

Faculty Assembly Meeting 27 February 2007

Present: Allred, Armstrong, Beers, Brown, Canuel, Fuchs, Evans, Kennedy, Lee, Leslie, Linneman, Macdonald, Meese, Meyers, Mooradian, Sheriff, Smith, White

Absent: Cate-Arries, Cooke, Kulick

Others in Attendance: Provost Feiss, Dean Strikwerda

The meeting was called to order at 15:30 by Alan Meese (Vice-President). Meese announced that he would be presiding over the meeting because of Kulick's absence due to illness.

1. Approval of the minutes of the January 2007 Meeting.

Beers presented a motion for approval of the minutes for the January 30, 2007 meeting. The motion was seconded by David Armstrong and the minutes were approved by unanimous vote pending minor edits.

2. Provost's Report.

The Provost announced that the office of the Attorney General is considering the policy for phased retirement.

Budget news:

The General Assembly (GA) has adjourned and passed their budget. The Governor has until Feb. 25 to offer vetoes or amendments. The GA reconvenes on April 4 to consider any revisions/amendments from the Governor. At this point, the budget outlook for the College is positive. The House's budget is supportive of higher education and recommends 4% increases in salaries for faculty and staff with no contingencies. \$400k in base adequacy funding for College is also included in the budget. The proposed budget also includes support for a new building to house Admissions and Law Library, \$200k for student financial aid, and \$5.3M for School of Ed (plan and demolish)

VIMS also did well in budget process. The proposed budget includes support for the Clean Marina Project, construction of a concrete pier and the Blue Crab survey.

The only concern relates to a request for \$3M for the Integrative Science Building to cover costs for hoods/ventilation and casework. This request was cut by 50%. There is concern about this because it could cause a delay in the project. The College may need to borrow \$1.5M from another source; this would have other costs associated with it.

Members of the Faculty Assembly posed the following questions to the Provost:

Armstrong: Who makes decisions about graduate tuition increases?

Provost: It is acknowledged that tuition increases do not benefit graduate programs because faculty/departments provide tuition support to graduate students. As a result, tuition increases for graduate programs may be decoupled from

undergraduate tuition increases. The Provost will have a clearer idea about tuition increases following Spring Break.

Meese: Are we constrained to accept 6% tuition increases.

Provost : The College has to be careful about its tuition increases or it may be put in a position with caps on tuition increases. The College wants to avoid double digit increases.

Meyers: How is base adequacy calculated? Is it continuing money?

Provost: SCHEV calculates base adequacy but does not do this annually. SCHEV did not recalculate base adequacy for the present budget year. Base adequacy is continuing funding.

Meese: Base adequacy funds are not equivalent to tuition increase they are not built in to continuing base.

Provost: This is correct.

3. FA Committee Reports

Liaison Committee (Meese):

The BOV approved several tenure and specified term professorships at its February meeting. An announcement was made that the Campaign Goal has been reached 6-months early. The BOV heard 1-hour of presentations about Wren Cross. Presentations represented perspectives both supporting and not supporting the President's decision. During this session, Kulick presented the Faculty Assembly resolution and faculty petition. She explained that the petition was not a loyalty oath to members of the BOV.

Jim Livingston and Alan Meese explained the process to be followed by the Committee on Religion in a Public University to the BOV. The Rector indicated that the BOV will want to receive an update from this committee at its April meeting.

Kulick presented preliminary results from the Faculty Survey to the BOV. Themes from this presentation included:

- (1) For every unit except School of Ed, faculty salaries were the dominant issue. Research funding was second
- (2) Significant number of faculty are looking for positions elsewhere (about 60% during this survey vs. 70% during previous survey)
- (3) W&M faculty are competitive for jobs elsewhere. About 40% get offers.
- (4) Many are contacted by other schools and encouraged to apply for positions.

The BOV was interested in continued concerns about faculty salaries. They noted that a plan has been implemented with goal by 2008 and that there have been meaningful salary

increases in past years. Kulick explained 6% increase in salary pool does not always trickle down to entire faculty. One solution would be to have a separate pool of resources for retention/equity so that funds in the salary pool can be fully applied to salary increases (based on merit).

BOV expressed concerned about faculty retention. Asked about data from comparable institutions.

Questions to Meese from Faculty Assembly members:

Evans: Number of contacts from outside regarding committee on religion?

Meese: Gets a few e-mail each day.

Kennedy added comment that the Wren Cross issue has broadened to include additional issues.

Academic Affairs Committee (Diaz): Committee has no news to report.

COPAR (White):

White met with Sean Pieri, Director for Development, a few weeks ago. Sean expressed a desire to maintain a conversation with faculty (through COPAR) about Development activities.

White inquired about faculty involvement in development. Sean indicated that faculty are sometimes used in this way when appropriate.

Pieri was agreeable to making an annual report on development activities to the Faculty Assembly.

White asked about how priorities for the Development Office are established. Pieri responded that his office gets direction from the College administration. The Priorities Committee is the best mechanism for providing input on development priorities.

Howard Busbee and Brian Heistand will make joint presentation to FA about Endowment activities. Based on previous discussions, Kulick suggested that the March or April meeting would be a good venue for this presentation.

Questions:

Kennedy: At start of this Campaign, COPAR and FA had meetings to articulate faculty preferences for Campaign Goals. Is Sean open to this arrangement in future?

White: Priorities committee was not in place at that time but may play this role in future.

Meese: Priorities committee may not be appropriate committee for this. Representation on COPAR may be broader.

Faculty Affairs (Armstrong):

Armstrong noted that FAFAC is still working on Section 3c. His committee will soon be ready to discuss the next sections of Handbook.

The Assembly then proceeded to discuss proposed revisions to Section III A and B.

Section III A. Tenured and Tenure-Eligible Appointments

Macdonald asked whether the Provost should be given the power to make exceptions in cases where faculty have two appointments.

Kennedy replied that it may not be practical for FA or Executive Committee to make these considerations in timely fashion.

Provost: FA or EC should be informed of such cases.

Macdonald suggested incorporation of language that Provost shall report dual tenure agreements to Faculty Assembly.

Motion was called to vote by Full Assembly: Unanimous support for recommendation.

Meyers asked whether the present Handbook has a stated policy about these situations.

Kennedy responded that this is new language.

Meyers asked whether there is an advantage to not having stated policy.

Kennedy answered that the current practice is to not allow faculty to hold tenured positions at two institutions.

Macdonald commented that in most cases where this happens, the faculty member eventually leaves the institution. The end result is to hurt the home department because it cannot conduct a search until the faculty member officially resigns their position.

Meyers suggested that faculty must explain nature of their leaves and whether they are taking a tenure/tenure eligible position elsewhere.

The Provost responded that he has a difficult time understanding the nature of having tenure at two institutions.

Dean Strickwerda expressed concern about the tendency for private institutions to be “checking-out” faculty during visiting appointments. He expressed support for a statement that you cannot hold tenure at two institutions but tenure eligible may mean different things at different universities. There may be situations when one does not know whether someone is going to be considered for tenure or not.

Meese responded that this practice is often done in Law School.

The Provost suggested that “tenure eligible” be stricken.

Meyers presented a motion to strike “tenure-eligible” in second line.

Evans seconded motion.

Additional Discussion of Proposed Motion:

Macdonald asked whether this language will open the door for more of these situations.

Armstrong noted that the new language also prevents someone from another institution from retaining their tenure at another institution while being considered for tenure at W&M.

Smith noted that if you want to retain someone, you want to keep door open. It can work against a department's interest but such policies can serve a department when they want to retain someone.

The motion was called to vote: motion carried by unanimous vote

Specified Term Appointments

Presently, the Executive Committee has 14-days to respond to requests for extension of specified term appointments beyond the 5-year time period. The Provost has 30 days to respond. FAFAC suggested parallel timeframe of 21 calendar days.

Armstrong presented a motion for a parallel timeframe of 21 days for notification of the Executive Committee and Provost.

Motion was called to vote by full Assembly: The motion carried unanimously.

Kennedy suggested adding the clause "when the College is in session" that would exclude enforcement of this policy during summer.

Armstrong responded that the FAFAC was concerned about the addition of this language would mean that no decisions could be made in summer

Provost noted that there could be a problem with not having this clause in cases where the Provost or EC could not respond within the stipulated time frame.

Armstrong recommended that the writing committee specify what happens in cases when College is not in session.

Meyers asked whether Specified-Term Appointments cannot exceed a "total" or "cumulative" of 5 years. "Total" number of years is in current Handbook. This would be changed to "cumulative" in the new Handbook. In the former wording, rehire was possible. The Provost noted that this change is consistent with AAUP guidelines. It was also noted that this policy does not apply to faculty on soft money.

White asked for clarification of the phrase, "in unusual circumstances." He requested clarification of the frequency of these situations. He noted that the Business School objects to this language.

Armstrong responded that most of the wording reflects current practice.

Provost noted that these situations do not happen very often.

Armstrong noted that clarification of "part-time" is not necessary here because it is covered elsewhere.

He also suggested revising language to read, "most recent edition of Faculty Handbook" rather than "most recent."

There being not further comments on Section III A and B, a motion was presented to accept the above changes to the Faculty Handbook. The motion carried with unanimous support of members of the Assembly.

Section E. Conflicts of Interest

It was noted that most of the proposed changes to this section are organizational. For example, the section on consensual amorous relationships has been moved to this section of the Handbook.

In the section of Contracts, there is a change of phrasing to clarify intent in cases where faculty member has a family member to be hired. BOV must grant approval to hire and appropriate safeguards must be put into place.

Section 2. Consensual Amorous Relationships

Lines deleted that justify policy rather than how policy works.

The philosophy for the Handbook is to present policy, rather than the reasons behind the policy.

Meese: Recommended striking the phrase, “appearance of a” in Section 3E 2e and changing the wording to, “actual or apparent conflict of interest.”

Members of the Assembly voted unanimously to accept this revision.

Smith asked whether Section 3 dealing with External Paid Employment is current practice. The Provost responded that faculty members have to get permission for external paid employment, in theory. However, the basic issue is whether you are being paid for your employment.

A Motion was presented to adopt Section 3E.

The Motion carried by unanimous vote.

Armstrong proposed that Section 3C be discussed in its entirety at the next FA meeting
Meese concurred with the request to defer discussion of this section until the next meeting.

4. Old Business – none to report

5. New Business

Kennedy noted that the committee overseeing revisions of the Faculty Handbook has other sections ready for review but cannot forward these sections to FAFAC without initial approval from FA. She presented two options to members: (1) FA can suspend its current operating procedures and send sections D,H,I to FAFAC without prior review or (2) FA can hold a special meeting on March 20th to discuss sections D,H, I and subsequently send these sections to FAFAC. The sections cover the following policies:

D. LEAVES OF ABSENCE

H. TERMINATION FOR MEDICAL REASONS

I. TERMINATION FOR FINANCIAL EXIGENCY

Kennedy noted that most of the changes to these sections are not substantive.

Meyers suggested the FA suspend its operating procedures and forward the sections to FAFAC without initial review.

Diaz noted that having the initial input from FA has been helpful to FAFAC in their consideration of proposed revisions.

Meyers presented a motion to suspend the FA's operating rules and move sections D,H and I to FAFAC without prior discussion by the full Assembly. Brown seconded the motion.

Discussion of this motion followed.

Macdonald expressed support for the motion contingent on the scheduling of the FAFAC meeting. She recommended that other members of FA read the documents and send their comments to FAFAC

Armstrong expressed a willingness to publicize FAFAC meetings to entire FA.

The Motion was called to vote and passed by more than 2/3 vote.

6. Adjournment:

The meeting was adjourned at 5:07 pm.

Respectfully submitted,
Elizabeth A. Canuel, Secretary