

**Special Meeting of the
Faculty of Arts & Sciences
February 14, 2023
3:30 – 5:00 pm
Zoom teleconference**

- I. Call to Special Meeting of the Faculty of Arts & Sciences – Acting Dean Suzanne Raitt, Vice-Dean Silvia Tandeciarz, and Chair of Faculty Affairs, Peter McHenry**
- Acting Dean Raitt explains today’s meeting permits discussion and a vote to approve the most recent version of the Teaching and Research Faculty Framework (ToRFF). Although approved by the Faculty of A&S in fall 2022, slight edits to the ToRFF language were made by the Personnel Policy Committee (PPC) in consultation with Carrie Nee, University counsel. A&S Sciences faculty needs to vote to approve the edited version and may do so in today’s special meeting.
 - Suzanne welcomes everyone and thanks them for attending. She thanks the Board of Visitors (who met Friday, February 10, 2023) for approving changes to language in the *Faculty Handbook*. That language now allows both tenure/tenure eligible and non-tenure eligible faculty to vote on policies governing non-tenure eligible faculty when approved by the schools.
- II. Comparison of Changes Made to ToRFF [November 2022] and the version of ToRFF [January 2023] to be discussed and voted on today.**
- Changes made by PPC to the November ToRFF document will be highlighted. PPC’s version was distributed to A&S faculty on February 7, 2023, in advance of the regular A&S meeting held that day. Questions and discussion are encouraged in real time during this meeting.
 - **Discussion on changes made to Section I. Oversight of implementation of the A&S ToR Faculty Framework**
 - **OLD Section I. Oversight of implementation of the A&S ToR Faculty Framework:** *the ad hoc ToR Faculty Committee composed of 6 A&S members (3 TTE and 3 ToR) will be appointed by FAC in their first year and elected via a vote by FAS thereafter.*
 - **NEW Section I. Oversight of implementation of the A&S ToR Faculty Framework:** *the ad hoc ToR Faculty Committee composed of 6 A&S members (3 TTE and 3 ToR) will be appointed by FAC. In year 3, the FAC will evaluate the utility of the ToRFC and recommend whether it should become a permanent FAS committee. Should the FAS vote to make it a permanent FAS committee, its 6 members (3 TTE and 3 NTE) will be elected by the FAS and serve 3-year terms. This will require a change in A&S Bylaws to add the elected committee.*

- Suzanne explains this change allows the option to evaluate the utility and function of the committee as advisory to the Dean. No further discussion on this change occurred.
- **Discussion on changes made to Section II. ToR Faculty Categories and Section VII. ToR Faculty Performance Evaluation**
 - **OLD Section II. ToR Faculty Categories:** The section describes Instructional and Research faculty with respect to teaching or obligations. It reads: *On a temporary basis with defined term, instructional ToR faculty may contribute to research if external funding supports a portion of their salary, their Chair and/or Program Director approve a reapportioning of their effort for a discrete time, and the Dean endorses the shift in effort.*
 - **NEW Section III. ToR Faculty Categories:** Other than the numbering, no changes were made to this section by PPC.
 - Discussion of Section III. ToR Faculty Categories: Requests for clarification were made regarding the necessity of having teaching faculty secure external funding and administrative permission to engage in research. Suzanne explains this section allows more rather than less flexibility for instructional faculty to engage a variety of activities within one's instructional position. As in the past, instructional ToR faculty are permitted to engage in research activities, including, for example, student-focused research such as Honors or service to the profession.
 - The Section III. language doesn't require teaching faculty to secure external funding nor require administrative permission to engage in research activities unless there is a substantial shift in the apportioning of the ToR faculty member's effort. Such a shift would include, for instance, being paid from an external grant that contractually requires X% of the instructional faculty member's effort be contributed to grant activities. Likewise, being a co-PI on such a grant that detracts from instructional obligations would require permission. In these cases, there would be a review by the departmental Chair and/or Dean to clarify expectations for where the faculty member's effort would be shifted from their teaching/service for purposes of merit evaluations or contract.
 - A similar request for clarification arises from **VII. ToR Faculty Performance Evaluation.**
OLD VII. ToR Faculty Performance Evaluation: *As with any merit system, evaluation should only reflect performance of contracted duties. Thus, instructional and practice faculty will be evaluated based upon formal instruction and service. Research faculty shall be evaluated based upon research productivity, garnering of funding, and, when applicable, service. Those with time-limited hybrid duties will be evaluated based upon their contracted responsibilities.*

In A&S, all ToR faculty must be evaluated by their departments or programs each year under approved personnel policies, unless they are ending their employment with W&M. This evaluation will be separated into the parts of

each position (teaching, research, service), with guidelines and expectations in home unit's personnel policies. A tool capable of discriminating performance shall be used.

NEW VIII. ToR Faculty Performance Evaluation: Other than numbering, no substantial changes were made by PPC to the language from the old version.

- Discussion of VIII. ToR Faculty Performance Evaluation: A concern is raised regarding whether Section VIII. prohibits instructional faculty from receiving merit for their research activities. Silvia explains that if job responsibilities are significantly reapportioned from one's contract, one needs permission from the Chair and Dean to make sure the contract reflects ToR faculty work, and that staffing and curricular needs are stable. In all cases, merit should reflect one's contractual responsibilities.
- Sarah Stafford moves to amend language in **Section III. ToR Faculty Categories** to read:
*On a temporary basis with defined term, **instructional faculty** may ~~contribute to research~~ **allocate part of their instructional time for research if in cases when** external funding supports a portion of their salary; their Chair and/or Program Director approve a reapportioning of their effort for a discrete time; and the Dean endorses the shift in effort.*
- Peter McHenry calls the question and posts a poll. **The amendment to Section III. ToR Faculty Categories passes** with 75% of participants voting in favor.
- Discussion of changes made to Section III. ToR Faculty Titles which includes a new paragraph added by PPC in January 2023.
 - **OLD: Section III. ToR Faculty Titles** ends with this paragraph: *Note that ToR faculty rank (Assistant, Associate, Full) should reflect the experience, expertise, and leadership of a ToR member. Time at W&M may be considered, but promotion is based on expertise, contribution, and performance, not longevity.*
 - **NEW: Section IV. ToR Faculty Titles** has changed number and an additional paragraph is inserted from PPC reading: *To fully implement this change in personnel policies, transition to the A&S ToR Faculty Framework will be complete by the end of academic year 2023-24. All full-time positions, except visiting positions, created under prior NTE Personnel Policies will expire May 31, 2024.*
 - Discussion of **Section IV. ToR Faculty Titles**. A question arises to learn if there will be any gap in employment as policies expire in May 2023 and before the ToR contracts are implemented in Fall 2024. Silvia says there will be no gap.
 - Peter moves to make language in this section consistent with Section III. as newly amended above. Without objection, **the motion passes by unanimous consent.**

- **Discussion of changes made to Section VI. ToR Faculty Contracts in regard to policies governing renewal and nonrenewal of contracts.**
 - **OLD: Section VI. ToR Faculty Contracts, b. Notification regarding additional contracts. i. Renewal:** *For ToR faculty on 1-year renewable contracts, notification of a new contract or of nonrenewal will occur at least by the last day in February of their contract year. If a new contract is offered, it will begin at the start of the following academic year.*
 - *For ToR faculty on 2-year contracts, notification of a new contract or of nonrenewal will occur at least by the last day in December of their second year. If a new contract is offered, it will begin at the start of the academic year following the end of their contract.*
 - *For ToR faculty on contracts of 3 or more years in length, notification of a new contract or of nonrenewal will occur by the last day of May of the second to last year of the contract. If a new contract is offered, it will be issued immediately and the first year of the new contract will supersede the last year of the old contract, thus effectively extending the position.*
 - **OLD: Section VI. b. ii. Nonrenewal:** *Nonrenewal may occur if: 1) The ToR faculty member does not meet performance expectations; 2) There is no longer institutional need or funding for the position. The personnel policies developed and approved in each A&S department or program must address performance-based nonrenewal and define an appeal process. In cases of a faculty member performing below the unit's stated expectations in the contracted duties, and exhaustion of remedies listed in Section VIII below, notice of nonrenewal will be given. In cases where nonrenewal is due to shifting institutional needs, redeployment options for the faculty member must be considered. In A&S, in cases of nonrenewal of a ToR faculty member in a promotional position, the Dean will confidentially brief the Faculty Affairs Committee to discuss the general scenario in which nonrenewal is being considered, paying particular attention to shifting curricular needs (perhaps due to new staffing, shifts in student interest, or curricular innovation) and funding availability. As the ToRFF is being implemented and the ad hoc ToRFC exists, if a ToR faculty member in a promotional position is notified that they will not be receiving a new contract, they may request that the ad hoc ToRFC review the matter and suggest opportunities for redeployment from the responsibilities of the previous contract to new duties.*
 - **NEW: Section VII. ToR Faculty Contracts, b. Notification regarding additional contracts. i. Notice of Nonrenewal:** *For ToR faculty on 1-year renewable contracts, notification of a new contract or of nonrenewal will occur at least by the first day of March of their contract year. If no notice of nonrenewal is provided, then the next contract will begin at the start of the following academic year.*
For ToR faculty on 2-year renewable contracts, notification of nonrenewal will occur at least by the 15th day in December of their second year. If a no notice of nonrenewal is provided, then the next contract is offered, it will

begin at the start of the academic year following the end of their contract. For ToR faculty on renewable contracts of 3 or more years in length, notification of nonrenewal will occur by the last day of May of the second to last year of the contract. If a no notice of nonrenewal is offered, then the next contract typically begin at the start of the next academic year such that the first year of the new contract will supersede the last year of the old contract, thus effectively extending the position.

- **ii. Standards for Nonrenewal.** *Nonrenewal may occur if: 1) The ToR faculty member does not meet performance expectations; 2) There is no longer institutional need or funding for the position. The personnel policies developed and approved in each A&S department or program must address performance-based nonrenewal.*

In cases of a faculty member performing below the unit's stated expectations in the contracted duties, and exhaustion of processes listed in Section VIII below, (including appeal of the finding of unsatisfactory performance), notice of nonrenewal will be given.

In A&S, in cases of nonrenewal of a ToR faculty member in a promotional position, the Dean will confidentially brief the Faculty Affairs Committee to discuss the general scenario in which nonrenewal is being considered, paying particular attention to shifting curricular needs (perhaps due to new staffing, shifts in student interest, or curricular innovation) and funding availability.

- *If a ToR faculty member in a promotional position is notified that they will not be receiving a new contract, they may request that the ad hoc ToRFC – or other body charged with this function if, after year 3 of implementation, FAS chooses to dissolve the ToRFC – review the matter and consider opportunities for redeployment from the responsibilities of the previous contract to new duties. ToR faculty members who receive a notice of nonrenewal may also follow Faculty Handbook procedures to grieve the nonrenewal.*
- Discussion of the changes made by PPC to Section VI. ToR Faculty Contracts: A question is posed as to whether the new information in this section specifies the dates completed contracts (and their length) will be issued, or whether these dates specify only notice of renewal or non-renewal without any information on the length of the faculty member's contract. This is a concern considering that previous Dean Maria -Donaghue-Valleca specified that contracts may be renewed for differing, and possibly shortened lengths.

Silvia answers that getting a shorter contract than the one before could happen, but she doesn't anticipate that. This section is policy on dates for the notice of commitment to offer a contract or nonrenewal of the contract. The section doesn't specify faculty will receive their contracts by those dates. University counsel has advised that we don't want to conflate other parts of renewal such as contract lengths.

This clarification raises concerns that it's difficult for employees to wait for a non-event (such as non-renewal), wait to know whether a renewed contract will be shortened from the previous, or will renewed from a one year contract to another one year contract. While the policy intentionally addresses concerns, people have about the stability of contracts, there is still lot of worry and fear.

Silvia and Sarah Menefee volunteer to work on language during this meeting to codify procedures for notification of length of contracts.

Suzanne notes that *Faculty Handbook* has procedures to grieve if faculty members wish regarding contracts.

A second question is posed regarding the weakening language from the administrative effort to redeploy a faculty member whose position ends "due to shifting institutional needs" to a faculty member in a promotional position "may request that the ToRFC ... review the matter and consider opportunities for redeployment..." Suzanne responds legal counsel advises that if there's no institutional need for the person in that position, it's unlikely they will fit into a different position. Suzanne continues that the administration will always do their best to have faculty teach COLL, for instance, and that "institutional need" is considered broadly in this section.

Silvia adds that there is currently intended standard contract lengths notes in the Appendix of 3 years for Assistant Professor, 4 years for Associate Professor, and 5 years for Full Teaching Professor faculty.

- **Peter calls the question and posts a poll for a vote on the entire ToRFF document including language edited by PPC in January 2023 plus the changes made in this meeting. The measure is approved: 62 participants vote to approve, 3 participants vote against, 1 participant abstained, and 3 participants were responded present but not eligible to vote.**

III. **Adjourn - Meeting is adjourned at 5:03 pm.**