FACULTY HANDBOOK REVISION TEMPLATE – CHAPTER TWO
October 30, 2008 FHC Meeting

2009 REVISION TEXT (LEFT SIDE)
● Headings and changes in bold.
● Includes hyperlinks to FHC Minutes for reference.
● VERDANA TEXT – proposed insertion from outside source (Faculty Information Guide, Motions passed by Faculty Senate, University Policy Statements) – to revert to Times New Roman after FHC review/revisions made.
● Text moved from other sections in green.

1994 HANDBOOK TEXT (RIGHT SIDE)
● Headings in bold.
Deletions in yellow strikethrough; yellow appears only on electronic text
Text moved to other sections in green, including new location.

HEADINGS WITHOUT TEXT TO BE INCORPORATED:
CHAPTER I: UNIVERSITY ORGANIZATION
  ● 1.2 ADMINISTRATIVE ORGANIZATION
CHAPTER II: FACULTY PERSONNEL MATTERS
  ● 2.2 FACULTY RANKS
  ● 2.3 RECRUITMENT AND APPOINTMENT OF FACULTY
  ● 2.5 PROCEDURES FOR EVALUATION OF TENURED AND TENURE-TRACK FACULTY
  ● 2.7 PROCEDURES FOR REAPPOINTMENT, PROMOTION, AND TENURE
  ● 2.9 POLICIES AND PROCEDURES RELATING TO TERMINATION
  ● 2.10 FACULTY DUTIES AND RESPONSIBILITIES
  ● 2.11 FACULTY RIGHTS AND PRIVILEGES
  ● 2.11.2 GRIEVANCES
  ● 2.12.3 PROCEDURES FOR APPOINTMENT AND RENEWAL

CHAPTER III: FACULTY COMPENSATION AND BENEFITS
2.1 Faculty Appointments – 2009 Revision

This section defines the various types of faculty appointment at George Mason University.

**RATIONALE:** See FHC Minutes 5-22-08, FHC Minutes 6-17-08

2.1 Definition of the Faculty: Types of Appointments – 1994 Handbook Text

This section defines the faculty and the various types of faculty appointment at George Mason University.
2.1.1 Tenured Appointment – 2009 Revision

Although the word "tenure" does not appear in the Code of Virginia, the University grants "election without term." As used in a faculty member’s employment contract, the word “tenure” has the same meaning as “election without term”. This status is the contractual equivalent of tenure. The University defines tenure as the right to continued employment unless separated from the University under conditions outlined in Section 2.9 of this document. For the University, tenure is a major safeguard of academic freedom, of the quality of education offered here, and of the continuity and stability of the institution. For the faculty member on whom tenure is conferred, it is a privilege granted by the University to those who have consistently demonstrated their value to the institution over an extended period of time. Faculty on instructional tenured appointments normally hold the rank of Associate Professor or Professor.

Tenure, once conferred, resides in the University, and is not affected by the reorganization of academic units. In the event of program discontinuation or financial exigency, the institution will make a good faith effort to protect and retain its tenured faculty members and to provide them with opportunities for professional development and training for other roles in the University.

RATIONALE: See FHC Minutes 2-7-08, FHC Minutes 5-22-08 (first paragraph moved from 2.7.1 Definition of Tenured Status; second paragraph moved from 2.7.3 Locus of Tenure), FHC Minutes 6-17-08, FHC Minutes 8-6-08, FHC/Univ Counsel-10-2-08

New Section 2.9 replaced old Section 2.10

2.1.1 Tenured Appointment – 1994 Handbook Text

The appointment issued successively each year to persons elected without term to the faculty of the University by the Board of Visitors. Faculty on tenured appointments normally hold the rank of Associate Professor or Professor.
2.1.2 Tenure-Track Appointment – 2009 Revision

This is an instructional faculty appointment for a fixed term in which service is applied to consideration for tenure. These appointments are issued for terms of up to three years. The University can, but is not required to, renew such appointments for additional terms up to a total of six years of service (not counting any time period off the tenure clock). Faculty on tenure-track appointments may hold the rank of Assistant Professor, Associate Professor, or Professor.

Faculty in their sixth year of tenure-track service at George Mason University stand for tenure at that time if they wish to retain their position beyond the seventh year (see Section 2.7.2 for policy on notification to faculty terminated for failure to receive tenure). Earlier consideration for a tenured appointment is possible under certain conditions. For example, experienced faculty hired on tenure-track appointments from other institutions will not normally be expected to serve a six-year tenure-track period, although there is no requirement that they stand for tenure prior to their sixth year of tenure-track service at George Mason University. Exceptionally, other faculty may be suggested for early consideration based on unusually strong performance. Unsuccessful tenure evaluations for faculty prior to their sixth year of tenure-track service do not reduce the six-year tenure-track period.

RATIONALE: See FHC Minutes 9-24-07, FHC Minutes 11-26-07, FHC Minutes 2-7-08 (second paragraph moved/revised Section 2.7.2 Length of Probationary Period), FHC Minutes 6-17-08, FHC Minutes 6-24-08, FHC Minutes 8-6-08, Provost-10-2-08

New Section 2.7.2 replaced Section 2.8.3 which was superseded by revised Section 2.8.2

2.1.2 Probationary Appointment – 1994 Handbook Text

An appointment for a fixed term in which service is applied to consideration for tenure. These appointments are issued for terms of up to three years. The University can, but is not required to, renew such appointments of additional terms up to a total of seven years of service. A faculty member in the final term of a probationary appointment cannot subsequently be given another probationary appointment but can subsequently be considered for another type of fixed term appointment. Faculty on probationary appointments may hold the rank of Assistant Professor, Associate Professor, or Professor.
2.1.3 Other Types of Full-Time Fixed-Term Appointments – 2009 Revision

Full-time instructional, research, and clinical faculty on fixed-term, non-tenure-track appointments are known as Term Faculty. Service in such positions cannot be applied to consideration for tenure, although a faculty member holding this kind of appointment can subsequently be considered for a tenure-track or tenured appointment.

Term faculty whose assignments focus primarily on teaching are appointed as instructional faculty. Term faculty whose assignments focus primarily on research are appointed as research faculty. Term faculty whose assignments focus primarily on clinical practice are appointed as clinical faculty. Some specific administrative or service functions may also be attached to the teaching, research, or clinical focus.

Term faculty may be offered single-year or multi-year contracts, with the maximum contract length for assistant professors being three years for initial appointments and reappointments at the same rank. The maximum contract length for term associate and full professors is five years. Such contracts automatically expire at the end of the contract period, and although they may be renewed, there is no guarantee or right to reappointment from one contract to the next, whether single-year or multi-year.

Term faculty appointments include appropriate academic rank as judged by the appointing local academic unit and subject to the approval of the appropriate dean/director and Provost. Multi-year term faculty normally must hold a terminal degree. Term faculty with a terminal degree are eligible for promotion in rank after six years of service. Multi-year contracts offered after promotion in rank may be for up to five years.

Teaching-oriented term faculty may hold one of the following titles: Instructor, Assistant Professor, Associate Professor, or Professor. Research-oriented term faculty may hold one of the following titles: Research Instructor, Research Assistant Professor, Research Associate Professor, or Research Professor. Clinical-oriented term faculty may hold one of the following titles: Clinical Instructor, Clinical Assistant Professor, Clinical Associate Professor, or Clinical Professor.

Term faculty on single-year appointments whose permanent employment is with another organization hold title with the prefix of “Visiting.”

A maximum of 35% of all Instructional Term Faculty may be on multiyear contracts and a maximum of 25% of all full-time Instructional Faculty may be Term Faculty.

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2.1.3 Other Types of Fixed Term Appointments – 1994 Handbook Text

An appointment for full-time employment for a fixed term, in which service is not applied to consideration for tenure. The University can, but is not required to, renew such appointments for additional terms. The total duration of these appointments is normally five years, but may be longer if dictated by circumstances and the needs of the University. In all cases, the formal qualifications of faculty on this type of fixed-term appointment must be commensurate with their rank and title. A faculty member holding this type of appointment can subsequently be considered for a probationary or tenured appointment; however, prior service on a fixed-term appointment is not applied to consideration for tenure unless this is specified in the letter of appointment to probationary status. Faculty on fixed term appointments may hold one of the following titles: Instructor, Assistant Professor, Associate Professor, or Professor. These titles may be modified by the terms Research or Visiting or Clinical or Field. A visiting appointment denotes someone whose appointment is temporary, usually for one academic year. A clinical appointment denotes someone whose major responsibility is to supervise students in clinical instruction, whether within the University or in another setting. A field appointment denotes someone whose major responsibility is to supervise student field work, which may be geographically removed from the University, and who does not normally undertake class responsibilities.

RATIONALE: See FHC Minutes 7-18-06, FHC Minutes 8-22-06, 9-24-07, FHC Minutes 11-12-07, FHC Minutes 11-26-07, FHC Minutes 6-17-08
2.1.3.1 Externally Funded Fixed-Term Appointment – 1994 Handbook Text

An appointment for full-time employment for a fixed term, supported primarily or exclusively by external funds from grants and/or contracts. The University can, but is not required to, renew such appointments for additional terms. A faculty member holding this type of appointment can subsequently be considered for a probationary appointment or a tenured appointment; however, prior service on a fixed-term externally funded appointment is not applied to consideration for tenure unless this is specified in the letter of appointment to probationary status. Faculty on externally funded fixed-term appointments may hold one of the following titles: Research Instructor, Research Assistant Professor, Research Associate Professor, or Research Professor.

Moved to Section 2.3.3 Procedures for Appointment and Reappointment of Term Faculty

RATIONALE: See FHC Minutes 2-13-06, FHC Minutes 5-22-08
2.1.4 Part-Time Appointment – 2009 Revision

Faculty who are appointed to part-time positions with the sole responsibility of covering the teaching and advising responsibilities associated with a specific course (or a set of specified courses) are called adjunct faculty. Adjunct appointments are for the duration of the assigned course(s).

Faculty who are appointed to part-time positions with assignments that exceed those associated with adjunct faculty positions are known as part-time term faculty. Such assignments may include research, service, clinical practice, administrative program development, or instructional responsibilities that go beyond the boundaries of specific courses. Part-time term faculty positions are governed by the same appointment, rank, and title requirements as full-time term faculty positions. However, the dean/director is the final approval level for part-time faculty appointments, and the maximum length of a part-time term faculty position is one year, with exceptions requiring the approval of the Provost.

Part-time faculty are not considered voting members of the General Faculty and are not covered by the provisions of this Handbook.


A part-time faculty member is appointed to teach a particular course or courses, or to perform some other specific academic responsibility on a part-time basis for one or more terms. Faculty on part-time appointments normally hold one of the following titles: Adjunct Instructor, Adjunct Assistant Professor, Adjunct Associate Professor or Adjunct Professor. The title Adjunct may be followed by the modifier Field or Clinical or Research as appropriate. The University can, but is not required to, renew such appointments for additional terms. There is no limit on the number of terms an individual may be employed on such appointments. Some part-time faculty are appointed to a multi-year contract relationship with the University to serve in areas where their expertise warrants it. These long-term part-time faculty participate fully in the duties afforded them by the local unit, and their responsibilities in the local unit differ only in the percentage of a regular workload assigned by their contract. Faculty on such appointments may, according to their credentials, hold the title of Contract Assistant Professor, Contract or Senior Contract Associate Professor, or Contract or Senior Contract Professor. The title Contract or Senior Contract may be followed by the modifier Field or Clinical or Research as appropriate.

RATIONALE: See FHC Minutes 7-18-06, FHC Minutes 11-12-07, FHC Minutes 11-26-07, FHC Minutes 6-17-08, removal of Affiliate Faculty to its own Section 2.1.5 FHC Minutes 8-6-08
2.1.5 Affiliate Faculty – 2009 Revision

Faculty with significant teaching, research, service, or administrative assignments who are not on the University payroll may be designated with the honorific title of affiliate faculty with an appropriate academic rank. Recommendations for affiliate faculty appointments are initiated by a local academic unit and must be approved by the Provost.

2.2.7 Affiliate Faculty – 1994 Handbook Text

Individuals not on the University payroll who assume significant responsibility for research, clinical or field activities or who perform other services for academic programs, can be designated affiliate faculty with an appropriate academic rank. Appointments of affiliate faculty are recommended by the faculty of the local academic unit or program and by the local unit administrator or program director, and must be approved by the Provost.

RATIONALE: Revised and incorporated into Section 2.1.4 Part Time Appointments; later restored to separate section FHC Minutes 8-6-08; FHC/UnivCounsel-10-2-08
2.1.6 Definition of Primary Affiliation – 2009 Revision

Although a faculty member's tenure resides in the University as a whole (see Section 2.1.1), tenure-track and tenured faculty are appointed directly and specifically to one or more local academic units. Term faculty are also appointed directly and specifically to one or more local academic units. The status established by such an appointment to a local academic unit is called "primary affiliation." Primary affiliation in one local academic unit does not preclude the possibility of additional assignments to other local academic units.

An appointment to primary affiliation requires the concurrence of the faculty of the local academic unit to which the appointment is to be made and may not be transferred from one local academic unit to another except with the concurrence of the faculty of the unit to which a transfer is proposed.

2.1.5 Definition of Primary Affiliation – 1994 Handbook Text

Although tenure resides in the University as a whole (see Section 2.7.3), probationary and tenured faculty, with the exception of university professors, are appointed directly and specifically to one or more local academic units. The status established by such an appointment is called in this document "primary affiliation." Primary affiliation is determined in accordance with procedures described in Sections 2.7 and 2.8—An appointment to primary affiliation requires the concurrence of the faculty of the local unit to which the appointment is to be made and may not be transferred from one local academic unit to another except with the concurrence of the faculty of the unit to which a transfer is proposed. Primary affiliation in one unit does not, however, preclude assignment to part-time or full-time service in other units in which a faculty member does not hold an appointment to primary affiliation.

RATIONALE: See FHC Minutes 2-13-06, FHC Minutes 7-18-06, FHC Minutes 5-22-08, FHC Minutes 6-17-08, FHC Minutes 6-24-08, FHC Minutes 8-6-08

New Section 2.1.1 replaces Section 2.7.3 – one paragraph incorporated into 2.1.1.

2.1.6 Faculty With Governance Responsibilities – 1994 Handbook Text becomes 2.1.8 (see 2.1.8 template for revisions)
2.1.7 Academic Year Appointments and Fiscal Year Appointments - 2009  
Revision to FIG Text.

ACADEMIC YEAR APPOINTMENTS (9 MONTHS)

For administrative purposes, the academic-year for instructional faculty is the 9-month period from August 25 through May 24. This is the period during which faculty are paid and benefits are earned. For academic purposes, The Governor’s Consolidated Salary Authorization obligates faculty on 9-month appointments to be available for work approximately two weeks prior to the beginning of classes until two weeks after the end of classes. Benefits are provided the appointment is for one .5 FTE and more than 6 months*. Faculty on academic-year appointments who work less than the full 9-month period will be paid the appropriate percentage of their full 9-month salary. Faculty receive 15 days of sick leave for the fall and spring semesters. Summer employment is not covered by sick leave. There is no sick leave payout upon separation. Annual leave is not authorized for academic year appointments.

FISCAL YEAR APPOINTMENTS (12 MONTHS)

Faculty who are required to perform duties year-round are placed on 12-month or fiscal year appointments for the period June 25 through June 24. These faculty receive 24 days of annual leave and accrue 20 days of sick leave per fiscal year. All new 12-month faculty appointments receive 40 hours of annual leave and 40 hours of traditional sick leave**. This annual leave for new appointments is not eligible for leave payout and expires within one year of hire so it should be used first. Annual leave is not authorized for certain 12-month faculty appointments that are funded through special sponsored programs. Benefits are authorized provided the appointment is for one .5 FTE and more than 6 months*. Faculty on fiscal year appointments who work less than the full 12-month period will be paid the appropriate percentage of the full 12-month salary. Important details on leave accrual and leave payout for 12-month faculty can be found in the Administrative/Professional Faculty Handbook at http://hr.gmu.edu/policy/AdmHandbook.Final1-1-07.pdf.

*.50 to .79 FTE are eligible for health insurance but must pay both the employer and employee cost of the premium.

** Faculty who select the Virginia Sickness & Disability Program (VSDP) receive their sick leave through this program. There is no sick leave payout upon separation in either the VSDP or the traditional sick leave plan.

RATIONALE: See FHC Minutes 6-5-06, FHC Minutes 6-11-08 (see Section 2.10.5 Faculty Availability), FHC Minutes 6-17-08, FHC Minutes 6-24-08; including edits from Linda Harber email July 2, 2008. FHC Minutes 8-6-08 , FHC Minutes 10-30-08
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<th>2.1.8 Faculty with Governance Responsibilities - 2009 Revision</th>
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<td>Faculty possess governance responsibilities in local academic units in which they hold primary affiliation and in the larger units of which their local academic units are a part. Local academic units and collegiate units may also choose to extend voting rights to other faculty who are employed in those units. For purposes of participation in governance beyond the local and collegiate levels, the General Faculty is defined in Section 1.3.1.</td>
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**RATIONALE:** See FHC Minutes 7-11-06, FHC Minutes 6-17-08, FHC Minutes 8-6-08
2.1 Instructor – 2009 Revision

An instructor holds the master’s degree or equivalent academic and/or professional qualifications. Instructors do not receive tenure-track appointments; therefore, time spent in this rank is not counted as part of the period for consideration for tenure.

2.1 Instructor – 1994 Handbook Text

An instructor holds the Master's degree or equivalent academic and/or professional qualifications and gives promise of excellent teaching. Instructors do not receive probationary appointments; therefore, time spent in this rank is not counted as part of the probationary period for tenure.

RATIONALE: See FHC Minutes 4-24-08, FHC Minutes 6-17-08
2.2.2 Assistant Professor – 2009 Revision

An assistant professor normally holds the terminal degree in the discipline or field and gives promise of excellence in teaching and/or research and scholarship.

2.2.2 Assistant Professor – 1994 *Handbook* Text

An assistant professor normally holds the terminal degree in the discipline or field and gives promise of excellent teaching and scholarship.

*RATIONALE: See* [FHC Minutes 4-24-08](#), [FHC Minutes 6-1-08](#)
2.2.3 Associate Professor – 2009 Revision

An associate professor must have met the University's established criteria for advancement in rank as specified in Section 2.3.3 Criteria and Procedures for Appointment and Reappointment of Term Faculty and Section 2.4 Criteria for Evaluation of Tenured and Tenure-Track Faculty. New appointees to the rank of associate professor must have demonstrated equivalent qualifications which give reasonable assurance that such criteria will be prospectively met. Additional information regarding evaluation of faculty can be found in Section 2.5 Procedures for Evaluation of Faculty.

RATIONALE: See FHC Minutes 4-24-08, FHC Minutes 5-22-08, FHC Minutes 6-11-08, FHC Minutes 8-6-08

2.2.3 Associate Professor – 1994 Handbook Text

An associate professor must have met the University's established criteria for the measurement of excellence in teaching; have made significant contributions to scholarship in ways appropriate to the discipline or field; and have participated actively in the life of the University; or in the case of new appointees, must have demonstrated equivalent qualifications which give reasonable assurance that the aforementioned requirements will be prospectively realized.
2.2.4 Professor – 2009 Revision

A professor must have met the university’s established criteria for advancement to the highest rank of the professoriate as specified in Section 2.3.3 Criteria and Procedures for Appointment and Reappointment of Term Faculty and Section 2.4 Criteria for Evaluation of Tenured and Tenure-Track Faculty. New appointees to the rank of professor must have demonstrated equivalent qualifications which give reasonable assurance that such criteria will be prospectively met. Additional information regarding evaluation of faculty can be found in Section 2.5 Procedures for Evaluation of Faculty.

RATIONALE: See FHC Minutes 4-24-08; FHC Minutes 5-1-08, FHC Minutes 5-22-08, FHC Minutes 6-11-08, FHC Minutes 8-6-08

2.2.4 Professor – 1994 Handbook Text

A professor must continue to be an excellent teacher; have achieved a nationally recognized position within the field of specialization or the profession at large, as documented by the quality of publications or by other indices appropriate to the discipline; and continue to participate significantly in the life of the University; or in the case of new appointees, must have demonstrated equivalent qualifications which give reasonable assurance that the aforementioned requirements will be prospectively realized.

RATIONALE: See FHC Minutes 4-24-08; FHC Minutes 5-1-08, FHC Minutes 5-22-08, FHC Minutes 6-11-08, FHC Minutes 8-6-08
2.2.5 University Professor – 2009 Revision

From time to time the University will encounter opportunities to recognize current members of the faculty or appoint to its faculty women and men of great national or international reputation. The rank of University Professor is reserved for such eminent individuals. University Professors are appointed by the President and the Board of Visitors with the advice and consent of a standing committee appointed by the Provost.

University Professor appointments are normally reserved for full professors. The criteria for such appointments include substantial research or scholarship or arts credentials, as appropriate to the discipline.

2.2.5 University Professors – 1994 Handbook Text

From time to time the University will encounter opportunities to appoint to its faculty men and women of unusually great stature and eminence from the world of national and international achievement. The rank of university professor is reserved for such eminent individuals.

Since the value of these individuals to the University’s academic community transcends the boundaries of departments, colleges, schools, and institutes, university professors are appointed as at-large members of the General Faculty. At the discretion of local or collegiate unit faculties, however, university professors may be invited to accept primary affiliation in one or more departments, colleges, schools, and/or institutes. University professors invariably hold tenured appointments. They are appointed by the President and the Board of Visitors with the advice and consent of an ad hoc faculty committee of the President’s own choosing.

RATIONALE: See FHC Minutes 2-13-06, FHC Minutes 3-27-06 (pending external revision), FHC Minutes 4-4-07, FHC Minutes 4-11-07. New policy promulgated 3/21/07 examined, FHC Minutes 6-17-08.
2.2.6 Distinguished Service Professor – 2009 Revision

Distinguished Service Professors are recognized as individuals whose careers have had a major impact on their field or on the university community that goes well beyond ordinary levels of service. Normally, such individuals are recommended by a dean or director and appointed by the Provost.

Such appointments are normally reserved for full professors. The criteria for granting the rank of distinguished service professor includes extraordinary level of impact, sustained contributions to the good of the university and the academic unit, and/or significant contributions to the field that extend beyond the boundaries of the university.

NEW – not in 1994 Handbook. Adapted from: Distinguished Service Professors Criteria (3/21/07 Policy)

Distinguished Service Professors should be named by the Provost, either directly or following a recommendation by the dean or director of the unit in which she or he holds academic rank. Since service may take many forms over a long period of time, the Distinguished Service Professorship should be used to recognize individuals whose careers have had a major impact on their field or on the university community that go well beyond the ordinary levels of service. In other words, the intention of this designation is not simply to recognize someone for many years of employment at the university.

Criteria for naming someone to this rank are listed below.

A. Full Professor
B. Sustained contribution to the good of the university and the academic unit
C. High level service that goes considerably beyond the routine
D. Contributions to the field that extend beyond the boundaries of the university

RATIONALE: See FHC Minutes 4-11-07, FHC Minutes 6-17-08, FHC Minutes 8-6-08
2.2.7 Emeritus Status – 2009 Revision

Upon retirement from George Mason University, full-time Associate and Full Professors with ten or more years of continuous academic service may be recommended to the Board of Visitors for election to the honorary rank of Emeritus/Emerita in recognition of outstanding dedication to the university. A letter reviewing the candidate's history of teaching, research and scholarship, and service at GMU is normally initiated by the individual's LAU. The letter is forwarded to the LAU Dean, the Provost and the President for accompanying recommendations.

RATIONALE: See FHC Minutes 2-13-06, FHC Minutes 5-16-06, FHC Minutes 1/24/08, FHC Minutes 3-20-08, FHC Minutes 6-17-08, FHC Minutes 8-6-08

2.2.6 Emeritus Status – 1994 Handbook Text

Upon retirement from George Mason University, tenured associate professors and professors with ten or more years of service may be recommended for the rank of Emeritus. Recommendations for this honor are normally initiated by the individual's peer faculty and forwarded to the Board of Visitors like other faculty personnel matters, i.e., with accompanying recommendations from the local unit administrator, the dean, the Provost and the President.
Moved to Section 2.1.5

2.2.7 Affiliate Faculty – 1994 Handbook Text

Individuals not on the University payroll who assume significant responsibility for research, clinical or field activities or who perform other services for academic programs, can be designated affiliate faculty with an appropriate academic rank. Appointments of affiliate faculty are recommended by the faculty of the local academic unit or program and by the local unit administrator or program director, and must be approved by the Provost.

RATIONALE: See FHC Minutes 7-11-06, FHC Minutes 6-17-08
2.2.8 Administrators Holding Faculty Rank – 2009 Revision to Text in Administrative Faculty Handbook:

Faculty Rank
Each person appointed to an administrative/professional faculty position is assigned an academic rank. Initial appointment will normally be at the rank of Instructor. Individuals holding a terminal degree may be appointed at the rank of Assistant Professor. An academic unit and the Provost must may together confer academic rank beyond Assistant Professor when appropriate. As exceptions, certain senior administrative positions will be assigned the rank of at least Associate Professor in keeping with the executive status of their position. Assignment of rank must be in accordance with The Commonwealth of Virginia’s Consolidated Salary Authorization for Faculty Positions in Institutions of Higher Education, 2001-2002. (The assignment of rank to administrative/professional faculty does not confer, nor does time assigned to administrative/professional duties contribute to, tenure.)

Instructional or research faculty who are appointed to administrative/professional faculty positions, if tenured, retain their tenured status while so serving. or.

If on a tenure-track appointment when appointed to an administrative/professional faculty position, a faculty member may continue on a tenure-track appointment in that status while so serving in that capacity. In such the latter cases, the tenure clock may be stopped during the term of the administrative appointment if a request is made in accordance with the guidelines outlined in The Tenure Clock Exceptions to Standard Procedures, available on the Provost Office website at http://www.gmu.edu/departments/provost/geninfo.html . http://www.gmu.edu/departments/provost/documents/TenClock.doc

If on a term appointment, the faculty member has no automatic right to return to his or her previous instructional, research, or clinical faculty position.

RATIONALE: FHC Minutes 11-26-07, FHC Minutes 4-17-08, FHC Minutes 4-24-08, FHC Minutes 6-17-08, FHC Minutes 8-6-08

2.2.8 Administrators Holding Faculty Rank – 1994 Handbook Text

Academic administrators holding faculty rank normally hold tenured faculty appointments and primary affiliation in one or more local academic units. If hired from outside the University, they will qualify for such appointments in accordance with the criteria and procedures described in Sections 2.3.1 and 2.3.2. During the course of their administrative employment they retain their seniority and return rights within the units in which they hold primary affiliation, and they enjoy all rights and responsibilities associated with their faculty status. They are, for example, eligible for promotion, when applicable, subject to the criteria and procedures described in Sections 2.8 and 2.9.
2.3.1.1 Policies on Recruitment and Appointment of Faculty – 2009 Revision

The Board of Visitors has full authority over faculty personnel matters, including faculty appointments. To carry out this function effectively, the Board selects a President, who appoints other academic administrators. Academic administrators share responsibility with the faculty for ensuring that appropriate standards are fostered; that equity and due process are the rule; that judgments in the selection, retention, and promotion of faculty are in the best long-term interests of the University; and that equal opportunity and fair employment practices are followed.

Initial review and evaluation of qualifications are carried out by peers in the local academic unit to which the candidate is to be appointed. Faculty recommendations for appointment are forwarded to the dean or director of the academic unit in which the appointment is to be made. If concurring with the faculty recommendations, the dean or director will forward them to the Provost.

RATIONALE: See FHC Minutes 12-8-06, FHC Minutes 2-21-07, FHC Minutes 10-15-07, FHC Minutes 6-11-08, FHC Minutes 8-6-08

2.3.1 Policies on Recruitment and Appointment of Faculty – 1994 Handbook Text

The Board of Visitors has full authority over faculty personnel matters, including the responsibility to approve faculty appointments. To carry out this function effectively, the Board selects a President, who appoints other academic officers. Academic administrators share responsibility with the faculty for ensuring that appropriate qualitative standards are fostered; that equity and due process are the rule; that judgments in the selection, retention, and promotion of faculty are in the best long-term interests of the University; and that affirmative action, equal opportunity, and fair employment practices are followed (see Appendix A).

Initial review and evaluation of qualifications are carried out by peers in the local academic unit to which the candidate is to be appointed. Faculty recommendations for appointment are forwarded to the dean or director of the academic unit in which the appointment is to be made. If concurring with the faculty recommendations, the dean or director will forward them to the Provost and the President.
2.3.1.2 Favoritism in Personnel Decisions  Employment of Family Member/Partner  
2009-NEW

Favoritism, or the appearance of it, can undermine the trust that members of the university community place in personnel decisions as well as the public interest which the university serves. Thus, a personnel decision involving a family member or close personal relationship partner of another faculty member or administrator requires particular unique scrutiny and special safeguards. In no case should a faculty member or administrator who might have a “personal interest” participate in the hiring, supervision, evaluation, or other personnel actions that involve a family member or partner.

No faculty member or administrator who has reasonably questionable objectivity in the employment status of another employee may participate in the hiring, supervision, promotion, or evaluation of such employee. Every employee of the university has a continuing affirmative obligation to disclose to his or her supervisor(s) any relationship that may reasonably affect their objectivity in such matters.

If a faculty member or administrator might exercise or appear to exercise control over the employment or other personnel actions associated with a person with whom he or she has a family or close personal relationship, the supervisor of the faculty member or administrator must, at a minimum, designate a disinterested person to substitute for the individual who might have a personal interest. Additional safeguards steps may also be required if colleagues or subordinates of the individual with a personal interest are involved in those personnel actions. “Appearance of exercising control” includes but is not limited to assigning responsibility for personnel actions or supervision to a colleague or subordinate. If the personnel action involves a faculty member or administrator in a local academic unit, the faculty in that unit and all other interested parties must be fully apprised of both the family/partner relationship and the safeguards steps that have been taken to ensure that the individual with a relationship/personal interest is not involved in the personnel decision.

Relationships constituting a personal interest under the Conflict of Interest Act (§2.2-3100, et seq.), of the Code of Virginia will be handled by the Board of Visitors in accordance with the Act. Family or other relationships reasonably suggesting favoritism under this provision will be fully disclosed to the Board of Visitors incident to promotion, tenure, and hiring decisions. At least ten days prior to consideration of a personnel action involving a family member or other relationship reasonably suggesting favoritism, partner of a faculty member or administrator, the Provost, or his or her designee, will fully apprise the Board of Visitors. The Board will be fully apprised of the relationship and the safeguards steps taken to ensure that the individual with a personal interest was not involved in the action. Only after the Board is satisfied that the present policy was implemented and that safeguards were adequate should the personnel action be approved.

RATIONALE: See FHC Minutes 10-15-07, FHC Minutes 8-20-08, FHC/UnivCounsel-10-2-08

Not in 1994 Faculty Handbook.
2.3.2 Procedures for Recruitment and Appointment of Tenured and Tenure-Track Faculty – 2009 Revision - page 1 of 2

Requests for new faculty appointments to allocated positions normally originate with the local unit administrator, acting upon the recommendation of the unit's faculty. In particular, the administrator seeks the assistance of the faculty in defining the requirements of the position to be filled and the qualifications to be sought in the appointee. Authorization from the appropriate dean or director and the Provost is necessary before a search is initiated to fill a vacancy or a new position. In unusual cases a waiver of the search process may be requested by the local unit administrator, dean, or director.

The local academic unit establishes a faculty committee to advise and assist the local unit administrator in carrying out a search. After receiving appropriate training from the Office of Equity and Diversity Services, this committee reviews applicant credentials and makes recommendations regarding potential finalists for the position. All full-time faculty of the local academic unit will be provided with an opportunity to meet with the finalists and offer input to the selection process. The search committee then formulates a recommendation. The local unit administrator transmits all previous recommendations, together with her or his own, to the collegiate dean, director, or to the Provost. The faculty shall be apprised in writing of the local academic unit administrator’s recommendation at the time of its transmittal.

Before extending an offer of appointment, the local unit administrator must secure the concurrence of the unit’s faculty, relevant dean or director, the Provost, and the Office of Equity and Diversity Services. All written offers of appointment must include the elements specified in the appropriate offer letter template located on the Mason website.

Appointments without term require special review as appropriate to the local unit in conformance with Section 2.7.3 Procedures for Promotion and Tenure.

All full-time faculty receive initial letters of appointment specifying terms of employment and stating that such employment is governed by the administrative policies and regulations of the University (currently in force and as amended in the future). Acceptance in writing of these letters constitutes a contract between the University and each individual faculty member. Letters of initial appointment for tenure-track faculty also indicate the expiration date of terms of appointment.

2.3.2 Procedures for Recruitment and Appointment of Tenured and Probationary Faculty - 1994 Handbook Text

Requests for new faculty appointments to allocated positions normally originate with the local unit administrator, acting upon the recommendation of the unit's faculty. In particular, the administrator seeks the assistance of the faculty in defining the requirements of the position to be filled and the qualifications to be sought in the appointee. Authorization from the appropriate dean and the Provost is necessary before a search is initiated to fill a vacancy or a new position.

The local academic unit establishes, usually by election, a faculty committee possibly a committee of the whole to advise and assist the local unit administrator in carrying out a search. These committees handle correspondence; review the dossiers of applicants; make recommendations concerning them; establish the schedule and make other arrangements for the on-campus interview of finalists; and perform other search-related duties as necessary. All full-time faculty of the local academic unit will have an opportunity to meet with the finalists. The unit’s faculty then evaluates the finalists and formulates a recommendation. The local unit administrator transmits the faculty recommendation, together with her or his own, to the collegiate dean or to the Provost. A copy of the local unit administrator’s recommendation is furnished to the unit’s faculty. Faculty appointments to any local academic unit require the concurrence of that unit’s faculty.

Before extending an offer of appointment, the local unit administrator or the chair of the faculty search committee must secure affirmative action clearance and the concurrence of the relevant dean or director and the Provost. All offers of appointment at rank above assistant professor must include the statement “conditional upon approval by the President of the University and upon election by the University’s Board of Visitors.” Offers of employment in any rank must include the statement “Contingent upon availability of funding for the position” and must be made and accepted in writing.

Tenured and probationary faculty receive initial letters of appointment acceptance in writing of these letters constitutes a contract between the University and individual faculty members. Letters of initial appointment for probationary faculty also indicate the expiration date of terms of appointment. Tenured and probationary faculty also receive annual letters indicating salary.
2.3.2 Procedures for Recruitment and Appointment of Tenured and Tenure-Track Faculty – 2009 Revision - page 2 of 2

Noncompetitive or direct appointments are appointments in which the search process is waived when appointing term, tenured, and tenure-track faculty. Competitive searches for tenured, tenure-track, and term faculty must be used except in very special circumstances. These circumstances are normally limited to situations in which (a) the candidate has already established a national/international reputation, the program has a unique opportunity to appoint the targeted candidate, and the area of specialization complements those of faculty already in the program; (b) the candidate is a spouse or partner of a candidate being appointed through formal search procedures and the university is attempting to accommodate her or him; or (c) an administrator is appointed and is considered for acceptance in a specific local academic unit. While an administrator is normally appointed using a competitive process at the administrative level, this policy applies because s/he is not part of a competitive process at the LAU level. Instructional term faculty may also be appointed without a search when classes must be staffed immediately due to unexpected circumstances. Waiver of a search in this situation is only valid for one year.

Faculty in the LAU review the credentials of any individual who is a candidate for a noncompetitive appointment using the same procedures as those used to review candidates for competitive appointments. These include at a minimum the opportunity to examine a curriculum vitae, meet with the candidate, attend a job seminar or formal presentation by the candidate and review letters of reference. The appointment process moves forward only when a majority of the LAU faculty who are eligible to vote accept the candidate.

RATIONALE: See FHC Minutes 11-3-06, FHC Minutes 11-10-06, FHC Minutes 12-8-06, FHC Minutes 2-21-07, FHC Minutes 2-28-07, FHC Minutes 4-25-07, FHC Minutes 10-15-07, FHC Minutes 6-17-08 (paragraphs reordered), FHC Minutes 8-6-08

NEW Section 2.7.3 replaced Section 2.8.4

2.3.2 Procedures for Recruitment and Appointment of Tenured and Probationary Faculty - 1994 Handbook Text
2.3.2.1 Awarding of Tenure at the Time of Appointment in Competitive Searches – 2009 NEW

Faculty in the local academic unit (LAU) will review the credentials of any individual who is a candidate for appointment. These include, at a minimum, the opportunity to examine a curriculum vitae, meet with the candidate, attend a job seminar or formal presentation by the candidate, and review letters of reference. The LAU faculty then vote to accept or reject the candidate and, in a separate vote, determine whether to appoint the candidate with tenure. The appointment process moves forward only when a majority of the LAU faculty who are eligible to vote accept the candidate.

If the candidate is nominated for tenure upon appointment, he or she must also be reviewed by the college-, school-, or institute-level promotion and tenure committee. As stated above, the LAU review requires a majority positive vote by eligible faculty for tenure consideration. If the LAU faculty vote is positive and the chair recommends tenure of the candidate, the dossier is then sent to the college, school, or academic institute promotion and tenure committee. As with all tenure reviews, independent external letters from recognized experts in the candidate’s field must be obtained in a manner consistent with other tenure reviews, and candidates are held to the same standards as other candidates in that LAU. Since such appointments may be made outside the normal annual promotion and tenure cycle, college, school, and academic institute promotion and tenure committees must develop and follow procedures for promptly reviewing candidates out of cycle.

RATIONALE: Original document policy passed by the Faculty Senate 1/23/08; includes two paragraphs “Procedures.” Bold equals changes to that text. FHC Minutes 1-31-08, FHC Minutes 8-6-08
2.3.3 Criteria and Procedures for Appointment, Reappraisal, and Promotion of Term Faculty – 2009 Revision - page 1 of 3

Full-time instructional, research, or clinical faculty on fixed-term, non-tenure-track appointments are known as Term Faculty. At the discretion of the respective Dean or Director, and after appropriate faculty review, such faculty may be offered single-year or multi-year contracts that expire automatically at the end of the contract period. There is no guarantee or right to reappointment from one contract to the next, whether multi-year or single-year. If a multi-year appointment is offered to a faculty member whose position relies entirely or partially on non-state appropriated funding, then a multi-year contract may be established subject to the continuing availability of funding. Offer letters must clearly state the type and length of appointment, as well as the focus of the appointment. Either whether teaching, research, or clinical. Some specific administrative or service functions may be attached to the teaching, research, or clinical focus. Multi-year appointments must be made at the rank appropriate to the credentials of the individual. Initial appointments cannot exceed three years for Term Assistant Professors and five years for Term Associate and Full Professors. Often at the rank of Term Assistant Professor with an initial contract period of three years. Multi-year Term Faculty normally hold a terminal degree, as defined by standards in the discipline. Exceptions to either contract length or terminal degree requirements must be approved by the Provost.

A faculty member holding this type of appointment can subsequently be considered for a tenure-track appointment or a tenured appointment; however, prior service on a fixed-term externally funded appointment is not applied to consideration for tenure unless this is specified in the letter of appointment to tenure-track status.

By agreement with the Board of Visitors and the Faculty Senate, a maximum of 35% of all Instructional Term Faculty may be on multi-year contracts and a maximum of 25% of all full-time Instructional Faculty may be Term Faculty.

Criteria for reappointment will emphasize strong performance in areas teaching or research, as designated in the initial contract letter. The reappointment process outlined below is not applicable for Instructors without a terminal degree or for postdoctoral student appointments.

Single-year Contracts
Term Faculty on single-year contracts will be evaluated annually for reappointment and notified in writing by March 1st in the first year of their initial contracts and by December 15th in reappointment contract years. In the fifth year of five consecutive, single-year contracts, a Term Faculty member must be evaluated using the procedure outlined below is not applicable for Instructors without a terminal degree or for postdoctoral student appointments.

2.3.3 Procedures for Recruitment and Appointment of Other Faculty – 1994 Text

The procedures for the appointment of non-probationary full-time faculty are similar to those described in 2.3.2, but as dictated by circumstances, they may be somewhat less formal. The faculty of an academic unit may or may not wish to be consulted about the hiring of part-time faculty, depending upon their custom. In any event, the local unit administrator has considerable discretionary authority in the recommending of part-time faculty, consistent with the University’s personnel policies and commitment to affirmative action.

Non-probationary full-time faculty receive letters of initial appointment which also indicate the expiration date of the appointment. Acceptance in writing of these letters constitutes a contract between the University and individual faculty members. Part-time faculty receive an appointment form indicating the terms and conditions of appointment. Acceptance in writing of this form likewise constitutes a contract between the University and the individual.

2009 Revision text based on ADDENDUM TO FACULTY HANDBOOK 7/1/03: PROCEDURES FOR APPOINTMENT AND REAPPOINTMENT OF TERM FACULTY on Provost Office website at: http://www.gmu.edu/departments/provost/documents/termfaucguide.doc
2.3.3 Criteria and Procedures for Appointment, Reappointment and Promotion of Term Faculty – 2009 Revision – page 2 of 3

outlined below for Term Faculty on multi-year contracts in the final year of their initial three-year contracts, and must be notified in writing of the decision to reappoint or not to reappoint.

Multi-year Contracts
Term Faculty on multi-year contracts will be evaluated for reappointment during the final year of their initial appointments.

a. Based on that evaluation and programmatic needs, and after appropriate faculty review, the respective Dean or Director will recommend reappointment or non-reappointment. This recommendation is due to the Provost by November 1st of the faculty member’s final year of the current, multi-year contract. The Provost will make the final determination and advise the Term Faculty member, in writing, by the end of that fall semester (no later than December 15th).

b. If the decision is made for reappointment, the faculty at the assistant professor rank member may either receive a one, two or second, three-year reappointment or a single-year appointment. Term associate and full professors may be reappointed to contracts of up to five years.

c. In the Term Faculty member’s sixth year or thereafter, he or she may be (i) considered for promotion, normally to the rank of Term associate professor, and reappointment to a two or three or five-year contract of up to five years or (ii) for reappointment to a one, two, or three-year contract of up to three years at his/her current rank. Candidates for promotion to associate professor must demonstrate at least high competence in the focus area (teaching, research, or clinical) by the standards developed locally and approved by the Provost. Candidates for promotion to full professor must demonstrate genuine excellence in the focus area (teaching, research, or clinical) by the standards developed locally and approved by the Provost. The recommendation for promotion is due to the Provost by November 1st of the faculty member’s final year of the current, multi-year contract.

Term Faculty not recommended for promotion in their sixth year may be recommended for another three-year term at their current rank. They then may be recommended for promotion in their ninth year, but may not remain on multi-year appointments if not promoted at that time.
2.3.3 Criteria and Procedures for Appointment, Reappointment, and Promotion of Term Faculty – 2009 Revision – page 3 of 3

d. By the end of fall semester of the final year of the current multi-year contract (no later than December 15th), the Provost will notify the Term Faculty member, in writing, of a decision to recommend promotion or reappointment at the current rank.

e. Term Faculty who are promoted will be announced to the Board of Visitors and may be appointed to either a two or three or five year contract of up to five years at their new rank. The length of reappointment contracts for research faculty may be less than five years, depending on the funding available, without impact on rank.

f. Term Associate Professors will be evaluated for reappointment to additional two or three or five-year contracts in the final year of each contract, following the same time frame and procedures outlined above. They may also be considered for promotion to Term Full Professors.

g. Both the University and the Term Faculty member retain the option to request a change from a multi-year contract to a single-year contract. This action must be endorsed by the respective Dean/Director and approved by the Provost.

h. At the initial implementation of this process, faculty members currently on one-year contracts, but being offered multi-year contracts, may request that prior years of service be counted in consideration for reappointment/promotion, and units must respond with explicit recommendations to the Provost regarding the stage of appointment. The Provost will make the final determination.

h. Term faculty cannot move to a tenure-track position without prior approval of the Provost and after appropriate faculty review. Normally this must involve a search process.

i. Conversely, Tenure-track faculty cannot move to a term position without prior approval of the Provost and appropriate faculty review. This procedure will only be considered in exceptional circumstances and normally would involve a search process.
Recommendations on matters of faculty status (e.g., initial appointment, renewal, promotion, the conferment of tenure, and termination) are in large measure a faculty responsibility. The faculty's role in these personnel actions is based upon the essentiality of its judgment to sound educational policy, and upon the fact that scholars in a particular field have the chief competence for judging the work of their colleagues. An additional reason for the faculty's role in these matters is the general competence of experienced faculty personnel committees with a broader charge that encompasses the evaluation of teaching and service. Implicit in such competence is the acknowledgement that responsibility exists for both adverse and favorable judgments.

Recommendations in these matters originate through faculty action in accordance with established procedures; are reviewed by senior academic administrators; and presented to the Board for final approval. The administration should overturn faculty personnel recommendations rarely, and only when it is clear that peer faculty have not applied high standards, or when the University's long-term programmatic needs are an overriding consideration. Only in extraordinary circumstances and for clear and compelling reasons should administrators substitute their own judgment of the value of scholarly accomplishments for judgments made by professionals in the discipline. In such cases both the candidate and the faculty bodies participating in the decision-making process are entitled to know the reasons administrators give to the President in recommending that faculty judgment be overturned.

Candidates for reappointment, promotion and tenure will be evaluated in light of the missions of the University which are teaching, research and scholarship, both theoretical and applied, and service (as defined in Section 2.4.3). Peer review plays a central role in the evaluation of individual achievement in each of these areas. Although candidates are not expected to have equal levels of commitment or equal responsibilities in each of these areas, high competence is expected. Genuine excellence must be exhibited in the areas of teaching or research and scholarship and high competence must be exhibited in both. The primary consideration in the evaluation of the candidate’s achievements will be the extent to which these continue to improve the academic quality of the University.

Levels of expectation will vary with the type of decision. While tenure-track appointments will, to some extent, recognize perceived potential rather than achievement, appointment without term or promotion in rank will be based on achievement rather than potential. Appointment without term should leave no doubt about the candidate's value to the University over an extended period.

Recommendations on matters of faculty status (e.g., initial appointment, renewal, promotion, the conferment of tenure, and dismissal) are in large measure a faculty responsibility. The faculty's role in these personnel actions is based upon the essentiality of its judgment to sound educational policy, and upon the fact that scholars in a particular field have the chief competence for judging the work of their colleagues. Implicit in such competence is the acknowledgement that responsibility exists for both adverse and favorable judgments. An additional reason for the faculty's role in these matters is the general competence of experienced faculty personnel committees with a broader charge that encompasses the evaluation of teaching and service.

Recommendations in these matters originate through faculty action in accordance with established procedures; are reviewed by senior academic administrators; and presented to the Board for final approval. The administration should overturn faculty personnel recommendations only when it is clear that peer faculty have not exercised high standards, or when the University's long-term programmatic needs are an overriding consideration. Such judgments would presumably be reached only in rare instances. In such cases both the candidate and the faculty bodies participating in the decision-making process are entitled to know the reasons administrators give to the President in recommending that faculty judgment be overturned. Only in extraordinary circumstances and for clear and compelling reasons should administrators substitute their own judgment of the value of scholarly accomplishments for judgments made by professionals in the discipline.

Candidates for reappointment, promotion and tenure will be evaluated in light of the missions of the University which are teaching, scholarship, both theoretical and applied, and service (as defined in Section 2.4.4). Although candidates are not expected to have equal levels of commitment or equal responsibilities in each of these areas, high competence is expected. Genuine excellence must be exhibited in the areas of teaching or scholarship and high competence must be exhibited in both. The primary consideration in the evaluation of the candidates' achievements will be the extent to which these continue to improve the academic quality of the University. Peer review plays a central role in the evaluation of individual achievement in each of these areas.

Levels of expectation will vary with the type of decision. While probationary appointments will, to some extent, recognize perceived potential rather than achievement, appointment without term or promotion in rank will be based on achievement rather than potential. Appointment without term should leave very few doubts, if any, about the candidate's value to the University over an extended period.
As defined above, candidates need to exhibit levels of competence and excellence in teaching, research and scholarship, and service. In addition, candidates for tenure and promotion to the rank of associate professor must provide evidence that their contributions in their area(s) of genuine excellence have had some significant impact beyond the boundaries of this University. If the primary strength is teaching, there should be evidence that the candidate's contributions have influence beyond the immediate classroom; if in theoretical or applied research and scholarship, there should be evidence that the candidate's contributions have significant influence on colleagues at other institutions in this country, and where applicable, abroad.

Candidates seeking promotion to the rank of full professor must maintain high competence in teaching, research and scholarship, and service while also maintaining genuine excellence in teaching and/or research and scholarship. In addition, evidence of significant impact beyond the boundaries of the University must be much more substantial than in cases involving tenure or promotion to the rank of associate professor. Clear and convincing evidence must be provided of an established external reputation in the primary field, based on consequential achievements in teaching, research and scholarship, or professional activities directly related to teaching and research and scholarship.

In addition, evaluation for promotion or tenure should consider the candidate's adherence to professional ethics (see Section 2.10.2).

Only the criteria described in this handbook can be used in evaluations of instructional, research, and clinical faculty.

RATIONALE: See FHC Minutes 12-1-06 and FHC Minutes 4-11-07 (end)
Provost questions: FHC Minutes 4-18-07, FHC Minutes 6-13-07. OK with text as resolved M.F/D.H 1/08 meeting: FHC Minutes 5-1-08, FHC Minutes 5-22-08, FHC Minutes 6-11-08, FHC Minutes 6-24-08

New Section 2.4.3 replaced Section 2.4.4.
2.4.1 Teaching – 2009 Revision

Effective teaching is demonstrated by the clarity, appropriateness, and efficacy of course materials, methods and presentations, and by successful learning outcomes. Contributions to teaching include the development and implementation of new courses and programs; the development of instructional materials, including applications of new technologies; the training and supervision of teaching assistants; mentoring graduate students; clinical and field supervision of students; and student advising.

RATIONALE: See FHC Minutes 12/1/06, Provost questions: FHC Minutes 4-11-07, FHC Minutes 4-18-07, resolved FHC Minutes 1-24-08, FHC Minutes 6-24-08

2.4.1 Teaching – 1994 Handbook Text

Effective teaching is demonstrated by the clarity, appropriateness, and efficacy of course materials, methods, and presentations. Contributions to teaching include the development and implementation of new courses and programs; the development of instructional materials, including applications of new technologies; the training and supervision of teaching assistants; mentoring graduate students; clinical and field supervision of students; and student advising.
2.4.2 Research and Scholarship – 2009 Revision

Scholarly achievement is demonstrated by original **publications** and **peer reviewed** contributions to the advancement of the discipline/field of study or the integration of the discipline with other fields; by original research, artistic work, **software and media**, exhibitions, and performance; and by the application of discipline- or field-based knowledge to the practice of a profession.

RATIONALE: FHC Minutes 10-15-07, FHC Minutes 6-11-08, FHC Minutes 8-6-08

2.4.2 Scholarship – 1994 *Handbook* Text

Scholarly achievement is demonstrated by original **published** and **refereed** contributions to the advancement of the discipline/field of study or the integration of the discipline with other fields; by original research, artistic work, exhibitions, and performance; and by the application of discipline- or field-based knowledge to the practice of a profession.
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<th>2.4.3 University and Professional Service – 2009 Revision</th>
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<td><strong>Annual evaluations and decisions on reappointment, promotion and tenure</strong> will be influenced by the extent of the candidate's service to the University. All full-time faculty are expected to participate as part of their professional responsibilities in governance and operational activities outside the classroom. Required university service includes, but is not limited to, such activity as attendance at faculty meetings and participation in faculty personnel matters and curriculum development. University service beyond that which is required of all faculty members will be given positive weight in personnel decisions. Each local academic unit will make known in a timely manner its requirements concerning the minimum acceptable level of university service and its policies concerning positive weight to be given for intramural service in excess of that minimum requirement.</td>
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<td>Professional service is demonstrated by contributions to recognized societies and associations that promote research and scholarship by consultancies and cooperative projects that make the faculty member's discipline or field-based knowledge available to individuals, groups or agencies outside the University. Local academic units will develop and disseminate in a timely manner (i) specific discipline- or field-based expectations regarding the types of professional service which will be considered appropriate as evidence in annual evaluations and for reappointment, promotion and tenure cases; and (ii) the criteria to be used in assessing the quality of this service.</td>
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*RATIONALE:* See [FHC Minutes 9-8-06](#), [FHC Minutes 6-11-08](#), [FHC Minutes 6-24-08](#), [FHC Minutes 8-6-08](#)
Decisions on reappointment, promotion and tenure will also be influenced by the extent of the candidate's service to the University. All full-time faculty are expected to participate as part of their professional responsibilities in governance and operational activities outside the classroom. Required university service includes, but is not limited to, such activity as attendance at faculty meetings and participation in faculty personnel matters and curriculum development. University service beyond that which is required of all faculty members will be given positive weight in personnel decisions. Each local academic unit will make known in a timely manner its requirements concerning the minimum acceptable level of university service and its policies concerning positive weight to be given for intramural service in excess of that minimum requirement.

Moved to Section 2.4.3

RATIONALE: See FHC Minutes 9-8-06, FHC Minutes 6-11-08
2.1

2.5.1 Teaching – 2009 Revision

Local academic units regularly evaluate the teaching effectiveness of their faculty. In doing so, they are expected to incorporate data from both peers and students. Whatever additional methods may be used to gather information from students, the process should provide for their anonymous participation in course evaluations and should allow for comparisons among faculty teaching similar courses. Peer evaluation is expected to include, at a minimum, data on the development and implementation of new courses and programs, the appropriateness of course materials currently used, the level and quality of student advising, and learning outcomes. Additional forms of peer evaluation are expected. These may include, but are not limited to, peer observation of classroom teaching, evaluations by mentors, assessments of teaching performance by colleagues, and teaching portfolios.

The evaluation process requires both quantitative and qualitative data. The methods by which such data are gathered and incorporated into the final evaluation should be well-defined and made available to those who are being evaluated, as well as to those who are using the evaluations in personnel decisions. Specific guidelines for the procedures to be used in the evaluation of teaching effectiveness will be those determined by the office of the Provost in consultation with the University Faculty Standing Committee on Effective Teaching.

2.5.1 Teaching – 1994 Handbook Text

Local academic units evaluate regularly the teaching effectiveness of their faculties. In doing so, they are expected to incorporate data from both peers and students. Whatever additional methods may be used to gather information from students, the process should provide for their anonymous participation in course evaluations and should allow for comparisons among faculty teaching similar courses. Peer evaluation is expected to include, at a minimum, data on the development and implementation of new courses and programs, the appropriateness of course materials currently used, and the level and quality of student advising. Additional forms of peer evaluation are expected. These may include, but are not limited to, peer observation of classroom teaching, evaluations by mentors, assessments of teaching performance by colleagues, and teaching portfolios.

The evaluation process requires both quantitative and qualitative data. The methods by which such data are gathered and incorporated into the final evaluation should be well-defined and made available to those who are being evaluated, as well as to those who are using the evaluations in personnel decisions. Specific guidelines for the procedures to be used in the evaluation of teaching effectiveness will be those determined by the office of the Provost in consultation with the University Faculty Standing Committee on Effective Teaching.

RATIONALE: See FHC Minutes 4/11/07 – Provost suggestion (near end), FHC Minutes 1-24-08, FHC Minutes 6-24-08
2.5.2 Research and Scholarship – 2009 Revision

The systematic evaluation of a candidate's theoretical or applied research or scholarship begins in the local academic unit with a peer review of the candidate's work. In tenure and promotion cases the faculty will make independent judgments and will also seek and give consideration to external evaluations from qualified referees who are not associated with the University. Each local academic unit will develop its own specific guidelines with respect to the selection and use of external referees. These guidelines must be fair to all parties concerned and be publicized among the faculty in a timely manner. The local unit administrator has a specific responsibility to review annually the research and scholarly activities of tenure-track faculty and to discuss both the strengths and weaknesses with them on an individual basis.

RATIONALE: See FHC Minutes 6-11-08, FHC Minutes 6-24-08

2.5.2 Scholarship – 1994 Handbook Text

The systematic evaluation of a candidate's theoretical or applied scholarship begins in the local academic unit with a peer review of the candidate's work. In tenure and promotion cases the faculty will make independent judgments and will also seek and give consideration to external evaluations from qualified referees who are not associated with the University. Each local unit will develop its specific guidelines with respect to the selection and use of external referees. These guidelines must be fair to all parties concerned and be publicized among the faculty in a timely manner. The local unit administrator has a specific responsibility to monitor the scholarly activity of probationary faculty and to discuss perceived deficiencies with them on an individual basis.
2.5.3 University and Professional Service – 2009 Revision

The evaluation of university service is based on a peer review of the candidate's contribution to the life and governance of the local academic unit and the larger organizational units of which it is a part.

Procedures for the evaluation of external professional service are similar to those employed in the evaluation of research and scholarship.

RATIONALE: See FHC Minutes 6-11-08

2.5.3 Professional Service – 1994 Handbook Text

Procedures for the evaluation of external professional service are similar to those employed in the evaluation of scholarship.
The evaluation of university service is based on a peer review of the candidate's contribution to the life and governance of the local academic unit and the larger organizational units of which it is a part.

Moved to Section 2.5.3

RATIONALE: See FHC Minutes 6-11-08
2.6 Annual Evaluations of Faculty and Administrators – 2009
Revision

Universities have a long tradition of self-examination and improvement from within. That process includes the annual evaluation of faculty and administrators.

RATIONALE: See FHC Minutes 5-1-08

2.6 Annual Evaluations – 1994 Handbook Text

Universities have a long tradition of self-examination and improvement from within. That process includes the annual evaluation of faculty and administrators.
2.6.1 Annual Review of Faculty – 2009 Revision

Faculty are evaluated annually by local unit administrators and/or committees of peers who report to the deans and directors or the Provost. The criteria for the annual faculty review are the same as those listed in Sections 2.3.3 (Term Faculty) and 2.4 (Tenured and Tenure-Track Faculty) except that the evaluation is based upon the contributions of the preceding academic year and, where applicable, the summer. Faculty are evaluated on the quality of their overall performance and in the context of their goals and assignments. The results of and rationale for the evaluation must be given to the faculty member in writing; and faculty members must be afforded the opportunity to discuss the results of the evaluation.

Annual evaluations are the primary basis for determining salary increases (see Section 3.2). Local unit administrators may take into account performance evaluations over multiple years in making raise recommendations.

RATIONALE: See FHC Minutes 11-10-06, FHC Minutes 12-1-06, FHC Minutes 12-8-06, FHC Minutes 6-24-08, FHC Minutes 8-6-08, FHC/UnivCounsel-10-2-08

Added Section 2.3.3 Criteria for Term Faculty

2.6.1 Annual Review of Faculty – 1994 Handbook Text

Faculty are evaluated annually by local unit administrators and/or committees of peers who report to the collegiate deans or the Provost. The criteria for the annual faculty review are the same as those listed in Section 2.4, except that the evaluation is based only upon the contributions of the preceding academic year and, where applicable, the succeeding summer. These contributions are to be evaluated in the context of the faculty member's long-term career progression. The results of the evaluation are discussed with the faculty member, who is also given a written summary. For purposes of annual salary review, faculty are evaluated on the quality of overall performance in terms of individual work assignments. Local unit administrators may average performances for years in which merit raises have not been available.
2.6.2 Post Tenure Review Policies and Procedures – 2009 Revision – Page 1 of 4

POLICY

1. George Mason University will use the annual review of all faculty (see Section 2.6.1) as its primary procedure for implementing Post Tenure Review within the personnel policies of the Commonwealth of Virginia. The policies and procedures set forth in this document will apply to all tenured instructional faculty, regardless of the nature of the appointment.

   a) Annual reviews will serve as the vehicle for recognizing the positive contributions of faculty in fulfilling their professional obligations.
   b) When overall performance is recognized by the annual review as “unsatisfactory,” the procedures below will be followed for each case.
   c) In accordance with the principles of peer judgment, the faculty of each local academic unit (LAU) will establish its criteria for “satisfactory” and “unsatisfactory” performance.

2. Faculty in honorific positions holding endowed chairs, university professorships or Robinson professorships who are not evaluated annually by a specific LAU will be evaluated by the Office of the Provost. For faculty holding such honorific appointments the standard of excellence includes contributions to institutional development, which will be addressed for all such appointees as part of their service. Annual evaluation reports for faculty in these categories will be submitted to the Provost. While faculty in these categories are not exempt from other sanctions, sanctions may include the loss of the honorific appointment.

3. Faculty members who receive an overall unsatisfactory rating by their LAU (as reported in the annual review to the deans or directors, or the Provost by the LAU administrator) must develop a plan of action with the LAU administrator to remedy any stated deficiency. The plan will include a timetable.

4. Tenured faculty members who receive two overall “unsatisfactory” ratings in a four-year period will undergo a peer evaluation process to determine if continued employment with the university is appropriate (as described in the following section).

5. The Provost will review the recommendation from the peer evaluation process and take appropriate action.

Not in 1994 Handbook, Text from Provost Website/approved by FS 1996 (Verify date) Page 1 of 3

POLICY

1. George Mason University will use the annual review of all faculty [HB 2.6.1] as its primary procedure for implementing Post Tenure Review within the personnel policies of the Commonwealth of Virginia. The policies and procedures set forth in this document will apply to all tenured instructional faculty, regardless of the nature of the appointment.

   a) Annual reviews will serve as the vehicle for recognizing the positive contributions of faculty in fulfilling their professional obligations. [HB 2.6]
   b) In the rare instances that performance is recognized by the annual review as “unsatisfactory,” the procedures below will be followed for each case.
   c) In accordance with the principles of peer judgment, each local academic unit (LAU) will establish its criteria for “satisfactory” performance.

2. Individuals who receive an unsatisfactory rating by their LAU (as reported in the annual review to the collegiate deans, vice-president or the provost by the LAU administrator) must develop a plan of action with the LAU administrator to remedy any stated deficiency. The plan will include a timetable.

3. Tenured faculty members who receive an annual evaluation rating of “unsatisfactory” in two consecutive years or twice in four years will meet with the appropriate dean, institute director, or vice-president. Tenured faculty members who receive three “unsatisfactory” ratings in a five-year period will meet with the provost, as part of a mandatory review of their relationship with the university.

4. Failure to achieve the outcomes identified in the aforementioned plan of action may lead to disciplinary actions being taken against the faculty member, including the possible initiating of dismissal proceedings.
2.6.2 Post Tenure Review Policies and Procedures – 2009 Revision Page 2 of 4

PROCEDURE

1. Tenured faculty who receive an overall unsatisfactory rating during any annual review but do not meet the criterion stated in paragraph 3 below will meet with the appropriate LAU administrator to establish a written plan of action. The plan will include a timetable.

2. At the meeting with the LAU administrator, the discussion will include at a minimum:
   a) a discussion of the basis for the evaluation(s) that culminated in an unsatisfactory rating, with particular attention to stated deficiencies or areas of weakness;
   b) an opportunity for the faculty member to respond to negative judgments;
   c) an exploration of the concerns of the university for remediation; and
   d) the development of a plan of action in response to the judgment of “unsatisfactory” performance.

   One copy of the plan of action will be retained by the faculty member and one copy will be placed in the faculty member’s personnel file in the office of the LAU administrator. In addition, the Provost will be notified that the faculty member was given an unsatisfactory evaluation. The LAU administrator and the Office of the Provost will address relevant issues in subsequent annual evaluations during the rolling five-four-year period. Faculty members pursuing a plan of action for correcting unsatisfactory performance will be encouraged to avail themselves of university resources designed to assist all faculty in professional development.

3. Tenured faculty members who receive two overall “unsatisfactory” ratings in a four-year period will be required to undergo a peer evaluation procedure conducted by the school/college/institute Promotion and Tenure Committee (i.e., the body authorized to conduct second-level review under the provisions of Section 2.7.3), serving as an Evaluation Committee. For faculty not assigned to a LAU, the Evaluation Committee will be the Promotion and Tenure Committee of the school/college/institute most closely aligned with the faculty member’s areas of expertise, as judged by the faculty member.

4. The Evaluation Committee will operate according to the following procedures:
   a. The Provost will initiate the evaluation process with a written communication to the faculty member (the “Notice”). The Notice shall include:


PROCEDURE

1. Faculty who fail to receive a satisfactory rating during any annual review will establish, in consultation with the appropriate LAU administrator, a written plan of action.

2. These consultations will include at a minimum:
   a) a discussion of the basis for the evaluation(s) that culminated in an unsatisfactory rating, with particular attention to stated deficiencies or areas of weakness;
   b) an opportunity for the faculty member to respond to negative judgments;
   c) an exploration of the concerns of the university for remediation; and
   d) the development of a plan of action in response to the judgment of “unsatisfactory” performance.

   One copy of the plan will be retained by the faculty member; one copy will be placed in the faculty member’s personnel file in the office of the LAU administrator; and if the faculty member has received a second “unsatisfactory” rating in any four year period, one copy will be filed with the Office of the Provost.

3. Failure to rectify the deficiencies identified in the plan of action will result in the university’s imposition of appropriate sanctions as determined by the provost after consultation with administrators in the faculty member’s line of authority, or, in extreme cases, the initiation of dismissal proceedings as provided by the Handbook 2.10.2.4.

4. Faculty members pursuing a plan of action for correcting unsatisfactory performance will be encouraged to avail themselves of university resources designed to assist all faculty in professional development.

5. The LAU administrator and the Office of the Provost will address relevant issues in subsequent annual evaluations during the rolling five-year period.
2.6.2 Post Tenure Review Policies and Procedures – 2009 Revision Page 3 of 4

1. A statement explaining the current employment status of the faculty member and how that could change as a result of post-tenure review.

2. The procedural rights, in detail, of the faculty member (as outlined below).

3. A statement that to maintain employment the faculty member must submit a portfolio summarizing activities and accomplishments in teaching, research, and service, as appropriate, during the period spanning the two unsatisfactory evaluations. The statement should explicitly note that there is no limit on the amount or type of documentation the faculty member may submit, but that the submitted documentation must include copies of annual evaluation results during the period spanning the two unsatisfactory evaluations.

4. A statement that if the faculty member fails to submit a portfolio within one calendar month of the date the Notice was transmitted, the Provost will make a recommendation for termination to the Board of Visitors without benefit of a committee report.

b. Submitted materials will be reviewed by the Evaluation Committee to determine if the faculty member under review has discharged the duties associated with his or her position conscientiously and with basic professional competence. The Evaluation Committee will not use the standards associated with the awarding of tenure and promotion to conduct this evaluation. Instead, the Evaluation Committee will focus on whether there is evidence of sustained overall unsatisfactory performance (including but not limited to incompetence and lack of appropriate expertise).

c. The Evaluation Committee may seek additional clarification from those who made or contributed to the unsatisfactory evaluations that led to the convening of the committee. Any response to such a request must be made in writing to the committee and shared with the faculty member under review.

d. After the committee has received any additional clarifying information, the faculty member under review must be given an opportunity to formally meet with the committee as part of the evaluation process if so requested. Such requests must be made in writing by the faculty member to the Chair of the Evaluation Committee. If the faculty member under review does elect to meet with the Evaluation Committee, a verbatim record of the entire meeting will be made. If the faculty member so requests, a copy will be provided without cost.

6. Faculty holding endowed chairs, university professorships or Robinson professorships who are not evaluated annually by a specific LAU, will be evaluated by the Office of the Provost. For faculty holding such honorific appointments the standard of excellence includes contributions to institutional development, which will be addressed for all such appointees as part of their service. Annual evaluation reports for faculty in these categories will be submitted to the provost. While faculty in these categories are not exempt from other sanctions, sanctions may include the loss of the honorific appointment (becomes new paragraph 2 Policy – pg. 1 of 3)

Moved from 2.10.2.4 Dismissal of Tenured and Tenure-Track Faculty for inclusion in Post Tenure Review: (ii) sustained unsatisfactory performance (including incompetence and lack of appropriate expertise)
2.6.2 Post Tenure Review Policies and Procedures – 2009 Revision  Page 4 of 4

e. The faculty member under review must also be given an opportunity to have other individuals speak on his or her behalf to the committee if so requested. Such requests must be made in writing by the faculty member to the Chair of the Evaluation Committee. If a meeting is held in which others speak on behalf of the faculty member, a verbatim record of that meeting will be made. If the faculty member so requests, a copy will be provided without cost.

f. In the interest of avoiding unnecessary expense and to promote a prompt resolution, the Evaluation Committee may set reasonable time limits on speakers.

g. The recommendation of the Evaluation Committee must be based only on the complete record as presented to the committee following the above steps, and must be conveyed to the Provost in writing along with a recorded vote.

5. Outcomes from the evaluation procedure may include: (a) postponement of sanctions, with another peer review to be conducted within one calendar year; (b) a determination that no sanctions are necessary, with appropriate professional development recommendations; (c) a change in the faculty member’s assignment that is better aligned with his or her strengths; (d) imposition of appropriate sanctions other than termination; or (e) termination of employment. Outcome (c) may be recommended in conjunction with outcome (a), (b), or (d). In the event of any outcome other than (e), the faculty member will meet with the appropriate LAU administrator to establish a written plan of action following the guidelines specified in paragraphs 1 and 2 of these procedures. Termination can only be considered by the Provost if a majority of those making a recommendation to the provost vote to recommend termination. If termination is recommended and the provost endorses this recommendation, the faculty member undergoing review must be given at least six months written notice before termination can take effect.

6. The faculty member may appeal the decision to the President based on one or more of the following reasons:

   a. material procedural irregularity;
   b. violation of federal or state law or university policy;
   c. inadequate or faulty consideration of evidence.

In case of appeal, the President makes the final decision.

(continued on opposite side of page)

7. In the event the faculty member’s employment is terminated in accordance with the procedures of this section, such termination shall be final and Section 2.9.3 shall not apply. However, nothing in this section shall act to prevent or prohibit termination of employment of a faculty member for cause in accordance with the procedure set forth in Section 2.9.3.

RATIONALE: See FHC Minutes 2/7/08, FHC Minutes 2/14/08, FHC Minutes 3-20-08. (Note 5a.b.c.d adapted from Section 2.9 Appeal Procedure for Negative Decisions in Reappointment, Promotion and Tenure Cases.) FHC Minutes 6-11-08, FHC Minutes 6-24-08, FHC Minutes 8-6-08, FHC Minutes 8-12-08, FHC/UnivCounsel-10-2-08, FHC Minutes 10-30-08
### 2.6.3 Faculty Role in the Evaluation of Academic Administrators – 2009 Revision

**Senior** academic administrators serve at the pleasure of the President. In reviewing their performance, the President should refer, when available, to the annual faculty evaluation of administrators, conducted under the joint auspices of the Faculty Senate and the University's Office of Institutional Planning and Research. The purposes of this annual evaluation are (i) to provide information regularly to the President and the Board of Visitors about the strengths and weaknesses of administrators as perceived by the faculty; (ii) to provide, over an extended period of time, a record of faculty opinion regarding the performance of administrators; and (iii) to provide individual administrators with an assessment of their performance.

Faculty are expected to participate in the evaluation of academic administrators.

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### 2.6.2 Faculty Role in the Evaluation of Academic Administrators – 1994 Handbook Text

Academic administrators serve at the pleasure of the President. In reviewing their performance, the President should normally refer to the annual faculty evaluation of administrators, conducted under the joint auspices of the Faculty Senate and the University's Office of Institutional Planning and Research. The purposes of this annual evaluation are (i) to provide information regularly to the President and the Board of Visitors about the strengths and weaknesses of administrators as perceived by the faculty; (ii) to provide, over an extended period of time, a record of faculty opinion of the performance of administrators; and (iii) to provide individual administrators with specific suggestions for improving faculty morale and the operations of the University.

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**RATIONALE:** See FHC Minutes 11-10-06, FHC Minutes 12-1-06, FHC Minutes 12-8-06, FHC Minutes 2-7-08, FHC Minutes 6-24-08

FHC Minutes 8-6-08
2.1 Definition of Tenured Status – 1994 Handbook Text

Although the word "tenure" does not appear in the Code of Virginia, the University grants "election without term." This status is the contractual equivalent of tenure. The University defines tenure as the right to continued employment unless separated from the University under conditions outlined in Section 2.10 of this document. For the University, tenure is a major safeguard of academic freedom, of the quality of education offered here, and of the continuity and stability of the institution. For the faculty member on whom tenure is conferred, it is a privilege granted by the University to those who have consistently demonstrated their value to the institution over an extended period of time.

Moved to Section 2.1.1

RATIONALE: See FHC Minutes 2-7-08
2.7.2 Length of Probationary Period – 1994 Handbook Text

Candidates in their sixth year of service at George Mason University on probationary appointment must stand for tenure at that time if they wish to retain their position after the expiration of the current contract (see Section 2.8.3 for policy on notification to faculty terminated for failure to receive tenure). Earlier consideration is possible. Faculty hired on probationary appointments from other institutions will not normally be expected to serve a six-year probationary period. Credit toward tenure may be given for prior faculty service at other institutions.

Moved to Section 2.1.2 with revisions.

RATIONALE: See FHC Minutes 9-24-07, FHC Minutes 10-15-07, FHC Minutes 2/7/08, FHC Minutes 8-6-08
Tenure, once conferred, resides in the University, and is not affected by the reorganization of academic units. In the event of program discontinuation or financial exigency, the institution will make a good faith effort to protect and retain its tenured faculty members and to provide them with opportunities for professional development and training for other roles in the University. This, however, does not imply that the faculty member is automatically entitled to retain tenure even if such an alternate position is found (see Sections 2.10.2.2 and 2.10.2.3).

Although the appointment of most faculty is to primary affiliation within a single academic unit, the University may appoint faculty to more than one unit. In such cases of joint primary affiliation, recommendations for promotion and/or tenure may be initiated by either/any of the units in which the faculty member is or is to be appointed to primary affiliation. Separate evaluations leading to separate recommendations and decisions will be made with respect to the multiple primary affiliations held by the candidate. A favorable action by one local academic unit does not obligate the other local academic units to act favorably. It is required, however, that in each/all of the evaluation processes the committee(s) involved must solicit and consider evaluations from the other units in which the candidate has been employed. All evaluations become part of the candidate’s dossier (see Sections 2.8.2 and 2.8.4).

**RATIONALE:** See FHC Minutes 2/7/08, FHC Minutes 5-22-08

**New Section 2.7.2** replaces Section 2.8.2; removal of 2.8.4 as it is now included in Section 2.7.3
2.1 General Procedures – 2009 Revision

Reappointment, promotion, and tenure recommendations are based upon an evaluation of performance over the faculty member's total period of service at George Mason University. Scholarly achievements prior to joining the George Mason University faculty weigh less heavily in these evaluations, but are also considered. These evaluations differ from the annual review in their emphasis on lasting contributions, consistency of performance, and versatility. The decisions made at each level will be promptly communicated to the candidate, to the appropriate administrators, including department chairs, and to the faculty committees involved in the process.

RATIONALE: See FHC Minutes 5-22-08, FHC Minutes 6-24-08


Reappointment, promotion, and tenure recommendations are based upon an evaluation of performance over the faculty member's total period of service at George Mason University. Scholarly achievements prior to joining the George Mason University faculty weigh less heavily in these evaluations, but are also considered. These evaluations differ from the annual review in their stress on lasting contributions, consistency of performance, and versatility. The decisions made at each level will be promptly communicated to the candidate, to the appropriate administrators, including department chairs, and to the chairs of faculty committees involved in the process.
2.7.2 Procedures for Reappointment (Contract Renewal) 2009 Revision* p. 1 of 2

Faculty in tenure-track positions (probationary faculty) receive initial three-year appointments and are normally on a cycle of two three-year appointments. Tenure-track probationary faculty will be evaluated for renewal using the following procedure: during the third year of their initial appointments.

a. Tenure-track Probationary faculty will be evaluated during the third year of their initial appointments, as described in the Faculty Handbook Section 2.8.2 and the Dean/Director will submit recommendations for renewal or non-renewal to the Provost by March 15th.

b. Based on these evaluations, the Provost will act on the recommendation for renewal or non-renewal by April 15th.

c. Faculty members will be advised of their renewals or non-renewals by May 1st of the third year of their initial appointments.

d. If the decision reached is for renewal, then the faculty member will receive an appointment for a three-year renewal by May 24th of the evaluation year. (See below for exceptions to this procedure).

e. If the decision reached is for non-renewal, the faculty member will receive a terminal, one-year term appointment following the completion of the initial three-year tenure-track appointment, contingent on the faculty member having submitted an appropriate and timely portfolio of materials for the purpose of seeking tenure-track contract renewal.

Rationale: See FHC Minutes 10-15-07, FHC Minutes 4-10-08, FHC Minutes 4-17-08, FHC Minutes 6-24-08

* Revision to implementation provision approved by the Provost and the Faculty Senate; effective July 1, 2001 – page 1 of 2


Decisions for reappointment of probationary faculty, while less critical than decisions for promotion and tenure, should be very carefully considered. The decision to recommend reappointment is reached as follows:

1. Faculty members who hold appointments in academic departments are evaluated by the departmental faculty. The evaluation must include a vote by the tenured members of the department. The chair forwards the recommendation of the department, including a report of the division of the vote by the tenured faculty, to the appropriate dean along with an endorsement or separate recommendation, and sends copies to the candidate and to the members of the department who made the recommendation. After conferring with the chair, the dean notifies the candidate of his/her recommendation to the Provost.

Faculty members who hold appointments in academic units without departments are evaluated by a faculty evaluation committee of the unit to which they are appointed. The evaluation must include a vote by the tenured members of the unit. The chair of the faculty evaluation committee sends the recommendation, including a report of the division of the vote by the tenured faculty, to the dean or institute director, and sends copies to the candidate and to the members of the unit’s faculty who made the recommendation. After conferring with the chair, the dean notifies the candidate of his/her recommendation to the Provost.

2. After reviewing the case, the Provost makes a recommendation to the President. If the President decides to recommend non-reappointment, the President will notify the faculty member by letter and will ascertain that the faculty member receives the communication promptly. If the President decides in favor of reappointment, those cases requiring Board action are submitted to the Board of Visitors.

Rationale: See FHC Minutes 10-15-07, FHC Minutes 4-10-08, FHC Minutes 4-17-08, FHC Minutes 6-24-08
2.7.2 Procedures for Reappointment (Contract Renewal) p. 2 of 2

When a faculty member receives a three-year renewal, the next full evaluation will be for tenure consideration. Under exceptional circumstances, a faculty member may be renewed for only one or two year, with another evaluation conducted the following year.

Renewal of a contract resulting from the evaluation in the fourth year of service will be for two years. If the Dean/Director believes that an additional evaluation prior to consideration for tenure will benefit the faculty member, the procedures outlined in the Faculty Handbook Section 2.8.2 will apply, using the final year of the renewed appointment rather than the third year of the initial appointment, until the faculty member reaches his/her sixth year.

In the event of non-renewal at any stage of this process, the faculty member will receive a terminal, one-year appointment following the decision for non-renewal assuming that an appropriate and timely portfolio of supporting materials has been submitted.

If a faculty member is not renewed (reappointed), the appeal procedure outlined in the Faculty Handbook Section 2.8 may be used.

*The terms “reappointment” and “renewal” are used interchangeably throughout the Faculty Handbook.

RATIONALE: See FHC Minutes 9-24-07, FHC Minutes 10-15-07, FHC Minutes 4-10-08, FHC Minutes 4-17-08, FHC Minutes 6-24-08, FHC Minutes 8-6-08, FHC Minutes 10-7-08.

New Section 2.8 replaced 2.9


Individuals on probationary appointments who are not to be reappointed will be notified in writing by the President according to the following standards:

A. On or before March 1 of the first academic year of full-time service, if the appointment expires at the end of the year, or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

B. On or before December 15 of the second academic year of full-time service, if the appointment expires at the end of that year, or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.

C. At least twelve months before the expiration of an appointment after two or more years of full-time service in the institution.

D. A probationary faculty member in the sixth year of service will be notified in writing on or before July 1 by the President of a decision not to recommend for tenure. A faculty member denied tenure in the sixth year of probationary service, or who declines to be considered for tenure in the sixth year, will be entitled to a contract for one additional academic year.

If a faculty member fails to be reappointed, the appeal procedure outlined in Section 2.9 may be used.

If the University is responsible for a failure to meet the deadlines indicated in parts (1), (2), (3), and (4) of this section, the faculty member will be issued a contract for one more semester. The faculty must address a written request to the Provost for this additional contract within fifteen days of receipt of the notice of non-reappointment or non-reelection. Except under these circumstances, a probationary faculty member may not serve more than seven consecutive years on a probationary contract.
Candidacy for tenure or promotion is normally initiated by the local unit administrator, with the faculty member's concurrence. Self-nomination is also permitted. Dossiers are to be prepared in accordance with the format provided by the collegiate dean or institute director. Except for external references, the candidate is responsible for the content of the dossier. The local unit administrator is responsible for ensuring that items the University is required to provide for the candidate's dossier are completed in a timely manner.

In cases of joint primary affiliation, recommendations for promotion and/or tenure may be initiated by either/any of the units in which the faculty member is (or is to be) appointed to primary affiliation. Separate evaluations leading to separate recommendations and decisions will be made with respect to the multiple primary affiliations held by the candidate. A favorable action by one local academic unit does not obligate the other local academic unit(s) to act favorably. It is required, however, that in each/all of the evaluation processes the committee(s) involved must solicit and consider evaluations from the other units in which the candidate has been employed.

All evaluations become part of the candidate's dossier (see Sections 2.7.2 and 2.8.4).

The prescribed procedure for considering promotion and tenure cases is as follows:

A. In all cases of promotion and/or tenure, there are two levels of faculty review. At both levels evaluations are carried out by tenured faculty in accordance with Sections 2.4 and 2.5. In addition to considering the dossier prepared by the candidate, faculty committees on promotion and tenure examine all relevant evidence and testimony offered to them by members of the academic community and others with direct knowledge of the candidate's professional qualifications and achievements.

The two-level review process is carried out as follows:

1. In departmentalized schools, colleges, or institutes, the first level of review is departmental and the second is conducted by a peer-elected committee of the school or college. The second-level review committee can include elected members from outside the school, college, or institute.

2. In non-departmentalized local academic units (i.e., schools, colleges, institutes) which are subdivided into programs, provided that no program faculty in the unit is smaller than the smallest department of the University, the first level of review is carried out by the program faculty to which the candidate belongs and the second level of review is carried out by a peer-elected committee of the school, college, or
2.7.3 Procedures for Promotion and Tenure – 2009 Revision – page 2 of 4

The second-level review committee can include elected members from outside the school, college, or institute. In order to qualify to operate under the provisions stated in this paragraph, however, the aforesaid program faculties cannot exist solely to make personnel evaluations.

3. In non-departmentalized local academic units (i.e., schools, colleges, institutes) which are not further subdivided, the first level review is carried out by eligible faculty in the candidate’s LAU, and the second level of review is carried out by a peer-elected committee of the school, college, or institute. The second level review committee can include elected members from outside the school, college, or institute. In order to qualify to operate under the provisions stated in this paragraph, however, the aforesaid program faculties cannot exist solely to make personnel evaluations.

4. The School of Law is exempt from the provisions specified in the above paragraphs, but it is not exempt from the requirement for two-level peer review.

B. In the case of departmental review, the local promotion and tenure committee - which may be a committee of the whole - transmits its recommendations, including a report of the division of the vote by the tenured members of the department (full professors only in cases involving promotion to the rank of professor), to the department chair. The department chair transmits to the school, college, or institute promotion and tenure review committee: (1) the candidate's dossier and related materials; (2) the recommendation of the departmental committee with appropriate justifications; and (3) his/her own recommendation and justification. Notification of recommendations generated at the level of the local academic unit are sent to members of the faculty who participated in the preceding deliberations and to the candidate. Copies of accompanying justifications are also supplied to the candidate, and to the faculty who participated in the deliberations. The candidate is evaluated in like manner by the promotion and tenure committee of the school or college, which forwards its recommendation along with all preceding reports and recommendations to the collegiate or school dean. Notification of the recommendation of the school or college committee is sent to each member of the department who participated in making the departmental recommendation. Copies of the statement of justification are sent to the candidate and the department chair.

2.8.4 Procedures for Promotion and Tenure – 1994 Handbook Text

In order to qualify to operate under the provisions stated in this paragraph, however, the aforesaid program faculties cannot exist solely to make personnel evaluations.

3. In local academic units which do not qualify under the provisions stated in paragraphs (1) or (2), the first level of review is carried out by the local academic unit (i.e., the school, college, or institute) and the second level of review is carried out by a committee consisting of two peer-elected representatives from each of the local academic units required to operate in accordance with this paragraph. In the event the number of participating local academic units is insufficient to provide a committee of at least ten members, the committee will be brought to full strength by the addition of faculty members elected by (but not necessarily from) the Faculty Senate.

4. The School of Law, because it offers degrees which are defined by the Commonwealth of Virginia as “professional degrees,” is exempt from the provisions specified in paragraphs (1), (2), and (3), but it is not exempt from the requirement for two-level review.

B. In the case of departmental review, the local promotion and tenure committee - which may be a committee of the whole - transmits its recommendations, including a report of the division of the vote by the tenured members of the department (full professors only in cases involving promotion to the rank of professor), to the department chair. The department chair transmits to the school or college promotion and tenure review committee: (1) the candidate's dossier and related materials; (2) the recommendation of the departmental committee with appropriate justifications; and (3) his/her own recommendation and justification. Notification of recommendations generated at the level of the local academic unit are sent to members of the faculty who participated in the preceding deliberations and to the candidate. Copies of accompanying justifications are supplied to the candidate, and may be supplied to the faculty who participated in the deliberations. The candidate is evaluated in like manner by the promotion and tenure committee of the school or college, which forwards its recommendation along with all preceding reports and recommendations to the collegiate or school dean. Notification of the recommendation of the school or college committee is sent to each member of the department who participated in making the departmental recommendation. Copies of the statement of justification are sent to the candidate and the department chair.
2.7.3 PROCEDURES FOR PROMOTION AND TENURE – 2009 Revision – page 3 of 4

C. The process is analogous for faculty who hold primary affiliation in non-departmentalized units, except that the role assigned in the preceding paragraph to department chairs is omitted. The first-level report is transmitted to the committee which carries out the second-level review. The committee sends its report and recommendation along with all preceding reports and recommendation to the appropriate dean or director.

D. If a candidate for noncompetitive appointment is to be tenured upon appointment, he or she must be reviewed by both the first-and second-level promotion and tenure committees. The first-level review by eligible faculty requires a majority positive vote for tenure separate from the vote to accept the candidate into the program. If the first-level votes are positive, and with the approval of the chair where applicable, the dossier is then sent to the second-level promotion and tenure committee. As with all tenure reviews, independent external letters from recognized experts in the candidate’s field must be obtained in a manner consistent with other tenure reviews, and candidates are held to the same standards as other candidates in that LAU. Since noncompetitive appointments may be made outside the normal annual tenure cycle, college, school, and institute promotion and tenure committees must develop and follow procedures for reviewing candidates out of cycle.

E. All materials are reviewed by the dean or director of the candidate’s school, college, or institute and are then forwarded along with his/her recommendation to the Provost. Notification of the dean’s or director’s recommendation is sent to the faculty who participated in deliberations at the local level and a copy of the accompanying justification is sent to the candidate and the local unit administrator (the latter copy to be retained in the candidate’s permanent file).

F. All relevant materials are reviewed by the Provost. Before making a recommendation to the President, the Provost may consult with other academic administrators who have direct knowledge of one or more aspects of the candidate's professional performance. Notification of the Provost's recommendation is sent to the faculty who participated in deliberations at the local level and a copy of the accompanying justification is sent to the candidate and the local unit administrator (the latter copy to be retained in the candidate's permanent file).


Text

C. The process is analogous for faculty who hold primary affiliation in non-departmentalized units, except that the role assigned in the preceding paragraph to department chairs is omitted. The program-level report is transmitted to the committee which carries out the second level review. The committee sends its report and recommendation along with all preceding reports and recommendation to the appropriate dean or director.

D. All materials are reviewed by the dean or director of the candidate’s school, college, or institute and are then forwarded along with his/her recommendation to the Provost. Notification of the dean's or director's recommendation is sent to the faculty who participated in deliberations at the local level and a copy of the accompanying justification is sent to the candidate and the local unit administrator (the latter copy to be retained in the candidate's permanent file).

E. All materials are reviewed by the Provost. Before making a recommendation to the President, the Provost will consult with other academic administrators who have direct knowledge of one or more aspects of the candidate's professional performance. Notification of the Provost's recommendation is sent to the faculty who participated in deliberations at the local level and a copy of the accompanying justification is sent to the candidate and the local unit administrator (the latter copy to be retained in the candidate's permanent file).
2.7.3 PROCEDURES FOR PROMOTION AND TENURE – 2009 Revision – page 4 of 4

G. The candidate's vita with all previously generated recommendations and justifications is forwarded to the President. The President forwards his/her recommendation for promotion and/or tenure to the Board of Visitors' Committee on Faculty and Academic Standards. Promotion to the rank of associate professor or professor, and tenure, can only be conferred by the Board of Visitors. The successful candidate is notified in writing by the Secretary of the Board of Visitors.

H. A faculty member in the sixth year of service will be notified in writing on or before July 1 by the President of a decision not to recommend for tenure, as described in the Faculty Handbook section 2.8.3(d). Candidates who are not recommended for tenure or promotion by the President may seek reconsideration on the basis of new evidence under the procedures outlined in Sections 2.7.4 and 2.7.5. They may also use the appeal procedure described in Section 2.8.

I. Tenure and promotion are never granted by default, only by action of the Board of Visitors. If one or more of the steps in the procedure outlined above is omitted by error, the proper remedy is review of the candidate as early as possible under this procedure.

RATIONALE: See FHC Minutes 2/21/07 (end); FHC Minutes 9-10-07, FHC Minutes 9-24-07, FHC Minutes 10-15-07; FHC Minutes 4/18/07, FHC Minutes 1-24-08, FHC Minutes 5-22-08. (Para. 2, p. 51 Moved from Section 2.1.1), FHC Minutes 6-24-08, FHC Minutes 8-6-08, FHC Sept 17-18, 2008, FHC Minutes 10-9-08 (1st sentence “H” p. 54 Moved from Section 2.7.2)

New Section 2.7.2 replaces old Section 2.8.2 (page 1)
New Section 2.7.4 replaces old Section 2.8.4.1 (page 4)
New Section 2.7.5 replaces old Section 2.8.4.2 (page 4)
New Section 2.8 replaces old Section 2.9 (page 4)


F. The candidate's vita with all previously generated recommendations and justifications is forwarded to the President. The President forwards his/her recommendation for promotion and/or tenure to the Board of Visitors' Committee on Faculty and Academic Standards. Promotion to the rank of associate professor or professor, and tenure, can only be conferred by the Board of Visitors. The successful candidate is notified in writing by the Secretary of the Board of Visitors.

G. Candidates who are not recommended for tenure or promotion by the President may seek reconsideration on the basis of new evidence under the procedures outlined in Sections 2.8.4.1 and 2.8.4.2. They may also use the appeal procedure described in Section 2.8.

H. Tenure is never granted by default, only by action of the Board of Visitors. If one or more of the steps in the procedure outlined above is omitted by error, the proper remedy is review of the candidate as early as possible under this procedure.
2.7.3.1 Tenure Clock Extension for New Parents – NEW 2009

A tenure-track faculty member who becomes the parent of a child by birth or by adoption will be entitled to a one-year automatic tenure clock extension of the term in which she or he is currently employed. This extension will be granted automatically upon the faculty member’s notifying in writing the chair of the department or the dean/director of the college, school or institute in which the faculty member serves. The faculty member should make the request within one year of the child’s arrival in the family and prior to September 1 of the academic year in which the tenure decision would have been made.

A faculty member is limited to one automatic extension of term during the time she or he is serving in tenure-track status, although a second extension of term may be requested for a new birth or adoption. A faculty member who declines to request an extension remains eligible for later extensions up to the two-year maximum. Multiple births or multiple adoptions at the same time result in the same one-year extension right as single births or adoptions. At the time of tenure consideration, a faculty member who has received an extension or extensions will be considered using the same tenure criteria as those applied to other faculty in the college, school, or institute. Extensions due to parenthood are independent of study leaves.

Rationale: See FHC Minutes 1/31/08, FHC Minutes 4-10-08, FHC Minutes 8-6-08

New Section 2.7.3.1 replaces previous 2.8.4.1
2.7.3.2 Tenure Clock Extension for Serious Illness – NEW 2009

Extension of the tenure clock probationary period for a tenure-track faculty member will be approved for circumstances that have a significant impact on the faculty member’s productivity, such as serious personal illness or a major illness of a member of the faculty member’s immediate family, under the following conditions and definitions. Serious personal illness or illness within the immediate family will be defined according to the Department of Labor’s criteria for family and medical leave, already used by the university. Certification of illness by a physician is required and will be handled by Human Resources. Once certification of the illness has been approved by Human Resources, the faculty member can extend delay the tenure clock (extension of the probationary period) by notifying, in writing, the chair of the department or the dean/director of the college, school or institute in which the faculty member serves. The request must be made within three months of certification of sick or family leave by Human Resources. Tenure clock Probationary period extensions will be granted in one-year increments, with the maximum probationary period extension being a cumulative total of two years. An extension beyond one year will require discussion with the appropriate department chair and Dean. At the time of tenure consideration, a faculty member will be considered using the same criteria as those applied to other faculty in the college, school, or institute. Extensions due to serious illness are independent of study leaves.

RATIONALE: See FHC Minutes 4-10-08, FHC Minutes 6-11-08, verified policy approved by BOV May 2008, FHC Minutes 6-24-08, FHC Minutes 8-12-08, FS Minutes 8-20-08, FHC Forum/Minutes Sept 17-18-08, FHC Minutes 10-30-08

New 2.7.3.2 replaces 2.8.4.2.
2.7.3.3 Tenure Clock Extension for Military Service – NEW 2009

A tenure-track faculty member who is also a member of the U.S. military and is called to active duty for a minimum of four months will be entitled to an automatic extension of the term in which she or he is currently employed in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). The extension will last for the duration of the active duty assignment, rounded to the nearest year, but will not exceed the extension period provided by USERRA. Therefore, for example, an active duty assignment lasting between 4 through 15 months will earn a one-year extension, 16 through 27 months will earn a two-year extension. Any extension beyond two years would require further discussion with the appropriate department chair and Dean. This extension will be granted automatically upon the faculty member’s notifying in writing the chair of the department or the dean/director of the college, school or institute in which the faculty member serves. The faculty member should make the request as far as possible prior to entering active duty and prior to September 1 of the academic year in which the tenure decision would have been made. At the time of tenure consideration, a faculty member will be considered using the same criteria as those applied to other faculty in the college, school, or institute. Extensions due to military service are independent of study leaves.

RATIONALE: See FHC Minutes 4-10-08 -- May be further affected by federal legislation passed late 2007-early 2008; FHC Minutes 8-6-08 deleted sentence in violation of USERRA (5 year limit) as recommended by University Counsel, FHC/UnivCounsel-10-2-08, FHC Minutes 10-30-08

New 2.7.3.3 replaces 2.8.4.3

Not in 1994 Handbook
as approved by the Faculty Senate January 23, 2008
2.7.4 Eligibility for Reconsideration – 2009 Revision

The reconsideration process for candidates not recommended for tenure in their sixth year of tenure-track appointment is allowed only for consideration of substantial new evidence not available to those who made the original negative recommendation. Candidates who have no substantial new evidence to present may not seek reconsideration; however, they may appeal the decision as provided in Section 2.8. Reconsideration, if requested, must precede appeal and must be completed before a candidate can file an appeal.

New evidence for a reconsideration must fall into one or more of the following categories:

a. Scholarly work accepted for publication, or creative work exhibited, performed, or published, or other evidence of scholarly distinction which appeared after the tenure recommendations were made.
b. Grants awarded after the tenure recommendations were made.
c. Reviews of the candidate's scholarly or creative work which were published after the negative recommendation.
d. Substantial evidence of significantly improved teaching.
e. Substantial evidence of significantly increased and influential professional service.

RATIONALE: See FHC Minutes 4/11/07, FHC Minutes 4/18/07 discussion included Provost revision “rare” FHC Minutes 1/24/08 and FHC Minutes 1/31/08; Provost agreed not to include “rare” per M Ford/D Harr FHC Minutes 2/14/08, FHC Minutes 4-10-08, FHC Minutes 8-12-08

New Section 2.7.4 replaces 2.8.4.1. New Section 2.8 replaces 2.9.

2.8.4.1 Eligibility for Reconsideration – 1994 Handbook Text

The reconsideration process for candidates not recommended for tenure in their sixth year of probationary appointment at George Mason University allows for consideration of new evidence not available to those who made the original negative recommendation. Candidates who have no new evidence to present, but who disagree with the evaluation of their record made during the tenure and promotion review process, may not seek reconsideration but are entitled to a re-examination of their case through the appeal procedure (see Section 2.9). Reconsideration, if requested, must precede appeal and must be completed before a candidate can file an appeal.

New evidence for a reconsideration must fall into one or more of the following categories:

a. Scholarly work accepted for publication, or creative work exhibited, performed, or published, or other evidence of scholarly distinction which appeared after the tenure recommendations were made.
b. Grants awarded after the tenure recommendations were made.
c. Reviews of the candidate's scholarly or creative work which were published after the negative recommendation.
d. Substantial evidence of significantly improved teaching.
e. Substantial evidence of significantly increased and influential professional service.
2.7.5 Procedure for Reconsideration – 2009 Revision

1. On or before the first day of classes of the fall semester following the sixth year of a tenure-track appointment, a candidate seeking reconsideration on the basis of new evidence must submit to the local unit administrator a written petition for reconsideration, outlining the new evidence and attaching documentation of it.

2. Within seven days, the recipient of the petition submits the petition, along with documentation of the new evidence, and the entire original dossier to the lowest level at which a negative recommendation was made. At that level and each subsequent level outlined in Section 2.7.3, the new evidence is evaluated by the designated bodies as they are constituted at the time of the reconsideration, and by the individuals holding the relevant administrative positions at the time of the reconsideration. At each level, a recommendation on the basis of new evidence should be completed within fourteen days and forwarded to the next level. Those participating in the reconsideration at any level, whether or not they participated in the original decision, must judge whether the new evidence sufficiently remedies the weaknesses in the candidate's record cited by those who made the original negative recommendation to warrant its reversal. The President will inform the candidate in writing of the decision. If the President's decision is positive, the tenure recommendation is submitted to the Board of Visitors for final action.

3. If the reconsideration decision is negative, candidates may file an appeal under the terms of Section 2.9. Appeals by candidates who are unsuccessful in their petition for reconsideration must be filed by November 1 of that year, or within seven days of receipt of the President's decision on the reconsideration, whichever is later.

New Section 2.7.4.1 replaces 2.8.4.2 (1994)
New Section 2.7.3 replaces 2.8.4
New Section 2.9 replaces 2.10.

RATIONALE: See

2.8.4.2 Procedure for Reconsideration – 1994 Handbook Text

1. On or before the first day of classes of the fall semester following the sixth year of a probationary appointment, a candidate seeking reconsideration on the basis of new evidence must submit to the local unit administrator a written petition for reconsideration, outlining the new evidence and attaching documentation of it.

2. Within seven days, the recipient of the petition submits it, the documentation, and the entire original dossier to the lowest level at which a negative recommendation was made. At that level and each subsequent level outlined in Section 2.8.4, the new evidence is evaluated by the designated bodies as they are constituted at the time of the reconsideration, and by the individuals holding the relevant administrative positions at the time of the reconsideration. At each level, a recommendation on the basis of new evidence should be completed within fourteen days and forwarded to the next level. Those participating in the reconsideration at any level, whether or not they participated in the original decision, must judge whether the new evidence sufficiently remedies the weaknesses in the candidate's record cited by those who made the original negative recommendation to warrant its reversal. The President will inform the candidate in writing of the decision. If the President's decision is positive, the tenure recommendation is submitted to the Board of Visitors for final action.

3. If the reconsideration decision is negative, candidates may file an appeal under the terms of Section 2.10. Appeals by candidates who are unsuccessful in their petition for reconsideration must be filed by November 1 of that year, or within seven days of receipt of the President's decision on the reconsideration, whichever is later.
2.8 Appeal Procedure for Negative Decisions in Reappointment, Promotion, and Tenure Cases – 2009 Revision

The University recognizes the need for an appeal procedure for faculty who fail to gain reappointment, promotion, and/or tenure. The appeal must be based on one or more of the following reasons:

1. material procedural irregularity;
2. violation of federal or state law or university policy;
3. inadequate or faulty consideration of evidence.

The intent of the appeal procedure is to provide fair and competent review of the petition. Any material included in a reconsideration process (see Sections 2.7.4 and 2.7.4.1) will be made available for the appeal process.

RATIONALE: See FHC Minutes 4-18-07, FHC Minutes 8-12-08, FHC/UnivCounsel-10-2-08

New Section 2.8 replaces 2.9.
New Section 2.7.4 replaces 2.8.4.1
New Section 2.7.4.1 replaces 2.8.4.2.


The University recognizes the need for an appeal procedure for faculty who fail to gain reappointment, promotion, and/or tenure. The appeal must be based on one or more of the following allegations:

1. violation of federal and state legislation or university policy in regards to discrimination;
2. denial of academic freedom;
3. denial of procedural due process in consideration for tenure, reappointment, or promotion;
4. inadequate or faulty consideration and/or additional evidence presented in light of the procedures outlined in this document.

The intent of the appeal procedure is to provide fair and competent review of the petition, followed by a final appeal in the case of a non-unanimous decision, or in cases where the appeal board reverses unanimously the decision of the administration. Any material included in a reconsideration process (see Sections 2.8.4.1 and 2.8.4.2) will be made available for the appeal process.
2.8.1 Appeal Board – 2009 Revision – page 1 of 2

The petition for appeal should be filed as early as possible with the chair of the Faculty Senate and the Provost and no later than November 1 of the year of the decision. The chair of the Senate, no later than November 15, forms an appeal board for the case based on procedures outlined below.

The appeal board will include three tenured members of the faculty, none of whom participated in the original decision. The petitioner selects one appeal board member, who must be a tenured academic administrator that is at the level of department chair or above. The Provost selects a full-time faculty member who is not an academic administrator. These two appeal board members then select a third member, from among the faculty, who becomes the chair. The names of the three board members are not revealed until all have been chosen.

In any appeal alleging discrimination in violation of federal or state law or University regulations, the appeal board must consult and be advised by the Office of Equity and Diversity Services.

The appeal board has the authority to require the submission of sufficient evidence to determine if the allegation appears to have merit. The board must decide upon this issue by majority vote before proceeding with a consideration of the case. The burden of proof rests with the petitioner.

If the appeal board unanimously supports the administration, then its report is forwarded simultaneously to the President, the chair of the Faculty Senate, and the principals in the appeal. The President makes the final decision in the case.

2.9.1 Formation of an Appeal Board – 1994 Handbook Text

The petition for appeal must be filed with the chair of the Faculty Senate and the Provost by November 1 of the year of the decision. The chair of the Senate, no later than December 1, forms an appeal board for the case based on procedures outlined below.

The appeal board will include three tenured members of the faculty, none of whom participated in the original decision. The petitioner selects one appeal board member, who must be a tenured academic administrator (i.e., a dean, associate dean, assistant dean, vice provost, associate provost, institute director, or department chair). The President selects a full-time faculty member who is not an academic administrator. These two appeal board members then select a third member, from either the faculty or the administration, who becomes the chair. The names of the three board members are not released until all have been chosen.

In any appeal alleging discrimination in violation of federal or state law or University regulations, the appeal board must consult and be advised by the University Equity Office.

The appeal board has the authority to require the submission of sufficient evidence to determine if the allegation appears to have merit. The board must decide upon this issue by majority vote before proceeding with a consideration of the case. The burden of proof rests with the petitioner.

If the vote of the appeal board unanimously supports the administration, then its report is forwarded simultaneously to the President and the principals in the appeal. The President makes the final decision in the case.
2.8.1 Appeal Board – 2009 Revision – page 2 of 2

If the appeal board is not unanimous, the appeal is submitted to the President for his or her reconsideration. If the President's decision does not change in favor of the petitioner, then the petitioner may present the case to the Chair of the Faculty and Academic Standards Committee of the Board of Visitors. The chair of this Committee, after reviewing the written record of the case, will within twenty-one days do one of the following:

a. deny the appeal for lack of merit; the chair must report a summary of the decision as a matter of information to the Committee at its next regularly scheduled meeting; the Committee may decide to take up the case if it wishes.

b. find that there appears to be merit in the appeal, and remand it to the appropriate level(s) within the University for reconsideration, giving specific instructions as to how the problems cited in the appeal should be addressed.

c. bring the case to the Faculty and Academic Standards Committee of the Board of Visitors, which can take option (1) or (2) above, or can submit the case to the full Board of Visitors.

The decision of the Chair of the Board's Faculty and Academic Standards Committee, of the full Committee, or of the full Board, will be transmitted in writing to the President, the chair of the Faculty Senate, and the petitioner, and is final.

RATIONALE: See FHC Minutes 4-18-07, FHC Minutes 6-11-08, FHC MINUTES 6-24-08, FHC Minutes 8-12-08

New Section 2.8.1 replaces 2.9.1.

2.9.2 Final Appeal when the Petitioner has at Least One Vote – 1994 Handbook Text moved to end of 2.8.1

When the petitioner has at least one vote, the appeal is submitted to the President for his reconsideration. If the President's decision does not change in favor of the petitioner, then the petitioner may present the case to the Chair of the Faculty and Academic Standards Committee of the Board of Visitors. The chair of this Committee, after reviewing the written record of the case, will within twenty-one days do one of the following:

a. deny the appeal for lack of merit; the chair must report a summary of the decision as a matter of information to the Committee at its next regularly scheduled meeting; the Committee may decide to take up the case if it wishes.

b. find that there appears to be merit in the appeal, and remand it to the appropriate level(s) within the University for reconsideration, giving specific instructions as to how the problems cited in the appeal should be addressed.

c. bring the case to the Faculty and Academic Standards Committee of the Board of Visitors, which can take option (1) or (2) above, or can submit the case to the full Board of Visitors.

The decision of the Chair of the Board's Faculty and Academic Standards Committee, of the full Committee, or of the full Board, will be transmitted in writing to the President and the petitioner, and is final.
2.10.1 Resignation or Retirement – 1994 Handbook Text

Generally accepted standards of professional ethics require faculty members who plan to resign or retire to give notice in writing to their local unit administrator no later than May 15. Only in personal emergencies or for other compelling reasons should faculty members leave the institution during the academic year, except when this coincides with the expiration of their contractual obligations.

RATIONALE: See FHC Minutes 4-10-08, FHC Minutes 6-11-08; decided to retain and include under Section 2.10.2 Professional Ethics FHC Minutes 8-12-08
2.10.2.1 MEDICAL REASONS – 1994 Handbook Text

Medically-based termination of a tenured or other appointment before the expiration of its term must derive from clear and convincing medical evidence. The administration's decision to terminate will be preceded by appropriate fact-finding and consultation. The faculty member, or his/her representative, must be informed of the basis of the proposed termination and be given an opportunity to respond. If the faculty member or the representative contests the proposed termination, the case will be referred to the grievance committee of the faculty member's school, college or institute. This committee, which is specifically enjoined not to substitute its judgment for professional medical opinion, will conduct a closed hearing for the purpose of ensuring that no procedural inequities or abuses of administrative authority have occurred. The committee will report its findings to the President, who will make final disposition of the case. These provisions do not affect the University's possible exclusion of faculty from the classroom (see Section 2.10.3).
2.9.1 Financial Exigency – 2009 Revision – page 1 of 2

Financial exigency is understood to mean an urgent need to reorder the nature and magnitude of the institution's financial obligations in such a way as to restore or preserve the institution's financial stability. The existence of a state of financial exigency must be established by clear and convincing evidence. This can be demonstrated by various means; for example, by showing declining enrollments coupled with operating deficits of a magnitude or duration as to leave little doubt about the financial weakness of the institution. The crisis should be of sufficient gravity that it cannot be met by less drastic means than salary reductions or termination of faculty appointments.

The University strives to maintain a reasonable balance between positions devoted to its primary missions (instruction, research, and public service) and those devoted to its support programs (e.g., the library, student services, general administration). If threatened by the possibility of financial exigency, the institution will undertake retrenchment in such a way that this balance is preserved, and the faculty will participate with others in the decision-making process. This initial process of retrenchment will not include the termination or reduction of salaries of faculty on tenure-track or tenured appointments. Should it become necessary for the Board of Visitors to consider declaring a state of financial exigency, the Faculty Senate will participate in the determinations that lead to the Board's decision.

Formal declaration of financial exigency by the Board of Visitors initiates the next phase of retrenchment. Administrators responsible for developing specific budget reduction plans must consult with tenured and tenure-track faculty in developing these plans, which may include salary or personnel reduction programs.

Termination of appointment of tenured faculty should be a last resort. Should reductions in the size of the faculty become necessary, the affected units will make reductions on the following priority basis:

1. Termination of part-time faculty;
2. Termination of faculty on fixed-term appointments;
3. Termination of tenure-track faculty;
4. Termination of tenured faculty.

2.10.2.2 Contingency Planning in the Face of Financial Exigency – 1994 Handbook Text

Financial exigency is understood to mean an urgent need to reorder the nature and magnitude of the institution's financial obligations in such a way as to restore or preserve the institution's financial ability. A state of financial exigency must be shown to be demonstrably bona fide by a preponderance of the evidence. This can be demonstrated by various means; for example, by showing declining enrollments coupled with operating deficits of a magnitude or duration as to leave little doubt about the financial weakness of the institution. The crisis should be of sufficient gravity that it cannot be met by less drastic means than salary reductions or faculty dismissals. The burden of proof that a state of financial exigency exists rests with the Board of Visitors.

The University strives to maintain a reasonable balance between positions devoted to its primary missions (instruction, research, and public service) and those devoted to its support programs (e.g., the library, student services, general administration). If threatened by the possibility of financial exigency, the institution will undertake retrenchment in such a way that this balance is preserved, and the faculty will participate with others in the decision-making process. This initial process of retrenchment will not include the dismissal or reduction of salaries of faculty on probationary or continuing (i.e., tenured) appointments.

Should these retrenchment efforts be insufficient to meet the crisis and should it become necessary for the Board of Visitors to declare a state of financial exigency, the Faculty Senate will participate in the determinations that lead to the Board's declaration. Following a declaration of financial exigency by the Board, the University may reduce its expenditures on the salaries of faculty and administrators by load reduction and/or salary adjustment. These measures should be pursued extensively if necessary, in preference to dismissals of tenured faculty, and should be carried out in such a way that (i) they are shared by faculty members and administrators approximately in proportion to their numbers, and (ii) they take an increasing proportion of each additional dollar earned.

Dismissals of tenured faculty, if necessary, should be kept to a minimum. Should reductions in the size of the faculty become necessary, the affected units will normally make reductions on the following priority basis:

1. Dismissal of faculty on fixed-term, non-probationary appointments;
2. Dismissal of probationary faculty;
3. Dismissal of tenured faculty.
2.9.1 Financial Exigency – 2009 Revision – page 2 of 2

Unless financial, academic, or equity and diversity considerations are demonstrated to be overriding, then tenure, rank, and order of seniority in rank will be respected, in that order, in the termination of appointment of faculty on tenured and tenure-track appointments. Administrators responsible for developing specific budget reduction plans involving the termination of appointment of tenured and tenure-track faculty must consult with tenured and tenure-track faculty in developing these plans. Principles and criteria for identifying specific individuals whose appointments are to be terminated should be formulated by tenured and tenure-track faculty.

Any faculty member whose appointment is to be terminated due to financial exigency may request a hearing before the college, school, or institute grievance committee. The findings of the committee will be presented to the Board of Visitors for final action after review by the President.

In all cases of termination of appointment because of financial exigency, the position of the terminated faculty member will not be filled within a period of three years, unless the released faculty member has been offered reinstatement. Faculty members are responsible for keeping a current address on file with the University. Any offer of reinstatement will be sent by registered mail, and the faculty member must respond to it within one month of its receipt. Should termination of full-time untenured faculty members become necessary during the term of their appointment, the University will give them as much notice as possible and no less than thirty days. Tenured faculty members will be guaranteed employment for one additional academic year.

RATIONALE: See FHC Minutes 3-6-08, FHC Minutes 3-20-08, FHC Minutes 6-11-08, FHC Minutes 6-24-08, FHC Minutes 8-12-08

New Section 2.9.1 replaces 2.10.2.2.

2.10.2.2 Contingency Planning in the Face of Financial Exigency – 1994 Handbook Text

Unless considerations of an academic nature or affirmative action are deemed to be overriding, tenure, rank, and order of seniority in rank will be respected, in that order, in the dismissal of faculty on tenured and probationary appointments.

Any faculty member to be dismissed due to financial exigency may request a hearing before an ad hoc faculty committee elected by the Senate. If such a hearing is sought, the burden of proof rests with the dismissed faculty member. The findings of the committee will be presented to the Board of Visitors for final action after review by the President.

In all cases of dismissal because of financial exigency, the position of the dismissed faculty member will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement. Faculty members are responsible for keeping a current address on file with the University. Any offer of reinstatement will be sent by registered mail, and the faculty member must respond to it within one month of its receipt. Should termination of full-time untenured faculty members become necessary during the term of their appointment, the University will give them as much notice as possible and no less than thirty days. Tenured faculty members will be guaranteed employment for one additional academic year.
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<th>2.9.2 Discontinuation of Degree Programs – 2009 Revision</th>
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<td>The recommendation to discontinue a degree program will be based upon educational considerations as determined jointly by the faculty and the administration. Such educational considerations must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuation. Faculty <strong>adversely affected by the discontinuation of a degree program and</strong> holding multi-year term appointments will be given at least one academic year's notice of the decision to discontinue a program. <strong>Tenured and tenure-track</strong> faculty will be given opportunities to join the faculties of other programs, and, if appropriate, will be assisted by the institution through retraining and professional development opportunities. Procedures and safeguards will parallel those provided for <strong>termination of appointment in the face of financial exigency, where applicable</strong> (see Section 2.9.1).</td>
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<th>2.10.2.3 Discontinuation of Degree Programs – 1994 Handbook Text</th>
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<td>Discontinuation of degree programs requires action by the Board of Visitors and the State Council of Higher Education. The recommendation to discontinue a degree program will be based <strong>solely</strong> upon educational considerations as determined jointly by the faculty and the administration. Such educational considerations must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuation. <strong>Affected faculty holding multi-year term appointments</strong> will be given at least one academic year's notice of the decision to discontinue a program. Tenured faculty will be given opportunities to join the faculties of other programs, and, if appropriate, will be assisted by the institution through retraining and professional development opportunities. Procedures and safeguards will generally parallel those provided for <strong>dismissal</strong> in face of financial exigency (see Section 2.10.2.2).</td>
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**RATIONALE:** See [FHC Minutes 3-6-08](#), [FHC Minutes 3-20-08](#), [FHC Minutes 8-12-08](#)

**New Section 2.9.2** replaces 2.10.2.3.
2.9.3 Termination of Appointment of Tenured, Tenure-Track, and Term Faculty Members for Cause – 2009 Revision - page 1 of 4

Termination of appointment for cause is the involuntary termination of the employment of faculty members for reasons directly and substantially related to their professional conduct. Terminations will not be used to restrain faculty members in their exercise of their Constitutional rights. Tenure does not protect an individual from removal for cause.

Adequate cause may include, but is not restricted to: (i) violations of professional ethics; (ii) inability to perform assigned duties satisfactorily because of incarceration; (iii) exploitation of the power a faculty member may have over other members of the academic community (e.g., improper sexual advances, financial reward or punishment); (iv) failure to carry out professional obligations or assigned responsibilities; (v) falsification of information relating to professional qualifications; (vi) violation of institutional rules regarding outside employment; (vii) abusive or violent conduct toward members of the university community; (viii) retaliation for exercise of free speech and/or association; and (ix) a finding of research or scholarship misconduct (University Policy 4007: Misconduct in Research and Scholarship).

The following procedures are designed to ensure due process in termination of appointment proceedings:

a. If the conduct of a faculty member comes into question, the President or the Provost will discuss the matter with the faculty member personally.

b. If the matter is not resolved in this conference, it will be referred by the President to the University Grievance Committee. This committee is charged to initiate an inquiry into the matter and to recommend whether or not the situation requires that formal proceedings for termination be instituted. This recommendation is confidential and advisory to the President of the University. The Grievance Committee must complete its work and report to the President within fourteen calendar days of receipt of the President's letter referring the matter to the committee.

c. The President must decide if formal termination proceedings are to begin. If so, the President will draw up the charge within fourteen calendar days from receipt of the committee's report. If the committee concurs in this decision it should join in the formulation of the statement.

2.10.2.4 Dismissal of Tenured and Probationary Faculty Members for Cause – 1994 Handbook Text

Dismissal for cause is the involuntary termination of the employment of faculty members for reasons directly and substantially related to their professional capacities. Dismissals will not be used to restrain faculty members in their exercise of academic freedom or of their Constitutional rights.

Tenured faculty have important professional responsibilities. Tenure does not protect an individual from removal for cause. Legal precedent has shown that adequate cause can include, but is not restricted to: (i) flagrant violations of professional ethics; (ii) sustained unsatisfactory performance (including incompetence and lack of appropriate expertise); (iii) inability to perform assigned duties satisfactorily because of incarceration resulting from a felony conviction; (iv) exploitation of the power a faculty member may have over other members of the academic community (e.g., improper sexual advances, financial reward or punishment); (v) documented failure to carry out professional obligations or assigned responsibilities; (vi) falsification of information relating to professional qualifications; (vii) serious personal deficiencies if they prevent satisfactory performance of responsibilities (e.g., dependencies on drugs or alcohol); (viii) violation of institutional rules regarding outside employment; (ix) flagrant or abusive conduct toward colleagues; (x) and impermissible retaliation for exercise of free speech and/or association.

The following procedures are designed to assure due process in dismissal proceedings occasioned by the alleged unfitness of a faculty member:

a. If the fitness of a faculty member comes into question, the President or the Provost will discuss the matter with the faculty member personally.

b. If the matter is not resolved in this conference, it will be referred by the President to an ad hoc committee of five full-time faculty members, tenured and of equivalent or higher rank than the accused, elected by and from the faculty of the local academic unit(s) in which the accused holds primary affiliation. This committee is charged to conduct an informal inquiry into the matter and to attempt a reconciliation. If no satisfactory solution is reached, the committee is to decide whether or not the situation requires that formal proceedings for dismissal be instituted. This decision is confidential advice to the President of the University. The committee must complete its work and report to the President within twenty-eight days of receipt of the President's letter referring the matter to the committee.

c. The President must decide if formal dismissal proceedings are to begin. If so, the statement of particulars will be drawn up by the President within fourteen days from receipt of the committee's report. If the committee concurs in this decision it should join in the formulation of the statement.
d. The President will initiate the termination proceedings with a written communication to the faculty member (the “Notice”). The Notice shall include:
1. The charge that has been formulated.
2. The procedural rights, in detail, of the faculty member (as outlined below).
3. A statement that the faculty member may request a hearing within fourteen calendar days of receipt of the charge.
4. A statement that if the faculty member fails to respond, the President will make a recommendation for termination to the Board of Visitors without benefit of a committee hearing or report.
5. A statement that if the faculty member timely responds, waives the right to a hearing, but denies that adequacy of cause for termination exists, the University Grievance Committee which conducted the inquiry will make a recommendation to the Board of Visitors on adequacy of cause on the basis of available evidence.

Within (14) calendar days of the date the President transmits the Notice, the faculty member must respond to the President and must either: (i) acknowledge in writing the validity of the charges and agree that they constitute an adequate cause for termination; (ii) deny that adequacy of cause for termination exists, but waive the right to a hearing; or (iii) deny that adequacy of cause for termination exists, and request a hearing. If the faculty member denies that adequacy of cause for termination exists and requests a hearing, the President will notify the Faculty Senate and the Faculty Senate will nominate an ad hoc committee (the Hearing Committee) within seven (7) calendar days of receipt of the faculty member’s response by the President. The Faculty Senate shall nominate nine full-time faculty members to serve on the Hearing Committee. These faculty members should be nominated on the basis of their objectivity and competence and of the regard in which they are held in the academic community; they will be determined to have no bias or untoward interest in the case and to be available at the anticipated time of hearing. Administrators, members of the University Grievance Committee, department chairs, and other faculty of the same local academic unit as the faculty member are ineligible to serve on this committee. The faculty member and the President will each have a maximum of two challenges from among the nominees without stated cause. The President will then name a five-member Hearing Committee from the remaining nominees. The Hearing Committee will elect its own chair. All materials and evidence the parties wish to have considered must be made available to the parties and to the committee.

2.10.2.4 Dismissal of Tenured and Probationary Faculty Members for Cause – 1994 Handbook Text

d. The President will initiate the dismissal proceedings with a written communication to the faculty member including:
1. The charge that has been formulated.
2. A statement that, should the faculty member so request, a hearing on the matter by a faculty committee at a specified place and time will commence as expeditiously as possible, but no sooner than fourteen days hence, or later than twenty-eight days after receipt of the request.
3. The procedural rights, in detail, of the accused faculty member (as outlined below).
4. Notice of the right to fourteen calendar days to request a hearing. In the absence of such a request, the President will make a recommendation to the Board of Visitors without benefit of a committee hearing or report.
5. Notice that if the faculty member waives the right to a hearing, but denies that adequacy of cause for dismissal exists, the faculty committee which conducted the informal inquiry will make a recommendation to the Board of Visitors on adequacy of cause on the basis of available evidence.

Unless the accused faculty member acknowledges in writing the validity of the charges and agrees that they constitute an adequate cause for dismissal or fails to request a hearing, an ad hoc committee will be established. If a hearing committee is to be established, the President will ask the Faculty Senate, through its chair, to nominate nine full-time faculty members to serve on the Hearing Committee. These faculty members should be nominated on the basis of their objectivity and competence and of the regard in which they are held in the academic community; they will be determined to have no bias or untoward interest in the case and to be available at the anticipated time of hearing. The faculty member and the President will each have a maximum of two challenges from among the nominees without stated cause. The President will then name a five-member Hearing Committee from the remaining names on the nominated slate. The Hearing Committee will elect its own chair. Administrators, members of the committee referred to in Section 2.10.2.4(2) above, department chairs, and other faculty of the same local academic unit as the accused are ineligible to serve on this committee. All materials and evidence the parties wish to have considered must be made available to both sides and to the committee.
2.9.3 Termination of Appointment of Tenured, Tenure-Track, and Term Faculty Members for Cause – 2009 Revision – page 3 of 4

f. The Hearing Committee shall conduct a hearing no sooner than 14 calendar days and no later than 28 calendar days following the establishment of the Hearing Committee. The Hearing Committee will observe the following procedures:

1. The faculty member may choose his or her academic and/or legal representatives to be present at the hearing. The administrative representative will enjoy the same rights.
2. At the request of either party or on the initiative of the Hearing Committee, representatives of one or more recognized educational associations may be present as observers.
3. The faculty member decides whether the hearing will be open or closed.
4. A verbatim record of the complete hearing will be made. If the faculty member so requests, a copy will be provided without cost.
5. The parties will make every reasonable effort to assure the availability of witnesses and documents under their control.
6. The hearing will be adjourned when necessary to enable either party to investigate newly disclosed evidence.
7. Both parties have the right to examine all documents and question all witnesses.
8. Witnesses may include, but are not limited to faculty members or administrators from any institution of higher education accredited by a regional accrediting association.
9. The faculty member, the administration, and the Hearing Committee are to avoid publicity about the case until the proceedings have been completed by the Board of Visitors. Only necessary announcements such as hearing time and place are permitted.
10. All the evidence should be duly recorded. It is not necessary to follow formal rules of court procedures.
11. In the interest of avoiding unnecessary expense and to promote prompt resolution of matters, the Hearing Committee may set reasonable time limits on the hearing, and appropriately limit testimony, witnesses, or introduction of other evidence.

g. The decision of the Hearing Committee must be based only on the complete record of the hearing considered as a whole. The burden of proof that adequate grounds exist for termination rests with the Administration. The Hearing Committee reports to the President, normally with one of the following recommendations:

2.10.2.4 Dismissal of Tenured and Probationary Faculty Members for Cause – 1994 Handbook Text – page 3 of 4

f. The Hearing Committee will observe the following procedures:

1. The accused faculty member may choose academic and/or legal representatives to be present at the hearing. The administrative representative will enjoy the same rights.
2. At the request of either party or on the initiative of the Hearing Committee, representatives of one or more recognized educational associations may be present as observers.
3. The Hearing Committee will decide whether or not the hearing will be open to the public. In making this decision they will consult with the President and with the accused faculty member.
4. A verbatim record of the complete hearing will be made. If the faculty member so requests, a typewritten copy will be provided without cost.
5. The hearing will be adjourned when necessary to enable either party to investigate unexpected evidence.
6. The administration will make every reasonable effort to assure the availability of documents and witnesses under its control.
7. Both parties have the right to confront and cross-examine all witnesses.
8. Faculty members or administrators from any institution of higher education accredited by a regional accrediting association may act as witnesses.
9. The accused faculty member, the administration, and the Hearing Committee are to avoid publicity about the case until the proceedings have been completed by the Board of Visitors. Only necessary announcements such as hearing time and place are permitted.
10. The Hearing Committee must use every source of reliable evidence but is not bound by the strict rules of legal evidence.

g. The decision of the Hearing Committee must be based only on the complete record of the hearing considered as a whole. The burden of proof that adequate grounds exist for dismissal must rest with the Administration. The Hearing Committee reports to the President, normally with one of the following recommendations:
2.9.3 Termination of Appointment of Tenured, Tenure-Track, and Term Faculty Members for Cause – 2009 Revision – page 4 of 4

1. cause has not been established and the faculty member should not be terminated.
2. cause has been established and the faculty member should be terminated.
3. cause has been established, but a lesser penalty than termination is appropriate.

b. If the President accepts the recommendation of the Hearing Committee that no cause has been established, then the process is concluded.

c. If the President accepts the recommendation of the Hearing Committee that cause has been established and the faculty member should be terminated, then the President’s recommendation of this action to the Board of Visitors must include a record of the case.

d. If the President accepts the recommendation of the Hearing Committee that cause has been established but a lesser penalty than termination is appropriate, then such lesser penalties will be determined administratively.

e. Should the President reject the recommendation of the Hearing Committee that cause for termination or other disciplinary action has not been established, then the President must state his or her reasons for rejection in writing to the Hearing Committee and the faculty member. In addition, all parties must be afforded an opportunity to respond to this statement before the President forwards a recommendation for termination to the Board of Visitors.

f. Normally the faculty member will remain at his or her usual duties until the final decision is reached by the Board of Visitors. The faculty member may be suspended only if the President determines that continued work threatens immediate harm to self or others (see Section 2.10.9) or in situations where the faculty member has been found guilty by a court of a felony crime. Any such suspension is to be with pay. When termination charges are brought against a faculty member who fails to perform specified duties during the course of termination proceedings, the President can withhold a portion of the faculty member's salary prorated to the duties not performed.

2.10.2.4 Dismissal of Tenured and Probationary Faculty Members for Cause – 1994 Handbook Text – page 4 of 4

1. cause has not been established and the faculty member should be exonerated.
2. cause has been established and the faculty member should be dismissed.
3. cause has been established, but a lesser academic penalty than dismissal is appropriate.

h. Should the President reject the recommendation of the Hearing Committee, the President will state the reasons in writing to the Hearing Committee and to the accused. Each must be afforded an opportunity to respond before the President forwards a recommendation to the Board of Visitors.

i. The President may find in favor of the accused and terminate the proceedings. If the President recommends dismissal or any other penalty, the President’s recommendation to the Board of Visitors must include a record of the case. Lesser penalties, agreed upon by the President and the accused, are handled administratively with no further recourse available to either party.

j. The Board of Visitors will evaluate the President’s recommendation, using the record of the hearing. It may at its discretion also afford an opportunity for both parties to present their arguments orally or in writing or both. If the Board of Visitors does not sustain the Hearing Committee’s decision, the proceedings of the hearing are to be returned to the Committee with specific objections. The Hearing Committee must reconsider the matter, the objections, and any new evidence that may be available. A final recommendation is then to be made by the Hearing Committee to the Board of Visitors. The Board of Visitors will then render the final decision.

k. Normally the faculty member will remain at his or her usual duties until the final decision is reached by the Board of Visitors. The faculty member may be suspended only if the President determines that continued work threatens immediate harm to self or others. Any such suspension is to be with pay. When dismissal charges are brought against a faculty member who fails to perform specified duties during the course of dismissal proceedings, the President can withhold a portion of the faculty member’s salary prorated to the duties not performed.

RATIONALE: See FHC Minutes 7-25-06, FHC Minutes 10-27-06, FHC Minutes 2-7-08, FHC Minutes 2-14-08, FHC Minutes 2-28-08, FHC Minutes 6-11-08, FHC Minutes 6-24-08, FHC Minutes 8-12-08, FHC Minutes 8-20-08, FHC/UnivCounsel-10-2-08, FHC Minutes 10-30-08

New Section 2.9.3 replaces 2.10.2.4.
New Section 2.10.10 replaces 2.11.10.
### 2.10.3 EXCLUSION FROM THE CLASSROOM — 1994 Handbook Text

If at any time a faculty member's continued responsibility for a course or courses is judged by the President or a designated representative to constitute a serious threat of substantial damage to the faculty member or to his or her students, the faculty member will be excluded from the classroom and replaced by a qualified substitute. The mere initiation of dismissal proceedings or of notice of non-reappointment will never constitute by themselves sufficient grounds for such exclusion.

To guard against abuse of this authority, a committee of five faculty members will be elected from and by those of the same academic unit as the suspended person within three days after any such exclusion, and this committee will conduct a brief but careful examination of the particulars and report within three days to the President. Should the committee's findings not support the exclusion, this committee will also report its findings to the Faculty Senate at its next regular meeting, and to the suspended person's collegiate faculty.
2.10.1 University Policies – NEW 2009

Faculty are responsible for complying with a wide range of university policies (see University Policies at: http://www.gmu.edu/facstaff/policy/newpolicy/index.html).

Of particular importance are:


1114 Data Stewardship at http://www.gmu.edu/facstaff/policy/newpolicy/1114gen.html


1202 Sexual Harassment Policy at http://www.gmu.edu/facstaff/policy/newpolicy/1202gen.html

1203 Non-Discrimination and Reasonable Accommodations on the Basis of Disability at http://www.gmu.edu/facstaff/policy/newpolicy/1203gen.html

1301 Responsible Use of Computing at http://www.gmu.edu/facstaff/policy/newpolicy/1301gen.html


407 Misconduct in Research and Scholarship at http://www.gmu.edu/facstaff/policy/newpolicy/research.html


RATIONALE: See FHC Minutes 10-13-07, FHC Minutes 6-11-08, FHC Minutes 6-24-08, FHC Minutes 8-20-08
2.10.2 Professional Ethics – 2009 Revision

Although no set of rules or professional code can guarantee or take the place of a scholar's personal integrity, the University believes that the "Statement of Professional Ethics" and the "Statement on Plagiarism" promulgated by the American Association of University Professors at http://www.aaup.org/aaup serve as a reminder of the obligations assumed by all members of the professoriate. Faculty members must also adhere to the ethical standards of their respective professional associations and to university policies related to professional ethics (e.g., Research and Scholarship Misconduct, Responsible Use of Computing) while employed by the University. Please see University Policies at http://www.gmu.edu/facstaff/policy/newpolicy/. In addition, unethical or unprofessional conduct may include, but is not limited to, repeated instances of workplace bullying, intimidation, harassment, verbal abuse, sabotage, and threatening behavior.

Generally accepted standards of professional ethics require faculty members who plan to resign or retire to give notice in writing to their local unit administrator no later than May 15. Only in personal emergencies or for other compelling reasons should faculty members leave the institution during the academic year, except when this coincides with the expiration of their contractual obligations.

Allegations of unethical or unprofessional conduct may be brought to the attention of the Provost, President, employee relations specialists in the Human Resources and Payroll office, or the appropriate University or local academic unit grievance committee (see Sections 2.11.2.1 and 2.9.3). In all cases, all parties have a right to procedural due process.

2.11.1 Professional Ethics – 1994 Handbook Text

Although no set of rules or professional code can guarantee or take the place of a scholar's personal integrity, the University believes that the "Statement of Professional Ethics" and the "Statement on Plagiarism" promulgated by the American Association of University Professors serve as a reminder of the obligations assumed by all members of the professoriate (see Appendix C). In addition, faculty members are expected to adhere to the ethical standards of their respective professional associations while employed by the University.

RATIONALE: See FHC Minutes 10-13-06, FHC Minutes 6-11-08, FHC Minutes 8-12-08 - moved and restored – formerly deleted Section 2.10.1 Resignation or Retirement (1994 p. 63 of 98). FHC Minutes 8-20-08; FHC Forum/Minutes Sept. 17-18,08
2.10.3 Faculty Work Assignments – 2009 Revision

Faculty work assignments include some combination of teaching, research and scholarship, and/or service.

The faculty of each local academic unit prepares and maintains a plan for the equitable allocation of teaching, scholarly and service activities that will be components of the individual work assignments of its faculty. For the purposes of meeting institutional needs while ensuring fairness and equity throughout the University, the plan of each local unit is prepared in consultation with the appropriate dean/director and/or the Provost.

Faculty may use relevant grievance procedures to address disputes about work assignments. If the grievance is against the chair, the LAU's grievance committee is advisory to the dean or director. If the grievance is against the dean or director, the university grievance committee is advisory to the Provost or his/her designee. In all cases, the Provost's decision is final.

RATIONALE: See FHC Minutes 9-8-06, FHC Minutes 10-13-06, FHC Minutes 6-24-08, FHC Minutes 8-20-08

New Section 2.4.3 replaces 2.4.4.

2.11.2 Faculty Work Assignments – 1994 Handbook Text

Faculty work assignments consist primarily of teaching and scholarship, normally in a ratio of 3 to 1. Service to the University (as described in 2.4.4) is also a component of the full-time faculty work assignment.

Each local academic unit prepares and maintains a plan for the equitable allocation of teaching and scholarly activities which will be components of the individual work assignments of its faculty. For the purposes of meeting institutional needs while ensuring fairness and equity throughout the University, the plan of each local unit is prepared in consultation with the appropriate collegiate dean and/or the Provost. The 3:1 ratio referred to above may be altered by various factors: e.g., research, supervision of BIS or MAIS projects or their equivalent, university service assignments of a particularly time-consuming nature, or significant service to the profession (see Section 2.4.3).

Faculty may use their unit's grievance procedure to address disputes about work assignments. If the grievance is against the chair, the unit's grievance committee is advisory to the dean. If the grievance is against the collegiate dean or institute director, then the appeal will be to the Provost or his/her designee. In all cases, the Provost's decision is final.
2.10.4 Faculty Absences from Class – 2009 Revision

Except for sudden illnesses and other emergencies, faculty members must arrange in advance for absences and notify their local unit administrator. Faculty members should arrange for qualified colleagues to assume their duties temporarily and/or leave appropriate assignments for their students. In emergencies they should make every effort to notify promptly class members and the local academic unit or program office as soon as practicable.

RATIONALE: See FHC Minutes 10-13-06, FHC Minutes 8-20-08

2.11.3 Faculty Absences from Class – 1994 Handbook

Except for illnesses and other emergencies, faculty members should arrange in advance for absences and notify their local unit administrator. Faculty members should arrange for qualified colleagues to assume their duties temporarily and/or leave appropriate assignments for their students. In emergencies they should make every effort to notify class members and the local unit or program office as soon as practicable.
2.11.4 Faculty Availability for Orientation and Advising – 1994

Handbook Text

Unless excused by the local unit administrator, faculty are expected to be available for advising and other duties during the week preceding the start of each semester. Faculty are also expected to be accessible at the conclusion of the semester to answer questions which might arise about grades. In keeping with Virginia policy, the University may, under special circumstances, occasionally need to call upon a faculty member up to two weeks prior to the start or following the close of a semester.

Rationale: Initial Revision – Fall 2006: FHC Minutes 10-13-06, FHC Minutes 10-27-06, FHC Minutes 11-3-06, FHC Minutes 11-10-06
Forum Feedback April 2007: Fairfax Forum 4-18-07; FHC Minutes 4-25-07, FHC Minutes 6-11-08, FHC Minutes 6-24-08
Since the founding of the University, the Honor Code has been and remains a part of the educational process at George Mason. Although the students are primarily responsible for preserving and enforcing the code, the faculty share common interests with the students in matters of academic integrity.

Faculty are expected to **have a strong commitment to the Honor Code, and** to support and to encourage students in their pursuit of its goals.

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**RATIONALE:** See FHC Minutes 10-27-06, FHC Minutes 8-20-08
2.1.6.1 General Policies – 1994 Handbook Text

The University expects faculty members to continue their professional development through research, scholarly writing, advanced study, consulting, or original creative production as appropriate to their disciplines. Such activities derive their importance both from the contribution they make to classroom performance and to the fact that one of the major roles of any university is the discovery or application of new knowledge, the synthesis of ideas, and other creative activities. Joint faculty-student projects have particular educational value, especially in graduate studies. (See Appendix C for the AAUP "Statement on Professional Ethics," which discusses the rights of students who contribute to scholarly activities.) Current University support of scholarly activity is described in The George Mason University Faculty Information Guide.

RATIONALE: See FHC Minutes 11-3-06, FHC Minutes 11-10-06, FHC Minutes 6-11-08

The University's policies and procedures with regard to (i) copyright and (ii) patent of faculty work are set forth respectively in Appendices E and F. A summary of these policies and procedures will be found in The George Mason University Faculty Information Guide.

RATIONALE: See FHC Minutes 11-3-06, FHC Minutes 6-11-08
2.10.6 Political Candidacy – 2009 Revision

Faculty who run for elective office must inform the President in advance and must be aware of possible conflicts of interest and comply with applicable laws and university policies.

2.11.7 Political Candidacy – 1994 Handbook Text

Members of the academic community who consider running for political office must consult with the President of the University about possible conflicts of interest and applicable university policy.

RATIONALE: See FHC Minutes 11-3-06, FHC Minutes 8-20-08, FHC/UnivCounsel-10-2-08, FHC Minutes 10-30-08
2.10.7 Outside Employment and/or Business Interests – 2009 Revision

The University encourages faculty members to keep abreast of developments in their disciplines and to gain practical experience in their fields. In many instances, consulting work affords excellent opportunities for faculty to improve themselves professionally and to bring added prestige to them and to the University. The University looks favorably on appropriate consulting work by faculty members insofar as it does not interfere with full, proper, and effective performance of faculty duties and responsibilities.

Outside employment and paid consulting cannot exceed the equivalent of one day per work week without written authorization from the collegiate dean or institute director. Faculty may be required to document outside employment to insure compliance with these requirements. Although faculty members are state employees, they consult as private individuals, and the University is not responsible for their work outside the University. When consulting, faculty members should take care to preserve the distinction between projects undertaken through individual initiatives and projects sponsored or officially sanctioned by the University. Outside business interests must not violate the Commonwealth's conflict of interest laws at (http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC0202000003100000000000000) or the University's two conflict of interest policies: 4001, Conflict of Interest in University Contracts and Businesses under Virginia Law at http://www.gmu.edu/facstaff/policy/newpolicy/4001res.html and 4010, Financial Conflicts of Interest in Federally Funded Research at http://www.gmu.edu/facstaff/policy/newpolicy/research.html

Faculty members may use university facilities, equipment, supplies or computer time in their consulting only after obtaining the approval of the collegiate dean or institute director. Faculty must also secure approval of the collegiate dean or institute director before using university resources to support the activities of professional organizations.

RATIONALE: See FHC Minutes 11-3-06, FHC Minutes 6-11-08, FHC Minutes 8-20-08

2.11.8 Outside Employment and/or Business Interests – 1994 Handbook Text

The University encourages faculty members to keep abreast of developments in their disciplines and to gain practical experience in their fields. In many instances, consulting work affords excellent opportunities for faculty to improve themselves professionally and to bring added prestige to themselves and to the University. The University looks favorably on appropriate consulting work by faculty members insofar as it does not interfere with full, proper, and effective performance of faculty duties and responsibilities.

Outside employment and paid consulting should not exceed the equivalent of one day per work week without written authorization from the collegiate dean or institute director. Normally, full-time faculty who are consulting or who are teaching part-time at another institution may not at the same time teach overload courses. Faculty may be required to document outside employment to insure compliance with these requirements. Although faculty members are state employees, they consult as private individuals, and the University is not responsible for their work outside the University. When consulting, faculty members should take care to preserve the distinction between projects undertaken through individual initiatives and projects sponsored or officially sanctioned by the University. Outside business interests must not violate the Commonwealth's conflict of interest laws.

Faculty members may use university facilities, equipment, supplies or computer time in their consulting only after obtaining the approval of the collegiate dean or institute director. Faculty must also secure approval of the collegiate dean or institute director before using university resources to support the activities of professional organizations.
2.10.8 Full Time Faculty Teaching at Other Institutions

Full-time faculty are expected to teach their assigned course loads (as determined by their respective unit) unless they are granted release time for research, administrative and service functions or "buy down" their effort through sponsored program activities. This precludes teaching as "instructor of record" for another educational institution during the academic year (exceptions require the permission of the Provost). Full-time faculty who are teaching part-time at another institution may not at the same time teach overload courses.

This policy does not pertain to summer employment for nine-month faculty.

Requests for exceptions, generally for reasons of professional growth, must be submitted well in advance to the local academic unit head and the respective dean or director. Approval, if granted, will normally apply only for one or two semesters. Approval would be made with the understanding that the outside teaching effort does not compromise the faculty member's professional responsibilities to George Mason University or create a conflict of interest.

2.11.9.2 Full Time Instructional Faculty Teaching at Other Institutions – not in 1994 Faculty Handbook, see below:

Full-time instructional faculty are expected to teach full course loads (as determined by their respective unit) unless they are granted release time for research, administrative and service functions or "buy down" their effort through sponsored program activities. Normally, this precludes teaching as "instructor of record" for another educational institution during the academic year. This stipulation excludes summer employment for nine-month faculty.

Requests for exceptions, generally for reasons of professional growth, must be submitted well in advance to the local academic unit head and the respective Dean/Director. Approval, if granted, will normally apply only for one or two semesters. As noted in the Faculty Handbook (section 2.11.8, page 32), "full-time faculty who are consulting or who are teaching part-time at another institution may not at the same time teach overload courses." Approval of the request would be made with the understanding that the outside teaching effort does not compromise the faculty member's professional responsibilities to George Mason University or create a conflict of interest. This policy also applies to faculty on partial or full study leaves.

NOTE: FT research and administrative/professional faculty must inform their supervisor and obtain approval, prior to accepting outside employment. Hence, the above policy also applies to these employee categories.

Policy as posted on the Provost Office website; adopted by the Faculty Senate at its meeting March 20, 2002.

RATIONALE: See FHC Minutes 4-10-06, FHC Minutes 11-3-06, FHC Minutes 2-28-08, FHC Minutes 6-11-08, FHC Minutes 6-24-08, FHC 8-20-08
2.10.9 Temporary or Short-Term Relief of Faculty from Duties and Responsibilities – 2009 Revision

Preserving the safety and well-being of students and faculty is a paramount concern. On occasion it might be determined that a faculty member is unable to carry out his or her duties or responsibilities, including classroom instruction. If at any time a faculty member’s continued responsibilities, including classroom instruction, is judged by the Provost or a designated representative to constitute an immediate danger or serious threat of substantial damage to the faculty member, his or her colleagues, university staff, or students, the faculty member will be immediately relieved of his or her duties, including exclusion from the classroom, until such time as he or she can safely re-assume them. “Temporary relief of duties” for documented medical reasons is described in more detail in Section 2.10.10 The Family Medical Leave Act. “Permanent termination of appointment for cause” is described in Section 2.9.3 Termination of Appointment of Tenure, Tenure-Track, and Term Faculty Members for Cause. Re-assumption of duties may entail a reassignment of primary duties and responsibilities within the local academic unit or university.

Unless waived by the faculty member, the grievance committee of the school, college, or institute will be convened within three days after any such relief of duties or classroom exclusion. To safeguard against abuse of this emergency authority, this committee will conduct a brief but careful, confidential, and thorough examination of the particulars of the case and report within three days to the Provost or designated representative. Should the committee’s findings not support the relief of duties or classroom exclusion, this committee will also report its findings to the chair of the Faculty Senate.

RATIONALE: Initial Revision: See FHC Minutes 10/13/06, FHC Minutes 10/27/06; reference to K.Avruch email 9/29/06
Forum Feedback April 2007: Fairfax Forum 4-18-07, FHC Minutes 4-25-07, FHC Minutes 1/31/08, Provost reviewed/approved revised text per M Ford/ D Harr FHC Minutes 2/14/08, FHC Minutes 6-24-08, FHC Minutes 8-20-08

2.10.3 Exclusion of Faculty from the Classroom

If at any time a faculty member’s continued responsibility for a course or courses is judged by the President or a designated representative to constitute a serious threat of substantial damage to the faculty member or to his or her students, the faculty member will be excluded from the classroom and replaced by a qualified substitute. The mere initiation of dismissal proceedings or of notice of non-reappointment will never constitute by themselves sufficient grounds for such exclusion.

To guard against abuse of this authority, a committee of five faculty members will be elected from and by those of the same academic unit as the suspended person within three days after any such exclusion, and this committee will conduct a brief but careful examination of the particulars and report within three days to the President. Should the committee’s findings not support the exclusion, this committee will also report its findings to the Faculty Senate at its next regular meeting, and to the suspended person’s collegiate faculty.
2.10.10 The Family Medical Leave Act – NEW 2009

Relief from faculty duties or responsibilities for medical reasons may be governed by the Family and Medical Leave Act (FMLA). Details can be found at the website: http://hr.gmu.edu/gen-info/fmla.shtml

The FMLA describes the federal regulations regarding job-protected leave to eligible employees for certain family and medical reasons. In consideration of instructional faculty duties and responsibilities related to workloads and the university’s academic calendar, whenever possible the university will attempt to adapt application of the FMLA to the academic calendar and the faculty member’s needs. The federal regulations pertaining to the FMLA can be found at: http://www.dol.gov/esa/whd/fmla/. Faculty members may also be eligible, depending on their medical condition, for either long-term or short-term disability benefits. For details see: http://hr.gmu.edu/benefits.

RATIONALE: Initial Revision: See FHC Minutes 10/13/06, FHC Minutes 10/27/06; reference to K.Avruch email 9/29/06
Forum Feedback April 2007: Fairfax Forum 4-18-07, FHC Minutes 4-25-07, FHC Minutes 1/31/08, FHC Minutes 8-20-08, FHC/UnivCounsel-10-2-08
2.11.1 Academic Freedom and Civil Liberties – 2009 Revision

One of the vital activities of a university is the critical examination of ideologies and institutions. It is essential that faculty members have the right to express their views and the University is committed to upholding the principles of academic freedom to protect the expression of faculty members without fear of censorship or retaliation. The University defines academic freedom as:

1. the right to unrestricted exposition of subjects (including controversial questions) within one's field and professional obligations, both on and off the campus, in a professionally responsible manner; and
2. the right to unrestricted scholarly research and publication within one's field and professional obligations, in a professionally responsible manner within the limits imposed by the resources of the institution.

The University is fully aware that faculty members must enjoy, in addition to academic freedom, the same civil liberties as other citizens. In the exercise of their civil liberties or academic freedom, faculty have an obligation to make clear that they are not representing the institution, its Board, or the Commonwealth of Virginia. All employees have an obligation to avoid any action which appears or purports to commit the institution to a position on any issue without appropriate approval.

Faculty personnel actions, including initial appointment, reappointment, and promotion and tenure will not be affected by considerations such as the exercise of academic freedom and civil liberties.

RATIONALE: See FHC Minutes 5-1-08, FHC Minutes 8-20-08 FHC/UnivCounsel-10-2-08, FHC Minutes 10-30-08

2.12.1 Academic Freedom and Civil Liberties – 1994 Handbook Text

One of the vital activities of a university is the critical examination of ideologies and institutions. It is essential that faculty members have the right to express their views responsibly without fear of censorship or penalty. The University defines academic freedom as:

1. the right to unrestricted exposition of subjects (including controversial questions) within one's field, both on and off the campus, in a professionally responsible manner; and
2. the right to unrestricted scholarly research and publication in a professionally responsible manner within the limits imposed by the acknowledgment of teaching as a faculty member's obligation and the limits imposed by the resources of the institution.

The University is fully aware that faculty members must enjoy, in addition to academic freedom, the same civil liberties as other citizens. In the exercise of their civil liberties, faculty have an obligation to make clear that they are not representing the institution, its Board, or the Commonwealth of Virginia. All employees have an obligation to avoid any action which appears or purports to commit the institution to a position on any issue without appropriate approval.

Decisions in such faculty personnel actions as initial appointment, reappointment, and promotion will not be affected by non-academic considerations.
2.11.2.1 Policies Concerning Grievances – 2009 Revision

The university and each college, school and academic institute is required to have a standing committee charged to investigate grievances in a timely manner concerning (i) alleged violations of academic freedom; (ii) other conditions of employment, such as work assignments, salaries, facilities, and support services (exceptions are those types of cases treated in Sections 2.9.2 and 2.9.3); and (iii) charges of unprofessional or unethical conduct brought by one faculty member against another. Each college, school and academic institute will establish, publish, and disseminate their grievance procedures. In all types of cases, procedures will reflect the fundamental principle of due process including the prohibition of people sitting in judgment of their own actions. These committees are particularly charged to be alert to instances of inequitable treatment and retaliation against colleagues who have filed grievances. Upon receipt of a grievance that alleges discrimination in violation of federal or state civil rights laws or University non-discrimination regulations, the committee must consult with the Office of Equity and Diversity Services to ensure adherence to the University’s Non-Discrimination policy (1201) at http://www.gmu.edu/facstaff/policy/newpolicy/1201gen.html, Sexual Harassment Policy (1202) at http://www.gmu.edu/facstaff/policy/newpolicy/1202gen.html, and Equal Opportunity Grievance Procedures (1203) at http://www.gmu.edu/facstaff/policy/newpolicy/1203gen.html. The University grievance committee hears all grievances against administrators at or above the level of deans and directors. See Section 2.11.2.2 (4-6).

In addition to hearing specific cases, the committees may initiate, as they deem necessary, discussions with appropriate administrators about any matters that fall within the committees' purview. In the course of such discussions, however, they may not commit the faculties of their units to changes in grievance policy unless specifically authorized to do so.

At their discretion, academic departments may also establish grievance committees. Their procedures should be similar to those of the collegiate committees.

This section on “Policies Concerning Grievances” does not apply to the resolution of (1) research and scholarship misconduct allegations, which is governed by University Policy 4007 – Misconduct in Research and Scholarship http://www.gmu.edu/facstaff/policy/newpolicy/407.doc, or (2) allegations of discrimination, which are investigated by the Office of Equity and Diversity Services.


Each college, school and institute is required to have a standing committee charged to hear grievances concerning (i) alleged violations of academic freedom; (ii) other conditions of employment, such as work assignments, salaries, facilities, and support services (exceptions are those types of cases treated in Sections 2.10.2.2 and 2.10.2.3); and (iii) charges of unprofessional or unethical conduct brought by one faculty member against another. These committees are particularly charged to be alert to instances of inequitable treatment. In cases alleging discrimination in violation of federal or state law or University regulations, the committee must consult the University Equity Office early in the process.

In addition to hearing specific cases, the committees may initiate, as they deem necessary, discussions with appropriate administrators about any matters that fall within the committees' purview. In the course of such discussions, however, they may not commit the faculties of their units to changes in grievance policy unless specifically authorized to do so.

At their discretion, academic departments may also establish grievance committees. Their procedures should be similar to those of the collegiate committees.

RATIONALE: See Initial Revision FHC Minutes 5-30-06, FHC Minutes 6-5-06. Forum Feedback: Fairfax Forum 4-18-07: subsequent revisions: FHC Minutes 11-12-07, FHC Minutes 12-10-07, moved from 2.11.2.2 Grievance Procedures FHC Minutes 1-24-08, FHC Minutes 6-24-08, FHC Minutes 8-20-08 FHC/UnivCounsel-10-2-08
2.11.2.2 Grievance Procedures – 2009 Revision

The following procedures apply to all grievances:

1. Before the grievance itself is considered, the committee must conclude that the petitioner’s case appears to have merit.

2. If such a case is made and the grievance is against a fellow faculty member, the committee is charged to investigate the facts of the case and determine an appropriate resolution for the case. The grievance committee’s decision is final.

3. If the grievance is against an administrator below the level of dean/director or associate/assistant dean/director, the committee is charged to investigate the facts of the case and to recommend a resolution which is then forwarded to the dean or institute director, whose decision is final.

4. If the grievance is against a dean/director, associate /assistant dean/director the University Grievance Committee hears the case; its recommendation is forwarded to the Provost, whose decision is final.

5. If the grievance is against the Provost, the University Grievance Committee’s recommendation is forwarded to the President, whose decision is final.

6. If the grievance is against the President, the University Grievance Committee’s recommendation is forwarded to the Rector of the Board of Visitors, whose decision is final.

In cases of alleged violations of academic freedom (except those related to matters of promotion and tenure, for which Section 2.8 applies), the following procedures apply:

1. Before the grievance itself is considered, the petitioner must make a prima facie case to the committee.

2. If such a case is made, the committee is charged to investigate the facts of the case and to make a recommendation to the faculty of the college, school or institute.

3. The faculty of the college, school or institute acts on the recommendation by formal vote.

4. If the grievance is against an administrator below the school, college or institute level, the recommendation is forwarded to the dean or institute director, whose decision in the matter is final. If the grievance is against a dean or director, the faculty’s recommendation is forwarded to the Provost, whose decision in the matter is final. If the grievance is against the Provost, the recommendation is forwarded to the President, whose decision in the matter is final.

The procedures to be followed in other types of grievance cases are the same, except that the committee forwards its findings and recommendation directly to the appropriate administrator for final action if the grievance is against an administrator. If the grievance is against a fellow faculty member, the grievance committee’s decision is final.

In all types of cases, procedures will reflect the fundamental principle of due process that prohibits people from sitting in judgment of their own actions if those actions are challenged, i.e., grieved or appealed. (moved to 2.11.2.1 Policies Concerning Grievances)

RATIONALE: See Initial Revision: FHC Minutes 5-30-06, FHC Minutes 6-5-06
Forum Feedback April 2007: See Fairfax Forum 4-18-07
Subsequent Revision: See FHC Minutes 11-12-07, FHC Minutes 6-24-08;
FHC Minutes 8-20-08


In cases of alleged violations of academic freedom (except those related to matters of promotion and tenure, for which Section 2.9 applies), the following procedures apply:

1. Before the grievance itself is considered, the petitioner must make a prima facie case to the committee.

2. If such a case is made, the committee is charged to investigate the facts of the case and to make a recommendation to the faculty of the college, school or institute.

3. The faculty of the college, school or institute acts on the recommendation by formal vote.

4. If the grievance is against an administrator below the school, college or institute level, the recommendation is forwarded to the dean or institute director, whose decision in the matter is final. If the grievance is against a dean or director, the faculty’s recommendation is forwarded to the Provost, whose decision in the matter is final. If the grievance is against the Provost, the recommendation is forwarded to the President, whose decision in the matter is final.

The procedures to be followed in other types of grievance cases are the same, except that the committee forwards its findings and recommendation directly to the appropriate administrator for final action if the grievance is against an administrator. If the grievance is against a fellow faculty member, the grievance committee’s decision is final.

In all types of cases, procedures will reflect the fundamental principle of due process that prohibits people from sitting in judgment of their own actions if those actions are challenged, i.e., grieved or appealed. (moved to 2.11.2.1 Policies Concerning Grievances)
### 2.12 DEPARTMENT CHAIRS – 2009 Revision

Department chairs serve in a dual capacity: as representatives of their faculty colleagues to the administration and as spokespersons of the administration to their faculty colleagues.

Normally, chairs serve in twelve-month instructional faculty appointments and are subject to all university policies pertaining to twelve-month appointees, including annual leave policies. Their specific responsibilities, including teaching assignments, are negotiated with the administration at the time of appointment. The term of appointment for a department chair is four years; appointments are renewable. Chairs who serve two or more consecutive terms receive at the end of their last term a study leave equivalent to one-half year's pay for a full academic year's leave or full pay for a semester's leave. If they elect to take such a study leave, however, they may not succeed themselves in an additional term as chair.

During an unforeseen vacancy or during illness or temporary absences of an incumbent chair, the dean or Provost may appoint an acting chair to serve until such time as the regularly appointed chair assumes or reassumes the position.

### 2.13 DEPARTMENT CHAIRS – 1994 Handbook Text

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During an unforeseen vacancy or during illness or temporary absences of an incumbent chair, the dean or Provost may appoint an acting chair to serve until such time as the regularly appointed chair assumes or reassumes the position.

**RATIONALE:** See [FHC Minutes 4-3-08](#)
2.12.1 DUTIES AND RESPONSIBILITIES – 2009 Revision

The duties and responsibilities of department chairs are to:

1. Represent the unit to the university community and serve as a channel of communication on program, personnel, and budget matters;

2. Encourage and foster excellence in teaching, research and scholarship, professional and university service and provide leadership in the pursuit of the University's commitment to affirmative action and equal opportunity;

3. Coordinate, in consultation with the unit's faculty, the unit's academic programs, and plan and administer the unit's budget;

4. Make faculty work assignments;

5. Evaluate faculty for purposes of reappointment, promotion, tenure; and make annual reviews for the purpose of recommending salary increases;

6. Supervise staff and part-time faculty and provide an environment that, within the limitations of available resources, is supportive of faculty professional activities and goals.

7. Consult regarding fair employment practices with the Office of Equity and Diversity Services;

8. Consult with Human Resources and Payroll as appropriate on faculty and staff matters.

RATIONALE: See FHC Minutes 3-20-08, FHC Minutes 6-24-08, FHC Minutes 8-20-08


In summary, the duties and responsibilities of department chairs are to:

1. Represent the unit to the university community and serve as a channel of communication on program, personnel, and budget matters;

2. Consult regarding fair employment practices with the University Equity Office (see Appendix A);

3. Encourage and foster excellence in teaching, scholarship, professional and university service and provide leadership in the pursuit of the University's commitment to affirmative action and equal opportunity;

4. Coordinate, in consultation with the unit's faculty, the unit's academic programs, and plan and administer the unit's budget;

5. Make faculty work assignments;

6. Evaluate faculty for purposes of reappointment, promotion, tenure; and make annual reviews for the purpose of recommending salary increases;

7. Supervise staff and part-time faculty and provide an environment that, within the limitations of available resources, is supportive of faculty professional activities and goals.
2.12.2 Policies on Appointment and Renewal – 2009 Revision

Department chairs are appointed by the Provost on the recommendation of the departmental faculty and the dean or director in accordance with the following guidelines:

a. Since department chairs function in a dual administrative/faculty capacity, their selection requires substantive involvement of both the administration and the department faculty. Except under unusual circumstances, the final candidate must be acceptable to both.
b. Procedures for the selection of department chairs therefore foster joint faculty/administrative appraisals of candidates.
c. Similar criteria for reviewing incumbent chairs and searching for new chairs are applied, with the following clarifications:
   i. Incumbent chairs under review for renewal are kept fully apprised of the methods adopted by the review committee and are supplied a copy of the committee's report at the time of its submission to the dean. Chairs have the same rights with regard to their personnel files as other faculty members.
   ii. An acting chair is considered as a possible candidate for a vacant position rather than as a candidate for renewal of his/her term.
   iii. Incumbent chairs who are not reappointed by the Provost because of negative recommendations and action at the department, college, or university level will receive a prompt account in writing as to the reasons for this non-renewal, if they request it.

RATIONALE: See FHC Minutes 4-3-08


Department chairs are appointed by the President on the recommendation of the departmental faculty and the collegiate dean in accordance with the following guidelines:

a. Since department chairs function in a dual administrative/faculty capacity, their selection requires substantive involvement of both the administration and the department faculty. Except under unusual circumstances, the final candidate must be acceptable to both.
b. Procedures for the selection of department chairs therefore foster joint faculty/administrative appraisals of candidates.
c. Similar criteria for reviewing incumbent chairs and searching for new chairs are applied, with the following clarifications:
   i. Incumbent chairs under review for renewal are kept fully apprised of the methods adopted by the review committee and are supplied a copy of the committee's report at the time of its submission to the dean. Chairs have the same rights with regard to their personnel files as other faculty members.
   ii. An acting chair is considered as a possible candidate for a vacant position rather than as a candidate for renewal of his/her term.
   iii. Incumbent chairs who are not reappointed by the President because of negative recommendations and action at the department, college, or university level will receive a prompt account in writing as to the reasons for this non-renewal, if they request it.
2.12.3.1 Search Procedures – 2009 Revision – page 1 of 2

Search procedures are initiated after the incumbent chair has declined to seek reappointment, or after the Provost has notified the incumbent chair that he/she will not be reappointed, or when the position is vacant. A search committee is constituted no later than December 10th. This committee consists of five persons: (i) a chair, appointed by the dean, from among the faculty of the college but not of the department; (ii) two persons, of whom one may be on tenure-track appointment, appointed by the dean from among the faculty of the department; (iii) two persons, of whom one may be on tenure-track appointment, elected by the faculty of the department from among its own ranks. The department elects its members of the committee after the appointments by the dean have been made known. All members of the committee will have taught full-time for at least one year at this University; if this condition cannot be met, the dean will appoint an appropriate faculty member. The search committee:

1. consults with the faculty of the department and other persons it deems appropriate about the qualities to be sought in a new chair;

2. seeks qualified candidates from inside or, if the dean has given notice that external candidates can be considered, from outside the department;

3. requests dossiers, including references, from candidates outside the University, when appropriate;

4. consults regarding fair employment practices with the Office of Equity and Diversity Services.

5. evaluates qualifications and dossiers of candidates;

6. supervises departmental discussion of candidates and balloting to determine the wishes of the department faculty; and

7. submits to the dean reports including a general assessment of the several candidates, a summary of departmental discussions, the results of departmental balloting, and its own recommendations.

The dean reports his/her recommendations and supporting arguments in writing to the Provost, including in that report the full report of the committee. If the committee and the departmental faculty are not in agreement or if the dean does not endorse the majority recommendations of the committee and/or the department faculty, the dean meets with the committee and/or the faculty to seek an identity of views before submitting the report to the Provost.

2.12.3.1 Search Procedures – 1994 Handbook Text

Search procedures are initiated after the incumbent chair has declined to seek reappointment, or after the Provost has notified the incumbent chair that he/she will not be reappointed, or when the position is vacant. A search committee is constituted no later than December 10th. This committee consists of five persons: (i) a chair, appointed by the dean, from among the faculty of the college but not of the department; (ii) two persons, of whom one may be on probationary appointment, appointed by the dean from among the faculty of the department; (iii) two persons, of whom one may be on probationary appointment, elected by the faculty of the department from among its own ranks. The department elects its members of the committee after the appointments by the dean have been made known. All members of the committee will have taught full-time for at least one year at this University; if this condition cannot be met, the dean will appoint an appropriate faculty member. The search committee:

1. consults with the faculty of the department and other persons it deems appropriate about the qualities to be sought in a new chair;

2. seeks qualified candidates from inside or, if the dean has given notice that external candidates can be considered, from outside the department;

3. requests dossiers, including references, from candidates outside the University, when appropriate;

4. consults regarding fair employment practices with the Office of Equity and Diversity Services.

5. evaluates qualifications and dossiers of candidates;

6. supervises departmental discussion of candidates and balloting to determine the wishes of the department faculty; and

7. submits to the dean reports including a general assessment of the several candidates, a summary of departmental discussions, the results of departmental balloting, and its own recommendations.

The dean reports his/her recommendations and supporting arguments in writing to the Provost, including in that report the full report of the committee. If the committee and the departmental faculty are not in agreement or if the dean does not endorse the majority recommendations of the committee and/or the department faculty, the dean meets with the committee and/or the faculty to seek an identity of views before submitting the report to the Provost.
If the committee and/or the departmental faculty and the dean have remained in disagreement or if the Provost does not endorse the joint recommendation of the committee and the dean, the Provost meets with the committee and the dean to seek an identity of view.

The Provost acts upon the recommendations received and apprises the dean, search committee, and the faculty of his/her decision. Upon notification of the Provost’s decision, the dean extends a formal invitation to the person chosen.

If the vacancy is not filled nor an offer extended by May 1, the Provost, after consultation with the dean and the faculty of the department, appoints an acting chair and so notifies members of the department by July 1.

**RATIONALE:** See FHC Minutes 3-20-08, FHC Minutes 4-3-08
2.12.3.2 Renewal Procedures – 2009 Revision

The dean or director of the appropriate school/college/institute writes to the incumbent chair before the last day of classes of the spring term of the academic year preceding the chair's final year of appointment. In this letter, the dean or director states that the chair will be considered a candidate for reappointment unless the chair withdraws from consideration in writing before September 1.

If the incumbent chair wishes to be a candidate for reappointment, the dean or director constitutes by September 15th a committee to elicit and formulate the views of the faculty of the department. The committee is constituted according to the specifications governing the composition of the search committee described in 2.12.3.1.

The committee consults with the department faculty and other persons it deems appropriate concerning the past performance of the chair and the desirability of the chair's renewal. The committee ascertains the will of the department faculty and makes recommendations in writing to the dean no later than October 15th. The report includes the division of departmental and committee balloting by numbers only.

The dean or director makes a recommendation to the Provost by November 1st. The Provost decides whether or not to reappoint the incumbent chair by December 1st and promptly communicates this decision and supporting reasons in writing to the dean or director, the committee, the departmental faculty, and the chair.

RATIONALE: See FHC Minutes 4-3-08

2.13.3.2 Renewal Procedures – 1994 Handbook Text

The dean of the appropriate school/college or the Provost writes to the incumbent chair before the last day of classes of the spring term of the academic year preceding the chair's final year of appointment. In this letter, the dean or the Provost states that the chair will be considered a candidate for reappointment unless the chair withdraws from consideration in writing before September 1.

If the incumbent chair wishes to be a candidate for reappointment, the dean constitutes by September 15th a committee to elicit and formulate the views of the faculty of the department. The committee is constituted according to the specifications governing the composition of the search committee described in 2.13.3.1.

The committee consults with the department faculty and other persons it deems appropriate concerning the past performance of the chair and the desirability of the chair's renewal. The committee ascertains the will of the department faculty and makes recommendations in writing to the dean no later than October 15th. The report includes the division of departmental and committee balloting by numbers only.

The dean and the Provost will formulate their respective reports by procedures similar to those followed in the search process described in 2.13.3.1. The dean's report will be submitted by November 1st. The Provost's report will be submitted by November 15th.

The President decides whether or not to reappoint the incumbent chair by December 1st. The President promptly communicates this decision and supporting reasons in writing to the Provost, the dean, the committee, the departmental faculty, and the chair.
2.12.4 Removal

The faculty of a department, under extraordinary circumstances, may petition the dean or director to remove a chair who no longer enjoys the trust and confidence of the faculty. A petition of this type will be conveyed to the dean or director only if supported by at least three-fourths of the tenure-track and tenured faculty of the department. Upon receipt of such a petition, the dean or director, after having inquired into the circumstances which have resulted in the petition, will make a recommendation to the Provost whether or not the removal of the chair is in the best interests of the department and/or the University. The Provost will make the final determination.

The Provost, under extraordinary circumstances, and in consultation with the dean or director and the faculty, may remove a chair who is failing to perform at an acceptable level, even when the chair is covered by a multi-year contract. The Provost will give the chair at least thirty days notice.

RATIONAL: See FHC Minutes 4-3-08, FHC Minutes 4-10-08, FHC Minutes 6-24-08, FHC Minutes 8-20-08

2.13.4 Removal by the President – 1994 Handbook Text

The President, under extraordinary circumstances, may replace a chair who is failing to perform at an acceptable level. The President will necessarily utilize the judgment of the faculty, but may also seek outside evaluations by scholars of acknowledged competence in the discipline(s) or field(s) represented by the department. Advice from outside experts in college administration may also be sought. The President will give the chair twenty-eight days notice of his/her intent to remove.
| **2.13.5 Recall by the Faculty – 1994 Handbook Text**  
| **Moved to Section 2.13.4 with revisions** |

The faculty of a department, under extraordinary circumstances, may petition the **President** to remove a chair who no longer enjoys the trust and confidence of the faculty. A petition of this type will be conveyed to the **President** only if supported by at least three-fourths of the **probationary** and tenured faculty of the department. Upon receipt of such a petition, the **President**, after having inquired into the circumstances which have resulted in the petition, will decide if removal of the chair is in the best interests of the department and/or the University.

**RATIONALE:** See **FHC Minutes 4-3-08**

Administratively, institute directors are regarded as the equivalent of deans, but they represent the faculties of local units in a manner analogous to department chairs. They are therefore expected to fulfill the duties of local unit administrators as described in 2.13.1. Policies on appointment and renewal of institute directors and procedures for appointment and renewal are the same as those described for department chairs in 2.13.2 and 2.13.3 except that:

a. search and review committees for institute directors are composed of three deans, institute directors, or department chairs appointed by the Provost and two faculty members elected by and from the membership of the institute concerned; and

b. institute faculties will not be asked to cast a formal ballot for or against candidates; instead, the sense of faculty discussion and preferences will be reported by the committee to the Provost.

RATIONAL: See FHC Minutes 4-3-08
2.13 Directors of Academic Programs Spanning More Than a Single Academic Unit – 2009 Revision

Administratively, directors of programs that are not internal to a single local academic unit are regarded as the equivalent of department chairs. They have the same duties and responsibilities as department chairs except that, since faculty members are not appointed to primary affiliation in a program faculty, they do not make primary evaluations of faculty for purposes of reappointment, promotion, and tenure, and they do not make primary annual reviews for the purpose of recommending salary increases.

Policies on appointment and renewal of directors of academic programs are the same as those described for department chairs in 2.12.2 and 2.12.3. These procedures may be modified as appropriate to the size and complexity of the program to be directed. Program directors are subject to removal in accordance with the provisions set out for department chairs in 2.12.4.

RATIONALE: See FHC Minutes 4-3-08, FHC Minutes 6-11-08

2.15 Program Directors – 1994 Handbook Text

Administratively, directors of programs which are not internal to a single local academic unit are regarded as the equivalent of department chairs. They have the same duties and responsibilities as department chairs except that, since faculty members are not appointed to primary affiliation in a program faculty, they do not make primary evaluations of faculty for purposes of reappointment, promotion, and tenure, and they do not make primary annual reviews for the purpose of recommending salary increases.

Policies on appointment and renewal are the same as those described for department chairs in 2.13.2. Procedures for appointment and renewal are the same as those described in 2.13.3, but they may be simplified as appropriate to the size and complexity of the program to be directed. Program directors are subject to removal by the President and recall by the faculty in accordance with the provisions set out for department chairs in 2.13.4 and 2.13.5.