

Faculty Assembly Meeting
8 May 2007

Present: Allred, Armstrong, Beers, Brown, Canuel, Cate-Arries, Cooke, Diaz, Evans, Kennedy, Kulick, Lee, Leslie, Linneman, Macdonald, Meese, Meyers, Sheriff, White

Absent: Fuchs, Smith

Others in Attendance: Provost Feiss, Gene Tracy, Adam Potkay, Deirdre Royster

The meeting was called to order at 15:35 by Katherine Kulick.

1. Election of officers for the 2007-2008 Faculty Assembly

New and continuing members of the Faculty Assembly who will serve as the 2007-2008 Faculty Assembly were convened.

Election of Officers:

President:

Alan Meese (current *Vice President*) was nominated and elected to serve as President by unanimous vote.

At this point, the newly elected President assumed leadership of the Assembly for the remainder of the meeting

Vice President (President-Elect):

Nominees: Tom White and Todd Mooradian

Kennedy moved to close nominations. Lee seconded

Tom White was elected Vice President by ballot.

Secretary:

The floor was open for nominations for the position of Secretary.

Tom White nominated Heather Macdonald. Bill Cooke seconded.

A motion was presented to close nominations.

Macdonald was elected Secretary by acclamation.

2. Election of Committee membership for Faculty Assembly Committees

Executive Committee:

Meese proposed the following slate of candidates: Meese (Law), White (Business), DiPaola (Education), Canuel (Marine Science), Kennedy (BOV), Macdonald (Area III), Tracy (Area III), Evans (Area II), Sheriff (Area II), Meyers (Area I), Cate-Arries (Area I)

Kennedy presented a motion to close nominations; the motion was seconded by Lee.

The vote was unanimous to close nominations.

The slate of candidates was approved by unanimous vote

Academic Affairs:

Meese proposed the following slate of candidates: Lee (Law), DiPaola (Ed), White (Business), Canuel (Marine Science), Cate-Arries (Area I), Potkay (Area I), Sheriff (Area II), Bragdon (Area II), Cooke (Area III), Greg Smith's replacement (Area III).

Kennedy presented a motion to close nominations. Cooke seconded.
The vote was unanimous to close nominations.
The slate of candidates was approved by unanimous vote

Faculty Affairs:

Meese proposed the following slate of candidates: Meese (Law), Mooradian (Business), McAdams (Education), Hershner (Marine Science), Macdonald (Area III), Cooke (Area III), Royster (Area II), Evans (Area II), Potkay (Area I), TBD (Area I).

Kennedy presented a motion to close nominations. White seconded.
The vote was unanimous to close nominations.
The slate of candidates was approved by unanimous vote

COPAR:

Meese proposed the following slate of candidates: Lee (Law), Mooradian (Business), McAdams (Education), Hershner (Marine Science), Cate-Arries (Area I), TBD (Area I), Royster (Area II), Bragdon (Area II), Tracy (Area III), Greg Smith's replacement (Area III)

A motion was made to close nominations. Motion was seconded.
The vote was unanimous to close nominations.
The slate of candidates was approved by unanimous vote

Meese proposed a motion to hold a short recess for each of the committees to caucus and select their leader for the upcoming year.

3. Election of Committee Chairs:

The following people were elected to chair the sub-committees by the membership of each committee, respectively:

Academic Affairs Committee: Bill Cooke
Faculty Affairs Committee: Todd Mooradian
Committee on Planning and Resources: Gene Tracy

The meeting was called to order by Meese following the election of Committee Chairs.

4. Remarks from the newly elected Faculty Assembly President

Meese thanked members of FA for electing him. He also thanked Katherine Kulick, Past President, for her service to the Faculty Assembly, to The College, and for mentoring Alan during past year.

Meeting Part 2

Regular Assembly business was conducted during this portion of the meeting by the 2006-2007 members of the Faculty Assembly. New Assembly members were invited to remain and participate in the discussions.

1a. Introduction of new FA President

Kulick passed along a key, symbolic of Meese taking over the leadership of the Assembly.

1. Approval of the minutes of the 24 April 2007 Meeting.

Leslie presented a motion for approval of the minutes for the April 24, 2007 meeting. Lee seconded the motion and the minutes were approved by unanimous vote.

2. Provost's Report.

Provost Feiss described the President's action items regarding Internationalization of campus:

- (1) President will create Presidential Committee on Internationalization of campus
- (2) Laurie Kolowski (Reves Center) will provide list of present activities.
- (3) Provost Feiss will be researching "best practices" at other institutions. A white paper will be prepared on this topic. Feiss will work with Bill Cooke (Chair, Academic Affairs).

Provost asked members of FA to provide list of institutions that we may want to emulate in terms of their international programs. He may make some trips to other campuses.

Peer institutions: New list keeps 19 of present institutions on our list of 75 institutions with whom we would negotiate for a place on our new peer institutions list.

Committee Reports

Academic Affairs Committee (Diaz): DAC withdrew its proposal pertaining to electronic devices in the classroom.

COPAR (White): follow-up from last meeting. Brian Hiestand provided copy of his slides for Assembly members.

White updated the Assembly about an ongoing project to compile information from Institutional Research with the assistance of Lorne Kuffel and David Kranbuehl (Chemistry). White suggested that COPAR continue this effort in the upcoming year.

Faculty Affairs (Armstrong): *Revisions to Faculty Handbook*

Section III.D Leaves of Absence

This section pertains to academic leaves: including scheduled semester research leaves, non-academic leaves: including unpaid leaves, family care leaves, disability leaves, etc.

Kulick noted that this section was discussed at a previous meeting.

Lee requested clarification of 1b Benefits

Page 1. no changes

Page 2. no changes

Page 3. no changes

Page 4. no changes

Page 5. no changes

Page 6. no changes

Diaz motioned to approve. Cooke seconded.

Changes to Section III.D were approved by unanimous vote.

Section III.H Termination of an Appointment for Medical Reasons

Armstrong and Faculty Affairs want to forward the following item to the Writing Committee for clarification:

Page 2. Confusion about date of dismissal and date of notification. It was clarified that the date of dismissal is the date a faculty member is leaving institution.

Page 2. Armstrong and committee felt that calendar needed clarification.

“if any” seems to contradict “shall receive”

Provost Feiss: It is possible for someone to not receive payments if they have not been at institution for three months.

Macdonald: Language implies some payment will be made. Need to retain “if any” because if you remove it, implies a payment will be made.

Kennedy: The first part pertains to compensation and notice. This is AAUP language. Second sentence refers to time period beyond date of dismissal. This is also AAUP language. If someone has been here for a long time, BOV is not required to limit compensation to only one year.

Diaz presented a motion to refer this section back to the Writing Committee. Beers seconded. Motion carried by unanimous vote.

III.I Termination of an Appointment for Financial Exigency or Discontinuance of a Department or Program of Instruction

Armstrong noted some minor grammatical comments on this section but Faculty Affairs

did not find any substantive items needing revision.

Kennedy alerted the Assembly to some substantive issues within this section. AAUP guidelines have a long section about involving faculty in decisions to terminate program. The Writing Committee has separated exigency from discontinuance of program. FCUP has been added to the decision-making process.

Armstrong: FA thought that involving FCUP in decision-making makes perfect sense.

Meyers noted that this will have to be added to the charge to FCUP.

Page 1. no additional comments

Page 2. no additional comments

Page 3. no additional comments

Page 4. no additional comments

Page 5. no additional comments

Beers presented a motion to approve this section. Diaz seconded.
The motion carried unanimously

III.C Procedures for the Evaluation of Faculty

Armstrong mentioned that the Assembly discussed the first five pages of section III.C previously.

Page 1.

FAFAC felt there was no reason to explicitly limit criteria for tenure and promotion to those criteria listed in document.

Meyers stated that this would have to be outlined in the formal policy of specific units.

Meese reminded the Assembly that these policies would have to be approved by PRC.

Armstrong noted that the section on Due Process (Page 1) applies to the entire section 1 (Tenure-eligible and Tenure Faculty). FAFAC felt it should be moved to end of section.

Macdonald noted that when the Dean conveys his recommendation, he includes a vote of RPT committee. This is not articulated in Handbook. Macdonald expressed concern that knowing the details of the vote is not good for a tenure/promotion candidate when tenure is recommended. It may be useful when the candidate is not recommended for tenure.

Meese did not remember when this was decided upon by PRC. PRC has made rulings about what should be disclosed and when.

Provost Feiss stated that the issue is at what stage do you communicate to a candidate that decisions are being made.

Meyers recommended that this matter be referred to the Faculty Affairs Committee in A&S.

Kennedy noted that RPT reports have become long and detailed and have influenced the

Dean's decisions. Candidates have not been allowed to see these reports. No decision was ever made. Problem is that there could be 5-page report that a candidate may not see.

Macdonald responded that recording of a vote does not serve the candidate well. If this is not intended to occur, then it should not.

Armstrong noted that the question is whether the RPT report is considered a formal evaluation.

Provost Feiss responded that the question is about when the candidate has the opportunity to respond to RPT's report to the Dean. Generally, the candidate does not have this opportunity until a decision is made regarding retention and promotion.

Meyers responded that if there is ambiguity, the Writing Committee should incorporate this information.

Meese noted that other schools have different policies; some do not have RPT committee.

Cooke stated that we could have a parallel discussion about the role of Associate Deans.

Meese responded that discussion of this issue should continue on other track.

Page 2. Section III.C.i.

Currently have no salary ceiling or salary floors. Is this language needed?

Provost Feiss responded by noting that there was a time when there was a salary floor.

This language may reflect this.

Meese stated that this section was shortened relative to the previous Handbook.

Armstrong suggested that we strike the phrase, "there are not currently no salary ceilings."

Page 3. Section on Interim, tenure promotion reviews.

Armstrong: FAFAC recommends the following section be stricken, "Each case shall be judged on its own merits and not on comparisons with previous decisions."

Provost Feiss responded that there have been cases when this language has been used.

Generally, the tenure review process tries to avoid comparisons between tenure cases. Each case should stand on its own.

Armstrong responded that FAFAC was actually OK with this section. Instead, FAFAC thought that the sentence beginning, "The categories shall be employed ..." should be stricken because this sentence was not be procedural.

Provost Feiss responded that the language, "particular mission" is to cover VIMS faculty.

In this case, scholarship may be in the realm of advisory service.

Armstrong noted that this language does not seem to add to the sentence. It describes a goal rather than a procedure.

Kennedy explained that we have to apply categories in way that is consistent with mission. "improvement" vs. "maintenance" is an issue.

Armstrong noted that "maintenance" vs. "improvement" might apply differently in cases of promotion vs. those of tenure.

Meyers suggested that the section might be more appropriate if moved to another place in the Handbook. This phrase might be worth saying in another place.

Armstrong noted that this sentence is duplicated on page 1.

Meese responded that the Writing Committee used “maintain” on page 1, while later in document, “improve” is used.

Meyers stated that he would like to keep this section.

Meese noted that there was reason for the choice of “improve”.

Armstrong responded that he was happy to retain this language.

Page 4. Section on “teaching evaluations”.

Armstrong suggested that the words “at least” be added to the phrase, “one method other than teaching evaluations”. There were no objections to this suggestion.

Armstrong suggested that “due process” be stricken.

Due process in Section III C. 1. applies to all sections.

Armstrong brought attention to the sentence at the end of interim review. Candidate can include anything they wish in their tenure dossier. Seems odd that interim review cannot be included.

Provost Feiss responded that the intention was to clarify that a department cannot include interim review unless it is in their policies. Candidate can include interim review if they wish.

Armstrong suggested a change in wording from, “confirm” to “state”.

Page 5. Attention was brought to the last sentence, “No faculty member will be granted more than one such extension.”

This language may have discriminatory impact on women on parental leave.

Macdonald requested clarification of whether a probationary period can be extended more than once.

Kennedy responded that we could be in questionable territory with AAUP if an individual was here 8-9 years and did not get tenure.

Meese mentioned that PRC had raised this issue as well. In the end, PRC decided not to object to present language.

Provost Feiss responded that this was an historical reference. Previous Provost stated that leave was for one semester, with the possibility of extension to one year. AAUP and other institutions are considering this matter.

Provost Feiss indicated he would like “typically” added to the wording.

Armstrong suggested the language be changed to, “with approval of Provost.”

Macdonald noted that it would be useful to clarify who would make the exception.

Kennedy responded that AAUP allows the tenure clock to stop no more than twice.

Provost Feiss stated that ADA suggests that a longer probationary period may be necessary in cases of disability.

Armstrong suggested that the language be changed to, “generally, no more than one...”
“Further extensions may be approved by the Provost.”

Cooke asked whether this change would be redundant because the prior section makes it clear that the Provost is the decision-maker.

Meese suggest that the change in language be limited to adding the word, “generally,”

Page 6.

Armstrong stated that FAFAC questioned the use of the language, “several faculties of the college.”

Kennedy responded that this is the case.

Armstrong suggested deleting, “promotion to rank of Professor normally follows 6 years as Associate Professor.” This is not current practice at School of Law.

Kennedy suggested that the sentence about time be deleted.

Provost Feiss responded that if this language is removed from Handbook, he would want each school to characterize what this time period should be in their procedures. He would like new faculty members to know what is the norm.

Meyers expressed support for including this language.

Provost Feiss responded that a footnote could be added clarifying that this language does not apply to the Law School.

Page 7. Armstrong noted a small change to the footnote at bottom of page.

Page 8. FAFAC did not have any changes.

Page 9. FAFAC did not have any changes.

Page 10, Section d.

Armstrong recommended that the section on Emeritus Faculty more naturally sits later in document.

There were no objections to this suggested change.

Page 11, Section e.

Armstrong suggested changing “artistic” to “creative”.

Meyers noted that PRC suggested changing “significant” to “appropriate”. “Significant seems to be an order of magnitude.

Meese noted that this language applies to criteria for both promotion and tenure.

Significant for both implies that one does not need to do more for promotion to Full Professor than for tenure.

Cooke recommended revising the language to read, “significant and appropriate.”

Armstrong responded that this language is also used in the section about not renewing contracts for Associate Professor. He suggested a change to, “appropriate level of contribution to their field.”

Macdonald expressed the need to make sure the document is consistent throughout.

A question was asked about whether a decision about tenure/promotion can be undertaken with only the approval of the Provost. PRC suggested the President be included. FAFAC suggested that the section retain the Provost’s approval.

Comment [FaS1]:

Page 12. First Paragraph:

Armstrong asked whether in cases where a situation cannot be resolved at the level of PRC, whether PRC would block the matter being referred to Faculty Hearing Committee.

Provost Feiss asked whether PRC would want to forward a case if the appellate was not acting in good faith.

Meese responded that there was no standard governing what happens in case of impasse. Without determining the merits of a particular case, PRC is the gate-keeper. There needs to be a mechanism for bargaining/mediation.

Lee suggested changing the language to, "If PRC determines that there is not bargaining in good faith..."

Provost Feiss responded that it was not possible to clarify the conditions under which PRC would not forward a case to Faculty Hearing Committee. Introduction of PRC at this level is a good thing so that cases can get resolved at this level.

Armstrong replied that FAFAC would be comfortable with clarifying this section as recommended by Provost

Page 13. no changes

Page 14. Section M

Armstrong recommended that there should be some time attached to how long President would have to respond in writing.

Provost Feiss recommend that we consider adding language, "in appropriate amount of time."

Page 15. Appeal on grounds of inadequate consideration.

Armstrong noted that FAFAC suggests 30 calendar days.

Macdonald responded that it can be more difficult to get a committee together than for an individual to make decision.

Provost Feiss replied that 30 days is a fast clock.

Meese noted that once PRC makes its decision, it has to write a letter. The letter has to be circulated to the committee subsequently.

Armstrong responded that he does not object to keeping 45 days.

Fuchs noted that an earlier reference to part-time faculty, specified Emeritus faculty.

Armstrong responded that part-time faculty does not include faculty in phased retirement program.

A motion to forward the draft document to the Writing Committee passed by unanimous vote.

This concluded consideration of the Faculty Handbook during the meeting.

6. Old Business – The Assembly charged Academic Affairs subcommittee to return to the Assembly after further consideration of the proposal for electronic devices in the classroom in light of new security procedures.

7. New Business – Meyers will present a motion at a Fall meeting to commission a study of Slavery and Race Relations at the College of William & Mary.

8. Adjournment:

The meeting was adjourned at 6:00 pm.

Respectfully submitted,
Elizabeth A. Canuel, Secretary