

APPOINTMENTS & TERMINATIONS FOR PROFESSIONALS & PROFESSIONAL FACULTY AT THE COLLEGE OF WILLIAM & MARY (W&M)

A WHITE PAPER BY THE PROFESSIONALS & PROFESSIONAL FACULTY ASSEMBLY (PPFA)
MARCH 2010

I. BACKGROUND & TIMELINE

SPRING 2009: As part of the College's Human Resources "Restructuring," a revised Appointments & Terminations policy for professionals and professional faculty (PPFs) was drafted by College of W&M administrators and its Legal Affairs Coordinator. As a confidential policy, it was shared with the PPFA's Executive Committee and administrators met with the PPFAEC in April 2009 for a review.

SUMMER 2009: Additional review of the policy due to the College President's desire for changes and the arrival of a new Provost.

FALL 2009: The PPFAEC began meeting to review this policy and other confidential PPF policies; gathered similar policies from other institutions; submitted proposed changes; and met with College administrators to review those changes.

NOVEMBER 2009: The policy was approved by the W&M Board of Visitors and reviewed by the Virginia Attorney General's Office. After making a few editorial changes, the Provost sent the policy out to all W&M PPFs and posted it on the Provost's webpage at: http://www.wm.edu/about/administration/provost/documents/appt_termination_prof_faculty.pdf

II. ASSESSMENT & RECOMMENDATIONS

The PPFAEC makes the following assessment and recommendations about the current policy:

1. Positives:

- A. PPF appointments are continuing, rather than being annual contracts, unless the employee has been otherwise notified.
- B. Reasons and processes for terminations are clearly enumerated, providing additional protection for PPFs.
- C. An option for a "negotiated separation" is included for situations where work performance is not an issue but the employee and the job are not a good "fit."
- D. A grievance procedure is available for PPFs and is available for any of the termination situations.
- E. Clarifies when terminated PPFs are eligible for severance.

2. Areas for possible improvement/revision:

- A. A number of steps that would ensure fair processing of a termination will be covered in the PPF Performance Planning & Evaluation Policy, currently under review; we need to

ensure that these steps refer back to the Appointments & Terminations Policy and that the processes are clear and fair.

III. EQUIVALENT W&M POLICIES FOR OTHER EMPLOYEES:

NOTE: Due to the nature of the PPF position, neither of these policies seemed appropriate for PPFs.

A. Faculty:

Faculty – Faculty Handbook (beginning on page 17) - <http://www.wm.edu/about/administration/provost/documents/facultyhandbookAugust2008.pdf>. Discusses the tenure track, non-tenure tract, limited term, and other appointments to instructional positions. Includes details regarding timelines for contracts, contract renewal, etc. Includes reasons for termination prior to end of contract.

B. Operational Employees:

Operational Staff – (beginning on page 7) <http://www.wm.edu/offices/hr/documents/employeehandbook22.pdf>. Includes conditions of employment, probationary period, lay offs, and disciplinary procedures.

IV. EQUIVALENT POLICIES AT OTHER RESTRUCTURED INSTITUTIONS

A. University of Virginia – Managerial and Professional staff are covered in the Terms and Conditions of University Staff Employment policy. Employees who resign should provide one month notice. Staff should expect written notice of renewal at least 3 months prior to the end of the contract period. Nonrenewal requires notice based on years of service. Policy discusses Suspension and/or Termination for Just Cause. Just cause is defined, and termination or suspension MUST be preceded by written notice of the causes. The employee must be given a reasonable opportunity to respond to the causes. Link: <https://policy.itc.virginia.edu/policy/policydisplay?id=HRM-021>

B. Virginia Commonwealth University – Contracts are yearly and can be renewed, not renewed, modified, or terminated. Renewal should take place in May or June prior to the July 1 beginning of the new contract year. Employees can be reassigned to positions which are consistent with the employee’s training, background and experience. Employees who resign should provide 30 calendar days notice. Non renewal requires advance notification in writing and notice is given based on years of service. Employee must be given opportunity to discuss non-renewal with immediate supervisor. Employees may be terminated for cause, which is defined. Employee must be notified in writing with the reasons documents. Employee must be given opportunity to respond. However, if the reason is inability, unwillingness or failure to perform one’s duties, termination cannot take place unless the faculty member has been in advised in writing of the deficiencies in performance and given an opportunity to correct the identified deficiencies. Link: <http://www.provost.vcu.edu/policies/adminapt.html>

c. Virginia Tech – Administrative and Professional Faculty are covered in Chapter 3 of the Faculty handbook. Reappointments are not automatic and are based upon job performance. Administrative and professional faculty can be removed by non-reappointment, reassignment, removal for just cause, or abolition of position. Lists minimum notification requirements based on years of service. Also discusses suspension. Defines Just Cause and notes that the causes must be documented. Lays out the process for removing an employee for cause. It includes a requirement for a meeting between the supervisor, next level supervisor, and employee prior to removal. Reasons for termination must be provided in writing. The employee is given a period to respond the reasons for termination. Grievance procedure can also be used. Resignation of employee suggests a one month notice. Link: http://www.provost.vt.edu/documents/FHB_2009.pdf

V. EQUIVALENT POLICIES AT PEER INSTITUTIONS

Policies at Dartmouth, Duke, Wake Forest, and University of North Carolina at Chapel Hill were reviewed. These policies were much vaguer and did not contain as much detail as the Virginia schools. Essentially these institutions hire individuals at will, thus they can be let go at will.

Dartmouth and Wake Forest do, however, mention the supervisor's responsibilities in regards to corrective actions before terminations are made, and Dartmouth goes further in specifying that the employee must be given the opportunity to correct the situation.

Other than that, these policies are more like the W&M policy, although the overall tone was very positive.

VI. POLICY ADDRESSED IN JOURNALS, PUBLICATIONS, ETC.

DATABASES searched (12/2009 and 3/2010): Swem Library's Catalog; WorldCat; ERIC; Academic Search Complete; Chronicle of Higher Education

Search strategies included:

(college* or universit* or "higher education") AND ("professional personnel" or personnel or employ* or staff) AND (hiring or hire* or appoint* or terminat* or firing or layoff* or recruit*)

BOOKS:

The Jossey-Bass academic administrator's guide to hiring /
Rosse, Joseph G.; Levin, Robert A.
San Francisco : Jossey-Bass, 2003. (W&M owns)

A guide to successful searches for college personnel : policies, procedures, and legal issues /
Higgins, John M., 1929-; Hollander, Patricia A.
[Asheville]: College Administration Publications, 1987.

The complete academic search manual : a systematic approach to successful and inclusive hiring /

Vicker, Lauren A., 1953-; Royer, Harriette J.
Sterling, VA : Stylus, 2006.

Affirmative action in higher education : a sourcebook /

VanderWaerdt, Lois.

Denver, Colo.: Higher Education Executive Publications, 1989.

Hiring right : conducting successful searches in higher education /

Sandra Hochel; Charmaine E Wilson

San Francisco, CA : Jossey-Bass, 2007.

ARTICLES: Selected Titles

American Federation of Teachers, Washington, DC. (2006). *Empowerment and voice: Standards of good practice in the employment of professional staff in higher education*. Washington, DC: American Federation of Teachers.

Barden, D. M. (2008). The internal-candidate syndrome. *Chronicle of Higher Education*, 54(35), C2.

Barron, D. D. (1998). What employers say they want. *School Library Media Activities Monthly*, 14(9), 49-50.

Chun, E., & Evans, A. (2005). Maximizing your institution's talent strategy through a domestic partner benefits plan. *CUPA-HR Journal*, 56(1), 11-15.

Davis, E. B., Jr. (2008). Colleges need to offer clear paths to leadership. *Chronicle of Higher Education*, 54(45), 64.

Evans, A., (Ed.), & Chun, E. B., (Ed.). (2007). *Are the walls really down? behavioral and organizational barriers to faculty and staff diversity*. ASHE higher education report, volume 33, number 1/Jossey Bass.

Kayes, P. E. (2006). New paradigms for diversifying faculty and staff in higher education: Uncovering cultural biases in the search and hiring process. *Multicultural Education*, 14(2), 65-69.

Ly, P. (2008). A "historical problem". *Diverse: Issues in Higher Education*, 25(4), 29-30.

Marcus, L. R. (2000). Staff diversity and the leadership challenge. *Equity & Excellence in Education*, 33(2), 61-67.

Meyer, S. W., & Herman, S. A. (2002). Leading the search: A primer for the committee chair. *Community College Journal*, 73(1), 18-21.

Miller, L. K., Stoldt, G. C., & Comfort, P. G. (2002). Creating and maintaining a desirable workplace. *Strategies*, 16(1), 33-38.

Norton, S. D., & Hundley, J. R. (1995). Equal employment opportunity and ADA implications of screening and selection. *CUPA Journal*, 46(2), 19-29.

VII. POLICY INFO FROM CUPA-HR

[COLLEGE AND UNIVERSITY PROFESSIONAL ASSOCIATION FOR HUMAN RESOURCES]

CUPA-HR's website was checked for policies (in the Toolkits section of the Knowledge Center) and for journal articles. The following were the closest matches to this topic:

POLICIES:

Appointments: no specific policies listed on the CUPA-HR website for appointments, hiring, recruitment, etc.

Retention Policies (recommended by CUPA-HR):

- [University of Vermont](#)
- [Purdue University](#)
- [University of Minnesota](#)
- [University of Michigan](#)

Termination Policies: CUPA-HR's website listed only one and it had only a paragraph.

ARTICLES & PRESENTATIONS:

Johnsrud, Linda K., and Rosser, Vicki J. (1999). Predicting and Reducing Mid-Level Administrative Staff Turnover. *CUPA Journal*, 50(1-2).

Khavari, Irene. (2000). Recruitment and Retention: Corporate Strategies That Could Work for Colleges and Universities. *CUPA Journal*, 51(2). In the stiff competition for workers, Corporate America has learned that paychecks aren't everything. Colleges and universities could capitalize on some of the recruitment and retention strategies to which progressive companies have turned.

[A Recruiting Revolution: Your Toolkit for Developing a Cutting-Edge Collaboration](#)

[PowerPoint presentation]

2004 CUPA-HR National Conference Concurrent Session 1D

As higher education faces shrinking budgets, it is even more important that college campuses collaborate to share the best information resources, technology, networking and outreach programs to be effective in recruiting and retaining a diverse and qualified faculty and staff. A presentation by the Northern California Bay Area Higher Education Recruitment Consortium (HERC) composed of 18 institutions – private and public universities, colleges, community colleges.

compiled by:

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