

Policy #1335

Terms & Conditions of Employment for Administrative and Professional Faculty

Date of Current Revision: February 2008

Responsible Office: Human Resources

1. PURPOSE

The purpose of this policy is to ensure uniform procedures for the employment of administrative and professional faculty.

2. AUTHORITY

Policies regarding the employment of faculty members are established by the Board of Visitors, which is responsible to the people of the Commonwealth of Virginia. For details see Code of Virginia, Title 23, Chapter 1, Section 23-9.2:3 and Title 23, Chapter 12.1, Sections 23-164.1 et seq.

3. DEFINITIONS

Administrative Faculty:

Administrative faculty members are required to perform work directly related to the management of activities of the institution, department or work unit. They typically exercise discretion and independent judgment and generally direct the work of others.

Professional Faculty: Professional faculty members must possess advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. This category includes such positions as counselors, librarians and other professional positions serving athletics, development functions or activities, education, research and student affairs.

4. APPLICABILITY

This policy applies to all employees who are designated as members of the Administrative or Professional faculty as well as those who supervise A&P Faculty.

5. POLICY

Administrative and professional faculty members are appointed on an annual basis by the president on the recommendation of the appropriate vice president, and approved by the Board of Visitors.

6. PROCEDURES

6.1 Reappointment: Reappointment is typically made on an annual basis for a twelve-month contractual period and is not automatic, but is based on satisfactory performance and the needs of the university. Reappointments are effective as of July 1 of each year unless otherwise specified in the terms of the contract (See also Section 9 'Exclusions').

6.2 Renewable Term Appointments (RTA): Professional faculty may be appointed to renewable term appointments. Terms and conditions regarding RTA's are set forth in the University Faculty Handbook.

6.3 Performance Evaluation Policy: Monitoring the progress and performance of newly

appointed and continuing administrative and professional faculty is the responsibility of the immediate supervisor. Administrative and professional faculty members are evaluated annually to ensure that assigned duties and responsibilities are being performed in a satisfactory manner and with a high level of professional excellence. The [Performance Evaluation Policy \(1307\)](#) sets forth the procedure for evaluation.

6.4 Salary Increases: Salary increases are typically granted on an annual basis and are based on merit and the availability of funds. Other salary adjustments may be made on a case-by-case basis.

6.5 Reassignment: Administrative and professional faculty may be reassigned at any time based on the needs of the university. Reassignment is normally approved by the appropriate vice president and may include a salary adjustment as appropriate.

6.6 Resignation: Administrative and professional faculty wishing to resign should give notice to their immediate supervisors as far in advance as possible. It is expected that at least one month's notice will be given prior to the effective date of resignation.

6.7 Non-Renewal of Employment Contract: Non-renewal of the employment of an administrative or professional faculty member may occur at any time and for any legal reason, as these employees serve in their positions at the pleasure of the university. When an administrative & professional faculty member's contract is not renewed, that person will normally be paid through the end of the contract - normally June 30 - and also be provided with separation pay as indicated below.

Procedures: Under normal circumstances, the administrative or professional faculty member should be given at least thirty days notice before the effective date of his or her nonrenewal. However, at the discretion of the university, this notice may be eliminated and termination may take effect immediately.

The supervisor who determines that an employee should not have his or her appointment renewed should send a written recommendation through the administrative line to the appropriate vice president on or before May 1. Each administrator within the administrative line between the supervisor and the vice president should submit a written document either supporting the recommendation or indicating that the recommendation is not supported. All recommendations should be given to the appropriate vice president by May 7. The vice president will make the decision on nonrenewal and should inform the employee and all of the administrators in the administrative line of his or her decision in writing by May 15. Failure to meet any of these dates will not invalidate the decision, as long as the decision is made before the end of the contract term (See also Section 9 'Exclusions').

When a vice president or his/her delegate meets with an employee to inform him/her that his/her contract is not being renewed, specific reasons for the non-renewal should not be discussed so as not to confuse non-renewal with discharge for cause - see section 6.8.

Appeal: The decision of the vice president is final and is not appeal-able.

Tenured Individuals: An employee who is in an administrative or professional faculty line, but also holds tenure may opt to return to or be placed in an appropriate academic unit on an academic year contract upon receiving notice of nonrenewal of an administrative appointment. In such cases, and in addition to the notifications listed above, the appropriate vice president will notify the academic unit head, dean, and Provost and Senior Vice President for Academic Affairs of such nonrenewal. The employee will have thirty days from the date of notification from the vice president of nonrenewal to exercise his or her option to return to the academic unit. Failure to exercise this option will be deemed a resignation from the tenured position of employment at the university. If the faculty member elects to return to

the tenured position within the academic unit, the assignment of duties for the faculty member within the academic unit will be at the discretion of the academic unit head, in consultation with the dean and academic vice president. A tenured faculty member who exercises the option to return to his or her academic unit upon receiving notice of nonrenewal of an administrative appointment will not receive severance pay. The new rate of pay for such a faculty member will normally be 83% of the rate the faculty member had received as an A&P faculty member, unless a different rate is approved by the appropriate vice president.

Separation Pay: Non-renewal typically provides employees with separation pay as set forth below:

Years of Service at James Madison University	Separation Pay*
2 years or less	4 weeks separation pay
2 or more years but less than 3 years	8 weeks separation pay
3 or more years but less than 4 years	12 weeks separation pay
4 or more years but less than 5 years	16 weeks separation pay
5 or more years but less than 6 years	20 weeks separation pay
6 or more years but less than 7 years	24 weeks separation pay
7 or more years but less than 8 years	28 weeks separation pay
8 or more years but less than 9 years	32 weeks separation pay
9 or more years but less than 10 years	36 weeks separation pay
10 or more years but less than 11 years	40 weeks separation pay
11 or more years but less than 12 years	44 weeks separation pay
12 or more years	48 weeks separation pay

*For the calculation, the employee's weekly salary is determined by dividing his or her annual salary by 52. The amount to be paid will be calculated according to the guidelines above. Payments for 9-, 10- and 11-month employee salaries will be calculated based on the same formula for 12- month salaries.

For employees who are accessing the Enhanced Retirement Benefit of State Severance Policy 1.57 to purchase additional years of VRS service, the maximum weeks of severance will be thirty-six (36).

6.8 Discharge: An administrative or professional faculty member may be discharged for cause at any time. Cause shall include any form of misconduct, dishonesty, violation of policy, theft, embezzlement, malfeasance, insubordination, misappropriation/misuse of university funds or property or inappropriate behavior that adversely affects the administration and operation of the university. Discharge for cause may also include an employee's inability, unwillingness, or refusal to perform essential functions of the job, job abandonment, and other appropriate reasons for the university to separate the employee from employment at the university. Discharge for cause does not require advance notification, nor will the employee be eligible to receive separation pay.

Waiver of Procedures: In cases where the employee poses an immediate impediment or threat to the proper administration and operation of the university, the vice president may act to discharge the employee immediately, without following the steps indicated below. Following such discharge, the employee will be given an opportunity to appeal the decision to the president.

Procedures: In all other cases, the supervisor who determines that an employee should be discharged for cause should send a written recommendation through the administrative line to the appropriate vice president. Each administrator within the administrative line between the supervisor and the vice president should submit a written document either supporting the recommendation or indicating that the recommendation is not supported. All recommendations should be given to the appropriate vice president. The vice president will make the decision on discharge.

Meeting with Employee: In normal circumstances, the vice president or his or her designee will meet with the employee in person and inform the employee of the reasons for the decision to discharge the employee. Where such a meeting is not, in the opinion of the vice president, reasonable or possible, the failure to meet in person with the employee will not invalidate the decision. The employee will be given an opportunity to respond to the allegations against him or her. If the vice president or his or her delegate's decision does not change after the employee is given the opportunity to respond during this meeting, the vice president or his or her delegate will notify the employee and all of the administrators in the administrative line of his or her final decision in writing, specifying the final date of employment.

Appeal: The decision of the vice president or his or her delegate may be appealed to the president within five days by presentation of a written letter of appeal, outlining the reasons the employee believes that the discharge should be reversed. The president may make his or her decision based on the recommendations and letter of appeal, or may consult with any individuals he or she deems appropriate. The president will determine if the decision of the vice president should be upheld or reversed for the proper administration and operation of the university. The president's decision on the appeal shall be provided to the employee in writing within five days of his receipt of the appeal, with copies to the appropriate vice president and the administrators in the administrative line. The decision of the president is final, and may not be appealed.

Effect of Appeal: The employee will not be put back to work or continued on the payroll because he or she has filed an appeal. If the president reverses the decision of the vice president and reinstates the employee, the period of the employee's temporary separation will be erased, and the employee's record of service shall not be interrupted.

Tenured Individuals: An employee who is in an administrative or professional faculty line, but also holds tenure in an academic unit, may not opt to automatically return to his or her academic unit upon discharge from an administrative appointment. The faculty member's assignment to the academic unit will be suspended pending final outcome of the decision concerning tenure. In addition to the notifications listed above, the appropriate senior vice president will notify the academic unit head, dean, and Provost and Senior Vice President for Academic Affairs of the faculty member's discharge from employment as an administrative or professional faculty member. The academic unit head or other appropriate university official may institute misconduct procedures against the employee pursuant to Faculty Handbook, Section III.A.10. The charge of misconduct, which may lead to revocation of tenure and dismissal of employment from the university, will follow the regular procedures outlined in the Faculty Handbook. If the faculty member is not sanctioned by dismissal from his or her tenured position, he or she may return to the academic unit as a tenured faculty member the end of the process. If no misconduct proceeding is instituted against the faculty member within six months of his or her discharge from employment as an administrative or professional faculty member, the faculty member may write to the President to request reinstatement to his or her tenured assignment within an appropriate academic unit. Such a request shall only be denied by the President upon his or her decision to order misconduct proceedings to be instituted within one month of receiving such a request. Tenured faculty members will continue to receive their academic year annual salary unless and until tenure is

removed.

6.9 *Layoff*: In addition to the procedures outlined above, Administrative and Professional Faculty may also be removed from their positions as a result of a reduction in force, reorganization or restructuring. Normally, employees affected by a layoff should be notified as far in advance as possible, but no later than one month prior to the action. Employees separated under layoff are entitled to severance benefits in accordance with Department of Human Resource [Policy 1.57](#). An employee who is in an administrative or professional faculty line, but also holds tenure in an academic unit, may not opt to automatically return to his or her academic unit upon discharge from an administrative appointment.

6.10 *Elimination of Position or Financial Exigency*: Administrative and Professional Faculty may be removed upon reduction or elimination of the specific services for which they were employed, or in the event of financial exigency, when funds from which the salaries of such individuals are paid cease to be available to the university for such purposes as determined by the Board of Visitors. In the event a position is eliminated or there is a lack of funding, administrative and professional faculty will be notified as far in advance as possible, but no later than one month prior to the action. An employee who is in an administrative or professional faculty line, but also holds tenure in an academic unit, may not opt to automatically return to his or her academic unit upon discharge from an administrative appointment.

7. **RESPONSIBILITY**

Supervisors of Administrative & Professional Faculty have a particular responsibility to oversee the effective leadership of those employees and to ensure that performance evaluations are completed on schedule.

8. **SANCTIONS**

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. **EXCLUSIONS**

This policy does not apply to members of the instructional faculty, classified, or wage employees.

Certain Administrative & Professional Faculty members are on contracts that are different from the standard July - June period and contain separate employment arrangements. Date-relevant sections of this policy, such as the July 1 renewal date, may not apply in those cases.

10. **INTERPRETATION**

The authority to interpret this policy rests with the President, and is generally delegated to the Director of Human Resources.

Previous version: December, 2005
Approved by the President: February, 2008

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