

Faculty Assembly Meeting

Minutes for March 22, 2011

Present Members: Debbie Bebout, Bruce Campbell, Tracy Cross, Michael Deschenes, Alan Fuchs (Parliamentarian), Rick Gressard, Will Hausman, Carl Hershner, Steve Kuehl, Lisa Landino, John Lee, Scott McCoy, Alan Meese (*ex officio*), Leisa Meyer, Terry Meyers, Todd Mooradian, Lily Panoussi, J.C. Poutsma, Ron Rapoport & Jennifer Taylor

Absent Members: Todd Averett & Jim Dwyer

Others in Attendance: Jeanne Wilson, Kim Smith, Bob Archibald

The meeting was called to order at 3:40 pm by Will Hausman

1. Approval of the Minutes

The minutes of the February 22, 2011 meeting were approved.

2. Provost Report

The Provost reported that the latest rationale for moderating tuition increases is their potential influence on legislative decisions regarding \$10 million in unallocated cuts to higher education. He also summarized the advantages of the state-imposed contribution changes to the Virginia Retirement System participants and the resulting equity complications. He briefly summarized his Annual Report on Specified Term Appointments, reporting that a fair amount of teaching is being done by non-tenure eligible faculty, about half by visitors. The full report will be posted on Blackboard.

The Provost asked the Faculty Assembly for feedback on a report and summary from the ad hoc Employee Background Check Committee. While all classified employees and occasional professional faculty have undergone background checks in the past, the Board of Visitors expects screening of all employees, including instructional faculty, to become routine. Background screening based on the data bases used for law enforcement are becoming more common in academia, expected to normally add negligible time to the hiring process, and offer the College some degree of legal protection. Assembly members questioned the advisability of listing specific trigger infractions. Additional concerns raised included the qualifications of the individual initially evaluating the screening, which members of the campus community would evaluate infractions requiring further scrutiny, and professional safeguards for the candidate. The Provost is working to develop a due diligence policy with clear guidelines that balances the privacy of the potential employee and the needs of the community and welcomed further comments.

3. Proposal to Modify Faculty Handbook: Specified Term Appointments

Leisa Meyer summarized the motivations for modifying Section III.B. Appointment Categories and Contract Notices, 1. Faculty Appointment Categories, b. Specified Term Appointments, pp. 18-19 of the 2008 Faculty Handbook addressing non-tenure eligible (NTE) to allow greater flexibility for the different campus constituencies. Securing feedback from across the campus was recently completed by discussions with Arts & Sciences Chairs and Directors

followed by presentation at an Arts & Sciences Faculty Meeting. The Arts & Sciences faculty generally found the tenure protections offered by the current language more compelling than the broader points including NTE job security, departmental integration of NTE and opportunities for more faculty involvement in NTE appointments that were addressed in the proposed policy. The Arts & Sciences faculty were assured that the proposed policy was designed to allow individual constituencies to retain the current policy unchanged if it met their needs.

Further discussion of the proposed policy led to refinement of the parties involved in approval of new NTE policies and clarification regarding continuation of the current policy in each constituency until superseded. In addition, the language was modified to require NTE title distinctions. The Provost reflected that the intent to provide faculty with oversight of NTE hires through the proposed policy has significant impasse potential given that Deans are required to match budget.

The revised text for replacement of Section III.B,1.b. of the 2008 Faculty Handbook (attached) was voted upon and approved with one opposing vote. The policy will be forward to the Personnel Policy Committee for review.

5. Other Standing Committee Reports

A. COPAR

Nothing to report at this time since an anticipated meeting was canceled. There is a meeting of FUPC scheduled for March 25. Unfortunately, many COPAR members are unable to attend.

B. Academic Affairs

No report.

C. Executive Committee

The Executive Committee provided a resolution of understanding to address succession of Vice President Todd Mooradian to the Office of President in the seventh year following his initial election the Assembly. According to the bylaws, two consecutive three year terms of service on the Assembly are followed by two years of ineligibility for reelection. The one year Todd was on leave and inactive on the Faculty Assembly is being formally omitted from his years of service count as a one-time exception to the Bylaws.

4. Discussion of Faculty Retirement Policies

Bob Archibald, Chair of the Faculty Compensation Board, summarized the advantages and disadvantages of alternatives to our current retirement system. For many years the College has been routinely offering faculty retirement agreements providing faculty 7% and 8% raises during the last two years of employment (7/8% system) and occasionally offering alternative ad hoc arrangements. The 7/8% system has been particularly advantageous to faculty participating in the Virginia Retirement System, whose retirement income is based on the three highest salary years, and allowed the College to largely externalize the cost of incentivizing retirement. Examination of the faculty age profile suggests this system has provided adequate incentive to retire. On the other hand, the 7/8% system benefits faculty participating in the Optional Retirement Program (ORP) more modestly and has had the major disadvantage of depleting the raise pool for continuing faculty. In about four years, retirees will be predominantly ORP participants. Hence, it is an appropriate time to consider phasing out the current system and developing an alternative to complement the established phased retirement program.

Review of the retirement programs available at selected institutions, including peers, revealed there are predominantly ad hoc incentives rather than a set policy. There are some institutions with established programs that are strongly age incentivized, starting as early as age 62. Other schools offer a bonus on retirement. The later system offers the advantage of being fair, simple and a good baseline.

The Provost clarified that the 7/8% system has been a perk available to retiring faculty, rather than an incentive system, and that it has become unsavory politically. In retirement, emeritus faculty have generally been receiving free campus parking, retaining e-mail privileges and continuing to have the College pay the employers contribution to the health insurance plan up to age 65. In addition, they have been allocated space on campus at the discretion of the Provost. He favors announcing in Fall 2011 plans to phase out, perhaps over three years, the 7/8% system, thereby retaining more money in the general salary pool. He also suggested considering tweaks to phased retirement, such as offering the program within a specific age window and reducing the program's budgetary impact by starting salary calculations at the fraction of salary associated with teaching rather than full salary.

The Provost called for a consensus from the Faculty Assembly regarding Fall 2011 announcement of phase out plans for the 7/8% system. The Assembly requested additional feedback from the Faculty Compensation Board on this specific issue for deliberation.

6. Old business

None

7. New business

None

8. Announcements

None

The meeting was adjourned at 5:11 pm

Respectfully submitted,
Deborah C. Bebout
Secretary of the Faculty Assembly

**PROPOSED FACULTY HANDBOOK LANGUAGE CHANGES FROM FACULTY ASSEMBLY
SECTION III.B.APPOINTMENT CATEGORIES AND CONTRACT NOTICES, 1. FACULTY
APPOINTMENT CATEGORIES, b. SPECIFIED TERM APPOINTMENTS, PP. 18-19**

**FACULTY HANDBOOK LANGUAGE CHANGES
SECTION III. B. 1. b. FROM FAC/FA.**

b. Specified-Term Appointments.

A specified-term faculty appointment is a full-time appointment that is not tenure-eligible and terminates on the date specified in the contract. Persons in such appointments must carry one of the following titles: Instructor, Lecturer, Senior Lecturer, Post-doctoral Fellow, Assistant Professor, Associate Professor, or Professor. These titles must be modified, as deemed appropriate by the school in which the appointment is made, with some term such as Research, Clinical, of Practice, Visiting, Term Assistant Professor, Term Associate Professor, Term Professor, etc.

Policies and Procedures for specified-term appointments shall be developed and approved by the tenured and tenure-eligible faculty members of each school. The procedures must also be approved by the Procedural Review Committee and the Personnel Policy Committee. While Schools may exercise latitude in their policies and procedures for specified-term appointments, certain things must be articulated in the final protocols. The protocols must:

- explicitly provide the tenured and tenure-eligible faculty an opportunity for oversight and approval of all specified-term appointments, including on the question of when such appointments would be appropriate;
- specify the voting rights of any specified-term appointments. These voting rights must not include cases regarding tenure or the promotion of tenured and tenure-eligible faculty;
- describe a formal process for evaluation and promotion of specified-term faculty.

Specified-term appointments will begin with a probationary period or a series of one year contracts which may be renewed for a cumulative period of no more than five years. After five years, contracts may be written for periods of time no greater than five years, and renewed annually at the discretion of the school and subject to the evaluation and promotion procedures approved by the tenured and tenure-eligible faculty.

Specified-term appointments made for at least one year may be terminated at the end of any contract period following the standards and procedures defined in Section III.B.2.a. (governing Contracts and Notices), except that faculty holding specified-term appointments that are contingent on receipt of funds from an external granting agency or agencies are not entitled to notice under the provisions of III.B.2.a. No person in a specified-term appointment may receive a tenure-eligible or tenured appointment unless he or she is selected as a result of a search to fill a tenure-eligible or tenured appointment consistent with Handbook III.B.1.

Each fall the Provost shall submit to the Faculty Assembly a report on specified-term appointments. That report shall include information (provided in such a way that no individual may be identified) on numbers of such faculty, ratio of such faculty in relation to tenured and tenure-eligible faculty, teaching loads, salary ranges, the provision of benefits to those having such appointments, and other relevant financial and instructional information. During the fall semester, the Faculty Assembly, or its designated university-wide committee(s), shall review the report to determine whether the conditions pertaining to such appointments are equitable and whether the appointments are in compliance with the *Faculty Handbook*, and report its recommendations to the Provost.

Until the school's policies are approved by all parties the policy of III.B.1.b. from the 2008 faculty handbook will remain in effect for those schools.

i. Post-doctoral fellows.

Post-doctoral fellows hold specified-term appointments as defined in and subject to the conditions of II.B.1.b. above, except that the appointments may be either full- or part-time. Also, because post-doctoral fellows are typically funded by external agencies, they are typically hired and evaluated by the Principal Investigator, who may be a faculty member or a program director, chair, or Dean, and they are evaluated within the terms of the specific grants or contracts used to create their positions.

All faculty have access to the grievance process outlined in the Faculty Handbook (FH, Sec. III. G.). Should any faculty feel that they have cause for grievance in any matter not governed by other procedures in the Faculty Handbook they may petition the Faculty Hearing Committee for redress.
