the [Faculty Senate Committee on Reconciliation](#) within 30 calendar days of the date the grievant knew, or should have known, of the event or action that is the basis for the potential grievance.

If the chair of the [Faculty Senate Committee on Reconciliation](#) is unable to resolve the matter within 30 calendar days, the chair sends a letter to the faculty member stating such, providing the appropriate form for initiation of a formal grievance if the faculty member should choose to pursue the matter, and documenting that the matter was brought forward within the prescribed 30-day period. A copy of this letter is provided to the associate vice president for human resources with a copy to the vice provost for faculty affairs when appropriate. The faculty member has five weekdays after receiving the letter from the chair of the Faculty Senate Committee on Reconciliation to initiate a formal grievance by following the procedures below



and providing a copy of the letter from the chair of the Faculty Senate Committee on Reconciliation to the supervisor, validating the timeliness of the grievance.

Administrative and professional faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, in consultation with the associate vice president for human resources and/or the vice provost for faculty affairs, the CAPFA chair contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute.

**Mediation:** [Mediation](#) is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through the Department of Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

**Role of Mediators:** Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting Mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step three. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

### **7.7.2 The Formal Grievance Procedure**

The grievant may pursue the issue as a formal grievance through the following procedure. Supervisors and administrators will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of his or her case (See section in this chapter: Valid issues for Grievance).

The number of steps in the process is determined by the reporting line of the grievant. Thus, if three steps do not exist between the grievant and the president, then the available number of

steps is used. Whether a complaint can be grieved under University Policy can be determined at any point in the grievance process.

1. Step one: The grievant must submit a written statement of the grievance to his or her director or department head/chair (for A/P faculty in extension, the district director) within 30 calendar days of the date that he or she knew, or should have known, of the event or action that is the basis for the grievance. For purposes of the grievance process, the department head/chair (or district director) is the step one administrator. The written complaint should use the [appropriate form](#) and outline the relief requested. Grievance forms and procedures for A/P faculty are available on the [Department of Human Resources](#) and [Office of the Senior Vice President and Provost Websites](#).

The grievance must be well described and the relief requested must be specified on the grievance form. The grievance form is signed and delivered to the step one administrator. If appropriate, the step one administrator will provide a copy of the grievance to the supervisor of the grievant.

Within five weekdays of receiving the written grievance, the step one administrator gives the grievant a written response, citing reasons for action taken or not taken. If the written response of the director or department head/chair is satisfactory to the grievant, that ends the matter.

2. Step two: If the resolution of the grievance proposed in the written response by the step one administrator is not acceptable, the grievant may advance the grievance to the step two administrator (usually a dean or vice president) by checking the appropriate place on the grievance form and sending it within five weekdays of receiving the written response. The step two administrator for extension A/P faculty (such as extension agents) is the dean of the College of Agriculture and Life Sciences.

Following receipt of the grievance form, the step two administrator or designated representative meets with the grievant within five weekdays. The grievant may request that a representative of his or her choice from among the university general faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the step two administrator does not have legal counsel present.

If the grievance involves a programmatic issue for an extension A/P faculty member where responsibility for that program lies with a different dean, the designated step two administrator consults with the programmatic dean before rendering a decision.

The step two administrator gives the grievant a written decision within five weekdays after the meeting, citing reasons for his or her decision. If the step two administrator's written response to the grievance is satisfactory to the grievant, it ends the matter.

3. Step three: If the resolution of the grievance proposed in the written response by the step two administrator is not acceptable, the grievant may advance the grievance to the step three administrator. The step three administrator is the associate vice president for human resources. The grievant must advance his or her complaint to the step three administrator

within five weekdays of receiving the written response from the step two administrator. Depending on the reporting structure of the grievant, the step three administrator will provide a copy of the grievance to the senior vice president and provost. Advancement of a grievance to step three includes consideration by an impartial CAPFA hearing panel, unless the grievant petitions the step three administrator to bypass the hearing panel and rule on the grievance. If the step three administrator accepts the request to rule on the grievance, there is no subsequent opportunity for the grievance to be heard by a CAPFA hearing panel. If the step three administrator does not accept the petition, a CAPFA hearing panel is formed to review the grievance as outlined in these procedures. A CAPFA hearing panel may also be convened to determine whether a complaint may be grieved under University Policy.

Within five weekdays, the step three administrator, or appropriate designated representative, acknowledges receipt of the grievance and forwards a copy of the “Hearing Procedures of the Committee on Administrative and Professional Faculty Grievances” to parties in the grievance process. The step three administrator also forwards a copy of the grievance immediately to the chair of CAPFA.

- **Hearing Panel:** A grievance hearing for A/P faculty is conducted by an *ad hoc* panel selected by the CAPFA chair from the A/P faculty at large. The chair of CAPFA solicits volunteers on a regular basis so that a pool of willing participants is available. A hearing panel consists of three members, an alternate, and a non-voting chair. Panel members are selected from the volunteers by the CAPFA chair and one or more of the *ex officio* members of CAPFA. The chair polls all appointees to ensure that they have no conflict of interest in the case. Either party may challenge one of the appointments, including the alternate. Other replacements are made only for cause. The alternate serves as a replacement panel member if the need arises.

To ensure uniformity in practice, the chair of CAPFA serves as the non-voting chair of each hearing panel. In the event that the chair of CAPFA has a conflict of interest concerning a case, the chair appoints a replacement from among the administrative and professional faculty at large to serve as chair of the hearing panel.

- **Hearings:** After the members of the hearing panel are appointed, the chair of CAPFA requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the chair of CAPFA. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling can occur. The hearing is then reconvened as appropriate (and within the 45 day time frame required by this policy, unless agreed upon by both parties)

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present, they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel.

- **Findings and Recommendations:** The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the chair of CAPFA. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the step three administrator and parties to the grievance.

- **Action of the Step Three Administrator:** The step three administrator meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting the step three administrator sends to the grievant his or her decision in writing concerning the disposition of the grievance. If the step three administrator's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.
4. Step four: If the step three administrator's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president acts as he or she sees fit. The president's decision is final.

### 7.7.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the date when he or she knew, or should have known, of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of CAPFA in writing, who determines if there

was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of CAPFA is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations, other than time limit issues, the chair of CAPFA rules on the question, as in disputes about the validity of procedural issues qualifying for the grievance procedure. The CAPFA chair has the following options: The chair can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the step one or step two administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point for that grievance with the last proposed resolution established as the final disposition of the case.

#### **7.7.4 Valid Issues for Grievance**

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are:

- termination for cause
- improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation,
- unreasonable merit adjustment or salary level,
- excessive teaching load/work assignments;
- reprisals;
- substantive error in the application of policy;
- and matters relating to academic freedom.

**Issues not open to grievance:** While many faculty disputes with the university administration may be dealt with using this grievance policy, the following issues may not be made the subject of a grievance:

- determination of policy appropriately promulgated by the university administration or the university governance system;
- those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion decision);
- the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.);
- usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process;
- non-reappointment or abolition of position;
- or allegations of misconduct in scholarly activities.

The subject of a grievance is usually not considered by the Commission on Administrative and Professional Faculty Affairs while it is simultaneously under review by another committee or panel of the university.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If either the step one or step two administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Commission on Administrative and Professional Faculty Affairs (CAPFA) within five weekdays of receiving such notification and request a ruling. The chair of CAPFA, two A/P faculty members from CAPFA selected by the CAPFA chair in consultation with the associate vice president for human resources and, depending on the reporting structure of the grievant, the vice provost for faculty affairs, and the chair of the reconciliation team deliberate and determine the admissibility of the matter to the grievance process. A written report of the results of the deliberations is sent to all parties concerned.

### **7.7.5 Particular Concerns and Definitions**

Timelines stated in the policy indicate the number of days within which the other party should receive notification. Electronic submission by fax from a departmental office within the specified time frame is acceptable. This is immediately followed by submission by mail of the original form and any related materials.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are make such an agreement. (An agreement form to extend the grievance response time is available on the Department of Human Resources and [provost's websites](#).)

The principals and the chair of CAPFA, if necessary, negotiate extensions of time limits at step three. In case of disagreement, the chair of CAPFA rules on time extension and procedural questions or recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from his or her assigned work location at the time he or she discovers the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with his or her supervisor or step one administrator to initiate the grievance process begins when the faculty member returns to his or her assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the written grievance as prescribed in step one by mail or email attachment in his or her absence from the primary work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when the university is open and those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave, the grievance process stops until such time as the grievant is able to resume his or her duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and he or she is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers he or she has a grievance about actions by an administrator above the level of his or her supervisor that directly involve the faculty member, or with actions by an administrator not in his or her department/unit that directly involve the faculty member, the grievant initiates the grievance process by seeking the intervention of his or her supervisor within 30 calendar days of the date when the grievant knew or should have known of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting his or her supervisor, may file the grievance form for A/P faculty at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in usual fashion.

A grievance filed by an A/P faculty member concerning an action of either the provost, vice provost for faculty affairs, or the associate vice president for human resources is handled by the chair of CAPFA and an impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the president of the university for his or her ruling. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the chair of the Commission on Administrative and Professional Faculty Affairs.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and University Policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the senior administrator in consonance with the hearing panel recommendations, or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

#### **7.7.6 Overview of the Formal Grievance Process for Administrative and Professional Faculty**

Below is an *abbreviated* overview of the grievance process and deadlines. Refer to section in this chapter, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the [Department of Human Resources](#) and [provost’s websites](#).)

The validity of a grievance under University Policy can be determined by CAPFA at any point in the process.

Step one:

- |                         |     |   |
|-------------------------|-----|---|
| Within 30 days of event | 1a. | Grievant submits written grievance to step one administrator; for extension A/P faculty, this is the district director. |
| Within 5 weekdays       | 1b. | Step one administrator determines whether the complaint can be grieved, and responds in writing on grievance form.      |
|                         | 1c. | If step one administrator's response is satisfactory to grievant, that ends the matter.                                 |
|                         | 1d. | If step one administrator's response is not satisfactory to grievant, move to step two within 5 weekdays.               |

Step two:

- |                   |     |   |
|-------------------|-----|---|
| Within 5 weekdays | 2a. | Grievant submits written grievance to the step two administrator, usually the dean or vice president; for extension A/P faculty, this is the dean of agriculture and life sciences. |
| Within 5 weekdays | 2b. | Step two administrator meets with the grievant.   |
|                   | 2c. | Step two administrator determines whether the complaint can be grieved and responds in writing on the grievance form.   |
| Within 5 weekdays | 2d. | If step two administrator's response is satisfactory to grievant, that ends the matter.   |
|                   | 2e. | If step two administrator's response is not satisfactory to grievant, move to step three within 5 weekdays.   |

Step three:

- |                    |     |   |
|--------------------|-----|---|
| Within 5 weekdays  | 3a. | Grievant advances grievance form to the step three administrator who then, depending on reporting structure, shares a copy of the grievance with the senior vice president and provost.   |
| Within 5 weekdays  | 3b. | Step three administrator acknowledges receipt of grievance and forwards copy to chair of CAPFA.   |
| Within 5 weekdays  | 3c. | CAPFA chair acknowledges in writing to grievant that copy of grievance has been received from the step three administrator.   |
|                    | 3d. | Questions of grievability are resolved by the CAPFA chair in accordance with section "Valid Issues for Grievance"   |
| Within 15 weekdays | 3e. | CAPFA chair appoints hearing panel from among A/P faculty members; panel holds its initial meeting with both principals.  |
| Within 45 weekdays | 3f. | Hearing panel concludes its work and makes recommendation to step three administrator and grievant.   |
| Within 10 weekdays | 3g. | Step three administrator meets with grievant.   |
| Within 10 weekdays | 3h. | Step three administrator notifies grievant in writing of his or her decision.   |
|                    | 3i. | If the step three administrator's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel that ends the matter. |



- 3j. If the step three administrator's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days.

Step four:

- Within 20 calendar days
- 4a. Grievant may appeal in writing to university president.
  - 4b. University president's decision is final.

## **7.8 Leave**

Administrative and professional faculty are eligible for the following types of leaves defined in chapter two "Leaves": administrative leave, annual leave, disaster relief leave, educational leave, family leave, leave without pay, military leave, sick leave, and special leave. Members of the administrative and professional faculty who have tenure or continued appointment may, under certain special conditions, request study-research leave or research assignment, particularly when they are returning to instructional faculty status. All study-research leaves and research assignments, require approval by the Board of Visitors.

## **7.9 Consulting Activities for Virginia Cooperative Extension Faculty**

A/P faculty members are eligible for consulting as outlined in the university's [Consulting and Outside Employment policies and procedures](#). A/P faculty members should review chapter two the Faculty Handbook.

Consistent with the [university's policy and procedures on consulting activities](#), additional restrictions may be imposed on the consulting activity of Virginia Cooperative Extension faculty members. These restrictions are imposed to give further assurance that consulting approval is not granted for assistance that is the usual responsibility of faculty members within extension. It is recognized that the outreach responsibilities of extension are broad and, thus, program assistance parameters are difficult to define. Consequently, the following procedures are designed to provide judgmental decisions by appropriate supervisory staff for consulting requests in ambiguous areas of program responsibilities.

The Request to Engage in External Activity [Form 13010A](#) should be sent to the department head, chair, or immediate supervisor along with a letter outlining the nature of the consulting activity and why it falls outside the usual responsibilities of extension. (The form is available on the [provost's website](#).) Typically, consulting activities do not involve university sponsorship.

The department head, chair, or immediate supervisor reviews the Request to Engage in External Activity Form 13010A and either approves or disapproves it. If approval is granted, the request is sent to the college dean for approval. The director of Virginia Cooperative Extension must grant final approval. If disapproval is exercised at any level, the request is sent back through the department head or supervisor, to the faculty member along with an explanation for the action. Decisions are based upon, but not limited to, the following: consistency with guidelines stipulated in chapter two "Consulting and Outside Employment" whether the area of consulting is found to be within or outside usual extension responsibilities; and whether the time required falls within the number of consulting days allowed.

## CHAPTER EIGHT

### 8.0 Employment Policies and Procedures for Graduate Assistants

#### 8.1 Graduate Student Appointments

Fully enrolled graduate students may be appointed to one of several assistantship categories. The responsibilities of such assistants are to serve the learning, discovery, and engagement functions of the university. The normal workload of graduate students may be defined in hours: a full assistantship is an average of 20 hours' per week effort.

Since the responsibilities or requirements of graduate students may vary by academic discipline, each department is required to define clearly the expectation of its students on assistantships. Although these positions are described here, the appointments do not carry faculty status or other faculty rights or responsibilities.

The [graduate school](#) reviews and approves each assistantship appointment recommended by the department. Graduate students on assistantships must enroll full time under criteria established by the graduate school.

All graduate assistantships carry stipends according to a schedule of steps as approved by the board of visitors. This schedule is the same for all three kinds of assistantships.

**Graduate Assistant:** Graduate assistants (GAs) are graduate students who provide academic and program support. GA responsibilities may be administrative in nature and consist of duties unrelated directly to teaching or research (such as academic advising, program planning, advising student groups, and assisting with the administration of student services offices). GA responsibilities may also be academic in nature and include grading examinations, problem sets, and/or lab assignments, setting up displays for lectures or laboratory sections, and preparing or maintaining equipment used in laboratory sections.

**Graduate Research Assistant:** Graduate research assistants (GRAs) are graduate students conducting academically significant research under the direction of a faculty member, who is generally a principal investigator on an external grant or contract.

**Graduate Teaching Assistant:** Graduate teaching assistants (GTAs) may provide academic program support under the supervision of a faculty member. GTAs may assist faculty members in the department in teaching undergraduate courses, including laboratory teaching assignments, or in providing other appropriate professional assistance, including grading examinations, problem sets, and/or lab assignments, setting up displays for lectures and laboratory sections, and preparing or maintaining equipment used in laboratory sections. GTAs must have 18 hours of graduate-level course work in their teaching discipline to be assigned full responsibility for teaching an undergraduate course. GTAs lacking this training are assigned to work under the supervision of a faculty member who is the instructor of record for the course. Graduate students who will be appointed as GTAs must complete GRAD 5004 (1) GTA workshop. Further information regarding appropriate credential requirements for graduate assistants who are

assigned as instructors of record is found below and on the [provost's website](#). Graduate students are not authorized to teach graduate courses unless approved by the graduate school.

## **8.2 Required Teaching Credentials for Graduate Teaching Assistants**

Graduate assistants assigned as the instructor of record must also have documented teaching credentials. A master's degree in the teaching discipline or 18 graduate semester hours in the teaching discipline, direct supervision by a faculty member experienced in the teaching discipline, regular in-service training, and planned and periodic evaluations are required. For further information, see the teaching faculty credentialing guidelines available in chapter two, "Faculty Credentialing Guidelines," and on the [provost's website](#).

## **8.3 Additional Employment by Graduate Students with a Full-Time Assistantship Contract**

Given individual circumstances, graduate students on full-time graduate assistantship may, at times, wish to pursue additional employment. Unless specified otherwise in the assistantship agreement, graduate students receiving full-time assistantships are not prohibited from seeking additional employment. In the interest of their professional development and maintenance of satisfactory academic progress, students seeking additional employment should consult with their academic advisors, and when appropriate their assistantship providers, regarding the fulfillment of their assistantship and graduate study responsibilities. The graduate school must be notified of additional employment plan. The graduate school should be consulted to assist with the resolution of any conflicts that may arise.

In evaluating the merits of outside employment, graduate students and their advisors should consider the following:

- Employment by a company owned in whole or part by the faculty chair of the student's dissertation or thesis committee presents the potential for serious conflicts of interest. In such cases, another faculty member of equal or greater rank must serve as chair or co-chair of the advisory committee.
- It is inappropriate for any student to receive remuneration directly from the external funding organization while also being employed as a graduate assistant or wage earner on a contract from that same organization.
- It is inappropriate for any student to work for an employer who is in direct competition with a current funding source.
- International graduate students on assistantships may be prohibited from any additional employment by their specific visa status.

## CHAPTER NINE

### 9.0 Instruction-Related Policies

#### 9.1 Assignment of Academic Responsibilities

Assignments of teaching load and academic advising are the responsibility of the department head or chair and may vary from one term to the next depending on the departmental requirements. Assignments should involve consultation with the faculty member, and in cases involving non-routine assignments—such as those requiring extensive travel—consultation is required. Ultimately, authority rests with the department head or chair to make the final assignment. Although the usual load for those engaged only in teaching is 12 didactic hours, the loads vary widely and are usually adjusted to permit time for other scholarly activities—for outreach which is related to the mission of the university and the faculty member’s disciplinary expertise, and for faculty development related to the quality of instruction. A didactic hour is defined here as one contact hour in a lecture course or 0.60 hour for each contact hour in a course designated as a laboratory course.

Faculty members are expected to be available two weeks prior to the first day of classes and two weeks following commencement. The discretion of the department head or chair is recognized in assigning duties during periods when the university is not in session. Faculty members are expected to inform their department heads or chairs of their whereabouts during such periods.

##### 9.1.1 Summer and Winter Sessions

Teaching loads during the summer and winter terms are tightly controlled. Summer teaching appointments are the responsibility of the department head or chair (See chapter two, “Summer and Winter Appointments”).

##### 9.1.2 Independent Study and Undergraduate Research

The courses designated as Undergraduate Independent Study and Undergraduate Research are generally unique educational experiences between an instructor and a student. Such studies require prior approval by the instructor’s department head or chair and by the dean. Courses designated as Graduate Independent Study/Special Study require approval of the instructor’s department head or chair only. Approval forms are available in the colleges. Usually, these courses do not count in the teaching load of a faculty member.

##### 9.1.3 Graduate Program Standards and Policies

Each graduate degree-granting program in the university is responsible for the conduct of the program and designates a faculty member to serve as liaison with the appropriate college dean(s) and the vice president and dean for graduate education. Further, each graduate degree-granting program formulates and retains a current policy statement that spells out criteria governing its program. Copies are filed with the appropriate college dean(s) and the vice president and dean for graduate education. Policy statements address faculty participation on graduate student

advisory committees (thesis and dissertation advisors; advisory committee membership); admissions procedures and requirements; and management of graduate students (orientation/advising; manuals, guides, handbooks; assistantships—selection procedures, obligations; evaluation of satisfactory progress towards the degree).

## **9.2 Scheduling of Classes**

The [Office of the University Registrar](#) coordinates the preparation of the timetable of classes and disseminates this information. The department head or chair or a designated scheduler prepares proposed class schedules in response to a call from the university registrar. The university registrar reconciles the material provided with the approved catalog of university courses, established scheduling patterns and allocations, and requests of other departments. Individual professors address scheduling issues through the department head or chair or the designated scheduler. The timetable of classes is available via [Hokie SPA](#) and [Faculty Access](#).

The university registrar assigns classrooms. Moving the location of courses is possible only with approval of the department scheduler and the university registrar. Enrollments may not exceed the posted room capacity. Commonwealth of Virginia fire code specifications do not allow students to be seated in the aisles or on the floor.

## **9.3 Registration Procedures**

The registration period for each term occurs during the regular preceding term. New and transfer students register for the fall semester during summer orientation. Students who enter the university for the first time in the spring semester or a summer term register in the usual manner.

The university registrar works with each department to amend course offerings by increasing the capacity of the section within limits for the assigned classroom; creating new sections with times subject to availability of suitable classrooms; and canceling sections for which the demand is too small to justify keeping the section.

Undergraduate classes with fewer than 15 students and graduate classes with fewer than six are reviewed by the department head or chair and the academic dean and canceled unless there are compelling reasons for keeping the class. In the summer and winter terms, the department head or chair and the director of summer and winter sessions review undergraduate classes with an enrollment of fewer than 10 and graduate classes with fewer than eight. Unless there are compelling reasons to offer the course, it is canceled.

Students register via [Hokie SPA](#) during the published pre-registration period. After departments make adjustments based on course requests, completed schedules are available to students via [Hokie SPA](#). Students may adjust their schedules before the end of the preceding term and in the first five days of the term of the registration.

### **9.3.1 Drop-Add Period**

At the beginning of the term, students may add courses through the end of the fifth day of classes and drop courses through the 30th day of classes. During the summer, students may add courses through the end of the third day of classes and drop courses through the end of the fifth. During the winter term, students may add courses through the first day of the part of term and drop classes through the second day of the part of term.

Dropping or adding courses becomes necessary if a student has an incomplete schedule, changes curriculum, fails a course in the previous term, or fails to pay fees on time, which removes the student from all classes.

A professor may require a student who processes changes during the drop/add period to show a printed copy of his or her class schedule from [Hokie SPA](#) before being admitted to the class. The names of students who have properly added the course immediately appear on the instructor's class listing available via [Faculty Access](#).

### **9.3.2 Force-Add Requests**

Force-add transactions are final solutions for critical scheduling problems in required courses. The force-add request requires approval by the course instructor or designated departmental representative (Students may check with the department for departmental policy.). If a force-add request is approved, the student must retain his or her copy of the approval to verify enrollment with the instructor. An "add" processed through the force-add process overrides all other courses on a student's schedule and may create schedule conflicts. Do not process force-adds above the physical capacity of the scheduled room; doing so will not guarantee relocation of the course. Enrollments may not exceed the posted room capacity. Commonwealth of Virginia fire code specifications do not allow students to be seated in the aisles or on the floor.

### **9.3.3 Class Rolls**

Faculty may check with their departments to determine whether printed class rolls are provided. Up-to-date class rolls are available to instructors via [Faculty Access](#). To obtain access to the class roll and listserv capability, a faculty member must be the instructor of record in the student record system. The instructor of record is expected to inform students whose names do not appear on the displayed class roll. A student should contact his or her academic dean for assistance to correct inconsistencies. Graded work should not be returned to these students until their names are officially added to the class roll.

## **9.4 Textbooks and Other Instructional Materials**

The [University Bookstore](#) is responsible for providing textbooks and related teaching supplies to the university community. Each department has a person designated as the departmental bookstore representative. This person serves as the main contact between the bookstore and the instructor. Pursuant to the federal *Higher Education Authorization Act, Public Law 110-315 (HEOA 2008)*, administrators, faculty, university bookstores, and publishers are "to ensure that

students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure with respect to the selection, purchase, sale, and use of course materials.” Provisions of the law require publication of textbook requirements prior to registration. Requests to the bookstore for textbooks and other instructional materials are routed through this representative. The University Bookstore must be notified of the selection of textbooks and other materials for any fall semester class no later than April 15. The deadline for spring semester is October 15 of the year immediately preceding the spring semester. The faculty member must confirm whether he or she intends to use all items ordered—particularly individual items sold as a part of a bundled package. If the faculty member does not intend to use each item in the bundled package, he or she must notify the bookstore. Before adoption of a particular textbook, the respective department determines that a copy of the textbook is on reserve in the University Library during any period that the textbook is to be used. Under provisions of the law, publishers must offer bundled materials for sale individually. Additionally, publishers are to document the substantive differences in any revised publication of texts. Faculty members are encouraged to limit their use of new edition textbooks when previous editions do not differ in a substantive way. Additional information on the federal textbook requirements and guidelines may be found at the [University Registrar’s website](#).

Faculty members should not engage in direct sale of instructional materials to students. *The Code of Virginia* §23-4.3:1 states that, “No employee at a Virginia public college or university shall demand or receive any payment, load, subscription, advance, deposit of money, services or anything, present or promised, as an inducement for requiring students to purchase a specific textbook required for course work or instruction; with the exception that the employee may receive (i) sample copies, instructor’s copies, or instructional material, not to be sold; and (ii) royalties or other compensation from sales of textbooks that include such instructor’s own writing or work.” See also Policy 13010 “Individual Conflicts of Interest and Commitment.”

#### **9.4.1 Faculty-Authored Course Materials**

A faculty member teaching a course may not receive a royalty and/or other fees beyond direct cost of production and sales for any material used as part of class activity, except for material that has received an independent external review, that has been copyrighted, and a portion of the copyright is owned by a publisher other than the author. Faculty accused of abusing the distribution of classroom material for personal financial gain are subject to review by the [Committee on Faculty Ethics](#).

#### **9.5 Grading Systems**

**“A” to “F” system (undergraduate students):** The majority of course enrollments by undergraduate students at the university are graded on the traditional A-F basis, with a 12-point plus/minus grading scale. The grades “A” through “D-” represent passing grades and “F” is a failing grade. The grade of “A” should be assigned to students who meet the learning objectives outlined for the course at a level of comprehension and performance deemed excellent. The grade of “F” should be used for those students who have not demonstrated acceptable achievement with regard to the learning objectives of the course of study. An instructor may choose not to use the plus/minus system in the assignment of grades.



**“A” to “F” system (graduate students):** The grading system for graduate students is similar to the A-F system with “D” as the lowest passing grade.

**Pass/Fail system (undergraduate students):** A pass/fail grading system is available to encourage students to enrich their academic programs and explore more challenging courses outside their major without the pressures and demands of the regular grading system. The pass/fail grading option is available to all undergraduates who have completed a minimum of 30 credit hours at Virginia Tech and have a cumulative Virginia Tech grade point average (GPA) of 2.0 or above.

The following restrictions apply: (1) for students in a four-year program, the total maximum allowable credits for pass/fail shall not exceed 12 semester hours, exclusive of courses offered only pass/fail; (2) for students in a five-year program, the total maximum allowable credits for pass/fail shall not exceed 12 semester hours, exclusive of courses offered only pass/fail, *or* 10 percent of the required hours for graduation completed at Virginia Tech—whichever is greater; (3) a student may not enroll for more than two courses per semester on a pass/fail basis—excluding physical education activity courses and required courses offered on a P/F basis only; (4) courses may not be changed from A-F to the P/F basis beyond the last day to drop classes without penalty; and (5) courses may not be changed from P/F to A-F beyond the last day to resign without penalty.

For courses offered only on a pass/fail basis, the 30-hour and 2.0 GPA requirement does not apply. Any courses taken beyond the number of hours required for graduation also may be taken pass/fail, except that no more than two courses may be taken on the P/F option per semester.

Under the pass/fail grading system, a “P” is granted for earning a “D” or better in the course; otherwise an “F” is given. The “P” or “F” is recorded on the student’s transcript and credit given if the course is passed; if the course is failed, the “F” is considered as equivalent to an “F” received under the A-F grading system and is included in calculation of the GPA. The GPA is unaffected by a “P.” Once credit is received for a course taken on pass/fail, the course cannot be repeated under the A-F grading system.

**Pass/Fail system (graduate students):** A limited pass/fail grading system is available to encourage graduate students to explore courses outside their major. Subject to approval of the major professor, graduate students may take an unlimited number of hours of graduate course work (5000- and 6000-level) on a pass/fail basis, if outside the department and not on the plan of study. These courses may not be used to satisfy minimum degree requirements. All courses on the plan of study, including supporting courses, must be taken on a letter grade (A-F) basis except for those courses offered on a pass/fail basis only.

Under the pass/fail grading system, a “P” is granted for earning a “C-” or better in the course; otherwise an “F” is given. The GPA is unaffected by a “P.” Grades of “F” are counted in the calculation of the GPA.

**Audit grade (undergraduate students):** A student may choose to audit a course, without the necessary prerequisites, to enhance his or her educational experience. Permission of the course



instructor is required, in accordance with University Policy 6360, "Auditing Courses," and policy memorandum 250, "Assignment of an Audit Grade for Undergraduate Courses," and policy memorandum 21, "Modification of Auditing Policy." An audit is a mechanism for a student to reserve a seat in a course, with no performance evaluation required. If the student or the instructor expects evaluation of course work, then the student must enroll either for the P/F option or for a letter grade. If the instructor of record wishes to restrict the participation of auditing students in selected activities, then that is stated in the syllabus. Students are assessed the same rate of tuition and fees for audited courses as for courses taken for credit. Audited courses do not count toward full-time enrollment.

Students are assessed the same rate of tuition and fees for audited courses as for courses taken for credit. Audited courses do not count toward full-time enrollment. Unsatisfactory audit should be left blank in grade column. An e-mail should be forwarded to the Graduate School requesting deletion of the course from the student's record.

**The "I" grade:** The "I" grade signifies incomplete work, but does not affect a student's GPA. It is assigned at the discretion of the instructor only. The "I" may be used when a student is unable to take the final examination during examination week, but the instructor may wish to confirm the legitimacy of the request with the [Schiffert Health Center](#) or the student's academic dean. Except for certain laboratory courses, "I" grades must be removed by the end of the student's first subsequent semester of enrollment or one calendar year from the date of the original "I" grade. Official change-of-grade cards must be used to remove an "I" grade and submitted to the department of the course. Incompletes not removed during the designated time are changed to "F" and calculated in the student's GPA.

**The "NG" grade:** The "NG" grade is given when a student's name appears on the class roll, but he or she has never attended class or submitted work for grading.

**The "X" grade:** The "X" mark shows that pursuit of the project begun in the course will be continued. The "X" does not compute in the student's GPA. The "X" may be assigned only for courses pre-established as eligible for this treatment. Changes from the "X" to the final grade must be submitted on change-of-grade cards; the regular grade marked on a grade sheet for an "X"-eligible course will process to that term's enrollment only.

**The "EQ" grade:** The "EQ" grade is reserved for graduate students enrolled in research and thesis (5994), or research and dissertation (7994). The awarding of this grade shows that the enrollment has been reviewed and the credits are to be sent to the grade report system. Failure to assign an "EQ" grade will result in the computation of the credits as failing.

**The "NR" grade:** The "NR" (not reported) grade is automatically entered when an instructor fails to award a grade to a student. The "NR" grade computes as an "F."

**The "W" grade:** The "W" (withdrawn) grade is given to an undergraduate student who has applied the course withdrawal policy to a course. The "W" grade is automatically awarded based on the course option of "W." A regular grade cannot be awarded if a student has applied the withdrawal policy or "W" option to the course.

**Mid-term grade reports:** Mid-term grade reports are issued for first-term undergraduates and first semester transfer students for the purpose of informing them about their progress early in their first academic year. Courses that are oriented toward freshmen should be designed to include at least one substantial graded assignment in time for the mid-term grade report.

**Projected grades for the graduating students, spring term:** Projected grades for graduating students—all levels—must be submitted by the published tentative grade entry deadline in the spring semester. All students are completed for spring term based on the projected (tentative) grades received. Failure to submit tentative grades results in the student’s non-completion and non-receipt of diploma at the college or department ceremony. Entry of tentative grades follows the same process as the end of term entry via [Faculty Access](#).

## 9.6 Course Grading

The instructor of record has sole responsibility for assigning final course grades and may not delegate the task to other colleagues or teaching assistants. Department heads or chairs may ask instructors in their department to explain unusual profiles of grades or schemes of evaluation.

Faculty are expected to adhere to principles of professionalism, fairness, and clear communication when assigning grades. This includes consistent treatment of all students in the class; clear criteria—communicated directly to the class—about the basis on which course work is evaluated and grades are assigned; timely return of graded work to the student; sufficient feedback through the grading process for the student to improve performance on future assignments; and attention to fair and reasonable measures of course content and student performance.

During the term (i.e., before final grades are assigned), the grading process is not only a record of evaluation for work completed, it is also an important device for providing information to the student about how his or her work could improve in the future. Grading is a teaching tool that provides specific feedback to students. Faculty should keep this in mind when designing assignments and course work.

Students have the right to see their grades for a course and to lodge a grade appeal if they believe a grade was assigned unfairly. (See “Undergraduate Student Appeals,” and “Graduate Student Appeals.”)

The U.S. Department of Education stipulates that posting of grades using *even a portion* of the student identification number, is considered a violation of the Family Educational Rights and Privacy Act (FERPA). FERPA protects the confidentiality of educational records and prohibits distribution of that record unless with the student’s written consent. Faculty may *not* post any grades as a class listing using any portion of the student identification number, either via paper or electronically (This policy applies whether the student identification is the social security number or a generated identification number).

### 9.6.1 Syllabus and Performance Expectation

Each semester on the first day of classes, faculty are expected to provide students with a course syllabus that includes course objectives, topical outlines, expected performance for which grades will be assigned, and the instructor's attendance policy, if any. The syllabus should also include a statement on the honor system and its application to the course, reference to accommodations for students with disabilities, and information regarding office hours and how the instructor can be reached directly or through the departmental office during normal working hours. Further information regarding the undergraduate honor system and the graduate honor system is located later in this chapter. Further information regarding accommodations for students with disabilities is available on the [Services for Students with Disabilities website](#).

An explicit statement concerning prerequisites for the course must be included on the course syllabus or assignment sheet. The instructor should call attention to the prerequisites during the first week of classes. Before the official drop-add deadline, the instructor may require specific students without prerequisites to drop the course. The student who is granted permission to enroll without prerequisites should be informed that course expectations and grading practices are the same for all students regardless of whether prerequisites were satisfied or waived.

The syllabus is a very important document because it provides explicit information to the student about course content, schedule, grading scale, and expectations of the instructor. The instructor should design the syllabus as a useful means for setting the tone of the course. Substantial changes in the syllabus constitute modifications in the structure or content of the course, which should be communicated clearly and in writing to students in a revised syllabus. These might include changes in the grading scale, significant departures from the schedule, or modifications of assignments.

All written work, with the exceptions noted below, should be given at such time that it may be graded and then returned during a regularly scheduled class meeting. To the extent feasible, instructors should **not** schedule major assignments or tests for the last three calendar days of scheduled classes or reading day. Students should be allowed time to prepare for their final exams and benefit from feedback on material relevant to exams.

Common exceptions include:

- Due dates for term papers and project reports may be set at the instructor's discretion, if the student will not be held responsible for the subject matter therein on the final examination.
- If a lab course or other course does not warrant a final examination during the exam period, but if the department and/or instructor requires that there be a final examination, the exam should be given during the last regularly scheduled laboratory or class period.
- Final examinations for master's and doctoral candidates, if approved by the vice president and dean for graduate education.

## **9.6.2 Class Attendance**

Class meetings are an integral part of most courses and the central component of many. Therefore, both faculty and students are expected to meet at all regularly scheduled times, except for cancellations announced on a university-wide basis by appropriate authority.

If a faculty member cannot meet a class, it is his or her responsibility to follow departmental procedures so that appropriate measures are taken to provide for the missed class.

When students cannot attend a class, it is their responsibility to make arrangements for any work missed as soon as possible. In cases of prolonged absences, students may ask their academic deans or the [Dean of Students](#) to notify their instructors of the reason for their absence. Staff members from the Office of the Dean of Students may verify absences from class for students who have documentation to support an absence beyond their control. The staff members send an absence verification notice to the college dean, who then forwards the verification to faculty members. A staff member from the Office of the Dean of Students reinforces with the student that he or she is responsible for contacting the faculty member to arrange make-up of any missed work.

### **9.6.2.1 Religious Holidays**

Consistent with the university's tradition of religious tolerance, faculty are encouraged to be sensitive to students who wish to observe religious holidays. The student is responsible for requesting and providing justification for a religious accommodation, preferably during the first two weeks of classes or as soon as the student becomes aware of the need for an accommodation. Faculty should inform students of their willingness to make accommodations for reasonable requests. Faculty are not required to compromise the academic integrity of the course to accommodate religious practices. Thus, the faculty member determines accommodations for religious practices that are consistent with his or her class attendance policy.

## **9.6.3 Final Examinations**

Instructors must adopt an appropriate means for evaluating and measuring student performance relative to the course objectives. A final examination schedule is displayed on [Hokie SPA](#) and [Faculty Access](#) in the timetable of classes for each academic term and final exams, if used, must follow this schedule unless the dean of the college has granted special permission. The method of evaluation must be made known to students in the course syllabus at the beginning of the term (see "Syllabus and Performance Expectation"). Faculty members will make available to students any final graded material at least through the following academic term. Faculty members are required by the Virginia Public Records Act, [42.1-86](#), et seq. of the Code of Virginia to retain all work completed by students for grades in a course (includes, but is not limited to: exams, quizzes, tests, and term papers) for one full year after the end of the semester.

A student with conflicting examinations or with more than two examinations within 24 hours may reschedule an examination with permission of the student's college dean at least 10 days before the beginning of the examination period and by arrangement with the appropriate instructor.

A re-examination in one course, in which the final grade is C- or below, may be authorized when the student was enrolled in the course during the final term of his or her senior year and a satisfactory re-examination in the course would qualify the student for graduation. A re-examination request must be made and the exam must be completed by the student as soon as possible, but no later than one academic term after the original examination in the course. Re-examination approval by the instructor, the student's department head or chair, and the student's college dean is required, with consideration given to class performance and completion of assigned work.

#### **9.6.4 Undergraduate Student Appeals**

The university provides a process for student appeal of a grade. If a student feels that a grade was calculated incorrectly or was assigned in a prejudiced or capricious manner, the student must first discuss the matter with the instructor. If discussion between the instructor and the student does not resolve the issue, the student then has the option of requesting a formal appeal of the grade to the department head or chair who examines the student's allegation, discusses the matter with the instructor, and makes every effort to resolve the matter at the department level. In the unusual circumstance that resolution does not occur at the departmental or divisional level, the student may appeal to the instructor's college dean. The dean reconciles the matter by whatever mechanism is most appropriate for that college and that case. The decision of the college dean is final in undergraduate appeals.

A grade appeal must be made by the student as soon as possible, but no later than the end of the next academic term of the regular academic year (i.e., fall or spring).

#### **9.6.5 Graduate Student Appeals**

Graduate education is a complex activity involving a high order of student-faculty relationship. It follows that the evaluation of the graduate student's progress is, and must be, dependent in large part on the judgment of their major professor, augmented by the collective judgment of the members of their assigned committees. The university, through the agency of the [graduate school](#), defines minimal entrance standards and prescribes general rules governing eligibility for continuation. But the crucial agency in student evaluation is the department in which the student's work is centered, and the crucial evaluator is the faculty advisor.

It is important, therefore, that each graduate student be fully informed, not only of the university's expectations, but of the department's expectations as well. Each department shall prepare, in outline form, a statement for each of its graduate degrees. The statement should cover course requirements, the nature and timing of oral and written examinations, and the evaluation that is given to the thesis. A copy of each departmental statement should be on file in the graduate school and made available to each student at the time of matriculation.

Most disputes over evidence of unsatisfactory progress are informally discussed and reconciled at the departmental level. Discussions of this kind occur among the student, the major professor, and the other members of the advisory committee. Nonetheless, from time to time serious questions arise regarding both the status of a graduate student (whether in a given course or as a

candidate for the degree) and the basis of the evaluation that placed the student's status in jeopardy. On these occasions it is important that the university provides full opportunity for the student's grievance to be reviewed in a judicious manner.

The procedures for a formal graduate student appeal are described in the [Graduate Catalog](#) or may be obtained from the [graduate school](#).

### **9.6.6 Grade Adjustments for Undergraduate Honor Suspects**

The undergraduate honor system is described below. Grades may not be unilaterally adjusted in a course to compensate for suspected dishonesty. When an alleged violation of the honor system occurs, the incident should be reported to the honor system by submission of a violation report form. The Office of the Senior Vice President and Provost recommends a grade change for undergraduate students found guilty of class I, II, and III offenses that are instituted by the instructor of the class. The university registrar adjusts grades for class V and class VI offenses.

### **9.6.7 Change of Grade**

A change in grade is authorized only under unusual circumstances. Faculty submit the change of grade via the department change of grade card. The change of grade process requires the instructor's signature and the electronic approval of the department head or chair and dean for all grade changes—including removal of "I" grades. Grade change requests should carry a statement regarding the circumstances necessitating the change, which includes a description of the circumstances for an original award of an "I" grade. It is improper to permit a student to improve a grade by doing extra work unless all students in the class are given the same opportunity.

### **9.6.8 Final Grade Reports**

Final grades are reported via the Web, using [Faculty Access](#). Two methods of entry are available—direct entry or upload from an external data file. Grades must be submitted within 48 hours of the last final examination on the published schedule. Student grade reports are generated from these submissions and displayed via [Hokie SPA](#).

Faculty may not post grades, either via paper or electronically, using even a portion of the student identification number. Pursuant to the Family Educational Rights and Privacy Act (FERPA), using a portion of the student identification number in conjunction with the course grade is not allowed without the written permission of the student. Faculty may wish to remind students that grades are available via [Hokie SPA](#) within 48 hours of the end of the term.

## **9.7 Instruction-Related Responsibilities**

### **9.7.1 Office Hours**

As a part of their teaching responsibilities, faculty members are expected to provide several regularly scheduled office hours each week for consultation with students. These hours should be reasonably spaced over the week at times mutually convenient to the instructor and students.



Although a specific number of office hours is not stated in University Policy, faculty members should ensure that they are readily available, both through office hours and by message at other times during the normal workweek. Information about office hours and how to contact the faculty member through the department office should be included on the course syllabus.

The instructor should encourage students in need of counsel to seek clarification about their work. Those in need of non-academic or personal counseling outside the purview of the faculty members' professional capabilities may be referred to the [Cook Counseling Center](#).

### **9.7.2 Tutoring**

Faculty members and graduate teaching assistants do not accept fees for tutoring students enrolled in their classes, either on a group or single-student basis. They are free to tutor for payment otherwise under university consulting policies.

### **9.7.3 Students with Disabilities**

The university, as a federal aid recipient and state agency, is required to provide opportunities and reasonable accommodation to all identified students with disabilities. Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Virginians with Disabilities Act, and policy memorandum 178, "Accommodation of Disabilities," provide guidelines and requirements for colleges and universities in providing academic assistance. Accommodation means more than the removal of architectural barriers and the provision of auxiliary services such as note takers, readers, and interpreters for the deaf. It means reasonable accommodation must be made in the instructional process to ensure full educational opportunity. For faculty, this means that teaching strategies and methods, including Web page design and distance learning, as well as instructional policies, must be sensitive to the laws and the needs of students with disabilities and responsive to the university's legal obligations.

Students with disabilities may self-identify and may qualify for accommodations through [Services for Students with Disabilities \(SSD\)](#). Students must present medical or extensive psychoeducational documentation of physical, medical, psychological, or learning disabilities to SSD. Accommodations for students with disabilities are established by the SSD, in accordance with medical and professional information in the student's record, legal precedent, and national standards for services for students with disabilities. Faculty are urged to include a syllabus statement that encourages the student with a disability to disclose their need for accommodation to the professor as early in the semester as possible. Examples of inclusive disability syllabi statements are found on the [SSD website](#). Contact SSD for more information regarding accommodation and services.

## **9.8 The Undergraduate Honor System**

The functions of the undergraduate honor system are to communicate the meaning and importance of intellectual honesty to all undergraduate students of the university; to articulate and support the interest of the community in maintaining the highest standards of conduct in academic affairs; and to identify, sanction, and educate those students who fail to live up to the

stated expectations with regard to those standards. The honor code defines the standards of student conduct in academic affairs. Details are found in the [constitution](#) of the Virginia Tech undergraduate honor system and on the [honor system website](#).

### **9.8.1 Undergraduate Offenses and Sanctions**

The undergraduate honor system classifies offenses into one of six categories depending upon the severity of the offense and the circumstances of its occurrence. Each classification carries several sanctions, one or more of which may be imposed on those convicted of violating the honor code. These include probation, grade adjustments on assignments in question, permanent grade of "F," university service, suspension, and dismissal.

Among common offenses are: cheating (i.e., giving or receiving of any unauthorized aid, assistance, or unfair advantage on any form of any academic work); plagiarism (i.e., copying the language, structure, ideas, and/or thoughts of another and passing it off as one's own); falsification and tampering with records; purchased work and work for hire.

Any attempt to commit one of these acts is a violation of the honor code as well.

### **9.8.2 Faculty Participation**

Although the Virginia Tech undergraduate honor system is a student program, the support of the faculty is essential in making the system an effective and efficient means of handling academic violations. Faculty members are encouraged to support the undergraduate honor system and are expected to abide by procedures designed for the effective implementation of the honor code.

Any suspected violations should be reported promptly, in writing, to the chief justice. Forms for this purpose are available from all department offices, the honor system office, and the [honor system website](#). The chief justice assigns the case to an associate justice for investigation. If warranted, a judicial panel hears the case to determine innocence or guilt. The undergraduate honor system review board reviews the decision; it may return a case for rehearing or reinvestigation, overturn verdicts, or forward recommendations to the provost. Once the provost imposes a sentence, the faculty complainant is informed of the verdict, the classification assigned to the offense, the sentence imposed, and any recommended grade change, if applicable.

In order to protect the accuser and the accused, a faculty member bringing charges of an honor code violation has the right to decline discussion of the case with the accused, or, with the written permission of the accused, to have witnesses present at such a discussion. The faculty member receives a copy of the case coordinator's report summarizing the evidence in the case. A faculty member involved in a case is expected to cooperate with undergraduate honor system personnel, appear before the judicial panel if requested, and maintain confidentiality.

In addition, the undergraduate honor system offers the following guidelines to faculty:

- When an alleged violation is detected, the suspected student(s)' paper should not be collected until the test is completed, as this would be contrary to the student(s)' right of presumed innocence. However, any evidence that would be necessary in an investigation



should be collected immediately. The test should be graded without prejudice and the alleged violation should be reported to the honor system. Please provide the original of the instrument in question in the submission of evidence. Grades should not be adjusted in a course to compensate for suspected dishonesty.

- If a professor suspects that a student or students are cheating, it is permissible to speak with the suspected student(s)—after the test or other work has been completed—and indicate these suspicions. However, it is not permissible to penalize or berate the student(s) or to take any other action that might affect the student(s) or violate the student(s)' rights to due process.
- A statement is to be included on each course syllabus about the undergraduate honor system and its application to the particular course.
- Faculty members are not required to proctor quizzes, tests, and examinations. Faculty are expected to personally administer the examination and to remain within reasonable proximity of the examination room to answer questions that may be raised by the students. However, it is not a compromise of the honor system to stay in the room or visit frequently, when a test is being given. In fact, precautionary measures in the spirit of reducing the opportunity for cheating are advisable, especially in large classes. Seats should be spaced in examination rooms whenever possible. Alternate test forms may be used. In some rare cases such extreme measures as requiring ID when a test is handed in may be necessary to prevent organized “paid substitutes” from taking tests for other students. Under no circumstances can measures be taken that would compromise student(s)' rights.

The faculty, along with the students and other university personnel, share the responsibility for providing, explaining, and disseminating information regarding honor practices and the undergraduate honor system.

### **9.8.3 The Honor Pledge**

The Virginia Tech honor pledge is as follows: “I have neither given nor received unauthorized assistance on this assignment.”

The pledge is to be written out on all graded assignments at the university and signed by the student. The honor pledge represents both an expression of the student's support of the honor code and an unambiguous acknowledgment that the student has, on the assignment in question, abided by the obligation that the honor code entails. In the absence of a written honor pledge, the honor code still applies to an assignment.

### **9.9 Honor System for Graduate Students and Students in the College of Veterinary Medicine**

Detailed information concerning the graduate honor system applicable to all graduate students is found in the graduate honor system constitution, published in the [Graduate Catalog](#). The graduate honor system constitution describes the rights and responsibilities of students as well as faculty with regard to the honor code.

The honor system for students in the College of Veterinary Medicine is described in the *Virginia-Maryland Regional College of Veterinary Medicine Student Honor Code*.

## **9.10 Classroom Conduct**

Maintaining a good learning environment in the classroom is an important part of a faculty member's responsibility as a teacher. The teacher should endeavor to create a classroom atmosphere that is comfortable and welcoming of all students, including women and members of minority groups. Disruptive classroom conduct on the part of some students may be distracting, annoying, or intimidating to other students and should not be tolerated by the teacher.

As much as possible, the teacher should endeavor to create a classroom environment in which there is an active participation on the part of most of the students, rather than the domination of the class by a few individual students. This may require different teaching strategies such as the use of small groups or teams, as well as different approaches to the structure of classroom presentations. Assistance for faculty who are trying to improve the learning environment of the classroom is available through the [Center for Instructional Development and Educational Research](#).

Faculty have the prerogative of deciding the classroom conduct and the appropriate dress of their students as long as these actions do not infringe upon the students' rights as guaranteed in principles underlying the section in the *Hokie Handbook*. It is the faculty member's obligation to ensure that the classes following find a clean and orderly space.

## **9.11 Teaching Evaluation**

Good teaching evaluation processes are essential for maintaining the quality of academic programs, for reviewing the job performance of faculty members with respect to the instructional mission of the university, and for designing effective faculty development initiatives. All of the colleges have processes of teaching evaluation, which are used in promotion and tenure decisions and in yearly performance evaluations.

### **9.11.1 Student Evaluation of Courses and Instructors**

The university expectation is that all faculty members will be evaluated in all courses taught each year. More information about this matter is available from departmental offices and from the academic deans. Student evaluation of courses and instructors is an integral component of a good teaching program. While specific procedures vary across the colleges, in general, committees in each college are responsible for designing appropriate evaluation procedures and for receiving such evaluations. Faculty members should ensure that their college's procedures for conducting student teaching evaluations are followed in a way that is absolutely free of intimidation or influence by the teacher's presence.

Student Perceptions of Teaching (SPOT) system was developed to provide a centrally-supported, university-wide method for collecting student feedback regarding courses and instruction. The SPOT questionnaire is designed for use across all university departments; as such, it focuses on

issues with broad pedagogical significance. It is not intended to stand-alone in providing evidence regarding teaching effectiveness. Rather, it provides one form of information regarding the quality of courses and instruction that may be integrated and interpreted with other forms - such as instructor-developed course-specific questionnaires, peer observation of teaching, and instructor self-assessment - for purposes of instructional development and/or evaluation.

### **9.11.2 Other Evaluation of Courses and Instructors**

Good teaching evaluation includes more than the student perception of instruction. The university expectation is that in-depth peer evaluation of teaching will be conducted periodically for all faculty members and at least twice during the probationary period for tenure-track faculty.

Colleges, departments, and individuals wishing assistance in devising evaluation forms may consult the [Center for Instructional Development and Educational Research](#), where a variety of such forms are available. Faculty members may find such evaluations helpful in revealing information that leads to improvement of classroom presentation, evaluation of students, and student response to their classes.

## **9.12 Student Record Policy**

In response to the Family Educational Rights and Privacy Act (FERPA), a statement of policy on the maintenance and disclosure of student records was adopted by the university. This policy protects the privacy of student records; the specific policy document is available from the [university registrar's website](#).

### **9.12.1 Academic Records**

Names and addresses of current and former students, that are not marked confidential, may be selected and released to non-university entities only on the basis of class level (e.g. freshman, senior), major, or place of residence. It is important to note that email addresses are not directory information and may not be released without the student's prior consent.

The protection of academic records, which exist in enrollment management and in the college and departmental files, is covered by this policy. This includes the student's right to review these records. Responses to telephone inquiries are limited to the following information: whether the student is currently enrolled; dates of enrollment; degree(s) earned if any, date, major, and honors received; address and telephone number. Special note: no information, including directory information, may be released if a student has marked their record confidential.

Grade reports may not be released to parents, guardians, or any other person without prior written approval from the student. Students may not have access to financial aid information about their parents or guardians without written approval from the parent or guardian.

The university may withhold transcripts, certificates, registration materials, or any other information about a student's record if financial obligations are unmet. The university also reserves the privilege of withholding materials if violations of university regulations have not been cleared.

### 9.13 Undergraduate Student Advising

[Undergraduate advising](#) at Virginia Tech is a collaborative process between student and advisor, leading to the exchange of information that encourages the individual student to make responsible academic and career decisions. The university is committed to effective advising by recognizing and supporting the needs of both students and advisors. Each undergraduate student is provided information and assistance to aid the student in making academic and career decisions. Each advisor is provided the necessary tools to respond to student needs and the opportunity to be recognized for exemplary advising.

**Statement of university responsibility:** The university shares responsibility for successful advising. Senior leaders will: review the advising process to assess the impact of recommendations implemented; provide information for students, advisors, parents, and other constituents that clearly explain responsibilities and expectations related to advising; make information available about advising for all new faculty and appropriate staff; collect and disseminate information that contributes to effective advising; assist students in clarification of academic and long term goals; support initiatives that enhance the use of technology in advising; support Web-based interactive advising support systems for students, advisors, parents, and other constituents; and support a Virginia Tech plan that effectively assesses, recognizes, and rewards advising in the annual professional evaluation.

**Statement of student responsibility:** The student shares responsibility for developing an advising partnership with the advisor. Over time, this partnership results in increased responsibility for the student. The student will: communicate goals, needs, wants, and concerns to the advisor in a respectful and sincere manner; keep abreast of their own academic progress and requirements related to their academic programs; make, keep, and be prepared for appointments with the advisor; inform the advisor of changes in plans and/or circumstances that might impact academic performance; know departmental procedures regarding changing advisors; and bring concerns regarding quality of advising to the attention of the advisor.

**Statement of advisor responsibility:** The advisor shares responsibility for developing an advising partnership with undergraduate students. The advisor will: communicate with students and delivering individualized and accurate information in a professional and sincere manner; be informed of, and provide accurate information about current academic policies and procedures; keep appointments and be available for assistance; provide appropriate referrals, contacts, and information; do appropriate follow-up with students; and seek out and take advantage of opportunities for professional development.

### 9.14 Identifying and Referring the Distressed Student

The college years can be very stressful for students. In the contemporary climate of competition and pressure, some students adequately cope with these stresses, but others find that stress becomes unmanageable and interferes with learning. In some cases, these students may even disrupt the learning of others.

**Identifying the distressed student:** Many students initially seek assistance from faculty. A student in distress may display: excessive procrastination and very poorly prepared work, especially if inconsistent with previous work; infrequent class attendance with little or no work completed; dependency (e.g., the student who hangs around or makes excessive appointments during office hours); listlessness, lack of energy, or frequently falling asleep in class; marked changes in personal hygiene; impaired speech and disjointed thoughts; repeated requests for special consideration; threats to others; expressed suicidal thoughts; excessive weight gain or loss; behavior that regularly interferes with effective class management; frequent or high levels of irritable, unruly, abrasive, or aggressive behavior; inability to make decisions despite repeated efforts to clarify or encourage; bizarre behavior that is obviously inappropriate for the situation; or may appear overly nervous, tense, or tearful.

**Guidelines for interacting with the distressed student:** Talk to the student in private. Express concern and be as specific as possible in stating your observations and reasons for concern. Listen carefully and repeat the essence of what the student has told you so that your attempts to understand are communicated. Avoid criticizing or sounding judgmental. Consider the Cook Counseling Center as a resource and discuss referral with the student. If the student resists referral and you remain uncomfortable with the situation, contact the [Cook Counseling Center](#) or the [Dean of Students Office](#) to discuss your concern.

**Referring the distressed student to Cook Counseling Center:** Suggest that the distressed student call or come in to make an appointment. Give him or her the Cook Counseling Center's phone number (540-231-6557) and location (240 McComas Hall). It is usually more effective to assist the student by calling for an appointment with the student present. When you reach the center's receptionist, identify yourself as a faculty member and ask for an appointment for the student. The student's name and Tech ID number are required for the appointment. Write down the appointment time, date, and name of the counselor for the student. If you feel the situation is an emergency or urgent enough to require immediate attention, tell the receptionist that the student needs to see a counselor immediately. It may be necessary for you to walk the student to the center. If you are concerned about the student, but unsure about the appropriateness of a referral, call the center for a consultation.

**Receiving the assistance of the Office of the Dean of Students:** The Dean of Students offers several guides and videos that may be helpful in identifying and interacting with the distressed student.

- [Responding to Students in Distress](#), which is available online or a print copy may be requested by calling the Office of the Dean of Students at 540-231-3787 or by sending an email request to [dean.students@vt.edu](mailto:dean.students@vt.edu).
- A listing of *Resources for Student Referrals* may be obtained by calling the Office of the Dean of Students at 540-231-3787, or by sending an email request to [dean.students@vt.edu](mailto:dean.students@vt.edu). The listing is available in two formats—a re-positional sticker, or a 4 x 6 inch card that includes contact information for student affairs departments able to assist with distressed students.

The Office of Dean of Students partners with faculty and staff members to support students for whom there may be concern. Concerns may be shared by phone at 540-231-3787, email

([dean.students@vt.edu](mailto:dean.students@vt.edu)), or face-to-face contact with staff in the [Dean of Students Office](#). After regular business hours, contact [Virginia Tech Police](#) at 540-231-6411 for connection to the dean of students' on-call staff member.

The Office of Dean of Students also offers an additional tool for faculty members to use in sharing concerns about a student. *This online reporting system should not be used for emergencies.* The [Dean of Students Reporting System](#) is available through the [Faculty Access/Hokie SPA](#) menu. This system closely parallels the academic advising system already used by faculty. As always, matters needing immediate attention should be directed to the [Virginia Tech Police](#) at 540-231-6411.

## **9.15 Faculty Awards for Teaching and Advising**

In recognition of the university's conviction that excellence in teaching and advising should be a major concern of every faculty member, several awards are presented annually to honor outstanding teaching and advising performance. Full descriptions of these awards and the processes by which nominations, selections, and awards are made can be found on the [provost's webpage](#) and the webpage for the [Center for Instructional Development and Educational Research](#).

- [The Wine Award for Excellence in Teaching](#)
- [The University Sporn Award for Excellence in Teaching Introductory Subjects](#)
- [Certificate of Teaching Excellence](#)
- [Alumni Teaching Excellence Awards](#)
- [Diggs Teaching Scholar Awards](#)
- [Academy of Teaching Excellence](#)
- [Alumni Award for Excellence in Undergraduate Academic Advising](#)
- [Alumni Award for Excellence in Graduate Academic Advising](#)
- [Provost's Award for Excellence in Undergraduate Academic Advising](#)
- [Academy of Advising Excellence](#)
- [Faculty Awards for Research, Extension, Outreach and Service](#)
- [Alumni Award for Research Excellence](#)
- [Alumni Award for Extension Excellence](#)
- [Alumni Award for Outreach Excellence](#)
- [Alumni Award for Excellence in International Education](#)
- [Alumni Award for Excellence in International Outreach](#)
- [Academy of Outreach Excellence](#)
- [Academy of Faculty Service](#)
- [Awards for Creating Good Teaching and Learning Environments](#)
- [Exemplary Department Award](#)
- [Diggs Roundtable](#)
- [XCaliber Award](#)

## CHAPTER TEN

### **10.0 Research, Creative, and Scholarly Activities**

Research and creative scholarship provide a vigorous learning environment for students and enhance the professional development of faculty - qualities by which the university is judged. They are vital components of the academic life of the university. Accordingly, all research and teaching faculty are expected to become involved in such activities. Departments frequently support research among the faculty by reducing teaching loads for persons who are engaged in research and by designating some departmental operating funds for research. The university provides services in support of researchers, such as computing facilities, laboratory support services, various items of high technology equipment, and library collections.

### **10.1 Procedures for Research and Scholarship**

Research at the university is classified as departmental research, core research, and/or sponsored research. Individual research projects may receive funds under one or more of these categories, as described below.

#### **10.1.1 Departmental Research**

Research supported by departmental operating funds and/or through adjustment of teaching responsibilities is called departmental research. In this category, faculty are free to pursue research to enrich their teaching, scholarship, and greater understanding of their discipline.

#### **10.1.2 Core Research**

Core research focuses primarily on the needs of Virginia and is funded by state and federal appropriations through the instructional division and Virginia Cooperative Extension/Agricultural Experiment Station. There are six core research sub-programs: agriculture and forestry research, coal and energy research, environmental and water resources research, industrial and economic development research, veterinary medical research, and supporting research. Faculty, who believe their research relates directly to one or more of the sub-programs and is applicable to problems or concerns of the commonwealth, should contact their department head or chair about procedures for securing core research support.

#### **10.1.3 Sponsored Research**

Sponsored research is supported through awards resulting from proposals submitted, on a project-by-project basis, by university faculty. Such proposals are submitted to state and federal agencies, corporations, and private foundations. Through sponsored research, faculty obtain the resources needed to conduct expanded research programs and may receive additional months of salary support. Research time is charged when the work activity and work reported are during the same period.



Competitive awards add stature to the recipient and the university; thus, faculty members are encouraged to seek such support. The only restrictions for sponsored research are that it must not constitute undue competition with commercial testing and research laboratories or with private consultants, and that it is compatible with the primary mission of the university. Questions about the appropriateness of a specific research project should be directed to the department head or chair or to the [Office of the Vice President for Research](#).

#### **10.1.4 Preparation of Proposals for Sponsored Projects**

The [Office of the Vice President for Research](#) assists faculty in obtaining research sponsorship. Policies, procedures, and pre-award contacts are available on the [Office of Sponsored Programs \(OSP\)](#) website. Faculty are encouraged to explore research sponsorships by viewing funding opportunities on the Office of the Vice President for Research website. Office of the Vice President for Research personnel consult with faculty regarding research support and help faculty locate programs and individuals at government agencies, industry, and private foundations.

Most funding agencies have their own scientific and technical priorities and funding restrictions. Therefore prior to writing a formal proposal, faculty are encouraged to review their proposal concept with the appropriate person at the agency to which the proposal will be submitted. Personnel in the Office of the Vice President for Research help the principal investigator find the appropriate person(s) for such discussions. Faculty may wish to discuss proposal preparation with the appropriate member of their college dean's staff. Before final budget preparation, an OSP official must review the proposed budget. The OSP official provides information and guidance about university policies for cost sharing, budgetary matters, confidentiality, publication, and intellectual property undertakings.

Faculty should be aware that some agencies limit the number of proposals, frequency of institutional proposal submission or the total dollar amount of proposals that can be submitted by an institution in response to a research sponsor's solicitations. Some sponsors also limit the number of active awards for a given program by institution. Additional guidance for these programs, along with deadlines and procedures for submitting internal notices of intent for these solicitations or program notices are available at the [Limited Submissions](#) website.

The required forms for proposal submission are available on the [OSP website](#). Each proposal requires considerable processing. Deadlines for submitting proposals to OSP in advance of agency deadlines are also available on the OSP website.

#### **10.1.5 Laboratory Services and Facilities**

Several colleges and departments maintain shops and facilities for design, fabrication, maintenance, and repair of specialized equipment. The [Office of the Vice President for Research](#) can assist faculty in locating an appropriate facility.

[Environmental Health and Safety](#) (EHS) must be consulted *before* any laboratory is established in a university facility. The EHS staff determines if the proposed laboratory meets all necessary facility and laboratory requirements. The staff ensures that all personnel who will be working in



the laboratory are familiar with the various university policies, procedures, and publications that cover laboratory operations. These may include chemical hygiene plans, laboratory safety manuals for biohazard safety level-2 or biohazard safety level-3 labs, and lab licensing and radiation safety manuals approved by the [Radiation Safety Committee](#).

Research compliance procedures related to Select Agents and Toxins (SAT) are overseen and enforced by the SAT Security and Incident Response Committee. This committee ensures that the university safeguards SATs from unauthorized access, theft, loss or release, and works to meet or exceed the requirements of federal, state, and local regulations, university policies, and standards of practice, as applicable.

New or proposed animal facilities are inspected by the attending veterinarian and approved by the [Institutional Animal Care and Use Committee](#) (IACUC) before animals are ordered and housed in the facility. The use of animals in teaching and research is covered in IACUC-approved protocols.

#### **10.1.6 Ownership and Control of Research Results**

The university asserts its right to the results of research funded wholly, or in part, with university resources. University ownership of intellectual properties is covered in University Policy 13000, "[Policy on Intellectual Property](#)." These ownership rights extend to all permanent, visiting, or research faculty, staff, wage employees, and students.

The faculty principal investigator or project leader is expected to manage the university's ownership of research results and material (including all data) that best advance the standard routes of publication, presentations, and other usual means of dissemination of research results for that particular field. Creation of intellectual property must be disclosed to the university by submitting an IP disclosure form, which is available on the [Virginia Tech Intellectual Properties](#) website.

It is the responsibility of the faculty principal investigator as project leader to preserve the research material and results in the manner that is customary to the field. This includes all notebooks, computer files, samples, specimens, prototypes, etc. germane to the veracity and validity of the research claims. Sponsored research projects may require additional document retention based on sponsor requirements or fulfillment of the project's data management plan, included in the original proposal and as required by state law.

In the event that the faculty principal investigator or project leader permanently departs the university, it is the responsibility of that person's department head or chair to determine the disposition of the research materials and results.

It is the responsibility of principal investigators, student thesis chairs, and dissertation committee chairs to preserve the confidentiality of research material and results and to establish who may have access to them. Usually, access is limited to university faculty, staff, and students involved in generating these materials and/or needing access to them for *bona fide* research or administrative purposes and as required by state law.

### **10.1.7 Research Involving Human Subjects, Animal Subjects, and Biohazardous Agents**

The Virginia Tech Office of Research Compliance provides administrative support to VT's compliance committees responsible for reviewing and approving research involving humans and animals, and biohazardous agents. The ORC also assists researchers with the fulfillment of their responsibility for sustaining University compliance in these areas, which supports the continued permission from applicable federal agencies to conduct research at our institution. The following committees are supported by the ORC:

- The Virginia Tech [Institutional Review Board \(IRB\)](#) has general oversight responsibility for Virginia Tech's [Policy on the Protection of Human Subjects Used in Research](#). This policy, its amendments and additions, apply to all situations that involve the use of human subjects at Virginia Tech in research conducted by faculty, staff, and students, regardless of the particular college or university division using human subjects in research, or the source of funding involved. Non-funded faculty and student research must also be reviewed and approved by the IRB.
- The [Institutional Animal Care and Use Committee \(IACUC\)](#) consists of scientists from each of the university departments where animals are commonly used, and at least one individual who is unaffiliated with the university and has primary vocation in a non-science area. The Committee considers matters involving university policies and procedures regarding the humane treatment of animals used in research, teaching, and testing, and compliance with university and governmental regulations, and recommends policy to the Vice Provost for Research. Virginia Tech's [Animal Research Policy](#) is designed to encourage, safeguard, and ensure the humane treatment of all animals used in research, instruction, and testing and to comply with all applicable governmental laws, principles, and standards governing such uses. The policy is also intended to increase the reliability of acquired data and to promote efficient use of time and finances by research investigators, instructional faculty, and their technical and clerical assistants.
- The [Institutional Biosafety Committee \(IBC\)](#) provides compliance review and oversight of research and instructional activities that involve the use of infectious agents, recombinant and/or synthetic nucleic acids, transgenic organisms, biologically derived toxins, and the culturing and/or manipulation of human and/or non-human primate cells and tissues. University Policy 13030: "[Virginia Tech Recombinant DNA and Biohazard Research Property](#)" establishes requirements for the safe, secure, and compliant use of recombinant or synthetic nucleic acid molecules and/or biohazardous materials. These requirements are intended to protect university personnel, the public, as well as the environment.

### **10.1.8 Classified Research**

The U.S. government occasionally seeks the expertise of Virginia Tech faculty to engage in classified research. Faculty must realize that working in classified or federally controlled unclassified research requires that they relinquish opportunities to disseminate the knowledge

gained in this effort. However, the university does recognize that individual investigators may wish to work in areas that have classified or controlled unclassified aspects, and cannot conduct the research in compliance with applicable federal statutes and executive orders without access to classified or controlled unclassified information. To accommodate this need, the university has a continuing compliance and security program administered by the [Office of Export and Secure Research Compliance](#) in accordance with government regulations. Virginia Tech policy and procedures for complying with U.S. export and sanctions laws in research and other university activities are set forth in the Virginia Tech Export and Sanctions Compliance Policy.

### **10.1.9 Securing Theses and Dissertations**

The [graduate school](#) may secure theses and dissertations for up to one year for purposes of obtaining a patent or for other proprietary reasons. To secure a thesis or dissertation, an electronic thesis/dissertation (ETD) [approval form](#) must be completed and signed by the thesis or dissertation author and by his or her advisor, with a request that the thesis or dissertation be secured. Securing involves the withholding of the thesis or dissertation from any publishing process.

### **10.1.10 Publication of Research**

Because of its importance to the faculty, department, and the university, assistance is offered faculty in publishing the results of creative scholarship and research. Department heads or chairs can help determine how best to complete and publish the results of research projects.

### **10.1.11 International Travel Supplemental Grants Program**

The supplemental grants program provides funds to support faculty travel to international conferences for presenting invited papers and for establishing international collaborations. Designed to promote professional development, to encourage the involvement of faculty in international activities, and to enhance the international reputation of the university, the program supports requests from tenured, tenure-track faculty and selected ranks of research faculty. The program is administered by the Office of the Vice President for Research. Requests are submitted no later than 30 days before the traveler's departure date. Additional information, application forms, and guidelines are available on the [Office of the Vice President for Research](#) website.

## **10.2 Policy on Misconduct in Research**

The university endorses high ethical standards in conducting research to ensure public trust in the integrity of research results. The university recognizes that deception in research erodes the credibility of an institution and the confidence of those who might benefit from the research. The university takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research and research training (and activities related to that research or research training), discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct.

### 10.2.1 Definition

Misconduct in research (or research misconduct) means fabrication, falsification, plagiarism in proposing, performing, or reviewing research; or in reporting research results. *Fabrication* is making up data or results and recording or reporting them. *Falsification* is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. *Plagiarism* is the appropriation of another person's ideas, processes, results, or words, including those of a student, colleague, or mentor, without giving appropriate credit.

Research misconduct does not include honest error, differences in opinion, or disputes over authorship except those involving plagiarism. It does not include issues relating to sexual harassment, personnel management, fiscal errors, or the reporting of poor effort. It also does not include abuse or improper procedures with laboratory animals or human subjects.

### 10.2.2 Activities Covered

[University Policy 13020: "Policy on Misconduct in Research"](#) applies to allegations of research misconduct (fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results) involving a person who was employed by, was an agent of, or was affiliated by contract or agreement with the university and was engaged in research under the auspices of the university at the time of the occurrence of the alleged research misconduct. In addition, any student engaged in sponsored research is covered by this policy.

Misconduct in non-research activities and other ethical violations are covered by separate policies. Ethical misconduct of faculty is covered in chapter two, "Professional Responsibilities and Conduct," which describes the principles of ethical behavior. Violations of ethical conduct by graduate students are guided by the constitution of the graduate honor system, which is available in the graduate policies and procedures section of the [Graduate Catalog](#). Violations of ethical conduct by undergraduate students are guided by the university's honor system, as outlined in the [Hokie Handbook](#). Standards of conduct and performance, as well as procedures for dealing with alleged violations of unacceptable conduct and grievance procedures for staff, are available on the Department of Human Resources [website](#).

### 10.2.3 Procedures for Reporting, Investigating, and Resolving Misconduct in Research

The university has established detailed procedures for reporting, investigating, and resolving misconduct in research. Those procedures are available in University Policy 13020, "Policy on Misconduct in Research." The research integrity officer is responsible for overseeing the procedural process. Any questions regarding the policy or procedures should be addressed to the [research integrity officer](#) in the Office of the Vice President for Research.

**Reporting:** Any instance of observed, suspected, or apparent research misconduct should be reported so that it may be thoroughly investigated and promptly resolved by the university.

**Cooperation:** Faculty will cooperate with the university and provide evidence relevant to reviewing and resolving research misconduct allegations.

**Confidentiality:** University procedures limit disclosure of identities, information regarding misconduct allegations, and proceedings to those with a need to know, consistent with a thorough, competent, objective, and fair research misconduct proceeding, and in accordance with applicable law.

**Protection of Persons Involved:** There will be no retaliation against persons involved in the process. Any potential or actual retaliation shall be immediately reported to an appropriate university official. University officials make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.

**Assessment:** Allegations of research misconduct are assessed to determine if they fall within the definition of research misconduct and if they are sufficiently credible and specific so that potential evidence of research misconduct may be identified. An inquiry must be conducted if these criteria are met. Allegations that do not proceed to inquiry, but which indicate that other university policies may have been violated, shall be reported to the appropriate university officials or units for further review and/or action.

**Inquiry:** Inquiry means the information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation. An inquiry committee evaluates the evidence, including the testimony obtained during the inquiry, to determine if an investigation is warranted.

**Investigation:** Investigation is the process of developing a factual record by exploring the allegations in detail and examining the evidence in depth. An investigation committee conducts this process and prepares a final investigation report, which includes recommended findings on whether research misconduct was committed, by whom, and to what extent.

**Final Decision:** The investigation report is provided to the provost for a final decision. The provost consults with the investigation committee regarding the committee's findings. The provost may return the report to the committee with a request for further fact-finding or analysis. The provost determines—in writing—the final disposition of the case, including the recommended institutional actions.

**Appeal:** A person found to have engaged in research misconduct may initiate an appeal of the provost's decision. An appeal shall be in writing to the president and shall specifically identify the subject matter of the appeal and provides basis or evidence to support the appeal. The president consults with the provost, the research integrity officer, the investigation committee, and others as necessary when reviewing the basis for appeal. The president provides a written decision on the appeal and the actions to be taken. The decision of the president is the final resolution of the appeal.

**Reporting:** The university provides notices and reports to sponsors of the research as required.

**Questions:** Any questions regarding the policy or procedures should be addressed to the [research integrity officer](#) in the Office of the Vice President for Research.

### **10.3 Removal of a Principal, Co-Principal, or Lead Investigator**

Funding agreements are legal contracts between the sponsor and the university rather than an individual, thereby obligating the university to ensure compliance with any and all applicable policies, regulations, or specific conditions attached to the funding. The removal of a principal, co-Principal, or lead investigator is governed by [University Policy 13025](#). Funding agencies and sponsors vary in their requirements; the terms of the specific contract with a sponsor guide the university's actions whenever this policy is invoked. This policy applies to investigators who hold identified responsibilities as principal, co-principal, or lead investigator (hereafter referred to collectively as the investigator).

Removal of an investigator from a sponsored project may be necessary or warranted under unusual circumstances such as incapacity (unable to carry out the responsibilities as an investigator), misuse of funds, failure to comply with university and sponsored programs' policies or state or federal regulations, failure to disclose or appropriately manage a significant conflict of interest, or in response to a request by the sponsor of the project.

Significant issues that are uncovered by the university or brought forward by the sponsor should be addressed with the investigator as soon as possible so that he or she has an opportunity to rectify the problem(s) if possible. The Office of the Vice President for Research must consult with the relevant department head or chair and dean (or other senior manager if the investigator is not in an academic college) in addressing the deficiencies prior to removal, evaluating the validity of the concerns, or determining other appropriate resolutions to the identified issues. Referral to and formal investigation by a university entity charged with such responsibility—such as internal audit in the case of alleged fraud or misuse of funds—follows standard university policies and procedures. Reassignment of responsibility for authorization of project expenditures may be necessary pending the outcome of the investigation.

Should circumstances warrant removal, the vice president for research informs the investigator in writing, including a statement of the justification and supporting evidence for the removal. If the sponsor initiates a request for removal, the vice president requests such a statement in writing from the sponsor. The investigator has at least 10 working days from receipt of the notification to respond. If this exchange does not result in a satisfactory resolution of the issue(s) and the removal becomes involuntary, the investigator may appeal within five working days to the provost.

Notification of the sponsor is in accordance with the terms of the specific sponsored contract and/or requirements of the funding agency whenever the university initiates temporary suspension or permanent removal of an investigator. Reassignment of project leadership, when necessary, occurs in consultation with the sponsoring program manager.

### **10.3.1 Appeal of Removal as a Principal, Co-Principal, or Lead Investigator**

Within 10 working days (or as expeditiously as possible), the provost appoints an appeals committee composed of three non-administrative faculty members chosen by the provost: one member chosen from the Faculty Senate [Faculty Review Committee](#), one member chosen from the [Committee on Faculty Ethics](#), and one member from the general faculty. The committee elects its chair.

The vice president for research presents the appeals committee with the rationale and evidence that led to the recommendation for removal. The investigator, if he or she so elects, has an opportunity to provide a statement to the panel. Documents are submitted in accordance with deadlines and guidelines set by the committee and made available to the other party. The appeals committee may choose to review submitted documents and/or hear from the parties.

The committee's responsibility is to determine if there is reasonable cause for removal, that the investigator has a fair opportunity to rebut the evidence as provided for in this policy, and that university policies and procedures are followed appropriately. The committee provides its recommendation in writing to the provost within 30 calendar days. The provost renders a decision on removal of the investigator within five working days after receiving the committee's recommendation. If the decision of the provost does not agree with the recommendation of the appeals committee, the investigator may appeal within five working days to the president of the university. The president's decision is final.

Time limits above may be extended by necessity and by mutual agreement of the parties. Given that this appeal process provides an opportunity for referral to a faculty panel and review by university executives, the same matter may not also be the subject of a grievance.

## **10.4 Effort Certification and Salary Charges to Sponsored Grants and Contracts**

### **10.4.1 Effort Certification**

The purpose of effort certification is to confirm that the salaries and wages charged to each sponsored agreement reflect a reasonable estimate of the work performed. University Policy 3105, "Effort Certification," describes the procedures for required effort certification in accordance with federal regulations. Individual investigators, departments, and other university administrators have specific responsibilities under the policy for certifying effort, monitoring compliance, and assuring that only allocable charges are made to grants and contracts. Federal audits have made clear that only effort directly related to a project can be charged to that project and salary expenditures on behalf of the project must occur during the effort reporting period. The university takes its obligations to comply with federal regulations very seriously; failure to comply may mean severe financial penalties and/or loss of opportunity for future grants from the federal sponsor. To be consistent and fair to all sponsors, the same kind of accountability applies to non-federal grants and contracts.

Effort certification is particularly complex for instructional faculty members who manage multiple responsibilities simultaneously, seamlessly moving from class to supervising graduate students, to conducting research and developing the next proposal in the same day or week.



Indeed, most instructional faculty members are engaged in teaching, administrative tasks, or other duties in addition to their work on sponsored projects, even during the summer. Yet only activities directly related to a sponsored grant or contract may be charged to that grant or contract; institutional activity must be supported by other, non-sponsored funding (or may be uncompensated during the summer).

If the faculty member (regardless of type of appointment) has responsibilities for competitive proposal writing or participation in well-defined, regular teaching or administrative duties (e.g., committee work, hiring, advising, tenure review), a 100 percent allocation of the salary to sponsored projects would be prohibited during the effort reporting period in which such activity occurred. Incidental, inconsequential non-project activity performed rarely may be considered *de minimis* and need not be part of full load for purposes of effort reporting.

Proposal writing for new competitive awards and competitive renewal awards may not be charged to sponsored projects, nor would such proposal writing be considered *de minimis* activity. Preparation of non-competitive, continuation award proposals (progress reports) may be charged to the applicable sponsored project.

Faculty members who receive summer salary from sponsored projects must certify to the effort expended on those projects during the summer period. Work done on the sponsored project *during the academic year* cannot be counted toward *summer* effort on the project.

Failure to follow the provisions of University Policy 3105, “Effort Certification,” may subject the individuals and departments responsible for the violation(s) to administrative and/or disciplinary actions in accordance with university disciplinary procedures. Sanctions for non-compliance may include, but are not limited to:

- If effort reports are not completed and returned in a timely manner, salary costs associated with uncertified grant activity may be removed and charged to a departmental account.
- Following appropriate notice, faculty members with delinquent or improperly completed effort reports may be placed on a suspension list by the [Office for Sponsored Programs](#) and denied eligibility for OSP services, including but not limited to proposal preparation, account set-up, and budget transfers, until effort reports are up to date and properly completed and certified.
- Certification of effort reports that are known to be materially inaccurate may expose the individual who completed the reports to personal disciplinary actions.

#### **10.4.2 Compliance Issues Related to Summer Research Appointments for Nine-Month Faculty Members**

Faculty members on academic year (nine-month) appointments are permitted to earn up to three months of additional salary for effort related to sponsored projects, subject to sponsor policies and appropriate internal approvals. Summer funding may be accomplished by research extended appointments or as summer wages.



[University Policy 6200, “Policy on Research Extended Appointments,”](#) outlines the requirements and procedures for faculty members to extend their nine-month appointments to 10-, 11-, or 12-month appointments depending on the availability of sponsored funding for additional months of salary and full fringe benefits. Although the sponsored funding supports the extended employment contract, salary must be charged to reflect a reasonable estimate of effort throughout the entire appointment period, not just the summer. Given the continuation of some typical university responsibilities during the summer, such as meeting with graduate students, attending professional conferences, or preparing future grant proposals or coursework, faculty members should have a mixture of sponsored and institutional funding to support their summer activities. This can be accomplished by making appropriate charges to the project during the academic year, and deferring some institutional funding to the summer period. Faculty members on research extended appointments earn annual leave proportional to the length of their appointment, and they must record the use of annual leave whenever used during the appointment period (all 10, 11, or 12 months). There is no payout for accrued annual leave at the time of reconversion to the base academic year appointment or at the time of separation from the university.

Instead of research extended appointments, academic-year faculty members may receive support from sponsored grants and contracts as summer research wage payments, without full fringe benefits. This would typically be the case for faculty members with one or two months of “summer salary” included in the funded grant project. For those with three full months of funding, project effort during the academic year may be charged to the grant (with attendant changes in the fringe benefit rate), thereby allowing departmental salary savings to support non-project related responsibilities during the summer. Faculty members certify their effort across the entire summer period, and some flexibility is allowed as long as the overall effort and salary charges during the period are consistent.

#### **10.4.3 Compliance Issues for Research Faculty Members**

As described above, a research faculty member with regular, well-defined responsibilities for new proposal preparation, teaching, or administrative duties is prohibited from charging 100 percent of salary to sponsored projects during an effort reporting period in which such activity occurred, unless those activities are specifically allowed on the sponsored project.

Research faculty members are typically on standard 12-month appointments, which earn and accrue annual leave by University Policy. Use of annual leave is recognized as an acceptable charge to a sponsored project when such leave is part of the standard university appointment.

#### **10.5 Policy on Intellectual Property**

University Policy 13000, [“Policy on Intellectual Property,”](#) outlines intellectual property (IP) ownership criteria, resolution of ownership questions, and responsibilities of university employees concerning intellectual properties.

Publicly (state) supported universities have the multiple missions of teaching, research, support of the public interest and fostering of economic development of the area/state in which they are

located. Scholarly activities in a university setting create Intellectual Properties (IPs). IPs include research papers, books, software programs, new inventions, journal articles, etc.

The university's mission includes dissemination of IPs in the most efficient and effective manner possible. The identification and optimization of opportunities for the industrial/commercial utilization of some IPs is also part of this mission, as is the protection of the ownership rights of both the individuals and the university.

While many IPs are best disseminated by publication and placing in the public domain, there are a significant number that are most effectively handled by protection under the IP laws (i.e., patenting and copyright) and licensing (or other transfer) to private sector entities, with attendant financial considerations.

This Policy is designed to establish the rationale and the mechanisms to:

- A. Establish ownership criteria and resolve ownership questions if such arise.
- B. Define the responsibilities, rights and privileges of those involved.
- C. Develop basic guidelines for the administration of the IP Policy.

#### **10.5.1 Authority and Responsibility of the Intellectual Properties Committee**

The Intellectual Property Committee membership shall be as stated in the By-Laws of University Council. The IPC shall have the following authority and responsibility with respect to Intellectual Property:

- A. To develop and recommend University Policy and policy changes dealing with IP to the Commission on Research.
- B. To review all disputed invention disclosures submitted by Virginia Tech faculty, staff and/or students for:
  - 1. Complete and appropriate disclosure of individuals involved in the invention and/or creation of the IP.
  - 2. Confirm the determination of IP ownership by university, originating individuals, research sponsors and/or governmental agencies.
  - 3. Examination and recommendation to the Provost for disposition of (1) and/or (2) above in those cases where a dispute remains.
  - 4. Coordination of evaluation and recommendation to Virginia Tech Intellectual Properties, Inc. (VTIP) of technical merit, economic potential and protection/marketing priority as needed.
- C. To make recommendations to the Senior Vice President and Provost (Provost) for the sharing of royalties between the university and the authors or inventor(s) of the IPs owned by the university.
- D. To promulgate such guidelines and procedures as may be necessary for the implementation of this Policy.

Much of the work of the IPC as defined above will be addressed through the usual business of the full committee. However, it may be prudent in the review of certain disputed invention disclosures to have a subgroup of the entire IPC to more fully consider all necessary aspects of the dispute. This shall be the role of the Ownership Review Group, which will be composed of

three at-large members of the IPC (selected by the IPC Chair) and be chaired by the IPC Chair. This group shall meet as needed with the following agenda:

- A. Review all disclosures submitted that have ownership in dispute.
- B. Confirm university ownership as necessary for those disclosures in which originator(s) have indicated Virginia Tech ownership.
- C. Review disputes involving sponsor ownership/rights.
- D. Review, discuss and reach preliminary conclusions on ownership disputes and forward recommendations to the full IPC.

## **10.5.2 Policy Guidelines**

This section outlines the criteria to be used by the IPC and its working groups in their deliberations, findings and recommendations. To the extent that individual questions are not specifically addressed, these guidelines will, at the least, give a general indication of intent and philosophy and allow proper interpretation.

### A. Ownership of IP

For purposes of this policy creations are divided into two groups:

1. The traditional results of academic scholarship, i.e. textbooks, literary works, artistic creations and artifacts.
2. The novel results of research such as products, processes, machines, software, biological technology, etc.

Intellectual properties in the first (traditional) group are considered to make their full contribution to the university's benefit by their creation and by continued use by the university in teaching, further development, and enhancement of the university's academic stature; the presumption of ownership is to the author(s). Thus, unless there is explicit evidence that the work was specifically commissioned by the university, the IP rights remain with the author(s) and the university rights are limited to free (no cost) use in teaching, research, extension, etc. in perpetuity.

In the second group, as a condition of employment or other involvement in research and/or related activities using university resources, the ownership is to the university (with the originator having a right to share in the benefits derived therefrom in accord with university sharing guidelines). Thus unless there is convincing and explicit evidence that the IP was developed without the use of university resources and/or facilities (which may include but is not limited to any of the following: use of equipment, lab or office space, university time of originator and/or personnel under his/her control, funds supplied by the university and/or funds originating from sponsored research projects and/or donations to university/affiliated companies, etc.), ownership of the IP rests with the university and the originator(s) do hereby assign ownership, right, title, and interest in any IP, discovery, or invention to the university.

Within the above general guidelines, the following situations are more specifically defined:

1. **Sponsor Rights:** In the case in which an IP is generated as a result of research funded by a private sector company under a sponsored research project, the IP rights of the sponsor as defined in the applicable clauses ("Patents & Copyrights," "Intellectual Properties," "Inventions," etc.) of the Sponsored Research Agreement (as approved by the Vice President for Research or their designee and signed by an authorized officer of the university) shall take precedence over the rights of the university/inventor(s). Any residual rights not accruing to the sponsor shall be as defined in the general guidelines above.
2. **Federal Agency Rights:** Research projects sponsored by an agency of the federal government have statutory IP rights that are limited (in almost all cases) to a non-exclusive non-transferrable royalty-free license to any patent generated by the research, provided the inventor(s)/university advise the agency in a timely manner of their intent to retain their rights and provide for legal protection (i.e. patenting). It is the responsibility of the researcher to advise the agency of the creation of the IP and (with the assistance of the university IP manager, VTIP) advise of the protection steps being undertaken. The residual rights not belonging to the sponsoring agency shall be as defined in the general guidelines above.
3. In the event the following condition(s) apply, students, visiting scholars, and volunteers do hereby assign any IP rights to the University when:
  - a) working on a research project funded by Virginia Tech or an entity outside of Virginia Tech sponsoring the research through Virginia Tech from which the IP was created; or,
  - b) employed or receiving payment from Virginia Tech related to a project from which the IP was created; or,
  - c) university resources not typically available to the public are used in the creation of the IP.
4. **Joint Inventorship:** For IPs generated by a team of inventors in which one or more are not members of the faculty/staff/supported students, each inventor is usually entitled (by law) to shared ownership of the entire right. The university's claim to the shares of university-associated inventors will be as outlined in these guidelines. Ownership of outside inventors will vest in them or their assignees.
5. **Special Situations:** In the event that an IP ownership situation arises which is not addressed in either the general or specific guidelines outlined above, the IPC shall make a recommendation based on the spirit of the guidelines. A record of the rationale used to arrive at their recommendation shall be kept and used as a precedent for the handling of future special situations if applicable.
6. **Commissioned Works:** There are times when the university will choose to enter into a contractual arrangement to commission a specific work or undertaking. The university, as the commissioning party, may be expected to maintain certain

rights of third parties. These rights are negotiable on a case by case basis, but generally the university expects, at a minimum:

- a) Exclusive right to give premiere performances of the commissioned work; and,
- b) Exclusive performance rights for a limited period of time; and,
- c) Exclusive right to give premieres in other venues; and,
- d) Right to make the first commercial recording of the work; and,
- e) The right to be credited as the commissioner of the work in published editions, recordings, and programs for all future performances; and,
- f) The nonexclusive right to use the commissioned work, without cost, in teaching, research, outreach, etc., in perpetuity.

### B. Obligation to Disclose

While it is recognized that faculty and staff mission and expertise is concentrated and directed in areas other than commercial utilization, originators of new technology shall submit a disclosure when any IP is developed. Timely (i.e., before publication or other enabling non-confidential disclosure) submission of a disclosure to VTIP may also be critical to the value of the IP.

To the extent (and as soon as) the researcher/inventor/creator obtains research results that may be considered an IP and recognizes that they may have potential for commercial utilization there exists an obligation to bring these results to the attention of VTIP in the form of a disclosure.

If, in the absence of a timely disclosure, commercial utilization of a technology takes place with the direct or indirect involvement of the originator(s) but without involvement by the university it will be deemed that the originator(s) have not fulfilled their obligation to disclose and the university may:

1. Take whatever legal and/or business action is necessary to protect its rights and rightful share of financial benefits and ownership.
2. Deny to originator(s) any share of revenues which would otherwise accrue to them under this policy.

### C. Revenue Sharing

Revenues generated by the successful commercialization of IPs owned by the university (whether or not protected by patent and/or copyright) shall be shared equally between the university and the originator(s) of the IP, subject to the conditions and exceptions outlined below.

1. Revenues subject to sharing include royalties, licensing fees, incentives, etc. received by the assignee licensor organization, less the costs/expenses described below. Specifically excepted from sharing are payments received and designated for specific

purposes such as sponsored or unrestricted research grants, services to the university, research equipment and/or materials, consulting fees to researchers, etc. These payments will go directly to the designated entity and purpose.

2. Also excepted from sharing are revenues resulting from:
  - a) Tasks and/or activities specifically and explicitly assigned to employees by an administrative unit of the university, or
  - b) Activities and/or tasks clearly defined in the written, university approved, policy of an administrative unit of the university.Such revenues, flowing through the university assignee organization, will accrue to the originating administrative unit of the university net of development costs.
3. Expenses to be subtracted from gross revenue before sharing shall be limited to documented direct and indirect costs for protection (patenting), marketing and development of the IP. Specifically excluded are costs incurred in the generation of the IP (i.e. research costs). Development costs shall include (but not be limited to) payments made to (or retained by) non-affiliated organizations (e.g. Research Corp. Technologies, CIT, etc.) involved in the process of commercializing the IPs owned by the university.
4. Non-cash compensation for rights to an IP may be accepted but only with the informed consent of the originator(s) of the IP. The share of net revenue not paid to the originator(s) (50 percent) shall be applied as follows:
  - a) A portion equivalent to at least 10 percent of total net revenue may be distributed to the originator(s)' primary unit(s) (e.g. departments, centers, etc.).
  - b) The remainder to the university assignee organization (VTIP).

#### D. Management Responsibility

Virginia Tech Intellectual Properties, Inc. (VTIP), a non-profit corporation affiliated with the university, has been established and charged with the mission of protecting and utilizing IPs for the benefit of the university.

All IPs assigned to the university shall flow to VTIP by assignment for operational management. The IPC should make appropriate inputs and recommendations as to disposition and priority of individual IPs. Originator(s)' inputs/suggestions to VTIP are also appreciated.

#### E. Right Of Appeal

The originator(s) of an IP covered by this Policy shall have the right to appeal application of the policy to the IPC.

The IPC will formulate recommendations relative to each such appeal, and will forward both the appeal and its recommendations to the Office of the Senior Vice President and

Provost in a timely manner. The Provost will determine the university's response to each appeal, and will so notify the originator(s) and the IPC.

If the originator(s) disagree with the IPC recommendation regarding ownership, a written appeal to the Provost must be filed within (30) thirty days of receipt of notification of the IPC recommendation. This appeal should contain an exposition of the facts as seen by the originator(s), any information they deem pertinent to the case, as well as any applicable citations of policy guidelines. A copy of the appeal document should be sent to the IPC via its Chair.

Upon receipt of the appeal, the Provost may elect to consult with any and all concerned prior to reaching a decision in the case.

In the event that any member of the university (faculty, staff or student) perceives and/or becomes aware of any irregularity in the inventorship/authorship of an IP disclosed (or about to be disclosed) to VTIP or the IPC he/she should bring it to the attention of the other inventors/authors involved and/or the Department Chair(s) (or the director or unit leader in situations outside the traditional academic departments) concerned in an attempt to resolve the conflict equitably and amicably. Failing such resolution, the facts of the cases should be submitted in writing within (30) thirty days to the Vice President for Research (with copy to the Chair of the IPC) with a request for review by the Ownership Review Group of the IPC.

Upon receipt of such a request, the Ownership Review Group shall review the facts of the case, convene a hearing for all concerned parties, reach a conclusion and present a synopsis of the case and a recommendation to the full IPC who will, in turn, make a recommendation to the Provost.

## CHAPTER ELEVEN

### 11.0 Faculty Benefits Program

This section provides an overview of benefits that are available to faculty members. The Human Resources Service Center, housed with the university's Department of Human Resources should be contacted to obtain detailed information pertaining to the benefits programs or to make changes to one's current benefits.

Faculty benefits are either required benefits that are mandated by federal, state, or university regulations or they are optional benefits that are available to be used at the discretion of faculty members.

#### 11.1 Required Benefits

##### 11.1.1 Group Life Insurance

Participation in the group life insurance program is required of all full-time and part-time salaried faculty. The university pays the monthly premium for the group life insurance.

Coverage is effective on the first day of employment. The amount of the insurance is determined using the annual salary rounded up to the nearest thousand dollars; then doubled. Thus, if the salary is \$49,400, the amount of insurance is \$100,000. In cases of accidental death, the insurance is four times the annual salary. In the example above, the insurance payout would be \$200,000.

A faculty member who leaves the university may convert the term insurance policy to a private policy if the request is made within 31 days after termination. Eligibility to make this conversion will depend upon individual circumstances. Please contact the Human Resources Service Center for detailed information. Faculty who retire from the university either on disability or after age 50 with at least 10 years of state service will have continued life insurance coverage.

The life insurance program is administered through the Virginia Retirement System and is underwritten by Minnesota Life.

##### 11.1.2 Long-Term Disability Insurance

Long-term disability insurance provides coverage for 60 percent of salary after a six-month waiting period if the employee is deemed disabled. These benefits will be offset by Social Security, federal retirement (if applicable), and Virginia Retirement System benefits. The maximum monthly benefit is \$15,000; and the minimum monthly benefit is \$100. In addition to paying a monthly benefit, a contribution of 10.4 percent (8.5 percent for faculty members hired on or after July 1, 2010) of base salary is paid into the Optional Retirement Plan for those faculty members receiving disability benefits. The Standard Life Insurance Company underwrites the program. This benefit is not optional, and the faculty member pays the monthly premium, which is .26 percent of the employee's salary.



### **11.1.3 Faculty Retirement**

All eligible faculty are required to participate in either the Virginia Retirement System (VRS) plan or a defined-contribution [Optional Retirement Plan](#) (ORP), which offers a choice of retirement programs. Faculty have 60 days from the date of appointment to choose either the VRS Hybrid Retirement plan or the ORP. If no choice is made, the retirement default is the VRS Hybrid retirement plan. The Department of Human Resources will assist faculty members who have prior Virginia state service with determining which plan is applicable.

Part-time salaried faculty members working half time or more for at least six months on a calendar year appointment or one semester if on an academic year appointment are eligible to participate in either the university's defined contribution ORP or the Virginia Retirement System to the extent permitted by VRS.

#### **11.1.3.1 The Virginia Retirement System Hybrid Retirement Plan**

The [VRS Hybrid Retirement Plan](#) is a qualified plan under IRS code section 401(a) and contains both a defined benefit portion and a defined contribution portion. Both the employee and the employer make contributions to fund the defined benefit portion of the Hybrid Retirement Plan. The employee contributes 4 percent of their creditable compensation. The employer contribution is actuarially determined. The employee is required to contribute 1 percent to the defined contribution portion of the Hybrid Retirement Plan. The employee also has the option to voluntarily contribute up to an additional 4 percent in .5 percent increments. The employee's voluntary contributions will be made to the state deferred compensation plan which is qualified under IRS code 457(b). The employer must match the first 1 percent of voluntary contribution with a corresponding contribution of 1 percent of the employee's creditable compensation. Each of the employee's additional .5 percent increases will be matched by the employer with a .25 percent contribution. Employees can increase or decrease their contributions on a quarterly basis. Defined Benefit vesting is the minimum length of service members need to qualify for a future retirement benefit. Vesting occurs when a member has at least 60 months of service credit. If vested, members are eligible to receive all member contributions upon retirement or leaving employment. If members are not vested, employer-paid contributions are forfeited upon retirement or leaving employment.

Defined Contribution vesting is the minimum length of service members need to be eligible to withdraw contributions. Vesting is based upon the length of participation in the plan. Upon retirement or leaving employment, members are eligible to withdraw a percentage of employer contributions based upon the following schedule:

- After 2 years, members are 50 percent vested and may withdraw 50 percent of the employer defined contribution plan contributions.
- After 3 years, members are 75 percent vested and may withdraw 75 percent of the employer defined contribution plan contributions.
- After 4 or more years, members are 100 percent vested and may withdraw 100 percent of employer defined contribution plan contributions.

### **11.1.3.2 Optional Retirement Plan**

Within 60 days of the date of appointment, eligible faculty may select the [Optional Retirement Plan](#) (ORP) in lieu of the defined benefit Virginia Retirement System or the Hybrid Plan. ORP contribution rates are as follows:

- For faculty members hired before July 1, 2010, the university contributes 10.4 percent of base salary to the 401(a) ORP account.
- For faculty members hired on or after July 1, 2010, the university contributes 8.5 percent of base salary and the employee contributes 5 percent of their base salary to the ORP.

The employee contribution is waived if the employee was previously enrolled in VRS or a Commonwealth of Virginia Optional Retirement Plan and still has an active account. Benefits at retirement are based on contributions, net earnings, and age. The faculty member can choose among a number of investment options. The ORPs are qualified under IRS code section 401(a) and vesting is immediate. Investment risks are borne by the employee with risks varying based on types of funds selected.

### **11.1.3.3 Virginia Retirement System Retirement Plans – [Plans 1 and 2](#)**

The Virginia Retirement System (VRS) plan is qualified under IRS code section 401(a). Vesting as it relates to using VRS as a pension plan occurs after five years of credited service. All employees enrolled in VRS are required to pay 5 percent of their salary into the VRS. These funds may be withdrawn or rolled into other accounts at the time of termination in lieu of leaving them with the state retirement system. If vested, the employee can draw a retirement income at a later date. Investment risks are borne by the employer. The retirement income benefits are based on the following formula that utilizes:

#### [For Plan 1](#)

- Hired or rehired before July 1, 2010 and vested as of January 1, 2013
- the highest consecutive 36 months of salary; or

#### [For Plan 2](#)

- Hired or rehired on or after July 1, 2010 and were not vested as of January 1, 2013
- 60 months of the highest consecutive salary, and;

#### [For both Plan 1 and Plan 2](#)

- Years of state service, and age at retirement. There is post-retirement cost-of-living allowance tied to the Consumer Price Index-Urban not to exceed 5 percent per year under current law. For more information, contact [www.varetire.org](http://www.varetire.org).

### **11.1.4 Short-Term Disability Income Protection**

Regular faculty are provided with 1040 hours of sick leave at the time of hire. This equates to six months of income protection, i.e., short-term disability coverage. After short-term disability, is exhausted, the faculty long-term disability program outlined above (see 11.1.2) takes effect and provides disability income to age 65 or for five years if over age 60 at the onset of disability.

This benefit is not available to faculty in restricted positions. Faculty in restricted positions accrue five hours of sick leave per pay period. Beginning July 1, 2012 all of Virginia Tech's restricted faculty members who are not enrolled in the Virginia Sickness and Disability Program (VSDP) will be covered under a short term disability plan administered by the Standard Insurance Company.

Restricted faculty who accrue sick leave each pay period will automatically be enrolled in the Standard Insurance short term disability plan. These employees will continue to accrue sick leave and will not be required to pay any additional premium for the coverage.

The Standard Insurance Short Term Disability plan allows employees who are on approved short term disability leave to collect up to 60 percent of their regular salary for up to six months, after the initial seven day waiting period. Employees who are still considered disabled after six months will transition into the Faculty Long Term Disability plan.

Alternatively, faculty members on restricted appointments who enroll in the Virginia Retirement System may consider the Virginia Sickness and Disability Plan (VSDP), which provides short-term disability for six months and long-term disability to age 65 or later depending on age at the time of disability. There is a one-year waiting period from the date of appointment under VSDP for the short- and long-term disability benefits.

## **11.2 Optional Programs**

There are several insurance plans and benefits programs available for faculty members. Some have a portion of the premiums paid by the university; others are the employee's responsibility.

### **11.2.1 Long-Term Care**

An optional long-term care plan is available through Genworth. Individuals may also apply for long-term coverage for spouse, parents, and parents-in-law. There is a guarantee issue for new hires who apply within sixty days of appointment.

### **11.2.2 Accidental Death and Dismemberment Insurance**

[Accidental death and dismemberment insurance](#) is an optional program available to faculty and staff members on at least half-time appointment. The policy is with Zurich.

Accidental death and dismemberment insurance is available in multiples of \$5,000, in a range of benefits from \$10,000 to \$250,000. The premium is paid entirely by the employee. Coverage is effective the first day of the month following the month in which the application is received by the Department of Human Resources. An employee may enroll at any time in this program.

This coverage has full 24-hour, 365-days-a-year protection against accidents occurring in the course of business or pleasure. The insurance includes accidents whether on or off the job, occurring in or away from the home, or traveling by public and private transportation. The benefits provided under this plan are payable in addition to other insurance that may be in effect at the time of accident. There are no geographical limits on this coverage. This policy also provides Travel Assist coverage at no additional cost.

### **11.2.3 Health Insurance**

Health insurance is an optional program available to all full-time and eligible part-time faculty and staff members. Coverage is offered for the member's spouse and for eligible dependents through the end of the calendar year that they reach age 26. Employees may participate in the state employees' health insurance plans by contacting the Human Resources Service Center.

For employees who work at least .75 percent time the employer pays a major portion of the employee's health care premium. Employee plus one and family coverage is also available under this plan. For part-time employees whose FTE is between .50 and .74 the employer contribution varies.

Newly eligible employees (newly hired or rehired) have up to 30 calendar day to enroll in a health plan and/or flexible spending accounts (FSA) offered by the state. The 30 day countdown period begins on the first day of employment and ends after 30 days later. If the enrollment action is received within the 30 calendar day time frame, coverage will be effective the first of the month coinciding with or following the date of employment. For employees whose employment starts on the first day of the month, and who have completed an application within 30 calendar days, the coverage will begin on their date of hire.

Status changes to an eligible position have up to 60 calendar days to enroll in a health plan offered by the state. The 60-day countdown period begins on the date of the status change and ends 60 days later. Coverage will be effective the first of the month following receipt of the request or following the event, whichever is later. When the later date is the first of the month, changes are effective that day.

Enrollment or enrollment changes cannot be made outside of the open enrollment period unless there is a qualifying mid-year event such as marriage, divorce, adding or dropping dependents, which must be made within 60 calendar days of the event.

Open enrollment is usually held during the month of May each year for employees desiring to enroll or to make changes in their health care program. Any enrollment or changes made during open enrollment are effective on July 1.

### **11.2.4 Health Flexible Spending Account**

Salaried faculty who work at least 20 hours per week (.50 FTE) are eligible to enroll in the commonwealth's health flexible spending account (FSA), which allows them to pay certain medical care expenses (eligible out-of-pocket medical, dental, and vision care expenses not covered by their selected health benefits plan) with pre-tax dollars, thereby reducing taxes and increasing available income. The minimum that may be set aside is \$10 per pay period; the maximum is \$2,500 per year. A monthly pre-tax administrative fee does apply.

Faculty have 30 days from their date of hire/appointment to enroll in the health FSA. Each year during open enrollment in the spring, faculty may renew FSA accounts or elect to enroll for the first time. Changes made during open enrollment are effective the following July 1. A mid-year

qualifying event (resulting from marriage, divorce, birth, or adoption) may be made outside the open enrollment period if the request for change is made within 60 days of the qualifying event. Contact the Human Resources Service Center about specific qualifying events for family status change.

### **11.2.5 Dependent Care Flexible Spending Account**

Salaried faculty who work at least 20 hours per week (.50 FTE) are eligible to enroll in the commonwealth's dependent care flexible spending account (FSA). The dependent care FSA allows them to pay expenses with pre-tax dollars (thereby reducing taxes/increasing available income) for the care of a child, disabled spouse, elderly parent, or other dependents who are physically or mentally incapable of self-care so that the faculty member (and spouse) can work or actively seek work. The minimum that may be set aside is \$10 per pay period; the maximum is \$5,000 per year. A monthly pre-tax administrative fee does apply.

Faculty employees have 30 days from their date of hire/appointment to enroll in the dependent care (FSA). Each year during open enrollment in the spring, faculty must renew dependent care FSA to continue deductions or enroll for the first time. Changes made during open enrollment are effective the following July 1. A mid-year qualifying event (resulting from marriage, divorce, birth, or adoption) may be made outside the open enrollment period if the request for change is made within 60 days of the qualifying event. Contact the Human Resources Service Center about specific qualifying events for family status change.

### **11.2.6 Employee Assistance Program**

The [Employee Assistance Program](#) (EAP) is a counseling and referral service available to faculty and staff to help deal with the range of problems that might have an impact on their work lives as well as personal lives. The EAP provides confidential short-term intervention, assessment, and referral services. Employees may self-refer to the EAP, or a supervisor or manager may make a referral as either an informal recommendation or as a mandatory requirement.

With appropriate approvals by senior administrators, an employee may be referred for a mandatory fitness-for-duty examination in cases where the employee poses a hazard or risk to self or others, or if a determination of the employee's medical or psychological fitness to perform his/her essential job functions is needed. Protections for employees to assure the privacy of their personal health information and to prevent abuse of mandated referrals by supervisors are included in university [policy 4345, "Employee Assistance Program."](#)

### **11.2.7 Tax-Deferred Investments/Deferred Compensation/Cash Match**

[These programs](#) offer opportunities for employees to invest a portion of their salaries and/or wages and delay tax liabilities until a later date. Full-time or part-time salaried faculty and staff may be eligible for the employer-paid cash match program. Please contact the Human Resources Service Center for detailed information.

Informational packets are available in Human Resources. These packets contain a brief description of the tax sheltered annuity or deferred compensation plans, and the agent's name and address. Information is also available on the 401(a) cash match plan.

### **11.2.8 Credit Unions**

Employees may use the services of two credit unions. Payroll deductions may be made for the Freedom First Credit Union. Its main office is located at 1204 South Main Street, Blacksburg, with ATMs and/or branch services available in several Blacksburg campus locations.

Any full time and part-time faculty member employed by the Commonwealth of Virginia is eligible for membership in the Virginia Credit Union, Inc., P.O. Box 90010, Richmond, VA 23225-9010, (800)-285-6609. Payroll deductions are not available for the Virginia Credit Union. Employees desiring information or membership in either credit union should contact the credit union directly.

### **11.2.9 Charitable Deductions**

Payroll deduction may be made for participation in the [Commonwealth of Virginia Campaign](#) (CVC), which provides contributions to many national, state, and local social and health charitable organizations, including several local United Way organizations.

### **11.2.10 Optional Life Insurance**

Optional Life insurance for the faculty member, the spouse, and children is available through the Optional Life Insurance Program. If you apply for Option Life within 31 days from the date of employment, you may receive all options, up to a maximum death benefit of \$375,000, without providing evidence of good health. Coverage may be applied for outside of the 31 days, but evidence of insurability will be required. The coverage is provided by Minnesota Life Insurance.

### **11.2.11 Legal Resources**

Legal Resources provides comprehensive legal services and representation for the employee, spouse and dependent children paid at 100% for the most often-needed legal services. Other services are offered at a 25% discount.

## **11.3 Special Programs**

There are two special insurance protection programs covering university faculty and staff. All employees are covered against job-related illness/injury by the Commonwealth of Virginia [Worker's Compensation](#). Employees who lose their job through no fault of their own are covered by unemployment insurance through the Virginia Employment Commission.

### **11.3.1 Unemployment Insurance**

All employees of the university are covered by unemployment insurance. If for some reason employees become unemployed by no fault of their own, they may qualify for this insurance. If

employees lose their jobs, they should contact the [Virginia Employment Commission](#) immediately to file an unemployment claim.

### **11.3.2 Severance Benefits**

The university provides severance benefits for eligible faculty who are involuntarily separated due to budget reduction, agency reorganizations, or workforce downsizings for reasons unrelated to performance or conduct. Faculty hired on restricted appointments funded from sponsored contracts or grants, or term appointments with a specified ending date, regardless of funding source, are not eligible to receive severance benefits. Non-reappointments and voluntary resignations for any reason are not deemed “involuntary separation” for purposes of the severance policy.

### **11.3.3 Workers’ Compensation**

All employers are required to provide protection to their employees for job-related injuries/illnesses. The aim of the program is to ensure that all university faculty and staff members injured in the course of their employment and arising out of their employment with the university are offered fixed, certain, and speedy relief. The [Commonwealth of Virginia Workers’ Compensation](#) services are provided by MC Innovations, LLC.

#### **11.3.3.1 Reporting Work-Related Injuries**

An injured employee is required to immediately report an accident or illness to his or her direct supervisor. Upon the employee’s notification of injury to the departmental supervisor, the department is required to offer the employee a worker’s compensation panel physician selection form. The employee must select a physician for treatment by completing the panel physician selection form. The department submits the signed form to the benefits office in the Department of Human Resources.

Employees in a life-threatening emergency situation must seek medical treatment from the nearest medical service provider by the quickest means possible. In a non-life threatening emergency situation, employees may seek treatment from the nearest emergency medical service provider. After the emergency situation has ended, the employee must report the injury. The employee will be provided with a panel of physicians. All follow-up treatment must be provided by a [worker’s compensation panel physician](#).

Once an employee reports a job-related injury, the supervisor must immediately file the employer’s accident report. The employer’s accident report must be filed within 24 hours of the date/time of the injury. A claims adjuster from MC Innovations, LLC, the university’s worker’s compensation carrier, will be assigned to handle the claim.



## CHAPTER TWELVE



Be Hokie Ready is a program designed to promote basic skills in emergency preparedness, response, and recovery. Use this guide to help you become better prepared to provide guidance for your students. If you have any questions about preparedness, contact the Virginia Tech Office of Emergency Management. 540-231-2438 | oem@vt.edu | www.emergency.vt.edu



### WHAT IS THE ROLE OF AN INSTRUCTOR DURING AN EMERGENCY?

Students, even in the university environment, look to the person at the front of the class for leadership, anticipating that the instructor will know what to do if an emergency occurs.

- » Clearly cover basic emergency preparedness techniques during the first week – 10 minutes of pre-planning can save lives. Contact the Office of Emergency Management at 540-231-2438 or oem@vt.edu if you need assistance. Visit [www.emergency.vt.edu](http://www.emergency.vt.edu) for additional resources.
- » Remind students to update their emergency contact information on Hokie SPA and to sign-up for VT Alerts at [www.alerts.vt.edu](http://www.alerts.vt.edu).
- » Know how to report any emergency from your classroom or lab.
- » Individuals with disabilities – who self-identify – should be able to provide information on special assistance needs if an emergency occurs. They may need help leaving the building during an evacuation.
- » Provide leadership if an emergency occurs; lead by example and follow emergency procedures.



### HOW DO I REPORT AN EMERGENCY?

Dial 911 from your cell phone or campus phone when you need Police, Fire, or Emergency Medical Services. Remain calm – your actions influence others.

- » Tell the dispatcher you are at Virginia Tech and give the exact address or building.
- » Give your full name and the telephone number from which you are calling, in case you are disconnected.
- » Describe the nature of the emergency (describe clearly and accurately).
- » Remain calm and do not hang up as additional information may be needed. If possible, have someone meet emergency personnel outside of the building.



### WHAT SHOULD I CARRY WITH ME TO CLASS?

In addition to your daily class materials, you should also include:

- » A charged cell phone. Make sure you have signed up for VT Alerts in advance.
- » A list of important telephone numbers (i.e. department leadership, lab supervisors if applicable, etc.).



### WHAT IF THERE IS A MEDICAL EMERGENCY DURING CLASS TIME?

Provide plenty of space for the victim and emergency personnel.

- » Call 911. Try to have someone escort emergency medical personnel to the scene.
- » Unless they are in immediate danger, do not move any victims until emergency personnel arrive.
- » If properly trained, give appropriate first aid and/or CPR until emergency personnel arrive.





### HOW DO I SECURE-IN-PLACE?

When it is necessary to secure-in-place, you will be the safest by placing a locked door or other barricade between you and the associated violence or danger.

- » **REMAIN CALM!**
- » If you are outside during a secure-in-place emergency you should seek cover in the nearest unlocked building.
- » If the buildings in the immediate area have exterior doors that have been locked, continue to move away from the danger, seek cover, move to another building, or leave campus if it is safe to do so.
- » Once inside, find an interior room and lock or barricade the doors.
- » To minimize vulnerability, turn off lights, silence phones, draw blinds, and move away from windows.
- » Await further instruction from VT Alerts and emergency personnel.
- » **DO NOT** leave until an “All Clear” is received.

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### WHAT IF SOMEONE WANTS TO ENTER A SECURE AREA?

If there is any doubt about the safety of the individuals inside the room or building, the area needs to remain secure. Allowing someone to enter a secure location may endanger you and others.

#### **USE GOOD JUDGMENT.**

If there are individuals outside the secured door who wish to get in, several factors should be considered to determine if it is safe:

- » Can you see the area outside the door to determine that someone is not lying in wait? Is it a trap?
- » If a physical description of the subject was given in the secure-in-place alert, consider similarities such as age, race, clothing description, height, weight, sex, and hair and eye color.

If the decision is made to let a person in, consider the following:

- » Have the person leave anything he or she is carrying (a backpack, laptop case, package, etc.) on the ground, outside of the secure area.
- » Have the subject lift up his or her shirt, coat, and/or jacket until the waistline is visible and rotate 360 degrees to see if he or she is concealing a weapon.

**Remember, always use common sense. There are exceptions to all guidance and prescribed directions.**



### HOW DO I SHELTER-IN-PLACE?

Shelter-in-place events are usually weather related emergencies. When it is necessary to shelter-in-place, you will be safest by moving inside to a building space that protects you from the danger. **DO NOT** lock doors behind you as others may also need to shelter-in-place.

- » **REMAIN CALM!**
- » Immediately seek shelter inside the closest sturdy building. **DO NOT** wait until you physically see a tornado or severe weather event to react.
- » Resist the temptation to go outside and check the weather conditions yourself.
- » Once inside, stay away from windows, glass, and unsecured objects that may fall.
- » Seek shelter in interior rooms and corridors.
- » Avoid large free standing expanses such as auditoriums and gymnasiums.
- » **DO NOT** use elevators.
- » Await further instruction from VT Alerts and emergency personnel.
- » **DO NOT** leave until an “All Clear” is received.

During a tornado, seek shelter on the lowest level possible. If warranted, consider crouching near the floor and seeking additional shelter under a sturdy desk or table, or cover your head with your hands.

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### WEATHER DEFINITIONS

- » **Watch:** Conditions are favorable for the development of severe weather. Closely monitor the situation in case conditions worsen.
- » **Warning:** Severe weather has been observed. Listen closely to instructions provided by weather radios, emergency officials, and other alert mechanisms. Seek shelter immediately.



### HOW DO I EVACUATE THE CLASS?

Evacuation routes are posted in building hallways, usually near stairwells or exits.

- » Know two evacuation routes for your room. Look for illuminated EXIT signs to determine primary and secondary exits.
- » Remember, all fire alarms are mandatory evacuations. Do not use elevators unless authorized to do so by emergency personnel.
- » As your class is evacuating, encourage all persons to leave the building – do not wait for those who refuse to leave. Inform emergency personnel of the location of those that are still in the building. Try to keep your class together. Move at least 50 feet away from the building to provide easy access for emergency personnel.



### HOW TO ASSIST AN INDIVIDUAL WITH A DISABILITY?

If you have questions about special assistance, contact Services for Students with Disabilities (540-231-0858).

- » Ask students to self-identify in confidence if they will require special assistance during an emergency.
- » Communicate the type of emergency to the individual. Depending on the type of disability:
  1. **Auditory:** communicate with the hearing impaired by writing a note, hand gestures, or by using another method to convey the message.
  2. **Visual:** describe the nature of the situation and offer to act as a “sighted guide” by offering your elbow and escorting him or her to a safe location. Determining a “buddy” before an emergency occurs can be a good start.
  3. **Mobility:** if a person cannot safely leave the building, a “buddy” can accompany the individual to an area of refuge without blocking the evacuation path. The individual with a disability should call 911 to provide his or her location while the buddy notifies onsite emergency personnel of the situation. You should attempt a rescue evacuation of an individual with a disability as a last resort and only if you have had rescue training. If the other evacuation options are not available or are unsafe (and danger is not immediate), the individual with a disability can remain in a room with an exterior window, a telephone/ cell phone. Notify 911 and onsite emergency personnel.



### STAY INFORMED

Use these outlets to stay up-to-date on what to do before, during, and after an emergency.

- » **Virginia Tech Office of Emergency Management**
  - ▶ [www.emergency.vt.edu](http://www.emergency.vt.edu)
  - ▶ Follow OEM on twitter @BeHokieReady
- » **Virginia Tech Police Department**
  - ▶ [www.police.vt.edu](http://www.police.vt.edu)
  - ▶ Follow VTPD on Twitter @VaTechPolice
- » **VT Alerts**
  - ▶ [www.alerts.vt.edu](http://www.alerts.vt.edu)
  - ▶ Follow VT Alerts on Twitter @vtalerts
- » **Virginia Tech News**
  - ▶ [www.vtnews.vt.edu](http://www.vtnews.vt.edu)
  - ▶ Follow VT News on Twitter @vtnews
- » **Ready.gov**
  - ▶ [www.ready.gov](http://www.ready.gov)
  - ▶ Follow Ready.gov on Twitter @ReadydotGov
- » **National Weather Service**
  - ▶ [www.weather.gov](http://www.weather.gov)
  - ▶ Follow NWS on Twitter @usNWSgov

