



# WILLIAM & MARY

CHARTERED 1693

## **Faculty Assembly Minutes, May 14, 2024**

**3:30 – 5:00 pm**

**Location: Miller Hall 2003**

Zoom: <https://cwm.zoom.us/j/7441676700>

*Officers Present:* K. Scott Swan (Faculty Assembly President), David Feldman (Vice President)

*Other Members Present:* David Armstrong (Faculty Assembly Representative to the Board of Visitors), Mark Brush, Christopher Del Negro, Marjy Friedrichs, Aaron Griffiths, Katherine Guthrie, Erin Hendrickson, Jessica Martin, Terry Meyers (Parliamentarian), Cristina Stancioiu (zoom), Evgenia Smirni, Betsy Talbott, Brett Wilson

*Members Absent:* Chuck Bailey, Josh Burk, Jim Dwyer, Ayfer Karakaya-Stump, Nick Popper, Randi Rashkover, Marc Sher

*Others Attending:* Pamela Eddy, Adam Gershowitz, Hannes Schniepp, Peggy Agouris, David Yalof

### Meeting

#### I. Minutes

Minutes from April 16 were approved.

#### II. Faculty Research Committee report (Hannes Schniepp, committee chair)

The FRC has eleven committee members, representing all three areas of A&S, plus the School of Education and the Global Research Institute. This year the committee has instituted a vice-chair position who will rotate into the chair position in order to provide additional continuity.

The role of the FRC includes prioritizing external grant proposals for which there are limited submissions allowed per university, and the selection of certain internally-funded research grants. In recent years there have been an increase in the number of internally-funded grant Opportunities. There were 50 W&M FRC grants available (formerly known as Summer Research grants) each of \$5K; there were 58 applications for these grants. There are also "W&M seed funding grants", which are larger (up to \$60K each) and are intended to support the start of new projects which are expected to provide the basis for significant subsequent external funding. Follow-up external proposals are required. There were 20 applications for these seed grants, 5 of which were funded. Schniepp noted that some of the policies and procedures used by FRC are ad-hoc and there are few written guidelines. Friedrichs suggested that the FRC might want to add members from VIMS and the School of Business. Wilson asked if the FRC considers prioritizing proposals for scholarship for which there may be little or no external funding opportunities; Schniepp explains that this is often the case for the FRC grants – these are almost never given to faculty whose research is already well-funded externally. Del Negro points out that smaller internal grants can often lead to more significant external funding, which benefits the university as a whole.

Reports were not available at this meeting from either the Athletics Advisory or University Library committees.

### III. Blackboard Ultra (Mike Murphy, IT)

This fall, Blackboard 9 will be switched to a new version, Blackboard Ultra. The law school has already been using Ultra for some time. This is big change; please share the news with your colleagues and get started adapting your courses now. Previous Blackboard courses cannot be simply transferred to Ultra; however you can create a new course, and “copy content” for most content to the new course via a button click. Some new features (i) there are AI-fueled features for grading some content (ii) Ultra is designed to work well on mobile devices. IT can provide department-wide training during the summer, if requested.

### IV. Provost’s Report (Peggy Agouris)

Agouris reviews the recent BOV meeting. The presentation on faculty productivity (phase 2, based on research and scholarship) went well. The presentation emphasized why research is important and what it means to be in research ecosystem. W&M has had recent growth in research expenditures, some of which may be tied to the 2009 reduction in teaching loads. The Board were informed about it means to publish research, the process involved, and were provided some comparisons with other institutions. Importantly, the U.S. News has made changes to their ranking criteria, including a new metric of the percentage of publications in the top 5% of journals. We rank somewhat low in this metric compared to other VA universities. Faculty may wish to pay more attention to this metric in selecting where to submit papers. Recent grant expenditures have been \$76 M per annum, compared to the \$50 M threshold for R1 status. However, only 145 of our 500 or so TTE faculty have submitted proposals in recent years. There is, however, a less comfortable buffer in recent years above the R1 threshold for doctoral production (70 per annum). The BOV were shown the present pipeline of PhD production. At present we have 9 doctoral programs; our students/program is larger than the average compared

to many other VA institutions, *i.e.* we don't have a large number of numerically marginal Ph.D. programs. It was pointed out to the BOV that we want to do better on capturing internal research-related data (*i.e.* via Faculty Success software). Next steps that are planned include (i) full implementation of Faculty Success, and (ii) the promulgation of clear metrics for research expectations at the hiring stage for TTE faculty.

Phase 3 of the faculty productivity study (which will focus on service) will be presented to the BOV at their April 2025 meeting.

The search for the Dean of the School of Computing, Data Sciences and Physics is going well – five finalists recently had on-campus visits. The new School proposal was submitted to SCHEV and is working its way through the approval process. The new Quality Enhancement Plan (QEP), required by our SACS/COC accreditation body was selected. Preparations for the upcoming SACS/COC accreditation were presented to the BOV, and the important role of the BOV in protecting institution from external influences (as SACS requires) was emphasized. The new Retirement incentive plan was passed by the BOV. The BOV also approved the new undergraduate major in Marine Science.

The Commonwealth's next budget was signed by Governor, and it includes merit-based salary increases for staff and faculty.

#### V. Faculty Handbook revisions

The proposed revisions to the Faculty Handbook forwarded to the Assembly from the Personnel Policy Committee (PPC) (the revisions and the forwarding memo are attached) were brought up for discussion.

Swan proposed the following amendment, which was seconded by Brush: In section III.C.3, "Emeritus Status" the sentences reading:

"Emeritus faculty are not employees or agents of the university and have no official duties. As a consequence, they do not vote on university matters, serve in official university capacities, nor represent the university in their statements or opinions."

be simply replaced by:

"Emeritus faculty are not employees or agents of the university."

Discussion on the amendment ensued. It was noted that at present, voting rights are only given to Emeriti at A&S faculty meetings (not in the schools, and not for personnel matters within A&S departments). Meyers argues that A&S voting rights should be decided within A&S faculty rather than taken away by administrative fiat. Feldman noted the latter part of the sentence is less clear – how does one define "serving in official capacities" or "representing the university in their statements" – are current faculty allowed to do the latter? Eddy notes that the question of who can represent the university arose out of the development of the recent guidance on media interactions for faculty.

The amendment was voted on by secret ballot, with 5 in favor and 8 not in favor; the amendment did not carry.

No other amendments to the PPC version were proposed, and a vote was called on the originally-proposed Handbook modifications from the PPC. The vote was again by secret ballot, and the motion carried, with 10 in favor and 3 opposed.

[Note added after the meeting: it was realized that the Faculty Handbook (section **III.K.2**) requires that “*Assembly ratification of proposed changes to the Faculty Handbook Sections II and III shall require a two-thirds vote of the full Assembly membership*”, so this vote was not sufficient to pass the modifications, as a minimum of 14 affirmative votes would be required].

Other Handbook actions: the PPC will soon (early June) be considering proposed changes from the Handbook committee (as request by the BOV) to remove or reduce references to Chairs and Program Directors. The PPC will then pass the proposed revisions to us.

The Handbook committee has been working on changes related to NTE faculty. Friedrichs asks who comments/edits should be sent to – the Faculty Assembly Handbook Liaison group or the Handbook committee directly? Hendrickson comments that the role of the Liaison group is a bit unclear. Armstrong suggests that comments/input could sent to any members of the Handbook committee [for reference, they are: Chon Abraham (Business), David Armstrong (A&S), Brian Baines (HR), *ex officio*, Pamela Eddy (Education), Adam Gershowitz (Law), Chair, Jack Martin (A&S), Alan Meese (Law), Carrie Nee (University Counsel), *ex officio*, Linda Schaffner (VIMS), Phil Wagner (Business), Jay Watkins (A&S)].

There was general discussion of the request from the administration that the phrase “presumption of continuance” be removed from descriptions related to continuing NTE positions. This is partly prompted by University Counsel’s opinion that this is not a legally well-defined phrase. Brush notes that VIMS needs their research NTE positions, which presently have a continuance presumption. Several members note that removing this provision would potentially have negative effects on NTE faculty recruiting, and asked what happens to faculty who were hired when this phrase was in effect? Gershowitz notes that this change is not something the Handbook committee wants, but in several discussions with University Counsel and President Rowe it was clear that this was not negotiable. Feldman asks whether we should get a small group from FA to meet with the President and push back? Brush notes that Assembly could simply vote “no” to this change. Armstrong notes that the President and U. Counsel have both approved of the new A&S Teaching Faculty (*i.e.* NTE) framework which, while not using “presumption of continuance” includes longer-term contracts for Teaching Faculty, with terms increasing in length with promotions, and for which there is *de facto* presumption of continuance, and so the schools should now be free to adopt similar policies. Guthrie responds that FA should not vote “yes” based on the expectation that the schools will adopt policies similar to the A&S one.

## VI. Election of new Officers

David Feldman (V.P.) has agreed to take on the Presidency next year. Nick Popper was nominated and elected to continue as Secretary. Swan is still seeking candidates for the next Vice President.

## VII. Other continuing projects

The statement on Freedom of Speech was discussed, and it was decided that now was not an ideal time to vote on it.

Tuition remission for faculty: it was learned that (despite rumors to the contrary) that Uva does not, in fact, have a tuition remission policy. Swan reports that President Rowe has stated that any such program can't come from existing revenue streams and suggests that funds could be secured from new revenues from a possible expanded summer teaching program. Swan will continue to pursue this concept.

Faculty Survey: Wilson reports that he is looking for a social scientist to help analyze data systematically. He will continue to work on analyzing the survey, despite his rotating off Assembly at the end of this semester. His first look at the results include these observations: 68% of faculty are either satisfied or very satisfied with their employment at W&M. 40% are either dissatisfied or very dissatisfied with their salary. 36% are either dissatisfied or very dissatisfied with the lack of tuition benefits for dependents. Almost 50% are either dissatisfied or very dissatisfied with increasing bureaucratic burdens. 52% are either dissatisfied or very dissatisfied with university administration. Only 13% are either dissatisfied or very dissatisfied with Faculty Assembly (35% are neutral). The highest priority listed was to increase the number of TTE faculty positions.

Faculty perspective interviews on hopes for new school: Talbot reports her working group is continuing to interview faculty throughout the summer.

Swan proposes a motion that the Assembly endorse *voluntary* faculty participation in President Rowe's planned summer professional development sessions focused on "Better Arguments" Program - focused on techniques for productive conversation across divides. The motion was seconded by Griffiths, and passed without dissent on a voice vote.

## VIII. Closing

Brush congratulated Scott Swan on the many accomplishments of the Faculty Assembly this year, and on his excellent service as President. The membership concurred with sustained applause.

Meeting adjourned in 4:55 pm  
Respectfully submitted, David Armstrong

To: The Faculty Assembly  
From: Personnel Policy Committee  
Date: April 23, 2024  
Re: Proposed Revisions to Emeritus Provisions of Faculty Handbook

## **Background**

The Working Group on the Faculty Handbook Revision sends updates to the PPC, and this committee then sends along the sections they approve to the Faculty Assembly for their approval. The first item sent to PPC from the working group was language governing emeritus faculty.

The Working Group added the emeritus provisions of the Handbook to their scope of work because the University's Chief Compliance Officer (as well as other constituencies) informed the group that there have been problems created by the current emeritus language. In particular, the Chief Compliance Officer informed the Working Group that the emeritus language in the Handbook can convey the mistaken impression that emeritus faculty are employees of the university, which in turn creates legal obligations and problems. In the course of reviewing the emeritus provisions and seeking to fix the employee concern, the Working Group discovered other areas for revisions.

This memo has three parts: (1) the current language in the Faculty Handbook; (2) a brief explanation of the substance of the changes the Working Group is proposing; and (3) proposed revised language approved by the PPC.

PPC understands that the Working Group consulted with the Faculty Assembly and shared an earlier draft of the proposed revisions with the Assembly.

### **I. Current Language in the Handbook**

#### **Section III.C.I.e (on page 43)**

##### **Emeritus Faculty**

Retired faculty may be awarded "emeritus" status as recognition of their dedicated service and meritorious contributions to the university and academic community. Retired associate professors in the Faculty of Arts & Sciences may be promoted to Professor Emeritus. The award "emeritus" and/or promotion to Professor Emeritus must be approved by the department or school in which the retiree held his or her appointment (consistent with any relevant department or school procedures and with the standards enumerated in III.C.1.), by the appropriate Dean(s), and by the Provost, President, and Board of Visitors. Emeriti faculty members continue to enjoy certain privileges of active faculty members, including parking, email, and library loan privileges.

#### **Section III.G (on page 73)**

## Grievances

If any full time, part time, or emeritus faculty member or group of faculty members feels that he, she or they have cause for grievance in any matter not governed by other procedures in the Faculty Handbook, he, she or they may petition the Faculty Hearing Committee for redress. The petition shall set forth in detail the nature of the grievance, parties grieved against (hereafter, the respondent(s)), and the relief sought. The petition should contain all information that the petitioner deems pertinent to the case. The Faculty Hearing Committee shall consider a petition only after the petitioner has sought relief from all other appropriate committees and/or administrators (e.g., a department personnel committee or chair, the Dean of the Faculty or School, etc.).

## II. Explanation of Proposed Changes

1. Emeritus Faculty Are Not Employees: The Compliance Office and Counsel's Office indicated that there have been past instances where emeritus faculty have engaged in conduct that made them appear to be employees of the university, which in turn caused FOIA and other legal issues. To eliminate this problem, the Working Group has proposed a clear statement that emeritus faculty are not employees or agents of the university and have no duties.
2. Voting Rights Eliminated: The Arts & Sciences Bylaws give emeritus faculty certain voting rights. This makes emeritus status look less honorific and more like an employee position. To be consistent with the idea that emeritus status is honorific, voting rights should be prohibited. The Working Group has proposed language specifically stating that emeritus faculty do not have any voting rights. Should this language be approved, Arts & Sciences would have to amend its bylaws accordingly.
3. Elimination of Ability to File Grievances: Section III.G currently allows emeritus faculty to file grievances. Because emeritus faculty are not employees of the university, allowing them to file grievances is ill-advised. The Working Group has recommended deleting the language that enables emeritus faculty to file grievances. Note however that the proposed revisions would continue to permit retiring faculty to file a grievance if they were denied emeritus status.
4. Expansion to NTE Faculty: Currently, emeritus status is limited to tenured and tenure-eligible faculty because the controlling provision is in the section of the Handbook (III.C.1) that is labeled "Tenure-Eligible and Tenured Faculty." Limiting emeritus status to tenured and tenure-eligible faculty seems unnecessarily exclusionary. There are many NTE faculty who will work at the university for substantial parts of their careers and who are making major contributions to the university and the broader academic community. Accordingly, the emeritus section would have to be removed from III.C.1.e (which is only for tenured and tenure-eligible faculty) and added as a new section (III.C.3).

5. Promotion as Part of Emeritus Status Deleted: The second sentence of III.C.1.e (“Retired associate professors in the Faculty of Arts & Sciences . . .”) is designed to allow an Associate Professor to be promoted as part of their retirement so that they will retire as “Professor Emeritus,” rather than “Associate Professor Emeritus.” There are multiple problems with this provision. First, it is confusing for this to be in the middle of the Emeritus paragraph. Second, there appear to be no standards for determining who should be promoted and who should not. Third, and most importantly, granting a promotion as part of the emeritus process does an end-run around the regular promotion process. The Working Group concluded that this language should be deleted.
6. List of Privileges: The current draft of the emeritus provision lists “certain” emeritus privileges but leaves ambiguity about whether other privileges are also granted on a university-wide basis. The Working Group proposes clarifying this language to list the exact privileges that are afforded on a university-wide basis. Further, the current Handbook language does not account for emeritus privileges that can be provided by a school or Arts & Sciences and that those privileges could differ. For instance, one school may invite emeritus faculty to scholarly workshops or provide them with use of an emeritus office to meet with students, while another school may not. Accordingly, the Working Group has proposed language that provides schools with the option to provide additional emeritus privileges that are unique to that school. At the President’s suggestion, the privileges available to emeritus faculty are listed in an Appendix so that they can be easily located and possibly changed over time. The Working Group contemplates that the Appendix will remain part of the Handbook and that changes to the Appendix would follow the Handbook amendment process. The President has recommended that the Faculty Assembly review the list of privileges next year to see if additions or subtractions would be appropriate.
7. Clarifying Who Can Qualify: The current language in the Handbook implicitly suggests that not all retired faculty members will be awarded emeritus status. The Compliance Office requested a more explicit statement that not all retired faculty will become emeritus professors and obtain the privileges of emeritus faculty. The Working Group has proposed language that more explicitly states that not all retired faculty receive the privileges that come with emeritus status.
8. Revocation: The proposed draft specifies that the BOV can revoke emeritus status – a power that the BOV already possessed. Note that the proposed language specifies that revocation should be for cause.
9. Parking: The current Handbook language could be read to indicate that emeritus faculty must be given parking, rather than being entitled to purchase a parking pass. The Working Group proposes clarifying that emeritus faculty do not get free parking.
10. Timeline for Seeking Emeritus Status: The current Handbook language does not provide a timeline for seeking emeritus status. In theory (and in at least one actual instance) a former faculty member could seek emeritus status many years after leaving their employment. The Working Group has proposed a specific time window for seeking emeritus status.



### **III. New Proposed Language**

#### **III.C.3 Emeritus Status**

The status of “Emeritus” faculty member is an honorific title. The honorific may be conferred upon any retiring full-time faculty member deemed to have provided dedicated service and meritorious contributions to the university and/or the broader academic community. Emeritus faculty are not employees or agents of the university and have no official duties. As a consequence, they do not vote on university matters, serve in official university capacities, nor represent the university in their statements or opinions.

The process for awarding emeritus status originates with a request by the retiring faculty member to be awarded emeritus status. Requests may be made up to one year following an eligible faculty member’s formal notice of retirement by submitting a letter to the home unit in which the faculty member holds their appointment. Thereafter, the unit will hold a vote to advance or not advance the request to the relevant Dean. Thereafter, the relevant Dean, after reviewing the faculty member’s file, will make a determination whether or not to advance the matter to the Provost and the President, who must concur in order to bring the recommendation to the Board of Visitors for approval. The award of emeritus status to any faculty member will be at the retiring faculty member’s current rank. The Board of Visitors has the right to revoke emeritus status for cause at any future date.

Retired faculty who have been awarded emeritus status are entitled to certain privileges not afforded to other retired faculty, which may vary by school policy. University-wide and school-specific privileges (established by the Provost in consultation with the Faculty Assembly and then as approved by the Board) are listed in Appendix X. However, neither the schools nor the Faculty of Arts & Sciences may confer any voting rights on emeritus faculty.

#### **Appendix X**

1. Library privileges (including borrowing privileges)
2. Continued use of a university email account
3. The option to purchase a parking permit
4. Use of the Recreation Center
5. Additional privileges specified by school.

### **Section III.G**

#### **G. Grievances**

If any full time or part time faculty member or group of faculty members feels that there is cause for grievance in any matter not governed by other procedures in the Faculty Handbook, the faculty

member(s) may petition the Faculty Hearing Committee for redress. The petition shall set forth in detail the nature of the grievance, parties grieved against (hereafter, the respondent(s)), and the relief sought. The petition should contain all information that the petitioner deems pertinent to the case. The Faculty Hearing Committee shall consider a petition only after the petitioner has sought relief from all other appropriate committees and/or administrators (e.g., a department personnel committee or chair, the Dean of the Faculty or School, etc.).