

**Faculty Assembly Meeting
Minutes for March 26, 2019
3:30-5:00 pm
Blow Hall Board Room**

Officers Present: Jack Martin (President), Tom Ward (Vice President), Chris Abelt (Secretary) and Cathy Forestell (Faculty Representative to the Board of Visitors)

Other Members Present: David Armstrong, Mark Brush, Lynda Butler, Carl Friedrichs, Jennifer Kahn, Rowan Lockwood, Michael Luchs, Alan Meese, Jennifer Mellor, Pieter Peers, Christy Porter, John Riofrio, Scott Swan, Molly Swetnam-Burland and Megan Tschannen-Moran

Members Absent: Sophia Serghi

Others in Attendance: Michael Halleran (Provost), Terry Meyers (Parliamentarian) and Mark Patterson (Ombudsperson)

1. Call to order

Mr. Martin called the meeting to order at 3:31 pm.

2. Approval of the Minutes for February 26, 2019

The minutes were approved unanimously.

3. Provost's Report

There will be another Thinking Forward session on April 3rd. Ron Schechter will present the next Tack lecture on March 28th. The College budget for 19-20 is nearing completion. COPAR will offer its recommendations soon. The Center for Teaching and Learning is moving forward. The studio will have space in Swem Library. No new money will go to this project. Funds will come from reallocation. The 3% raise in the state budget is a floor and it is an across the board salary increase.

4. Innovation Institute

Mr. Luchs followed up on his presentation at the last meeting. Feedback included the need to backfill departments and to include the humanities and social sciences, and the worry that it would crowd out other initiatives. Discussion of the next steps led to two resolutions. The first was to endorse the concept. The vote was short of unanimous in favor by one nay. The second resolution was to have the Executive Committee form an *ad hoc* committee to explore the process for systematically inviting and vetting ideas. The vote was unanimous in favor.

5. Proposed Changes to the Faculty Handbook

Changes to the Handbook will be voted up or down on April 23rd. Section III.D. regarding medical leave was changed to say that the few faculty who are covered under the VSDP policy are not covered by the Handbook policy. The question about whether the faculty member is required to obtain certification by a physician in order to return to work after a leave was raised. The Assembly approved the text without adding the certification requirement (document appended). Section III.E

was changed to include a prohibition on consensual amorous relationships between faculty and graduate students in the same school or in Arts and Sciences. The Personnel Policy Committee thought that the prohibition in A&S was too broad. Some on the Assembly suggested a complete ban on relationships with all students. The policy with the ban on graduate students in the same unit will be posted for comment (attached). Finally, Section III.C. was changed to include a provision that the tenure/promotion process will be stayed for a misconduct allegation to be investigated (attached). The section on sanctioned misconduct that impacts the tenure, promotion and retention criteria was considered too problematic for further consideration.

6. Proposed changes to the Faculty Assembly By-laws

Article III changes were approved unanimously (attached).

Article IV changes allowing for non-proportional representation on the governing committees (Faculty Affairs, Academic Affairs and COPAR) were not accepted. Many felt that proportional representation was needed on COPAR because of the financial impact of this committee.

7. Reports from Standing Committees

Executive and Liaison – no report

Faculty Affairs – Scott Swan

Further development of the faculty survey is waiting for the results of the HR survey

Academic Affairs – Michael Luchs

The Library Committee would like to present a report to the Assembly

COPAR – Lynda Butler

The next meeting will be this Friday. The committee will prepare recommendation for up to nearly 1\$M in funds.

8. Adjourn

Ms. Tschannen-Moran reminded those present that today is Purple Day (epilepsy awareness day) before the meeting was adjourned at 4:52 pm.

Prepared by Chris Abelt

III. POLICIES AFFECTING THE FACULTIES

D. LEAVES OF ABSENCE¹

3. Non-academic Leaves

a. Fully Paid Leaves

Unless otherwise provided by state law,² eligible faculty members are entitled to 120 calendar days of paid leave for ~~medical inability to work~~³ or family ~~care~~⁴, as described below. Although the need for extended leave is often unanticipated, faculty members shall notify the Office of the Provost, through the appropriate Dean(s), of the need for paid leave, including paid ~~dependent family~~ care leave as provided below, as soon as reasonably practicable. Excepting infant care or newly-adopted ~~child~~⁵ care as defined below, if the ~~medical inability to work~~³ extends or is expected to extend beyond three weeks, a physician's statement verifying inability to work, including the date when return to work is expected, must be presented to the appropriate Dean(s) and to the Provost.

i. Disability Leave

Eligible faculty members initially shall have available to them up to 120 calendar days of paid disability leave ~~for medical inability to work due to illness, injury, or pregnancy.~~ Faculty members who use all or any portion of the initial 120 days of such paid ~~disability~~ leave during any contract ~~year~~⁶ shall be credited with up to 30 additional days of such paid ~~disability~~ leave effective the beginning of each succeeding contract year but the total number of days available may never exceed 120, and faculty members may not use more than 120 days of such paid ~~disability~~ leave during any contract year. No severance payments will be made for such unused paid ~~disability~~ leave. See also Section III.D.3.d. below (Long-term ~~Disabilities~~ disabilities). Faculty shall resume their normal duties upon completion of such a leave.⁶

¹ All benefits provided to eligible faculty under the Faculty Handbook are subject to change by means of: (1) valid amendments of the Faculty Handbook and (2) changes in state law.

² For instance, Code of Virginia § 51.1-1103 automatically enrolls faculty who participate in the defined benefit and hybrid versions of the Virginia Retirement System into the Virginia Sickness and Disability Plan ("VSDP") unless such faculty expressly elect not to participate in the VSDP. See § 51.1-1103 (C) (requiring such participation absent election to opt out) and § 51.1-1100 (defining eligible employees covered by 51.1-1103 to include those participating in the VRS defined benefit and hybrid retirement plans). Faculty enrolled in the VSDP are not eligible for non-academic disability leave or family care leave under III.D.3.a.

³ "Disability" means the inability to work for medical reasons.

⁴ "Newly-adopted child" may include a child who has been brought into the faculty member's home and whom the faculty member intends to make a permanent member of the family through adoption. The first year of adoption begins at the time the child is brought into the home, not at the time the adoption is finalized.

⁵ The term "contract year" means, for faculty with nine-month contracts, the period from August 16 through May 15 of the succeeding year, and for faculty with twelve-month contracts, the period from July 1 through June 30 of the succeeding year.

⁶ For procedures governing termination of a faculty appointment for medical reasons, see III.H.

⁶ "Newly-adopted child" may include a child who has been brought into the faculty member's home and whom the faculty member intends to make a permanent member of the family through adoption. The first year of adoption begins at the time the child is brought into the home, not at the time the adoption is finalized.

⁶ The term "contract year" means, for faculty with nine-month contracts, the period from August 16 through May 15 of the succeeding year, and for faculty with twelve-month contracts, the period from July 1 through June 30 of the succeeding year.

ii. Paid Family/~~Medical~~ Care Leave

The following kinds of ~~dependent~~family care leave may qualify for up to 120 days of paid leave: ~~• care for an ill or injured~~

~~• care for an ill or injured relative, by blood, marriage or adoption, including step-relatives, so long as the faculty member certifies that he or she is the primary caregiver of said relative ("family member ("family medical care");⁷];⁷~~

~~• • care for the faculty member's child~~infant, including a step-child, ~~under the age of one~~ without regard to illness or injury ("infant care"); and

~~• • care for a faculty member's newly-adopted child under the age of seven during the first year of adoption, without regard to illness or injury ("newly-adopted child care"). Paid leave for family care, infant care~~

~~If both parents of an infant or newly-adopted child are faculty members, each such parent qualifies for 120 days of paid infant care leave or newly-adopted child care leave is available only when the faculty member under this section, without regard to whether the parent is the person who primarily provides for the physical care of the family member, infant or newly-adopted child. Such leaves may not be taken concurrently, and each such leave must begin within one year of the child's birth or adoption.~~

When practicable, ~~paid~~any leave ~~taken under this section for infant~~ a single disability, adoption, birth or care ~~or newly-adopted child care~~ for an injured relative should be taken wholly within one semester. Disability leave ~~associated with pregnancy~~ and ~~dependent~~family care leave may be combined ~~by an individual~~, provided that the total paid leave does not exceed 120 days (per III.D.3.a. ~~above~~); ~~except under exceptional circumstances and subject to approval by the Provost, instructional faculty leave must be taken during a single semester for a single pregnancy/birth above)⁸.~~

⁷ For purposes of this provision, "marriage" includes a domestic partnership, where "domestic partner" is as defined by the United States Office of Personnel Management in 5 C.F.R. § 875.213 as of February 27, 2018.

⁸ See III.C.1.b.ii.(A)(1) regarding the extension of the probationary period due to disability or family care leave.

III. E. CONFLICTS OF INTEREST

2. Consensual Amorous Relationships

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a. Consensual Amorous Relationships with Colleagues

Because amorous relations between administrators or faculty members and other faculty members or support staff whom they supervise may create the appearance of a conflict of interest, administrators and faculty members are advised against participating in amorous relationships with those whom they supervise. Similarly faculty members should avoid situations requiring them to supervise those with whom they currently have an amorous relationship. Whenever such a situation arises or is foreseen, the faculty member shall report the situation promptly and seek advice from an appropriate administrative officer, who should take steps to insure unbiased supervision or evaluation of the person supervised.

b. Consensual Amorous Relationships with Students¹

(i) Relationships With Undergraduate Students Prohibited

The College prohibits any faculty member, including part time faculty, from knowingly engaging in a consensual romantic and/or sexual relationship with any undergraduate student enrolled in a degree-seeking program.

(ii) Relationships With Graduate or Professional Students

The College prohibits any faculty member, including part time faculty, from knowingly engaging in a consensual romantic and/or sexual relationship with any graduate or professional student enrolled in a degree-seeking program in the School in which the faculty member has a primary appointment.² The College also prohibits such relationships between those graduate or professional students with whom the faculty member has, at the time the relationship begins, any evaluative, collaborative or supervisory role, whether this role is direct or indirect. The phrase “evaluative, collaborative or supervisory role” refers to many faculty roles, both within and outside the classroom, and in all college-sponsored academic, co-curricular, and extra-curricular activities, including but not limited to teaching research collaboration, employment of research assistants, academic advising, coaching (athletics, drama, etc.), advising student activities, service on evaluation committees that confer or recommend the conferral of awards, prizes and other forms of recognition, and thesis committees. A faculty member who is involved in a consensual amorous relationship that does not otherwise violate this policy (including a relationship the appropriate Dean has exempted from this policy) shall recuse him- or herself from any subsequent activity that entails any evaluative, collaborative or supervisory role as defined above with respect to such student. The College prohibits consensual romantic and/or sexual relationships between faculty members and undergraduate students, as well as between faculty members and those

¹ Relationships that started before appointment of the faculty member and/or the student's enrollment may qualify for an exemption under III.E.2.a.iii.

² For purposes of this provision, the Faculty of Arts and Sciences shall be treated as a School. Thus, a faculty member with a primary appointment to the Faculty of Arts and Sciences shall not engage in such a relationship with a graduate student enrolled in a degree-seeking program in Arts and Sciences.

~~graduate students for whom the faculty member has direct professional responsibility. The term “direct professional responsibility” refers to many faculty roles, both within and outside of the classroom, including but not limited to teaching, academic advising, coaching (athletics, drama, etc.), and service on evaluation committees (awards, prizes, etc.) and graduate or undergraduate thesis committees. In effect, “direct professional responsibility for students” includes the supervision of all college-sponsored academic, co-curricular, and extra-curricular activities.~~

(iii) Exemptions

~~The Deans of the School or Faculty where a faculty member has a primary appointments and of Arts and Sciences may grant exemptions an exemption from this policy in exceptional circumstances for good cause shown, but only after the Dean has ensured that the relationship so exempted does not impair the education of any student(s) and does not give rise to a conflict of interest. Any such exemption must be in writing and must specify any conditions the Dean has imposed to ensure satisfaction of the criteria listed in the previous sentence. A faculty member who has been granted such an exemption must recuse him- or herself from any “evaluative, collaborative or supervisory role” that may arise during the existence of the relationship.~~

~~When determining whether there is good cause, the Dean shall consider: various factors including the actual or possible connection, if any, between the faculty member’s official duties and the student’s program of study, the feasibility of imposing conditions that prevent any conflict of interest or other detriment to the educational function, and whether the faculty member and student are in a marriage or involved in a committed relationship that predated the appointment of the faculty member and/or the enrollment of the student in the relevant degree-seeking program.~~

Members of the university community who believe that violations of this policy have occurred may initiate a complaint with the appropriate department chair or academic Dean (see III.F.4. below). A complaint alleging that a Dean or other academic administrator has violated this policy may be filed with the Provost or President. Complaints must be filed no more than two years after an alleged violation.

Violations of this policy will be considered misconduct on the part of a faculty member and will be subject to institutional sanctions, including possible termination of the faculty member’s appointment. Treatment of allegations and imposition of sanctions will be governed by procedures specified in sections III.F.1. and III.F.4. of the *Faculty Handbook*.

III.C. Procedures for the Evaluation of Faculty

1. Tenure-eligible and Tenured Faculty

Though specific procedures and standards among the several faculties of the College vary, the criteria for retention, tenure, promotion, and annual merit evaluation of tenure-eligible and tenured faculty members throughout the College shall include: possession of the professional education, experience, and degrees appropriate or necessary for their duties; conscientious and effective teaching with proper command of the material of their fields, and helpfulness to their students; significant contributions to their fields through research and scholarly or creative activity, and through professional service; and responsible participation in College governance. Further criteria and procedures specific to the type of review are set forth in Section III.C.1.a. b., and c. below.

If a misconduct matter relevant to a faculty member's record of teaching, scholarship, and service arises during the retention, promotion, or tenure process, that process shall be stayed while normal Faculty Handbook procedures are followed and the matter resolved.

ARTICLE III

Elections of Representatives ~~and Alternates~~

Section 1. Regular elections for Assembly representatives and alternates shall be held by March 1 of each year, with elected members assuming their duties ~~at the first regular meeting of the ensuing academic year~~ on July 1 after their election. However, newly elected members shall attend the Annual Meeting (see IV.1 See Article II, Section 2).

Section 2. Appointment of the non-voting NTE faculty representative shall be made, when necessary, by the Executive Committee at the Annual Meeting.