

FACULTY HANDBOOK

EFFECTIVE JULY 1, ~~2014~~2015

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I. INTRODUCTION

I.A. Message from the Rector

I.B. Message from the President

I.C. Message from the Provost and Senior Vice President for Academic Affairs

I.D. Message from the Speaker of the Faculty Senate

II. APPLICABILITY OF THE FACULTY HANDBOOK AND PROCEDURES FOR CHANGE

II.A. Abbreviations and Style

This handbook is intended to conform to the stylistic conventions in use at James Madison University. After a name or title has been used the first time, it will usually be abbreviated.

Some examples are listed below:

- Academic Unit Head – AUH
- Academic Unit Personnel Advisory Committee – AUPAC
- Administrative and Professional Faculty – A&P
- Board of Visitors – BOV
- Provost and Senior Vice President for Academic Affairs – provost
- Renewable Term Appointment – RTA
- Speaker of the Faculty Senate – Speaker

II.B. Applicability

This handbook applies to all instructional faculty members at the university. Many, but not all sections also apply to A&P faculty members. Where provisions do not apply to A&P faculty members, the attempt has been made to clarify applicability.

II.C. Official Version

The current version of the James Madison University Faculty Handbook supersedes all previous versions, and its terms replace the terms contained in previous versions. The university expressly reserves the right to change policies, benefits, and procedures, and faculty members shall be bound by changes as they become effective. The provost will maintain the official version of the *Faculty Handbook*. The official version shall be maintained on the university server, and may be referenced at <http://www.jmu.edu/facultysenate/facultyhandbook>. The individual faculty member is responsible for informing himself or herself of the provisions currently in effect. Faculty members should also familiarize themselves with the [James Madison University Manual of Policies and Procedures](#), the university's [catalogs](#) and [Student Handbook](#), various other publications, and official directives and memoranda issued by the university. This handbook may be amended as necessary according to the procedures outlined below, and substantive revisions become binding after approval by the BOV. The provost shall notify the faculty of any changes by appropriate and expeditious means and the official version of the *Faculty Handbook* shall be modified promptly to reflect such changes.

II.D. Faculty Handbook Committee

II.D.1. Appointment to the Committee

A standing committee to consider changes in, additions to and deletions from the *Faculty Handbook* shall be appointed and shall meet as needed, at least once each year. Three members shall be appointed to staggered three-year terms by the speaker. Three members shall be appointed to staggered three year terms by the provost. Terms shall begin at the beginning of the fall semester. Letters of appointment shall specify the length of the term of appointment.

II.D.2. New Members

At the beginning of each academic year, the provost and the speaker will make any necessary new appointments to the committee, filling vacancies that will be left by members whose terms are scheduled to end or who are leaving the committee for other reasons. The letter of appointment should go out to new appointees by August 15 to take effect at the beginning of the fall semester, along with reminders of continuing appointment to members whose terms will not have expired. Any vacancies arising during the academic year will be filled by the provost or speaker, as appropriate, to fill out the unexpired term of the vacancy, by written appointment.

II.D.3. Operating Procedures

II.D.3.a. First Meeting of the Academic Year

The committee shall schedule its first meeting each fall. The committee shall elect its chair annually. At its first meeting of the year, the committee will:

- (1) Elect a chair, who shall serve as a voting member of the committee;
- (2) Receive a list of suggestions received to date to be considered for the year;
- (3) Set a schedule for any meetings needed during the year; and
- (4) Discuss any procedural matters for the operation of the committee.

II.D.3.b. Subsequent Meetings

The committee shall meet at other times as necessary to determine if any changes in, additions to or deletions from the *Faculty Handbook* are to be recommended for approval. At other scheduled meetings during the suggestion consideration cycle, the committee will consider, discuss and vote on suggestions received that academic year for changes in, additions to and deletions from the *Faculty Handbook*.

II.D.3.c. Staff Support

Assistance to the committee shall be provided by appropriate individuals appointed by the provost. The Office of the Provost will provide staff support for the committee.

II.D.4. Reporting Procedures

II.D.4.a. Periodic Reports to the Provost and the Faculty Senate

As requested, the chair of the committee will report to the provost and the Faculty Senate on the progress of the committee.

II.D.4.b. Annual Report to President, Provost and Speaker of the Faculty Senate

At the conclusion of the work of the committee for each academic year, the chair of the committee will send a written report to the president, provost, and the speaker reporting on the committee's work for the academic year, summarizing the suggestions received, the disposition of the suggestions acted upon by the committee, and any issues or suggestions carried forward to the next year. The report will be posted on the website for the committee.

II.E. Procedures for Changing the Faculty Handbook

II.E.1. Charge of the Committee

The Faculty Handbook Committee shall determine if any changes in, additions to or deletions from sections II, III and IV of the *Faculty Handbook* are to be recommended for approval. All proposed or required changes in, additions to or deletions from these sections of the Faculty Handbook shall be reviewed by the committee. In the case of changes to be made to the official version of the handbook correcting errors, as well as changes mandated by state or federal law or regulation, and changes reflecting new or modified policies of the university, the committee's responsibility is to inform the faculty of these changes through notice to the speaker. Any changes in, additions to or deletions from Section VI shall be accomplished through the procedures set out in the Constitution of the Faculty Senate, and shall become effective as outlined therein. Any changes recommended to the committee in this section shall be referred to the speaker.

II.E.2. Receipt of Suggestions

II.E.2.a. Timelines for Suggestions

Each academic year, the committee will consider suggestions for changes to the *Faculty Handbook* that are submitted to the committee by a deadline set by the committee.

II.E.2.b. Notice to Faculty

Each year, the chair of the committee will send a message to the faculty of the university notifying them of the deadline for submission of suggested changes to the *Faculty Handbook*.

II.E.2.c. Form

Such recommendations shall be brought before the committee for consideration and recommendation. Changes may be submitted through the faculty handbook website or by contacting members of the faculty handbook committee. A listing of faculty handbook members is posted at <http://www.jmu.edu/facultysenate/facultyhandbook/>.

II.E.2.d. Tracking of Suggestions

The committee will compile a list of suggestions made by the deadline each year and track the consideration and disposition of each suggestion. Once approved by the committee, the list will be posted on the web site.

II.E.2.e. Eligibility to Suggest Changes

Any member of the university community may recommend a change to the *Faculty Handbook* by contacting a committee member or the office of the provost.

Recommendations shall be brought before the committee for consideration and recommendation, except for suggestions made anonymously or by persons outside of the university community, which need not be considered by the committee.

II.E.2.f. Acknowledgement of Receipt

Suggestions made anonymously or by persons outside of the university community require no response. Otherwise, each suggestion will receive an acknowledgement from the chair of the committee.

II.E.3. Committee Processing of Suggestions

II.E.3.a. Timing of Consideration

Suggestions received by the committee by the deadline will be considered by the committee, although consideration may be continued into the next year's committee work for specific suggestions. Suggestions not considered in one year will be carried forward to the next year's cycle for consideration at that time. Suggestions received after the deadline will be held until the next year's cycle for consideration at that time.

II.E.3.b. Committee Consideration

The committee will consider suggestions, and will vote to take one of the following actions on each suggestion:

- (1) The committee may recommend approval of the suggestion,
- (2) The committee may decline to recommend approval of the suggestion,
- (3) The committee may modify the suggestion in any way it deems appropriate for a recommendation of approval,
- (4) The committee may refer a suggestion for discussion by the Faculty Senate.

If the committee refers a suggestion for discussion by the Faculty Senate, it will postpone consideration of the suggestion to allow the Faculty Senate to hold at least two meetings to discuss the suggestion. After that time has passed, the committee may decide to either take up the suggestion for consideration, or carry it forward to the next year's cycle for consideration at that time.

II.E.3.c. Invitation to Appear Before the Committee

The committee may invite any appropriate person to appear before the committee to discuss a suggestion, but this is at the sole discretion of the committee, and there shall be no right to a hearing on a suggestion before the committee.

II.E.3.d. Suggestions Not Recommended

Only recommendations for changes will be sent forward to the next step for review. A decision by the committee to decline to recommend approval of a suggestion will not be sent forward, but will end the committee's consideration of the suggestion. A decision by the committee to refer a suggestion for discussion by the Faculty Senate will postpone consideration of the suggestion.

II.E.4. Procedures for Considering Other Policies

II.E.4.a. Academic Affairs Policies

Any new or revised policy proposed for the Division of Academic Affairs and under consideration by the provost concerning the employment relationship between an instructional faculty member and the university shall be sent to the committee for a recommendation concerning its inclusion in the *Faculty Handbook*. The committee shall consider including any such policy sent to it that would impact the provisions of the *Faculty Handbook*, or that it deems should be included in the *Faculty Handbook*.

II.E.4.b. Other Division Policies

Other divisions are expected to send proposed new or revised policies to the committee if the policies would affect provisions of the *Faculty Handbook* or if they would have a significant impact on the employment relationship between faculty members and the university. The committee shall consider including any such policy that would have an

impact on the provisions of the *Faculty Handbook*, or that it deems should be included in the *Faculty Handbook*.

II.E.4.c. University Policies

The committee may consider the inclusion of or reference to policies contained within the [*Manual of Policies and Procedures*](#) and other university policy documents in the *Faculty Handbook*, as it deems appropriate.

II.E.5. Committee Recommendations

II.E.5.a. Voting on Recommendations

A vote of at least three members is sufficient to recommend a change, addition or deletion, or a referral of a suggestion to the Faculty Senate. Three members of the committee voting to recommend an addition, deletion or modification will result in a recommendation of such action to the president, provost, and speaker. However, any members of the committee dissenting from the recommendation may also write an opposing report to those individuals. A vote to recommend action by less than three members will end the consideration of the suggestion.

II.E.5.b. Draft Recommendation

The committee will send its draft of recommended changes, additions or deletions to the president, the speaker and the provost, and will post the recommendations on the website to inform the faculty.

II.E.5.c. Timing of Recommendation

The recommendation by the committee shall be sent to the president, provost and speaker in time for consideration by the BOV at one of its spring meetings.

II.E.5.d. Comments

Any member of the university community may send comments to the committee concerning the draft recommendations. The committee may invite any appropriate person to appear before the committee to discuss the input received, but this is at the sole discretion of the committee, and there shall be no right to a hearing on suggested input before the committee. No draft recommendation will be voted on by the committee until it has been posted for comment for at least thirty days, along with the language it supersedes, replaces or compliments, and the entire faculty has been notified and invited to comment on the draft recommendations.

II.E.5.e. Voting on Final Recommendations

After considering any comments, the committee shall send its final recommended changes to the president, provost and speaker. A vote of three members of the committee will be sufficient to approve the final recommendations to be sent to the president. However, any members of the committee dissenting from the draft report may also write a dissenting report.

II.E.5.f. Action by President, Provost and Speaker of the Faculty Senate

The president, provost and speaker shall consult with any groups or individuals they deem appropriate concerning recommendations by the committee. The president, provost and speaker may send any input they deem appropriate to the committee.

II.E.5.g. Consideration of Input by Committee

The committee will consider any input sent by the president, provost and speaker of the Faculty Senate, and may accept suggested changes to its recommendation, decline to

make changes in its recommendation, or modify the suggested changes in any way it deems appropriate.

II.E.5.h. Final Recommendations to President

If the committee receives input from the president, provost or speaker and changes its final recommendation, it shall report that change to the president. The committee is advisory to the president, who is not bound by the recommendations of the committee.

II.E.6. Action by Other Parties

II.E.6.a. Presidential Recommendation to Board of Visitors

If the president approves the recommendations, they will be sent to the BOV for final approval. The president will determine whether a specific suggestion recommended by the committee should be recommended to the BOV. Normally, recommended changes to the *Faculty Handbook* will be sent to the BOV at one of its spring meetings. The chair of the committee will be available to brief the BOV on the recommendations.

II.E.6.b. Approval and Effective Date of Changes

The official version of the *Faculty Handbook*, with changes as approved by the BOV, shall be signed by the BOV secretary and will normally take effect at the beginning of the next fall semester after BOV approval. The BOV may authorize an earlier effective date.

II.E.6.c. Independent Board of Visitors Action

The BOV may change the *Faculty Handbook* or require a change at any time, including modifications, additions, and deletions of provisions. Changes will be made in the *Faculty Handbook* when specified and approved by the BOV.

II.E.6.d. Notification of Changes Made

The provost shall notify the faculty of any changes by appropriate and expeditious means and the official version of the *Faculty Handbook* shall be modified promptly to reflect such changes. If the BOV adopts any changes to the *Faculty Handbook*, the provost will make the changes to the official version of the *Faculty Handbook* and notify the committee by written communication. The provost shall normally notify the faculty of the changes made via web or email announcement.

II.F. Word Usage

- *Academic Council* is defined as the deans, associate and assistant vice presidents of academic affairs, vice provosts and other members of the provost's staff.
- *Academic unit* is defined as an administrative department or its functional equivalent, as identified by the provost.
- *Academic unit head* is defined as a department head or equivalent.
- *College* is defined as an administrative organizational unit within the academic affairs division of the university, as identified by the provost.
- *Day* indicates a calendar day, unless otherwise specified. If, however, a specified deadline falls on a day when the university is not scheduled to be open, or is not actually open for business (as in an emergency closing, a holiday, or a weekend), the deadline shall be the next day the university is actually open for business.
- *Home unit* is defined as the academic unit where an instructional faculty member's academic responsibilities reside, even if the faculty member's primary appointment is held in an administrative unit.

- *Must* and *shall* indicate mandatory actions.
- *Primary appointment* is defined as the academic or administrative unit where a faculty member spends the majority of his or her working time and effort. If a faculty member is on an evenly divided appointment, either unit may be designated as the primary appointment.
- *Should* and *may* indicate discretion on the part of the actor.
- *Will* is intended to be descriptive only and does not obligate or direct any action.

All references to any entity or publication refer to those entities and publications at James Madison University unless otherwise specified.

III. FACULTY EMPLOYMENT POLICIES AND PROCEDURES

III.A. Faculty Rights and Responsibilities

III.A.1. Introduction

The primary functions of an academic community – learning, teaching, scholarship and professional service – must be characterized by a fundamental commitment to academic freedom and maintained through reasoned discourse, intellectual honesty, mutual respect, and openness to constructive criticism and change. Faculty members, as central to this community, serve as scholars pursuing the search for knowledge and its free expression, as teachers instructing students, and as professionals and citizens contributing special knowledge and skills through professional service and community participation. In the performance of all these functions, faculty members are held accountable to the university in accordance with state and federal laws and with policies and procedures established by the BOV, which is responsible to the people of the Commonwealth of Virginia. For details of the responsibility of the BOV, see *Code of Virginia*, Title 23, Chapter 1, Section 23-9.2:3 and Title 23, Chapter 12.1, Section 23-164.1 et seq.

III.A.2. Academic Freedom and Responsibility

III.A.2.a. Academic Freedom

The university is an institution of higher learning in a democratic society. It is fundamentally committed to the open-ended pursuit of knowledge and the unfettered activity of inquiry and debate. Just as the university is entitled to academic freedom in the pursuit of its educational mission, so each member of the faculty is entitled to academic freedom in the discharge of his or her professional duties. Accordingly, each member of the faculty has a right to the freedom of thought and expression, including a right to reasoned dissent, in the conduct of his or her professional activities. This right to academic freedom safeguards one's liberty to pursue, discuss, study, research, discover, question, critique, and teach relevant knowledge, ideas and theory, in accordance with the standards of the academic profession and one's discipline. Academic freedom must be exercised responsibly, in keeping with the standards of one's academic profession and one's discipline and with other university and professional duties.

A faculty member who is acting in the course and scope of his or her employment at the university is protected by the tenets of academic freedom as long as such action is performed in good faith and in a manner consistent with his or her responsibilities. A faculty member who is speaking or writing on matters of public concern is not subject to university censorship or discipline.

Academic freedom:

- Establishes the right of the faculty member to teach, instruct and examine students on the information, concepts, methodology and content of courses without interference, consistent with the university's right to expect productive teaching, research and service from a faculty member, to evaluate and correct any deficiencies in the quality and quantity of instruction, research and service work, and to require consistency between the catalog description of a course and that course's content and focus.
- Allows the faculty member to engage in research, inquiry, study, creative enterprise and exposition of the results of scholarly activity unfettered by unreasonable

- restrictions imposed by the institution. This freedom is consistent with the university's right to expect productive scholarship from a faculty member, to evaluate and correct any deficiencies in the quality and quantity of scholarly work, and to make rules concerning ownership and conduct of university-related research and creative endeavor.
- Protects the faculty member in service to the academic unit, the college, the university and the faculty member's discipline. This is consistent with the university's right to expect productive service from a faculty member and to evaluate and correct any deficiencies in the quality and quantity of service activity.

III.A.2.b. Academic Responsibility

A faculty member's right to exercise academic freedom carries with it concomitant responsibilities. These responsibilities are owed to students, colleagues, the scholarly community and the institution. Failure to live up to these responsibilities carries with it the possibility of sanctions, up to and including dismissal. The following list is illustrative of the responsibilities of a faculty member, but it is not exhaustive. Some items are closely tied to the exercise of academic freedom and others derive from the employment of the faculty member at the university.

III.A.2.b.(1) A faculty member shall abide by federal law, state law and university policy, including the policies contained in the [*Manual of Policies and Procedures*](#), the various divisions of the university, the colleges and the academic units.

III.A.2.b.(2) A faculty member shall not engage in dishonest behavior toward his or her students, colleagues or members of the public, including but not limited to academic dishonesty. See *Faculty Handbook*, Section III.A.3.d.

III.A.2.b.(3) A faculty member shall accurately represent his or her professional credentials and accomplishments.

III.A.2.b.(4) A faculty member shall act ethically at all times.

III.A.2.b.(5) A faculty member shall be respectful of others, including students, colleagues, other university employees and those outside of the institution, and shall consider and evaluate others' ideas, theories and arguments in a fair-minded way.

III.A.2.b.(6) A faculty member shall perform the duties and obligations of his or her employment with the university in a professional and satisfactory manner.

III.A.2.b.(7) A faculty member shall not engage in misconduct. See *Faculty Handbook*, Section III.A.25.

III.A.2.b.(8) A faculty member shall pursue excellence and intellectual honesty in all professional matters.

III.A.2.b.(9) A faculty member shall strive to communicate concepts, knowledge, theory, data, and all other information and ideas clearly and accurately.

III.A.2.b.(10) A faculty member engaged in instruction shall not act to deprive his or her students of the exercise of academic freedom and shall teach the responsibilities that go with such freedom.

III.A.2.b.(11) A faculty member engaged in instruction shall refrain from interjecting material that serves no pedagogical purpose into his or her teaching.

III.A.2.b.(12) A faculty member shall conscientiously undertake to meet the obligations involved in service and shall not allow purely personal agendas or grievances to interfere with his or her fulfillment of those responsibilities.

III.A.2.b.(13) A faculty member engaged in instruction shall meet the obligations involved in teaching and keep office hours as scheduled in accordance with the policies of the academic unit. See *Faculty Handbook*, Section III.A.20.

III.A.2.b.(14) A faculty member shall evaluate student and colleague performance on a fair and scholarly basis in accordance with university policy.

III.A.2.b.(15) A faculty member engaged in instruction shall maintain a record in his or her personal files for a period of at least one academic year of the basis for all student grades each semester (e.g., an electronic or hard copy grade book) Upon separation of his or her employment with the university, a faculty member engaged in instruction shall submit such record to the AUH for the academic year preceding separation. A faculty member is expected to give students useful feedback on the performance of course-related tasks in a timely manner and on a regular basis during the semester in order to allow students the opportunity to take full advantage of the learning experience.

III.A.2.b.(16) A faculty member engaged in instruction shall report grades to the registrar by the published deadline each semester.

III.A.2.b.(17) A faculty member engaged in instruction shall make reasonable adjustments for class attendance and due dates for students called to military service, jury duty, and for students who are ill or have family emergencies or serve as duly authorized representatives of the university at some event. It is the responsibility of the faculty member to determine whether or not an adjustment is reasonable for the course. Any class activity which cannot be excused must be noted in the class syllabus. See the Undergraduate Catalog. See *Faculty Handbook*, Section III.A.16.

III.A.2.b.(18) A faculty member shall cooperate with the university's efforts to give reasonable and appropriate accommodation to students relating to religious observances.

III.A.2.b.(19) A faculty member shall cooperate with the university's efforts to give reasonable and appropriate accommodation to students relating to disabilities, and shall abide by [*Manual of Policies and Procedures, Policy 1331, Disabilities & Reasonable Accommodations.*](#)

III.A.2.b.(20) A faculty member shall not abuse, harass, or otherwise take unfair advantage of his or her students, colleagues or other employees of the university, and shall adhere to the university's equal opportunity policy. See [*Manual of Policies and Procedures, Policy 1302, Equal Opportunity.*](#)

III.A.2.b.(21) A faculty member shall abide by the laws, rules, policies and regulations that regulate research and related activities, including rules concerning misconduct in scholarship. See *Faculty Handbook*, Section III.H.

III.A.2.b.(22) A faculty member shall use his or her experience and good judgment in supporting his or her discipline and furthering the university's mission.

III.A.2.b.(23) A faculty member shall act professionally in voicing any legitimate criticism of the university.

III.A.2.b.(24) A faculty member shall not engage in malicious actions calculated to destroy or immobilize the academic unit, the college or the university.

III.A.2.b.(25) A faculty member shall make it clear when he or she is speaking or writing as a private citizen or expert in an area of expertise and when he or she is speaking or writing as an official representative of the university.

III.A.2.b.(26) A faculty member shall not violate students' privacy as protected by state and federal law. See [*Manual of Policies and Procedures, Policy 2112, The Family Educational Rights & Privacy Act.*](#)

III.A.2.b.(27) A faculty member shall avoid conflicts of interest in his or her personal and professional life that may adversely affect his or her responsibilities to the university. A faculty member shall be scrupulous in disclosure of his or her interests and shall take appropriate steps to avoid even the appearance of any impropriety. See [*Manual of Policies and Procedures, Policy 1106, Conflict of Interests.*](#)

III.A.2.b.(28) A faculty member shall not engage in violent behavior, and shall report concerns about student, faculty or staff behavior which may present a threat to any person or the safety of the university community to the appropriate university committee or office. See *Manual of Policies and Procedures, Policy 1115, Violence Prevention.*

Other important responsibilities are listed elsewhere in this handbook, in other policies found in the published regulations of the university (such as the [*Manual of Policies and Procedures*](#), the *Financial Procedures Manual*, and the policies of various administrative divisions or departments, as well as the policies and procedures of the various colleges and academic units), and in laws and regulations of the Commonwealth of Virginia and the United States of America.

III.A.3. Professional Ethics

No set of rules or professional code can guarantee or take the place of a faculty member's personal integrity; however, the university expects faculty members to abide by the following guidelines for ethical behavior.

III.A.3.a. Professionalism

Faculty members should embody the concepts of self-discipline and the quest for self-betterment.

By striving for knowledge and understanding, and the effective means to share that knowledge and understanding, they add to the intellectual life of the university, the discipline and the community. This responsibility calls for recognition by the faculty member of his or her role as a guardian of intellectual honesty, scholarly excellence and pedagogical soundness.

III.A.3.b. Relationship with Students

Faculty members should respect students' privacy and intellectual pursuits, act as advisers and mentors for their students, and model behavior and ethics appropriate for students to emulate. They should never take unfair advantage of the student/teacher relationship they have with their students.

III.A.3.c. Relationship with Colleagues

Faculty members should treat their colleagues and others with respect and deference, and should fulfill their responsibilities to assess their colleague's performance honestly and

without prejudice. They have a duty to shoulder their fair share of the task of serving the academic unit, the college, the university and their discipline.

III.A.3.d. Academic Honesty

Faculty members shall give their best efforts to their scholarly activities, maintaining absolute honesty and deference to truth and fairness. See [*Manual of Policies and Procedures, Policy 2205, Policy for Misconduct in Research and Other Scholarly Work.*](#)

III.A.3.e. Relationship with the University

Faculty members should abide by the policies and procedures of the university.

Faculty members should voice any opposition to such policies and procedures in a constructive manner, rather than attempt to subvert, ignore or indiscriminately attack policies with which they disagree. Their purpose should be to improve the functioning of the institution and to offer positive criticism where they find problems.

III.A.3.f. Codes of Ethics

Faculty members shall also be guided by professional codes of ethics specific to their discipline as applicable.

III.A.4. External Statements and Release of Information

The Freedom of Information Act requires the university to give access to public records to citizens of the Commonwealth of Virginia and representatives of the media operating within the state. Requests for information under this statute should be referred immediately to the University Spokesperson. Faculty members receiving requests for published data and other official university information from individuals, agencies, groups, or other sources outside of the university should contact the Office of Institutional Research. Official university communications will be prepared with the assistance of the Office of Public Affairs. For details, see [*Manual of Policies & Procedures, Policy 1502, James Madison University Communications and Marketing.*](#)

Certain types of information, including student grades and employee personnel information, must not be released by representatives of the university, except as may otherwise be provided by law, without the written consent of the individual involved. For details see [*Manual of Policies and Procedures, Policy 1109, Records Management,*](#) and [*Policy 2112, The Family Educational Rights & Privacy Act.*](#)

No university information on any matter under litigation in which the university, its officers, faculty members, employees, or members of the BOV are defendants within their official capacity may be released without the approval of the University Counsel. For details see [*Manual of Policies and Procedures, Policy 1103, Responding to External Requests for Information.*](#)

III.A.5. Conflict of Interests

A conflict of interests occurs when a university officer or employee, or a member of his or her immediate family has a personal interest, or benefits or suffers from his or her participation in a contract or transaction considered by JMU. A potential conflict of interests occurs when there is a divergence between an individual's private interests and his or her professional obligations to the university such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A faculty member shall be sensitive to the potential for such conflicts, and shall avoid a conflict of interests. For details, see [*Manual of Policies and Procedures, Policy*](#)

[1106, Conflict of Interests](#) and the State and Local Government Conflict of Interests Act, *Code of Virginia*, Section 2.2-3100 et seq.

III.A.6. Faculty-Student Relationships

The university prohibits intimate relationships between faculty members and students in their classes or under their supervision, e.g. teaching or graduate assistants. Such relationships raise the specter of exploitation and/or sexual harassment. A faculty member has a responsibility to avoid any apparent or actual conflict between his or her professional responsibilities and personal interests in dealings or relationships with students.

III.A.7. Equal Opportunity

All faculty members are required to abide by the university's equal opportunity policy, which prohibits discrimination on the basis of race, gender, color, national origin, religion, sexual orientation, age, political affiliation, veteran status or against otherwise qualified persons with disabilities with respect to employment or admissions, or in connection with its programs or activities. See [Manual of Policies and Procedures, Policy 1302, Equal Employment](#).

III.A.8. Harassment, Discrimination and Misconduct

Faculty are expected to conduct themselves in ways that create a safe, equitable and fair academic environment, free from all forms of harassment, discrimination and misconduct.

III.A.8.a. Sex- and Gender-Based Harassment, Discrimination and Misconduct

The university is committed to an academic environment in which faculty and students are able to work, learn and develop their careers in safety and security, free from all forms of discrimination, harassment and misconduct based on sex, sexual orientation, gender and gender identity. Faculty are expected to conduct themselves in ways that respect the rights guaranteed by the application of federal, state and local laws and the university's commitment to safe and equitable working, learning and living conditions. University policies and procedures in this regard are guided by the university's mission, vision and core qualities, as well as by Title IX of the United States Education Amendments of 1972 (20 U.S.C. §§ 1681-1688), the Violence Against Women Act of 1994 (42 U.S.C. sections 13701 through 14040), Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-2), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)), and the Campus Sexual Violence Elimination Act, Section 304 of VAWA.

A member of the university community may file a discrimination or harassment complaint against any member of the university community by contacting the university's Title IX Coordinator or a Title IX Officer.

For details see [Manual of Policies and Procedures, Policy 1340, Title IX Discrimination and Harassment](#)

III.A.8.b. Other Forms of Harassment, Discrimination and Misconduct

Faculty members are prohibited from discriminating against or harassing any member of the university community on the basis of any other protected classification, such as age, color, disability, genetic information, national origin, parental status, political affiliation, race, religion or veteran status, or in retaliation for a complaint made against the employer about any such treatment or for participating in an investigation or opposing discriminatory practices. A member of the university community may file a

discrimination or harassment complaint against an instructional, administrative or professional faculty member by contacting the university's Office of Equal Opportunity. For details see [Manual of Policies and Procedures, Policy 1324, Discrimination and Harassment Complaint Procedures](#). A complaint may be filed against other university employees (i.e., staff members) with the Human Resources Department. See [Policy 1317, Standards of Conduct and Performance for Classified Employees](#). A complaint may be filed against a student with the **Office of Student Accountability and Restorative Practices**. See [Student Standards of Conduct](#).

III.A.9. Academic Integrity

Faculty members are expected in all of their dealings with the university and students to adhere to the principle of academic integrity.

III.A.9.a. University Honor System

Faculty members shall hold students accountable under the university's Honor System, shall abide by the reporting requirements of the Honor Code and should communicate clearly the application of the Honor Code in their classes. For details see *Faculty Handbook*, Section VII.A.4 or the University Honor System.

III.A.9.b. Academic Honesty of Faculty Members

Faculty members are expected to conduct themselves with integrity in all aspects of their professional lives. Faculty members should report any suspected plagiarism or other academic dishonesty by a colleague in accordance with the university's policy on Misconduct in Research and Other Scholarly Work. See [Manual of Policies and Procedures, Policy 2205](#). Academic dishonesty may also include violation of federal, state and university guidelines for the appropriate conduct of research and scholarship, including but not limited to [Policy 1104, The Institutional Review Board on the Use of Human Subjects in Research](#), [Policy 2202, Care and Use of Laboratory Animals](#), [Policy 2203, Conflict of Interests Disclosure for Sponsored Programs](#), [Policy 2204, Policy for Institutional Biosafety](#), and [Policy 3108, Health and Safety](#).

III.A.10. Workload

Workload for a full-time faculty member, which encompasses a minimum of 40 hours per week, is determined by the AUH or other supervisor in consultation with the faculty member, and with the approval of the dean. A faculty member's workload may be adjusted to reflect especially heavy teaching assignments and other assignments. With approval of the AUH and dean, an instructional faculty member may teach in noncontract period semesters and "bank" the course(s) taught, such course(s) to be exchanged for a reduced teaching load during a future semester.

III.A.11. Outside Employment and Consulting

If it affects or is deemed likely to affect a faculty member's usefulness as an employee of the university, a full-time faculty member is prohibited from engaging in outside employment, or in any private business or profession during the period for which he or she is employed to work for the university, or outside such employment period, in a manner or to an extent that it affects or is deemed likely to affect his or her usefulness as an employee of the university.

No full-time faculty member may engage in part-time or full-time teaching for another institution during the semesters he or she is employed by the university without prior approval of the appropriate vice president. See [Manual of Policies and Procedures, Policy 1304, Outside Employment of Faculty](#).

Faculty members who desire to participate in outside employment should refer to [Manual of Policies and Procedures, Policy 1106, Conflict of Interests](#). Employees considering outside employment with a firm contracting with the university or with another state agency should be aware of *Code of Virginia* Section 2.1-639.6 of the *Virginia State and Local Government Conflict of Interests Act*.

Unless special permission and compensation to the university are arranged in advance, university property may not be used for outside employment and consulting. See *Faculty Handbook*, Section III.A.24.

III.A.12. Class Schedules

Faculty members shall adhere strictly to the scheduled time and place of class meetings as reflected in the official class schedule. No change in the time of class meetings, including final examinations, may be made without the advance approval of the dean. No change in the assigned place of class meetings, including final examinations, may be made without the advance approval of the AUH. No class may be added or dropped from the schedule without the advance approval of the AUH.

III.A.13. Student Advising

Entering freshmen are assigned to a freshman adviser beginning with summer orientation through mid-February of the following spring semester. Second semester freshmen, new transfer students and all other currently enrolled students are assigned to a faculty adviser in their declared major of study. Undeclared students are advised by the office of Career and Academic Planning.

Academic advising is an important faculty responsibility. Although the university's policy is that the final responsibility for meeting graduation requirements rests entirely with the student, faculty advisers have an obligation to help direct the studies of advisees and answer any questions they may have, including questions about general education and degree requirements. To this end, the adviser is expected to be available to advisees during regular office hours, stay informed on current policies and procedures, have knowledge of major and degree program requirements as well as career options for students with a major in the academic unit, be familiar with available student services, and refer students to the appropriate office when necessary. The same expectations exist for faculty advising students within a minor program of study.

III.A.14. Office Hours

Each faculty member is responsible for being accessible and responsive to students, including maintaining office hours as scheduled in accordance with the policies of the academic unit. See Section III.A.2.b.(13). These hours should be staggered from day to day to accommodate students and other faculty members. A schedule of office hours shall be posted and carefully followed to avoid confusing and discouraging students who may desire conferences. Each full-time faculty member shall post regular office hours and should be available during other hours by appointment.

III.A.15. Course Instructional Materials

Faculty members are required to use James Madison University's copyright permission service in order to make copies of copyrighted materials. See [Manual of Policies and Procedures, Policy 1507, Academic Coursepack Service](#).

III.A.16. Syllabi

Faculty members are required to have a syllabus for each course. According to the guidelines issued by the Southern Association of Colleges and Schools, each syllabus must contain the goals and requirements of the course, the nature of the course content, and the methods of evaluation to be employed. Additionally, the university requires that each syllabus contain other provisions. These are listed on the university's website containing syllabus requirements (<http://www.jmu.edu/curriculum/syllabus.shtml>). A syllabus may contain a link to the university's common policies regarding some of these required provisions (<http://www.jmu.edu/syllabus/>). Faculty members must place each syllabus on file with the appropriate academic unit by the end of the first week of the semester. The university requires that each syllabus contain an attendance policy. The attendance policy must state any mandatory, unrepeatable components of the course, and the expected procedure for requesting and obtaining approval for scheduled absences. Faculty shall give reasonable and appropriate accommodation to students relating to religious observances and disabilities and shall make reasonable adjustments for students who are called to military service or jury duty, who are ill, have family emergencies, or serve as duly authorized representatives of the university at some event. It is the responsibility of the faculty member to determine whether or not an adjustment is reasonable for the course.

III.A.17. Ordering Textbooks

The university bookstore is the official textbook site for the university. All faculty members are required to furnish textbook adoption orders to the JMU Bookstore textbook manager.

For details and deadlines, see [Manual of Policies and Procedures, Policy 2110, Ordering Textbooks](#). Additionally, faculty members are prohibited from receiving any payment or other things of value for requiring students to purchase a specific textbook, except as specified in the policy.

III.A.18. Final Examinations

Instructors are expected to make use of all assigned instructional time, including the assigned final exam period, for each course. Instructors may not reduce the intended period of instruction by allowing students to complete their last exam or evaluated course product prior to final exam week. Instructors may not allow individual students to opt-out of the final exam or evaluated course product, except as provided in III.A.2.b.(17), III.A.2.b.(18) and III.A.2.b.(19). Courses that appropriately end with an end-of-semester evaluation must, during final exam week, conduct exams or require submission of final evaluated course products. Final exams must be conducted at the times designated by the university registrar. Any deviation from this policy requires prior written approval of the AUH. Changes to the regular exam schedule, including common exams, must be added to the official roster of finals by the Registrar's Office. In the case of conflicting exam times, the published exam schedule must take precedence.

III.A.19. Participation in Meetings

A new faculty member is required to participate in new faculty orientation. During the contract period, a faculty member is required to attend faculty meetings and to meet with his or her academic unit head, supervisor and other supervisory officials at their request. Each faculty member is expected to have access to academic regalia and to participate in academic processions at convocations, including commencements.

III.A.20. Absences

It is a faculty member's responsibility to fulfill his or her assigned responsibilities, including the teaching of courses as they are described in the syllabus. If a faculty member will not be able to conduct a scheduled class or instructional activity for any reason, the faculty member is responsible for seeing that the objectives of the class or activity are satisfied, and for consulting with the AUH as early as possible concerning these arrangements. If a faculty member will be absent from any other scheduled responsibility, the faculty member is responsible for consulting with the AUH as early as possible concerning other arrangements. See *Manual of Policies and Procedures*, Policy 1338, Faculty Leave.

III.A.21. Disability Accommodations

The university will consider requests for reasonable accommodations to enable faculty members who are qualified individuals with documented disabilities to perform their jobs. See [*Manual of Policies and Procedures*, Policy 1331, Disabilities & Reasonable Accommodations.](#)

III.A.22. Religious Accommodations

The university will consider requests for reasonable accommodations to enable faculty members who need accommodations for religious practices, provided those accommodations will allow them to perform their jobs. A faculty member who cannot perform his or her job even with reasonable accommodations is not entitled to continued employment.

A faculty member is responsible for informing either his or her supervisor or the Office of Equal Opportunity of the need for accommodations for a religious practice. The faculty member is also responsible for providing appropriate documentation for the religious practice as required by law, and for cooperating with the university in attempting to reach an agreement on a reasonable accommodation.

III.A.23. Workplace Hazards

Faculty members must comply with safety instructions and procedures posted in each work area; report unsafe conditions or acts to their supervisors; follow all instructions and procedures on the operation of equipment, machines, and vehicles; refrain from any unsafe act that might endanger himself, herself or others; dress properly for specific work assignments and use protective equipment correctly, and report immediately to his/her supervisor all accidents and/or injuries. For details see the [*Manual of Policies and Procedures*, Policy 3108, Health and Safety.](#)

III.A.24. Use of University Property

University property, including equipment and supplies, shall only be used for academic and professional purposes, not for personal or private purposes. For specific guidance on policy-related issues, please refer to the [*Manual of Policies and Procedures: Policy 1506, Use of University Property*](#); [*Policy 1505, Use of University Owned Telephones and Services by University Employees*](#); [*Policy 1207, Appropriate Use of Information Technology Resources*](#); and [*Policy 1201, Information Technology Resource Management*](#). The appropriate vice president or division head will address any violation of these policies by a faculty member. In cases of violations, faculty members may be sanctioned for misconduct in accordance with *Faculty Handbook*, Section III.A.25.

III.A.25. Faculty Misconduct and Sanctions

III.A.25.a. Faculty Misconduct

A faculty member who engages in conduct incompatible with the responsibilities of faculty membership as provided in this handbook or elsewhere in the written policies and practices of the university may be subject to sanctions, up to and including dismissal. Faculty misconduct can take many forms, including but not limited to the following:

- Academic dishonesty
- Violation of academic or professional ethics
- Incompetence
- Disregard or failure to fulfill academic responsibilities
- Moral turpitude
- Harassment
- Felonious criminal act

III.A.25.b. Complaints

Any person who believes in good faith that an instructional faculty member is engaging in or has engaged in misconduct should report the matter to that faculty member's AUH or the appropriate higher-level supervisor. For procedures on misconduct by an A&P faculty member, see [*Manual of Policies and Procedures, Policy 1335, Terms & Conditions of Employment for Administrative and Professional Faculty*](#). However, if an A&P faculty member is tenured, removal of tenure and/or dismissal from the university may be assessed as a sanction for misconduct by following this process.

An informal complaint against a faculty member may be delivered orally, leaving further action to the discretion of the AUH or higher-level supervisor. An official complaint requires a written submission to the faculty member's AUH or higher-level supervisor. The person receiving an official complaint shall ensure that a written acknowledgement is sent to the complainant. However, the complainant has no right to information about the outcome of the complaint. A higher-level supervisor who receives a complaint shall send the official complaint to the AUH for initial processing unless there is a reason to do otherwise. Informal allegations of misconduct shall be reported by the AUH to the dean. Formal allegations of misconduct will be reported by the AUH to the dean, who shall report the allegations to the provost.

III.A.25.c. Mediation

If in the opinion of the AUH the complaint is an appropriate subject of mediation between the person bringing the complaint and the faculty member against whom the complaint is filed, the AUH may recommend mediation of the matter under [*Manual of Policies & Procedures, Policy 1404, Mediation*](#). If the parties successfully mediate a resolution of the complaint, the final mediated agreement must be shared with the AUH. The successful mediation of a complaint does not obligate the AUH, the dean or the provost to stop an inquiry, a hearing, or the imposition of a sanction.

III.A.25.d. Withdrawal

A complaint may be withdrawn at any time, but the decision of the complainant to withdraw the complaint will not obligate the AUH, the dean or the provost to stop an inquiry, a hearing, or the imposition of a sanction.

III.A.25.e. Specific Procedures

Where specific procedures for filing complaints about specific types of misconduct exist elsewhere in the *Faculty Handbook* or in any other university, state or federal law or policy, those procedures shall be followed instead of the general procedures outlined here. If a specific procedure results in a determination that a faculty member has engaged in misconduct, but the procedure does not provide for administrative sanctions to be imposed, this procedure may be used to determine the appropriate administrative sanction for the misconduct.

Allegations of criminal activity committed by a faculty member should be reported directly to the James Madison University police department.

For harassment or discrimination complaints of any kind, see [Manual of Policies and Procedures, Policy 1324. Discrimination and Harassment Complaint Procedures.](#)

For research or scholarly misconduct complaints, see [Manual of Policies and Procedures, Policy 2205, Misconduct in Research and Other Scholarly Work.](#)

Allegations of fraud involving university property or resources committed by a faculty member should be reported directly to the James Madison University Internal Audit staff. See [Manual of Policies and Procedures, Policy 1603, Reporting of Suspected Fraudulent Transactions.](#)

III.A.25.f. Removal

If the provost determines that the reported misconduct or the faculty member poses an immediate impediment or threat to the proper administration and operation of the university, the faculty member may be immediately placed on administrative leave and removed from all duties at the university, while a final decision on the allegation of misconduct is reached. In this event, the faculty member shall be notified of the reason for the removal and given an opportunity to respond before the removal is effective. Such notice and opportunity for a response should normally be delivered in person. However, where such a meeting is not, in the opinion of the provost, reasonable or possible, the failure to meet in person with the employee will not invalidate the decision. A hearing on the misconduct under *Faculty Handbook* Section III.A.25. shall be available to the faculty member after the removal. If the faculty member does not notify the dean within five days of removal of his or her decision to exercise the option to have this hearing, the faculty member's dismissal will become final.

III.A.25.g. Effect of Complaint on Tenure or Promotion Review

If a charge of misconduct is brought against a faculty member who is undergoing review for promotion or tenure, the process for promotion or tenure review shall be suspended pending a final decision on the misconduct charge. A determination of misconduct is relevant in a promotion or tenure review.

III.A.25.h. Inquiry

For a formal or informal complaint, if the AUH determines that an allegation of misconduct does not merit a formal inquiry, he or she shall discuss the allegation with the faculty member in question and may take action he or she deems appropriate, limited to a reprimand or removal of specific privileges. An AUH may accept a resignation from a faculty member in this situation.

If this informal method of handling the complaint appears to the AUH to be effective and sufficient to address the issue, the AUH shall file a report with the dean concerning the

complaint and the action taken by the AUH. A copy of the report shall be sent to the faculty member and a copy shall be placed in the faculty member's personnel file. If the faculty member disputes the report, he or she may place an accompanying response into the file. If the faculty member disagrees with the action taken by the AUH, he or she may file a written request within five days of receiving the report, asking the dean to reverse the action taken by the AUH. The dean shall send the faculty member a written decision within five days of receiving the request, and may uphold the AUH's actions, reverse the AUH's actions, or determine that a hearing is appropriate. If the faculty member disagrees with the dean's decision on the matter, he or she may file a written request within five days of receiving the dean's decision, and may ask the dean for a hearing.

If the AUH determines that the allegation of misconduct merits a formal inquiry, the AUH shall send a written request for a formal inquiry to the appropriate dean, with copies to the provost and the faculty member. This request shall detail the issues in question, provide a summary of the supervisor's meeting with the faculty member, if any, and state why the AUH believes that a formal inquiry is warranted.

In any event, the dean may independently determine that a hearing is appropriate, regardless of the AUH's recommendation in the report or the faculty member's agreement with the actions taken by the AUH.

If the faculty member's supervisor is a dean or higher-level administrator, the process shall be altered to affect the appropriate administrative review.

III.A.25.i. Hearing

If the dean determines that a hearing is not warranted, he or she shall notify the AUH and the faculty member of that decision in writing, with copies to the dean and the provost. If the faculty member wishes to have a hearing after the dean has determined that a hearing is not warranted, the faculty member may send a written request for a hearing to the provost within five days of receiving the notice that no hearing will be held. If the provost determines that a hearing should be held, the dean will convene a hearing. Otherwise, the decision of the dean to forego a hearing is final.

If a hearing is held, it shall be held within 30 days of the request for a formal inquiry by the AUH, or otherwise within 30 days of the dean's or provost's decision to hold a hearing. The dean shall convene a formal hearing into the matter by the standing committee of the college designated by the college to hear such matters. Procedures for that hearing shall be determined by the college but shall always include the right of the faculty member to know the proof of the alleged misconduct, the right to present arguments and evidence on his or her own behalf, the right to have the advice of counsel (although not necessarily the right to have counsel attend the hearing), and the right to a timely decision on the matter. The AUH or his or her designee shall have the burden of establishing that the faculty member engaged in misconduct. Following the hearing the college committee shall prepare a written summary of findings, including a recommendation by majority vote of those members hearing the matter regarding any proposed sanctions. This report shall be submitted to the provost, with copies to the dean, the faculty member and the AUH. Within five days from receipt of the college committee's report, the dean shall send any recommendations on the matter he or she determines are appropriate to the provost, with copies to the college committee, the AUH and the faculty member.

III.A.25.j. Sanctions

Sanctions for misconduct may include, but are not limited to, a reprimand, oral or written, private or public; a period of suspension without pay; a reduction in salary; a reduction in rank; removal of specific privileges; or dismissal.

III.A.25.k. Decision

Within five days of receipt of the dean's recommendations concerning the committee's report, the provost shall send a written statement of the decision, including a rationale, to the faculty member, with copies to the AUH, the dean and the college committee.

If the decision of the provost indicates that no sanction is to be imposed, the matter is closed. If the decision of the provost indicates that a sanction is to be imposed, detailed grounds for the sanction shall be included. If the indicated sanction is dismissal, the notification shall also include the effective date of the dismissal. In the absence of a timely written appeal by the faculty member, the decision of the provost is final, and the sanction is effective on the date specified by the provost.

III.A.25.l. Appeal

All appeals shall be in writing. A faculty member has 30 days from receipt of a written notice of sanctions from the provost to submit a written appeal to the Faculty Appeals Committee. The written appeal shall set forth the grounds for the appeal and a summary of the arguments and documentary evidence the faculty member intends to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee shall promptly send an acknowledgment of receipt of the appeal to the faculty member, and shall notify the president, provost, the dean and the AUH. If an appeal is filed, the provost shall appoint a respondent to represent the administration in the appeal process.

III.A.25.m. Faculty Appeals Committee

The Faculty Appeals Committee shall determine if a hearing is warranted. See *Faculty Handbook*, Section III.L.2.b. Grounds for appealing a sanction for misconduct are limited to failure by the university to follow its procedures, lack of a legitimate basis for the sanction to be imposed or imposition of an unreasonable sanction.

- If the Faculty Appeals Committee determines that a hearing should be granted, the procedures in Faculty Handbook, Section III.L.2.c. shall apply. In the hearing, the petitioner shall have the burden of establishing that the procedures were not followed, that there was no legitimate basis for the sanction to be imposed or that the sanction is not reasonable.
- If the Faculty Appeals Committee determines that a hearing shall not be granted, the faculty member, the respondent, the speaker, the provost and the president shall be notified that the appeal has been denied. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost becomes final, effective on the date of the notice of denial by the Faculty Appeals Committee.

III.A.25.n. Confidentiality

All persons performing responsibilities under *Faculty Handbook*, Section III.A.25. shall respect and maintain the strict confidentiality of all relevant documents and deliberations.

III.B. Faculty Status, Positions and Ranks

III.B.1. Faculty Status

The Commonwealth of Virginia defines a faculty member as a nonclassified employee of an institution of higher education. Classified staff members are not covered under the terms of this handbook.

III.B.2. Faculty Positions

A faculty member may be either an instructional faculty member or an administrative and professional (A&P) faculty member, and may be either full-time or part-time.

III.B.2.a. Instructional Faculty

The specifications of classification for instructional faculty members are defined as part of the *Manual of Policies and Procedures, Policy 1323, New Employee Orientation*.

Each instructional faculty member, including those with primary assignments in an administrative unit, shall have an academic unit identified as the faculty member's home unit, in which his or her academic responsibilities reside.

III.B.2.b. Administrative and Professional (A&P) Faculty

The specifications of classification for administrative and professional faculty member are defined as part of the *Manual of Policies and Procedures, Policy 1335, Terms & Conditions of Employment for Administrative and Professional Faculty*.

III.B.3.c. Professional Librarians

The specifications of classification for professional librarians are defined as part of the *Manual of Policies and Procedures, Policy 1323, New Employee Orientation*.

III.B.2.d. Academic Unit Head

Academic unit heads are considered instructional faculty members. For more details, see *Academic Affairs Policy #2: Academic Unit Heads Policy*.

III.B.2.e. Administrative Assignments

Instructional faculty members may be assigned administrative responsibilities, with or without a salary increment, and may be given titles such as center director, program coordinator, and other appropriate titles reflecting administrative duties. Administrative responsibilities include work directly related to the management of activities of the institution, department or work unit. Faculty members with administrative assignments hold their titles and assignments at the pleasure of the institution, and the appropriate administrator who assigns the title and responsibilities may remove the assignment and accompanying title, salary increment, and responsibilities at any time for any reason. Removal of an administrative assignment is not an appealable action, but a grievance may be filed under Section III.K.

III.B.2.f. Full-Time Faculty

Individuals who have appointments with a full-time workload for the academic year or fiscal year are defined as full-time faculty members. Most full-time instructional faculty members assume the full spectrum of duties in the areas of teaching, scholarship and service, although the relative weights of the three performance areas may be negotiated each year. See *Faculty Handbook*, Section III.E.4.a. Full-time A&P faculty members assume duties associated with administration and professional services, but may also

teach or perform research. Full-time faculty appointments are made at the following ranks: professor, associate professor, assistant professor, instructor, and lecturer.

III.B.2.g. Part-Time Faculty

Faculty members who are employed for less than a full academic year, or who are employed for at least an academic year at less than a full work load, are considered Part-Time Faculty. For details see [Manual of Policies and Procedures, Policy 2114, Part-Time Instructional Faculty](#).

III.B.3. Special Appointments

A faculty member may be given any of the following designations, in addition to being designated instructional or A&P, and full-time or part-time, or in the case of emeritus faculty members, on the event of their retirement from the university.

III.B.3.a. Adjunct Faculty

Individuals who teach at the university on a limited, special or provisional basis, but perform no other duties. For qualifications and other details see [Manual of Policies and Procedures, Policy 2104, Adjunct Faculty](#).

III.B.3.b. Affiliate Faculty

Individuals holding a primary appointment in one academic unit may hold affiliate status in additional academic units, at the option of the additional academic unit. This affiliate status is normally associated with teaching, scholarship or service functions performed in the additional academic unit. Affiliate status will be determined by mutual consent of the academic units and the faculty member, but may be withdrawn at the option of the academic unit. The details of the affiliation with additional academic units should be communicated in writing, so that the faculty member's voting rights and responsibilities in the additional academic unit, evaluation procedures, assignment of duties, etc. are clearly defined.

Note: An affiliate faculty member is not the same as a university affiliate, defined in [Manual of Policies and Procedures, Policy 1337, Affiliates](#).

III.B.3.c. Joint Appointment

Faculty appointments may be shared between or among academic units. Individuals holding joint appointments will normally have a portion of their salary paid on a prorate basis by each of the units. Individuals holding joint appointments will be fully participating faculty members in each of the academic units, with teaching, scholarship and service expectations negotiated among the faculty member and the respective AUHs. The details of the assignment of duties, evaluations, retention, and promotion and tenure issues should be communicated in a written document detailing the faculty member's voting rights in the academic units, evaluation procedures, assignments of duties, etc. Additionally, negotiated changes to those details should be memorialized in signed documents.

III.B.3.d. Graduate Faculty

A graduate faculty member is an individual who has been appointed to the graduate faculty under specific criteria.

For details see Academic Affairs Policy #5: Graduate Faculty.

III.B.3.e. Emeritus Faculty

A retired instructional or A&P faculty member is eligible for emeritus status if the individual has served full-time for a minimum of 10 years on the university faculty, has attained the academic rank of lecturer, assistant professor, associate professor, or professor, and has retired in good standing. Emeritus rank is a privilege and not a right of any retired faculty member. For details see [*Manual of Policies and Procedures, Policy 2105, Emeritus Faculty*](#).

III.B.3.f. Visiting Faculty

Appointments as visiting faculty members are for a fixed term to carry out instructional or research responsibilities within an academic unit. Professional credentials are required for appointment as a visiting faculty member. Tenure cannot be awarded to a visiting faculty member. Visiting faculty members may be primarily associated with another university or agency, or may be engaged as a research associate, post-doctoral faculty member, teaching associate or teaching fellow.

III.B.3.g. Scholar in Residence

A scholar in residence is an individual appointed to a fixed-term appointment on the basis of noteworthy experience and credentials.

III.B.3.h. Researcher

A researcher is an individual employed by the university either part-time or full-time specifically to work on one or more sponsored projects. A researcher may be affiliated with one or more academic units under specific terms and conditions set out in an agreement between the individual and the university.

III.B.3.i. Affiliated Researcher

Technically, an affiliated researcher is not a faculty member of the university. However, an individual who is not employed by the university, but is affiliated with an academic unit while seeking funding for employment under a proposed sponsored project, under specific terms and conditions set out in an agreement between the individual and the university, may be given affiliate status at the university under the provisions of [*Manual of Policies and Procedures, Policy 1337, Affiliates, and the title of Affiliated Researcher*](#). The details of the affiliation with the academic unit should be communicated in writing, so that the individual's rights and responsibilities in the academic unit are clearly defined.

III.B.4. Academic Faculty Ranks

III.B.4.a. Instructor

Appointment at the rank of instructor is normally for a fixed term but may be employment at the will of the university with no fixed term. Appointment at the rank of instructor may also be used for a faculty member who is hired with the expectation of completion of a terminal degree by a specified date. Promotion to the rank of assistant professor may be made automatic on completion of the terminal degree in the terms of the appointment, subject to approval of the BOV.

III.B.4.b. Lecturer

Appointment at the rank of lecturer can be made in the case of an RTA. Individuals in the rank of lecturer are not eligible for promotion. See *Faculty Handbook*, Section III.D.4.

III.B.4.c. Assistant Professor

Appointment at the rank of assistant professor normally carries with it teaching, scholarship and service responsibilities, and normally requires a terminal degree in a relevant discipline.

III.B.4.d. Associate Professor

In addition to the requirements for assistant professor, appointment at the rank of associate professor is contingent upon substantial professional achievements, evidenced by an appropriate combination of teaching, scholarship and service.

III.B.4.e. Professor

In addition to the requirements for associate professor, appointment at the rank of professor is contingent upon recognition of outstanding professional accomplishment.

Further details concerning academic faculty ranks and promotion are contained in *Faculty Handbook*, Section III.E.6.

III.C. Search and Appointment Procedures

III.C.1. General Procedures for Faculty and Administrative Appointments

The Office of Equal Opportunity's *Faculty Recruitment Handbook* shall guide all faculty searches conducted at the university. These procedures apply to full-time faculty positions, including instructional and A&P faculty positions. For details see [Manual of Policies and Procedures, Policy 2101, Faculty Hiring Procedures](#). Full searches are not required for part-time appointments, interim or acting appointments, or full-time appointments of less than one year. An interim or acting appointment is normally limited to a maximum of two years, but in exceptional circumstances, it may be extended for additional time.

III.C.2. Appointment of Faculty Members

The academic unit or administrative unit in which the faculty member will report shall determine the composition of the search committee for a new faculty member, in conformance with the *Faculty Recruitment Handbook* guidelines.

Prior to recommending candidates for interview, the search committee chair shall review the strength of the candidate pool with the AUH or hiring authority, who shall make a judgment as to whether additional recruitment efforts should be made. After the search, the AUH or hiring authority shall make the offer of appointment, subject to approval by the dean, the appropriate vice president, the president and the BOV. All offers are contingent upon references and background verification.

When a candidate is hired in anticipation of, but prior to having fulfilled all requirements for a particular degree, such as a Ph.D., the hiring authority is responsible for obtaining from the candidate the official transcript of the highest degree attained at the time of the offer. The candidate is responsible for obtaining the pending degree by the deadline specified in the offer letter, and for delivering the official transcript of the degree to Office of Human Resources within 15 days after the candidate is awarded the degree.

III.C.3. Appointment of Academic Unit Heads

When a vacancy occurs in a position of an AUH, the dean shall request the academic unit to nominate members of its faculty for service on a search committee, unless the dean determines that the position should be considered a promotional opportunity restricted to candidates from the current employees of the university, and the majority of the academic unit's full-time faculty members vote to approve the dean's decision not to have an external search. Additionally, any such decision not to hold an external search must include prior consultation with the equal opportunity officer, and must have the prior approval of the provost. An interim or acting AUH may be appointed by the dean until the position is filled.

The dean shall appoint the search committee from among those nominated and may appoint additional members who shall constitute a minority of the committee. The dean shall appoint the chair of the committee, who may come from another unit within the university.

The committee will meet with the dean to determine appropriate conditions of the position, such as rank and available resources. The dean should share with the committee an assessment of the college and university commitment to the department and its programs.

Prior to recommending candidates for interview, the search committee chair shall review the strength of the candidate pool with the dean, who shall make a judgment as to whether additional recruitment efforts should be made. After the search, the dean will make the offer of appointment subject to the approval of the provost, the president, and the BOV. All offers are contingent upon references and background verification.

For more details concerning AUHs, see [Academic Affairs Policy #2: Academic Unit Heads](#).

III.C.4. Appointment of Assistant and Associate Deans of Academic Colleges

When a vacancy occurs in the position of associate dean, assistant dean, or other administrative and professional positions reporting to the dean of an academic college, it will be filled on recommendation by the dean to the provost.

Academic unit heads, representative faculty members, and the equal opportunity officer must be consulted on whether a search should be conducted. A formal search committee shall be used if the appointment is not limited to internal candidates. If a formal search is used, the search and selection procedures will be similar to those used for deans, but the dean shall appoint the chairperson of the search committee. If no formal search committee is used, the dean shall consult with AUHs and the college personnel committee. See *Faculty Handbook* Section IV.A.3. The dean will make the offer of appointment, subject to approval of the provost, the president, and the BOV. All offers are contingent upon references and background verification. An interim or acting assistant or associate dean may be appointed by the dean until the position is filled.

III.C.5. Appointment of Assistant and Associate Deans of University-wide Programs

When a vacancy occurs in the position of associate dean, assistant dean or other administrative and professional positions reporting to the dean of a university-wide program (e.g., the library, University Studies, The Graduate School), it will be filled on recommendation by the dean to the provost. Appropriate individuals, including the equal opportunity officer, must be consulted on whether a search should be conducted. If a formal search is used, the dean shall appoint a search committee consisting of appropriate faculty and members of the administration. If no formal search committee is used, the dean shall consult with appropriate individuals, including members of the faculty, before making the recommendation to the provost. The dean will make the offer of appointment, subject to approval of the provost, the president, and the BOV. All offers are

contingent upon references and background verification. An interim or acting assistant or associate dean may be appointed by the dean until the position is filled.

III.C.6. Appointment of Deans of Academic Colleges

When a vacancy occurs in the position of dean, the provost shall request nominations for membership on a search committee from the appropriate faculty and academic administration. When a vacancy occurs in an academic deanship that has university responsibility across college lines, the search committee shall include faculty representatives from all appropriate colleges. The provost shall appoint this search committee from the list of nominees and may appoint additional members who shall constitute a minority of the committee. The provost will appoint a dean from another college to chair the search committee. A national search shall be conducted. Prior to recommending candidates for interview, the search committee chair shall review the strength of the candidate pool with the provost, who shall make a judgment as to whether additional recruitment efforts should be made. After the search, the provost shall make the offer of appointment, subject to the approval of the president and the BOV. All offers are contingent upon references and background verification.

An interim or acting dean may be appointed by the provost until the position is filled.

III.C.7. Appointment of A&P Positions in the Office of the Provost and of Deans of University-wide Programs

When a vacancy occurs in an administrative or professional faculty position in the office of the provost, or in the position of dean of a university-wide program (e.g., the library, University Studies, The Graduate School), the provost, in consultation with the Academic Council, the speaker, and the equal opportunity officer, will decide whether a search committee is required to fill the position. If a search committee is used, the search and selection procedures will be similar to those used for deans of academic colleges, but the chair of the search committee need not be a dean. If a search committee is not used, the provost shall consult with the Academic Council and the speaker and shall recommend to the president a candidate to fill the position. The provost shall make the offer, subject to the approval of the president and the BOV. All offers are contingent upon references and background verification. An interim or acting A&P faculty member or dean may be appointed by the provost until the position is filled.

III.C.8. Appointment of Vice Provosts

When a vacancy occurs in the position of vice provost, the provost shall request nominations for membership on a search committee from the appropriate faculty and academic administration. The search committee shall include faculty representatives from all appropriate colleges. The provost shall appoint this search committee from the list of nominees and may appoint additional members who shall constitute a minority of the committee. The provost will appoint a dean or another vice provost to chair the search committee. A national search shall be conducted. Prior to recommending candidates for interview, the search committee chair shall review the strength of the candidate pool with the provost, who shall make a judgment as to whether additional recruitment efforts should be made. After the search, the provost shall make the offer of appointment, subject to the approval of the president and the BOV. All offers are contingent upon references and background verification. An interim or acting vice provost may be appointed by the provost until the position is filled.

III.C.9. Appointment of the Provost

When a vacancy occurs in the position of the provost, a national search shall be conducted. The president shall request nominations for membership on a search committee from the faculty and the administration. The president shall appoint the search committee from the list of nominees and may appoint additional members. The president shall appoint the chair of the search committee.

Prior to recommending candidates for interview, the search committee chair shall review the strength of the candidate pool with the president or his or her designee, who shall make a judgment as to whether additional recruitment efforts should be made. After the search, the president shall make the offer or give further instruction to the committee. Final approval for the appointment rests with the BOV. All offers are contingent upon references and background verification. An interim or acting provost may be appointed by the president until the position is filled.

III.C.10. Additional Policies on Searches and Appointments

In addition to the guidelines above and the procedures detailed in the *Faculty Recruitment Handbook*, the following policies from the [Manual of Policies and Procedures](#) apply to faculty searches.

- [Policy 1301 – Nepotism and Employment of Family Members](#)
- [Policy 1302 – Equal Opportunity](#)
- [Policy 1311 – Personnel Action Request Form \(PAR\)](#)
- [Policy 1326 – Immigration Reform & Control Act](#)
- [Policy 1335 – Terms & Conditions of Employment of Administrative and Professional Faculty](#)
- [Policy 2101 - Faculty Hiring Procedures](#)

III.D. Contracts and Appointments

For details on procedures for hiring faculty members, see [Manual of Policies and Procedures, Policy 2101](#).

III.D.1. Definitions

Appointment: The establishment of an employment relationship between a faculty member and the university, even if on an at-will basis or for a limited time.

Contract: A written document that outlines the terms of the employment relationship between a faculty member and the university.

III.D.2. Length of Appointment

III.D.2.a. Academic-Year Appointments

Most instructional faculty appointments are for the academic year. Academic year appointments entail duties that are approximately nine months in length, starting two weeks prior to the first day of classes in the fall and ending two weeks following commencement in the spring. During periods of the academic year when the university is not in session, faculty members are expected to fulfill their professional responsibilities as appropriate to their position.

Although the annual salary assigned for an academic-year appointment covers only the academic year, the salary is paid in 24 semimonthly installments starting with the first full pay period after the start of the academic year.

III.D.2.b. Fiscal-Year Appointments

Fiscal year appointments extend for a full calendar year and may begin on any date.

These appointments are normally associated with administrative and professional faculty appointments and AUH appointments, although in certain circumstances, they may be used for instructional faculty members on nontraditional schedules.

III.D.2.c. Other

A faculty appointment may be made for some other time period, such as one semester or a specific number of months, or on an at-will basis.

III.D.3. Fixed-Term Appointments

A fixed-term appointment is a nonrenewable appointment for a specific contract period, normally not more than one year.

III.D.4. Renewable-Term Appointments (RTA)

RTAs are intended to attract faculty members of distinction to meet long-term staffing needs and to provide appointees with a degree of job security while retaining the ability to shift faculty resources as the needs of programs fluctuate. Each RTA contract is for an initial term of no more than one year, but it will be automatically renewed at the option of the university for additional one-year terms unless the university gives notice of nonrenewal. The university may decide not to renew an RTA contract for any lawful reason that does not violate the faculty member's academic freedom. Notice provisions for the nonrenewal of an RTA are specified in *Faculty Handbook* Section III.F.3.h.

RTAs are not candidates for tenure and cannot be awarded tenure. RTAs in the rank of lecturer are not eligible for promotion. RTAs in other ranks may advance in rank as set forth in the *Faculty Handbook*, Section III.E.4. and have the same performance expectations **for advancement in rank** as tenure-track and tenured faculty members in the same rank.

~~RTAs in the rank of assistant professor are expected to make progress toward achieving the standards for promotion to associate professor as a condition of their continued employment.~~

III.D.5. Nontenure-Track Appointments

Nontenure-track appointments are appointments that will not lead to tenure. Examples of nontenure-track appointments include fixed-term appointments and RTAs.

III.D.6. Tenure-Track Appointments

An appointment that can result in the granting of tenure at the conclusion of the probationary period is a tenure-track appointment.

III.D.7. Tenured Appointments

A tenured appointment usually results from the successful completion of the tenure-track appointment probationary period, but under special circumstances, a faculty member may be hired with tenure.

III.D.8. Change in Appointment

For the procedures to change the appointment of a faculty member, including promotion, award of tenure, change in title, rank, status, type of appointment, salary and special assignments, see [*Manual of Policies and Procedures, Policy 2113, Instructional Faculty Contract Changes*](#). A

substantial change in a faculty member's position or primary assignment must be documented and communicated to the faculty member.

III.D.9. Appointment of Instructional Faculty to Administrative Positions

Instructional faculty members may be given administrative and/or professional appointments. A&P appointments are made and may be renewed on an annual basis by the president on the recommendation of the appropriate vice president, and are approved by the BOV. An employee who is in an A&P faculty line, but also holds tenure, may usually opt to return to his or her home unit upon receiving notice of nonrenewal of an A&P appointment. For details, see [Manual of Policies and Procedures, Policy 1335, Terms & Conditions of Employment for Administrative and Professional Faculty](#).

III.E. Evaluation, Promotion and Tenure

All full-time instructional faculty members are subject to annual evaluation of their performance. An academic unit should also evaluate part-time and other faculty members in order to determine whether they should continue to be employed by the academic unit. Evaluation of A&P faculty members is described in the *Manual of Policies and Procedures*, Policy 1307, Performance Evaluation of Administrative & Professional Faculty.

The purpose of evaluation of faculty members at James Madison University is to promote professionalism, to encourage performance at the highest levels and to indicate areas in which improvement is needed. Evaluations are also used in making personnel decisions, including allocation of merit pay increases, continuation of employment and initiation of post-tenure review.

AUHs will conduct regular and systematic evaluations of instructional faculty members in the academic unit. For faculty members on joint appointments, the AUHs of each academic unit shall conduct evaluations of the performance of the faculty member in that academic unit. A description of the evaluation responsibilities of each academic unit for a joint appointment shall be communicated in the faculty member's appointment letter and/or contract.

- Evaluations support a variety of decisions including those affecting tenure and promotion. There are three types of evaluations:
- The initial evaluation shall be conducted at the beginning of a new faculty member's second full semester at James Madison University. The initial evaluation becomes a matter of college record and is filed in the dean's office.
- Annual evaluations of all faculty members shall be conducted after the conclusion of each academic year. Annual evaluations become a matter of the academic unit's record and are filed in the academic unit office.
- Comprehensive evaluations are concerned with promotion and tenure decisions and are conducted in addition to the annual evaluation in the appropriate year. They become a matter of the college's record and are filed in the office of the dean.

Copies of all evaluations shall be maintained in a faculty member's personnel file. For more details see *Faculty Handbook*, Section III.G. A faculty member may examine his or her personnel files wherever they are kept.

III.E.1. Evaluation Fundamentals

Each academic unit shall establish written procedures and criteria for the three types of evaluations. The procedures and criteria shall be submitted for approval to the dean and provost. The faculty member and the evaluator have dual responsibility to cooperate in all aspects of the

evaluation. Colleges may also establish written guidelines, standards and criteria for the three types of evaluations, and if they do so, the guidelines, standards and criteria shall be submitted for approval to the faculty of the college before being sent for approval to the provost.

III.E.1.a. Criteria

All evaluations shall consider a faculty member's performance as set out in *Faculty Handbook*, Section III.E.2.b. Additionally, any aspects of a faculty member's conduct that impacts performance, positive or negative, should be addressed in these evaluations.

III.E.1.b. Applicability

The procedures and criteria for a particular type of evaluation shall be applied equally to all similarly situated faculty members in the academic unit.

III.E.1.c. AUPAC Involvement

The AUPAC shall be involved in the evaluation, an appeal of the evaluation, or both.

Academic units have the option of limiting AUPAC involvement in initial evaluations to reviewing just those faculty members for whom the AUH recommends nonrenewal of appointment.

III.E.1.d. Access to Records by AUPAC

In support of its role in evaluations, the AUPAC has the right to review all relevant material in the faculty member's personnel file in the academic unit's office or the dean's office. Before the personnel file is made available to the AUPAC, the AUH will divide the file into those documents that are relevant for consideration and those that are not. The AUH will provide the faculty member with the opportunity to object to the division of documents. The faculty member may ask the dean to resolve any such objection or may place a statement in the materials to be accessible to the AUPAC. For more details see *Faculty Handbook*, Section III.G.2.

III.E.1.e. Access to Records by Faculty Member

In the evaluation process, if documents are to be considered that were not submitted by the faculty member or contained in the faculty member's personnel files, the faculty member shall promptly be given access to the documents and given an opportunity to respond to them. A faculty member may elect to waive his or her right to access specific documents.

III.E.1.f. Approval

Academic unit evaluation procedures and criteria must be approved by the academic unit faculty members, AUH, dean and Provost. New or revised evaluation procedures and criteria may be proposed to the academic unit by an individual faculty member, the AUPAC or the unit head. New or revised procedures and criteria must be proposed and approved in a timely manner to allow their use by faculty completing evaluations.

III.E.1.g. Distribution

Academic unit procedures and criteria shall be distributed to the faculty and provided to a new faculty member upon joining the faculty.

III.E.1.h. Academic Freedom

The evaluation of a faculty member shall not infringe upon the exercise of academic freedom, as defined in *Faculty Handbook*, Section III.A.2.

III.E.2. Evaluation Bodies and Criteria

III.E.2.a. AUPAC

Each academic unit shall have a personnel advisory committee (AUPAC). The committee advises the AUH and makes recommendations on personnel matters within the academic unit. The AUPAC is responsible to the academic unit faculty and to the AUH for conducting its functions, and the dean shall provide oversight of the work of the AUPAC to determine if it has followed appropriate procedures.

The full-time faculty of the academic unit except the AUH shall be responsible for determining the composition and membership of the AUPAC. The rules for determining the membership of the AUPAC shall be approved by the academic unit faculty members, AUH, dean and provost, and they shall be available to all members of the academic unit. The rules should address the rights and obligations of a member of the AUPAC to participate in evaluations while the member is on leave or absent from the university, the recusal of a member from participation in evaluations of family members, and the conduct of the members in performing their duties. The AUPAC may consist of tenured and untenured faculty members other than the AUH, and may contain faculty members from other academic units. If untenured faculty members are on the AUPAC, the academic unit shall establish a subcommittee limited to tenured faculty members to make recommendations on tenure. Each academic unit is permitted (but not required) to allow all tenured faculty to serve on the AUPAC with regard to tenure and promotion applications

The AUPAC may by majority vote of the committee as a whole remove a member of the committee for violation of AUPAC rules. Any such action is subject to review by the AUH and the dean.

All members of the AUPAC must respect and maintain strict confidentiality of deliberations on all matters under their consideration. Failure to maintain confidentiality may be grounds for removal from the AUPAC or for a misconduct charge under *Faculty Handbook*, Section III.A.25.

III.E.2.b. Criteria

The areas of performance that shall be considered in all performance evaluations are as follows:

- teaching
- scholarly achievement and professional qualifications
- professional service

Additionally, any aspects of a faculty member's conduct that impacts performance, positive or negative, should be addressed in the evaluation of these performance areas.

The methods by which these areas are to be evaluated are as follows:

III.E.2.b.(1) Teaching

Consideration of teaching performance must include, but need not be limited to, the following: self-evaluation, evaluations by peers and/or AUHs, and student evaluations. Consideration should be given to a faculty member's commitment to student advising and innovations in teaching as evidenced by development of new course work and teaching methodology. In those academic units that do not use student evaluations in all classes taught by a faculty member, the policy determining which classes will be evaluated shall be stated in the academic unit's evaluation procedures. Any such policy shall apply equally to all similarly situated faculty members in the academic unit.

III.E.2.b.(2) Scholarly Achievement and Professional Qualifications

Evaluation criteria in this area may differ according to discipline. Criteria should include, but need not be limited to, publication of scholarly works, presentations at professional conferences, achievement through performance in the arts, engaging in recognized research, obtaining research grants, continuing professional development through formal course work, publication of educational materials and consulting activities.

III.E.2.b.(3) Professional Service

Evaluation of activity in this area shall include committee service and leadership at James Madison University or in professional or educational organizations, or service otherwise enhancing the profession, academic unit, college or university.

III.E.3. Initial Evaluation

The AUH shall provide a new faculty member with information concerning the academic unit evaluation procedures and criteria in the faculty member's first semester. The initial evaluation will be conducted at the beginning of the faculty member's second full semester of full-time employment at JMU.

The following policies and procedures apply to the initial evaluation:

III.E.3.a. Conference

At the start of a new faculty member's second full semester, the AUH shall schedule an evaluation conference with the faculty member. The conference provides an opportunity to discuss the faculty member's first semester performance and professional needs as perceived by both the faculty member and AUH.

III.E.3.b. Documentation

Either prior to or following the conference, the AUH may request that the faculty member supply information for review and evaluation purposes.

III.E.3.c. Written Evaluation

The AUH shall provide to the faculty member a written initial evaluation within 14 days of the evaluation conference. The evaluation shall state whether the faculty member's overall performance has been acceptable or unacceptable.

III.E.3.d. Deadline

The initial evaluation process shall be completed by the end of the third week of the second full semester.

III.E.3.e. Dean's Review

A copy of the evaluation, signed by the faculty member and the AUH, shall be sent to the dean by the AUH. If the faculty member refuses to sign the evaluation, this refusal shall be noted on the evaluation when the AUH sends it forward to the dean.

III.E.3.f. Nonrenewal

Unacceptable performance as determined in the initial evaluation will normally result in nonrenewal of an appointment of an untenured first-year faculty member. AUPAC review of the faculty member's performance is required as specified in *Faculty Handbook*, Section III.F.3 if the AUH finds that the faculty member's performance is unacceptable. The AUPAC review must be completed and sent to the dean within seven days of receiving a recommendation for nonrenewal of a first-year faculty member from the AUH. See *Faculty Handbook*, Section III.F.3.c.

III.E.4. Annual Evaluation

The annual evaluation shall consider the performance of the faculty member both within and outside of the academic unit in the areas of teaching, scholarly achievement and professional qualifications, and professional service. Additionally, any aspects of a faculty member's conduct that impacts performance, positive or negative, should be addressed in these evaluations. The AUH will solicit input from appropriate individuals outside of the academic unit when the faculty member has assignments outside of the academic unit. The AUH may solicit information from the AUPAC according to academic unit procedures.

If an instructional faculty member's primary assignment is outside of an academic unit (e.g., in a center, institute, or administrative department), the person who performs the annual evaluation shall be the supervisor of the primary assignment, with input from any AUH where the faculty member teaches or has other responsibilities.

In each of the three performance areas, a faculty member shall be evaluated as excellent, satisfactory or unsatisfactory. An academic unit may employ a scale using more than three levels of performance evaluation ratings, but must do so in the framework of a rating scheme using excellent, satisfactory or unsatisfactory. In addition to an evaluation in each of the three areas of performance, the faculty member's overall performance must be evaluated as acceptable or unacceptable. A factor in determining overall annual performance must be the relative weight associated with each of the areas of performance.

The number of performance levels, the manner of determining these performance levels, the manner of determining overall performance and the annual evaluation appeal procedure shall be developed by the full-time faculty members of each academic unit, approved by the AUH, dean and the provost, and distributed to the faculty of the academic unit. Existing evaluation guidelines may be modified by the AUPAC with the agreement of a majority of the academic unit's full-time faculty members, if the AUH, dean and provost approve of the modifications.

The following policies and procedures apply to the annual evaluation in all academic units:

III.E.4.a. Faculty Anticipated Activity Plan

By the deadline established by the academic unit, each faculty member shall submit a description of anticipated activities for the coming year to the AUH. The relative weights of the three performance areas of teaching, scholarly achievement and professional qualifications, and professional service for an individual faculty member shall be determined by the faculty member and the AUH prior to the start of the academic year. The agreement should be shared with the AUPAC. An academic unit may have standard relative weights for the three performance areas, which will apply if individual negotiations are not agreed upon by the faculty member and the AUH. The agreement on weights may be renegotiated during the year under appropriate circumstances.

III.E.4.b. Summary of Activities

By the deadline established by the academic unit, each faculty member shall submit a summary of activities and accomplishments during the previous 12 months in the areas of teaching, scholarly achievement and professional qualifications, and professional service to the AUH for review and evaluation purposes. For the responsibilities of faculty members returning from educational leave, see *Faculty Handbook* Section III.J.1.a.

III.E.4.c. Preliminary Evaluation

A preliminary written evaluation is to be given to each faculty member by the AUH prior to the regular annual evaluation conference. The preliminary evaluation shall be given to the faculty member at least one day prior to the scheduled conference.

III.E.4.d. Conference

The evaluation conference must provide an opportunity to discuss the faculty member's performance, professional contributions and needs as perceived by both the faculty member and AUH. The conference may be cancelled by mutual agreement of the faculty member and the AUH, if both agree on the terms of the preliminary evaluation.

III.E.4.e. Official Evaluation

The official written evaluation shall not be finalized until after the evaluation conference, unless the faculty member and AUH determine that no conference is required.

III.E.4.f. Deadline

The AUH shall provide the official written evaluation to the faculty member by Oct. 1. Any failure to meet this deadline will extend the appeal process (see III.E.4.g.) by the number of days the written evaluation is late.

III.E.4.g. Appeal

Before the AUH submits the official written evaluation to the dean, there must be an opportunity for the faculty member to review and appeal the evaluation to the body designated by the academic unit. The faculty member has a maximum of seven days following receipt of the official written evaluation to make the appeal in writing.

Failure to file a timely written appeal will result in the evaluation being sent forward to the dean, and no further appeal rights are available.

III.E.4.h. Review Criteria

In considering an appeal, the crucial questions for the reviewing body are whether all relevant information was objectively reviewed by the AUH, and whether the AUH evaluated similar achievements among similarly situated academic unit members using the same standard of judgment. The recommendations of the reviewing body will be given to the AUH, with a copy to the faculty member and the dean. The reviewing body may recommend that the AUH's evaluation be upheld or modified. If the AUH agrees with the recommendations of the reviewing body, he or she will take the appropriate action to confirm or modify his or her original evaluation, and will notify the reviewing body, the faculty member and the dean of his or her decision. The appeal process in the academic unit must be completed by Oct. 21. The evaluation process is not final until any appeal has been completed.

III.E.4.i. Final Evaluation

The faculty member and the AUH shall sign the final evaluation and the AUH will send a copy of it to the dean by Oct. 28. If the faculty member does not sign the final evaluation, the AUH will forward it to the dean with a notation that the faculty member declined or failed to sign.

If the AUH's evaluation is not modified as recommended by the reviewing body, the dean will review the AUH's evaluation and the reviewing body's recommendations to determine whether the AUH's evaluation will be upheld or modified. The dean is not bound by the reviewing body's recommendations, and may take any action on the evaluation he or she deems appropriate. The decision of the dean on the evaluation is final, and is not subject to appeal.

III.E.4.j. Salary Adjustments

Annual salary adjustments for faculty members are dependent on, but not guaranteed by the results of the annual evaluations. Determination of faculty salaries in the academic

unit for the upcoming year shall not be made until the annual evaluation of each faculty member in the academic unit has been completed by the AUH. See *Faculty Handbook*, Section III.I.2. for further information on the process for determining annual salary adjustments for faculty members, including appeal and timetable information.

III.E.4.k. Unsatisfactory Evaluation of Tenured Faculty

In those cases in which a tenured faculty member's overall annual performance is evaluated as unacceptable, the faculty member may appeal the evaluation to the dean within five days, by providing a written document outlining the reasons for the overall evaluation to be modified. The dean may either uphold the overall evaluation or modify it. The decision of the dean is final, and may not be appealed. If the faculty member does not appeal the overall unacceptable evaluation, or if the dean upholds the overall unacceptable evaluation, the AUH shall inform the AUPAC and, in consultation with the faculty member, shall immediately design a professional development plan. The university will provide funding for a focused program of activities designed to improve performance agreed upon by the AUH and the faculty member. However, if the faculty member does not agree to the program chosen by the AUH, he or she will receive no financial support from the university to improve his or her performance, but the faculty member will still have the responsibility to bring his or her performance up to acceptable levels in the next annual performance appraisal.

While scheduling flexibility is appropriate, the development plan will be initiated at the earliest opportunity to effect positive change in the next annual performance appraisal. For details on post-tenure review, see *Faculty Handbook*, Section III.E.8.

III.E.4.l. Retention of Documentation

In those cases in which a faculty member's overall annual performance is evaluated as unacceptable, the academic unit will retain, for at least two years, copies of the materials considered in conducting the annual evaluation.

III.E.4.m. Variations

~~An academic unit's procedures for annual evaluation may specify that some annual evaluations (e.g., evaluations following the third year of employment of a tenure track faculty member or following the second year of employment in the case of a significantly shortened probationary period) may use different procedures (e.g., more extensive AUPAC involvement) than others.~~

~~The AUPAC will review the accomplishments of tenure track faculty according to the timeline agreed upon at the time of hire. The AUPAC will rate work of the candidate in teaching, research and service (if part of the candidate's duties) and will assign a rating of unsatisfactory, satisfactory or excellent in each relevant area. The written evaluation will identify aspects of the candidate's work in which improvement is needed, if any. Academic units have the option of providing more frequent AUPAC feedback.~~

III.E.4.n. Confidentiality

All persons involved in the evaluation process shall respect and maintain the strict confidentiality of all relevant documents and deliberations.

III.E.5. Annual Evaluation of Academic Unit Heads

AUH's will be evaluated annually by their deans, according to procedures developed at the college level. For more information see *Academic Affairs Policy #2: Academic Unit Heads*.

III.E.6. Promotion in Academic Rank

The promotion of an instructional faculty member shall be determined by merit regardless of the distribution of faculty by academic rank within the academic unit. Normally, a faculty member should have completed five years in academic rank before being reviewed for promotion.

Though length of service may be given consideration, it is not a sufficient basis for recommendation for promotion. If a faculty member applies for promotion before completing five years in academic rank, he or she must present **compelling evidence of accomplishment** to be awarded promotion.

A faculty member's pattern of prior annual evaluations should be carefully considered in the analysis of an application or nomination for promotion, but each administrator and committee should use judgment and discretion in making recommendations on promotion, and should clearly indicate a positive or negative recommendation on the promotion. A&P faculty members and fixed term faculty members may also apply for or be nominated for promotion in academic rank, and the following policies and procedures shall apply.

The BOV is the only authority that can award promotions or make a commitment that promises promotion in academic rank. Regardless of the division in which a faculty member holds an appointment, the academic affairs division is the appropriate administrative division through which applications and nominations for promotion in academic rank will be processed.

III.E.6.a. Standards

Teaching, scholarly achievement and professional qualifications, and professional service are the bases for evaluating the performance of candidates for promotion in academic rank. In each of these areas, the faculty member shall be evaluated as excellent, satisfactory or unsatisfactory. Problems with a faculty member's conduct may disqualify a candidate for promotion in academic rank.

In the evaluation of faculty members being considered for promotion in academic rank, the following standards apply:

III.E.6.a.(1) Assistant Professor

At least satisfactory ratings in all areas are required for promotion to assistant professor.

III.E.6.a.(2) Associate Professor

An excellent rating in one area and at least satisfactory ratings in the others are required for promotion to associate professor.

III.E.6.a.(3) Professor

Excellent ratings in two areas and at least a satisfactory rating in the third area are required for promotion to professor.

III.E.6.b. Procedures

The following policies and procedures apply to applications for promotion in academic rank:

III.E.6.b.(1) The faculty member may apply for promotion, or the AUPAC or AUH may nominate a faculty member for promotion. Written nomination must be made by Sept. 1. The faculty member shall be informed if the AUPAC or AUH has nominated the faculty member, and shall have the option to accept or decline the nomination without prejudice. The faculty member who wishes to be considered for promotion shall submit a summary of activities and accomplishments in the areas of teaching, scholarly achievement and professional qualifications, and professional service to the AUH and AUPAC by Oct. 1. Failure by the faculty member to submit a summary of activities and accomplishments by

the Oct. 1 deadline shall constitute a refusal of a nomination or withdrawal of an application, and no consideration of promotion is required.

If an AUH applies for promotion in faculty rank, or is nominated for promotion in faculty rank, the AUH shall submit a summary of activities and accomplishments in all areas to the dean and the AUPAC. The AUPAC will evaluate the AUH's performance and make its recommendation to the dean.

If a dean applies for promotion in faculty rank, or is nominated for promotion in faculty rank, the dean shall submit a summary of activities and accomplishments in all areas to the provost, and the AUPAC of the appropriate academic unit. The AUPAC will evaluate the dean's performance and make its recommendation to the provost.

If an A&P faculty member other than a dean applies or is nominated for promotion in academic rank, the A&P faculty member shall submit a summary of activities and accomplishments in all appropriate areas to his or her supervisor, and to the appropriate academic unit for assessment of eligibility for promotion in academic rank. The academic unit(s) and college(s) where an A&P faculty member teaches, or the most appropriate academic unit for the A&P faculty member's professional discipline, will make recommendations on the promotion, up through the provost.

III.E.6.b.(2) A candidate for promotion may decline the nomination or withdraw from consideration at any time prior to receiving official notification of the promotion decision, and may apply for promotion at a later date.

III.E.6.b.(3) Although consultation among the AUPAC, AUH and dean is encouraged, the AUH and the AUPAC shall make independent evaluations of the facts and make independent recommendations.

III.E.6.b.(4) Recommendations on promotion in academic rank shall be justified using the academic unit criteria and based on the standards for promotion as set forth in *Faculty Handbook*, Section III.E.6.a. Specific academic unit criteria for promotion in academic rank shall be adopted by the AUPAC and approved by the academic unit's full-time faculty members, the AUH, dean and provost. New full-time faculty members who will be eligible for promotion in academic rank must be given information on the academic unit's promotion criteria during their first semester at the university. Existing promotion criteria may be modified by the AUPAC with the approval of a majority of the full-time faculty members in the academic unit, the AUH, dean and provost.

III.E.6.b.(5) The written recommendations of the AUPAC and AUH shall include a justification of their conclusions. The recommendations shall be submitted to the dean by Nov. 15, and a copy of both recommendations shall concurrently be provided to the faculty member. After the dean has received both the AUPAC and AUH recommendations, a copy of the AUPAC recommendation shall be provided to the AUH, and a copy of the AUH recommendation shall be provided to the AUPAC.

III.E.6.b.(6) The dean may consult with his or her college personnel advisory body and shall make a recommendation after reviewing the recommendations of the AUH and the AUPAC (see *Faculty Handbook*, Section IV.A.3.). The written recommendation of the dean shall include a justification of his or her conclusions.

The recommendations of the AUH, AUPAC and dean shall be submitted to the provost by Dec. 15. After the recommendations have been received by the provost, a copy of the

dean's recommendation shall be provided to the AUH, the AUPAC and the faculty member.

III.E.6.b.(7) The recommendations on promotion in academic rank from the AUH, AUPAC and dean shall be reviewed by the provost, who shall either deny the promotion or make a recommendation to grant the promotion. A decision by the provost to deny a promotion in academic rank terminates the consideration process; denial does not require action by the BOV.

In the absence of a timely written appeal, the decision by the provost to deny promotion becomes final and effective on the date of the notification. Official written notification shall be sent to the faculty member by Feb. 1, with copies to the dean, AUH and AUPAC concurrently. If the provost recommends granting promotion in academic rank, the recommendation shall be sent to the president by Feb. 1, with copies to the dean, AUH, AUPAC and faculty member concurrently. The notification of denial or recommendation to grant promotion in academic rank shall include a justification of the provost's decision.

III.E.6.b.(8) If the provost recommends granting a promotion in academic rank, the president shall review the recommendation and either deny the promotion or make a recommendation to grant the promotion. A decision by the president to deny the promotion terminates the consideration process; denial does not require action by the BOV. Official written notification of denial shall be sent by the president to the faculty member by Feb. 15, with concurrent copies to the provost, dean, AUH and AUPAC. If the president recommends granting the promotion, the recommendation shall be sent to the BOV. The BOV shall act on the recommendation, and notification of its decision shall be sent to the faculty member by the provost within 15 days after the BOV's meeting.

Official notification granting promotion shall only be conveyed to a faculty member after the formal action of the BOV. Promotions become effective at the beginning of the following academic year.

III.E.6.b.(9) The provost' decision to deny a faculty member's promotion is appealable only upon the university's second denial of promotion in rank. Following a denied appeal, two subsequent denials of promotion in rank must occur before further right to appeal arises. The decision of the president or the BOV to deny promotion is not appealable.

III.E.6.b.(10) In any appeal permitted by *Faculty Handbook*, Section III.E.6.b.(9), the faculty member shall submit a written notice of appeal to the Faculty Appeals Committee by March 1, setting forth the grounds for the appeal and a summary of the arguments and evidence he or she intends to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee shall promptly send an acknowledgment of the receipt to the faculty member and shall notify the president, provost, dean and AUH. If an appeal is filed, the provost shall appoint a person to serve as the respondent, representing the administration in the appeal process.

III.E.6.b.(11) The Faculty Appeals Committee shall determine if a hearing is warranted. See *Faculty Handbook*, Section III.L.2.b. Grounds for appealing a denial of promotion are limited to failure of the university to follow its procedures or unreasonable or improper bases for denial of promotion.

- If the Faculty Appeals Committee determines that a hearing should be granted, the procedures in *Faculty Handbook*, Section III.L.2.c. shall apply. In the hearing, the faculty member shall have the burden of establishing that the procedures were not followed or that the university used unreasonable or improper bases for the denial of promotion.
- If the Faculty Appeals Committee determines that a hearing shall not be granted, the faculty member, respondent, speaker, provost and president shall be notified that the appeal has been denied. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost on the denial of promotion becomes final. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost becomes final, effective on the date of the notice of denial by the Faculty Appeals Committee.

III.E.6.b.(12) All persons involved in the promotion process shall respect and maintain the confidentiality of all relevant documents and deliberations.

III.E.7. Tenure

Tenure does not apply to administrative or professional positions within the university, ~~except for professional librarians~~. It is a concept with application only to the academic faculty of the university, ~~including professional librarians~~. A&P faculty members ~~other than professional librarians~~ may apply for tenure in academic disciplines represented at the university, but not in an administrative or professional ~~capacity~~. Tenure may only be awarded through the approval of the appropriate academic unit and the academic affairs administration of the university.

III.E.7.a. Purpose

Tenure is intended to protect academic freedom, provide a reasonable measure of employment security and enable the university to retain a permanent instructional faculty of distinction. The BOV is the only authority that can award tenure or make a commitment that promises tenure. If an application for tenure also includes an application for promotion, the procedures and standards to be used are the tenure procedures and standards. An applicant for both promotion and tenure may withdraw either application, and proceed with the remaining application, using the procedures for the remaining application from the point of withdrawal. A withdrawal of a tenure application in the penultimate year of a probationary period will be deemed a resignation effective at the end of the probationary period. See Section III.E.7.f.

III.E.7.b. Probationary Period

When an instructional faculty member is hired on tenure track, the agreed probationary period preceding consideration for tenure shall be stated in the initial employment contract. The maximum probationary period is seven years. Applications made prior to the penultimate year of the probationary period may be considered but will receive favorable review only upon presentation of compelling evidence of accomplishment by the faculty member.

III.E.7.c. Suspensions

III.E.7.c.(1) The faculty member and the AUH may agree to suspend the running of the probationary period for a specific period of time under appropriate circumstances and with the approval of the dean and provost. Appropriate circumstances may include:

- medical or family needs.
- other situations warranting a temporary suspension of the tenure clock.

~~The circumstances above require the prior approval of all involved parties to suspend the running of the probationary period. The faculty member must notify the AUH of his or~~

her desire to exercise this option within 90 days of the qualifying event or circumstance. Failure to notify the AUH will waive the right to suspend the tenure clock. No faculty member may exercise this option more than twice during the probationary period.

III.E.7.c.(2) A faculty member has the right to suspend the tenure clock for a year if he or she takes one or more non-intermittent FMLA leaves totaling six weeks or more of leave during the pre-tenure period. See Section III.J.1.b.(2) Family and Medical Leave, and Manual of Policies and Procedures, Policy 1308, Family and Medical leave. FMLA qualifying events that occur during periods when the faculty member is not assigned any duties, but that would have warranted six weeks or more of FMLA leave during that period when the faculty member is assigned duties, also qualify for tenure-clock suspension.

The faculty member must notify the AUH of his or her decision to exercise this option within 90 days of the qualifying event or circumstance. Failure to notify the AUH will waive the right to suspend the tenure clock. No faculty member may exercise this option more than twice during the probationary period.

III.E.7.d. Extensions

Faculty members on less than a seven-year probation may, by agreement with the AUH and with the approval of the dean, have the probationary period extended to a maximum of seven years.

III.E.7.e. Standards

The award of tenure is based on the qualifications, performance and conduct of individual faculty members and the long-term needs, objectives and missions of the academic unit, college and university. To be awarded tenure, the faculty member must meet performance and conduct standards required for promotion to associate professor and should enhance the academic environment of the academic unit and the university.

Length of service is not a sufficient basis for recommendation for tenure. Tenure may be denied on any legitimate grounds including the lack of need for a faculty member in the particular academic unit or academic specialization, program reduction or elimination, financial exigency, or conduct. Problems with a faculty member's conduct may disqualify a candidate for tenure. Teaching, scholarly achievement and professional qualifications, and professional service shall be used in evaluating the performance of a candidate for tenure. A faculty member's pattern of prior annual evaluations should be carefully considered in the analysis of an application for tenure, but each administrator and committee should use judgment and discretion in making recommendations on tenure.

III.E.7.f. Procedures

The following policies and procedures apply to applications for tenure:

III.E.7.f.(1) A faculty member in the penultimate year of the probationary period must apply for tenure and submit a summary of activities and accomplishments in the areas of teaching, scholarly achievement and professional qualifications, and professional service to the AUH and AUPAC by Oct. 1.

If an AUH applies for tenure, the AUH shall submit a summary of activities and accomplishments in all areas to the dean and the AUPAC. The AUPAC will evaluate the AUH's performance and make its recommendation to the dean.

If an A&P faculty member applies for tenure, the A&P faculty member shall submit a summary of activities and accomplishments in all appropriate areas to his or her supervisor. Only A&P faculty members who have academic credentials and can demonstrate eligibility for the award of tenure in an academic discipline represented at the university are eligible to apply for tenure. The A&P faculty member must apply for tenure through the academic unit(s) and college(s) where he or she teaches or holds appropriate credentials. The AUH, AUPAC and dean will make recommendations on the tenure application, up through the provost.

III.E.7.f.(2) In all cases, a candidate for tenure may withdraw from consideration prior to receiving official notification of the tenure decision. Withdrawal from tenure consideration in the penultimate year of the probationary period will be considered resignation effective at the end of the probationary period, and no further applications for tenure may be submitted in the AU. Withdrawal from an early tenure consideration (in any year earlier than the penultimate year) will not prohibit the faculty member from applying for tenure at a later date, as long as the application is submitted by the penultimate year of the probationary period.

III.E.7.f.(3) Although consultation among the AUPAC, AUH and dean is encouraged, the AUH and the AUPAC shall make independent evaluations of the facts and make independent recommendations, and should clearly indicate a positive or negative recommendation on tenure.

III.E.7.f.(4) Recommendations on tenure shall be justified using the academic unit criteria and based on the standards for promotion to associate professor as set forth in *Faculty Handbook*, Section III.E.6.a. Specific academic unit criteria for tenure shall be adopted by the AUPAC and approved by the academic unit's full time faculty members, the AUH, dean and provost. New full-time faculty members on tenure track must be provided information on the academic unit's tenure criteria during their first semester at the university.

Existing tenure criteria may be modified by the AUPAC with agreement of a majority of the full-time faculty members in an academic unit, with approval of the AUH, dean and provost.

III.E.7.f.(5) The written recommendations of the AUPAC and AUH shall include a justification of their conclusions. The recommendations shall be submitted to the dean by Nov. 15, and a copy of both recommendations shall be provided to the faculty member. After the dean has received both the AUPAC and AUH recommendations, a copy of the AUPAC recommendation shall be provided to the AUH, and a copy of the AUH recommendation shall be provided to the AUPAC.

III.E.7.f.(6) The dean may consult with his or her college personnel body (see *Faculty Handbook*, Section IV.A.3.) and shall make a recommendation after reviewing the recommendations of the AUH and the AUPAC. The written recommendation of the dean shall include a justification of his or her conclusions.

The recommendations of the AUH, AUPAC and dean shall be submitted to the provost by Dec. 15. After the recommendations have been received by the provost, a copy of the dean's recommendation shall be provided to the AUH, AUPAC and faculty member.

III.E.7.f.(7) Recommendations on tenure from the AUH, AUPAC and dean shall be reviewed by the provost, who shall either deny tenure or make a recommendation to award tenure. A decision by the provost to deny tenure terminates the consideration

process; denial does not require action by the president or the BOV. In the absence of a timely written appeal, the decision by the provost to deny tenure becomes final and effective on the date of the notification.

Official written notification of denial shall be sent to the faculty member by Feb. 1, with concurrent copies to the dean, AUH and AUPAC. If the provost recommends awarding tenure, the recommendation shall be sent to the president by Feb. 1, with concurrent copies to the dean, AUH, AUPAC and faculty member. The provost's notification of denial or recommendation to award tenure shall include a justification.

III.E.7.f.(8) If the provost recommends awarding tenure, the president shall review the recommendation and either deny tenure or make a recommendation to award tenure. A decision by the president to deny tenure terminates the consideration process; denial does not require action by the BOV. The decision of the president or the BOV to deny tenure is not appealable. Official written notification of denial shall be sent by the president to the faculty member by Feb. 15, with concurrent copies to the provost, dean, AUH and AUPAC. If the president recommends awarding tenure, the recommendation shall be sent to the BOV. The BOV shall act on the recommendation, and notification of its decision shall be sent to the faculty member within fifteen days after the BOV's meeting.

Official notification awarding tenure may be conveyed to a faculty member only after the formal action of the BOV. The award of tenure becomes effective at the beginning of the following academic year.

III.E.7.f.(9) To appeal a tenure denial by the provost, the faculty member shall submit a written notice of appeal to the Faculty Appeals Committee by Mar. 1 setting forth the grounds for the appeal and a summary of the arguments and documentation he or she intends to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee shall promptly send an acknowledgement of the receipt of the appeal to the faculty member and shall notify the president, the provost, dean and AUH. If an appeal is filed, the provost shall appoint a person to serve as the respondent representing the administration in the appeal process.

III.E.7.f.(10) The Faculty Appeals Committee shall determine if a hearing is warranted. See *Faculty Handbook*, Section III.L.2.b. Grounds for appealing a denial of tenure are limited to failure of the university to follow its procedures or unreasonable or improper bases for denial of tenure.

- If the Faculty Appeals Committee determines that a hearing should be granted, the procedures in *Faculty Handbook*, Section III.L.2.c. shall apply. In the hearing, the faculty member shall have the responsibility to establish that the procedures were not followed, or that the university used unreasonable or improper bases for the denial of tenure.
- If the Faculty Appeals Committee determines that a hearing shall not be granted, the faculty member, respondent, speaker, provost and president shall be notified that the appeal has been denied. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost on the denial of tenure becomes final and effective on the date of the denial of appeal.

~~**III.E.7.f.(11)** Faculty members on tenure track who are denied tenure at any point during the probationary period shall be given a one-year terminal contract, and may not apply for tenure again in the AU. Notice of non-reappointment shall be given not later than May 1 of the penultimate year of the probationary period.~~

III.E.7.f.(11) Faculty members on tenure track who are denied tenure at any point during the probationary period shall remain employed for the duration of the probationary period, but they may not apply for tenure again in the AU. Notice of denial of tenure shall serve as notice of non-reappointment at the end of the probationary period and shall be given not later than May 1 of the penultimate year of the probationary period. At the end of the probationary period the faculty member will be separated from employment from the university.

Denial of tenure for an A&P faculty member does not necessarily preclude continuation of the A&P faculty member in that contract status, but the denial may be considered in the supervisor's determination of whether to continue the appointment.

III.E.7.f.(12) All persons involved in the tenure process shall respect and maintain the strict confidentiality of all relevant documents and deliberations.

III.E.8. Post-Tenure Review

The granting of tenure anticipates that a faculty member will retain his or her academic position, absent unusual circumstances. Post-tenure review should be used to encourage faculty development and productivity if a tenured faculty member fails to maintain a satisfactory level of performance.

III.E.8.a. Development Plan

If a tenured faculty member's overall annual performance is found to be unsatisfactory in the annual evaluation process (see *Faculty Handbook*, Section III.E.4.), a development plan shall be designed and executed as specified in *Faculty Handbook*, Section III.E.4.k.

III.E.8.b. Remediation Recommendation

If a tenured faculty member's overall annual performance has been found to be unsatisfactory in two of the three most recent annual evaluations, the AUH shall recommend that the faculty member undergo remediation. Notification shall be sent by the AUH to the faculty member by Nov. 1, with a copy sent to the AUPAC and the dean.

III.E.8.c. AUPAC's Review of Remediation Recommendation

The AUPAC shall review the tenured faculty member's annual evaluations and make an independent appraisal of whether the faculty member's performance over the last three years has been satisfactory or unsatisfactory overall. The AUPAC shall submit its written evaluation to the dean by Nov. 30, with copies to the AUH and faculty member concurrently. The evaluation shall include a justification of the AUPAC's conclusions, using the academic unit's criteria. A conclusion that performance has been unsatisfactory must be supported by substantial evidence.

III.E.8.d. Dean's Review of Remediation Recommendation

The dean shall review the tenured faculty member's annual evaluations and the AUPAC's evaluation of the faculty member's overall performance. The dean shall provide a separate written evaluation. The evaluation shall conclude whether the faculty member's overall performance has been satisfactory or unsatisfactory over the last three years. The evaluation shall include a justification of the dean's conclusions using the academic unit's criteria. A conclusion that performance has been unsatisfactory must be supported by substantial evidence.

III.E.8.e. Remediation

A plan of remediation will be required if the dean concludes that the overall performance of the tenured faculty member has been unsatisfactory. The dean shall send notification of whether or not remediation will be required to the faculty member by Dec. 15, with concurrent copies to the AUH and AUPAC.

III.E.8.f. Appeal of Remediation Decision

A tenured faculty member may appeal a decision to require remediation to the provost. The appeal shall be in writing and must be submitted within seven days of receiving notification from the dean that a remediation plan is required. The provost shall send to the faculty member a written response to the appeal by Feb. 1, with concurrent copies to the AUH, AUPAC and the dean, and shall include a justification of his or her conclusions. A conclusion that performance has been unsatisfactory must be supported by substantial evidence.

III.E.8.g. Remediation Plan

The AUH, in consultation with the AUPAC and the tenured faculty member, shall devise a remediation plan that respects academic freedom and professional self-direction.

The plan shall include specification of activities to be performed, the desired objectives covering all aspects of the faculty member's performance and the requirements for a plan report to be submitted by the faculty member at the conclusion of the remediation period. It should be flexible enough to allow for subsequent alteration. Development of the plan shall proceed during consideration of any appeal of the need for a plan. See *Faculty Handbook*, Section III.E.8.f. A copy of the plan shall be sent to the faculty member by Feb. 1, with a concurrent copy to the dean.

III.E.8.h. Appeal of Plan Contents

A tenured faculty member may appeal the contents of the remediation plan to the provost. The appeal shall be in writing and must be submitted within seven days of receiving the plan. The provost shall send to the faculty member a written response to the appeal by Mar. 1, with concurrent copies to the AUH and the dean.

III.E.8.i. Report of Faculty Member

The tenured faculty member will have the remainder of the academic year in which the plan was developed plus the next full academic year to accomplish the objectives of the plan. By Oct. 1 following the next full academic year, the faculty member shall submit the remediation plan report to the AUH and the AUPAC.

III.E.8.j. Academic Unit's Review of Plan Completion

The AUH and the AUPAC shall prepare separate written evaluations of the tenured faculty member's accomplishment of the objectives of the plan. The evaluations shall include a justification of their conclusions and shall be submitted to the dean by Nov. 15. After the evaluations have been received by the dean, copies shall be provided to the faculty member.

III.E.8.k. Dean's Review of Plan Completion

The dean shall review the evaluations of the AUH and AUPAC and prepare an independent evaluation. The dean's evaluation shall include a justification of its conclusions. The evaluations of the AUH, AUPAC and dean shall be submitted to the provost by Dec. 15. After the evaluations have been received by the provost, a copy of the dean's evaluation shall be provided to the AUH, AUPAC and faculty member.

III.E.8.i. Provost's Determination

The provost shall review the evaluations of the AUH, AUPAC and dean and shall determine whether the faculty member has satisfactorily accomplished the objectives of the remediation plan. If the provost concludes that the faculty member has satisfactorily completed the objectives of the plan, the remediation phase of the post-tenure review process will be closed, although faculty development activities may continue as recommended by the AUH or dean. If the provost determines that the faculty member has not satisfactorily accomplished the objectives of the plan and that sanctions are appropriate, the provost shall confer with the AUPAC before deciding on the appropriate sanction.

III.E.8.m. Sanctions

Sanctions may include but are not limited to reduction in salary or dismissal.

III.E.8.n. Notice of Sanctions

Written notice of the provost's determination and sanctions shall be sent to the faculty member by Feb. 1, with copies to the AUH, AUPAC and dean. The notification shall include a rationale for the provost's determination and any sanction. If the sanction is dismissal, it shall include the effective date of dismissal. In the absence of a timely written appeal by the faculty member, the decision of the provost is final, and the sanction is effective on the date specified by the provost.

III.E.8.o. Appeal of Sanctions

All appeals shall be in writing. A tenured faculty member has 30 days from the receipt of a written notice of sanctions to submit a written appeal to the Faculty Appeals Committee. The written appeal shall set forth the grounds for the appeal and summary of the arguments and documentation the faculty member intends to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee shall promptly send an acknowledgement of the receipt of the appeal to the faculty member and shall notify the president, the provost, the dean and AUH. If an appeal is filed, the provost shall appoint the AUH or an administrative designee to serve as the respondent, representing the administration in the appeal process.

III.E.8.p. Faculty Appeals Committee

The Faculty Appeals Committee shall determine if a hearing is warranted. See *Faculty Handbook*, Section III.L.2.b. Grounds for appealing a sanction following a post-tenure review are limited to failure of the university to follow its procedures, lack of a legitimate basis for the sanction to be imposed, or the imposition of an unreasonable sanction.

- If the Faculty Appeals Committee determines that a hearing should be granted, the procedures in *Faculty Handbook*, Section III.L.2.c. shall apply. In the hearing, the respondent shall have the responsibility to establish that the procedures were followed, that there were legitimate bases for the sanction to be imposed and that the sanction is reasonable.
- If the Faculty Appeals Committee determines that a hearing shall not be granted, the faculty member, respondent, speaker, provost, and president shall be notified that the appeal has been denied. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost becomes final, effective on the date of the notice of denial by the Faculty Appeals Committee.

III.E.8.q. Confidentiality

All persons involved in the post-tenure review process shall respect and maintain the strict confidentiality of all relevant documents and deliberations.

III.F. Separation

For more information regarding separation, see *Manual of Policies and Procedures*, Policy 2106, Instructional Faculty Separation from Employment. For specific information about retirement, see *Faculty Handbook*, Section III.J.6. and Appendix.

III.F.1. Resignation

A faculty member may resign his or her appointment at any time provided that written notice is given at the earliest possible opportunity. It is expected that a faculty member will provide at least three months' notice.

If an instructional faculty member resigns, the faculty member will be paid the full amount of compensation due for the work performed in a lump sum at the next possible pay period, and benefits for the faculty member will terminate on the last day of the month the resignation becomes effective. An exception may be made if an academic unit head or other appropriate supervisor authorizes in writing that the resigning faculty member will remain active in the payroll system in order to receive benefits while the remaining salary due is paid out in regular payroll increments. However, the university reserves the right to restrict the faculty member's technology, building, and other access during the period after the university receives the resignation.

III.F.2. Expiration of Contract and At-Will Termination

Failure to renew the appointment of a faculty member on a fixed-term contract upon the expiration of the contract requires no action by the university and no notice to the faculty member. It is not an appealable personnel action. If an instructional faculty member's appointment expires at the end of the assigned duties for an academic semester, the faculty member will be paid the full amount of compensation due for the work performed in that last semester in a lump sum at the next possible pay period, and benefits for the faculty member will terminate on the last day of the month the appointment expires.

At-will employees may be terminated at any time upon notification from the university. Such termination is not an appealable personnel action. Pay and benefits for a faculty member in an at-will status will cease upon termination.

III.F.3. Nonrenewal

Untenured faculty members have no right to renewal of their appointments. The university may choose not to renew the appointment of an untenured faculty member for any reason provided the reason does not violate academic freedom.

Nonrenewal of the appointment of a tenure-track faculty member who is undergoing review for tenure is governed by the provisions of *Faculty Handbook*, Section III.E.7. In the case of nonrenewal of a tenure-track faculty member before undergoing review for tenure, or of an RTA faculty member, the following procedures apply:

III.F.3.a. Origination

Consideration of nonrenewal of the appointment of an untenured faculty member may originate with the AUH, AUPAC, dean, or other appropriate administrator by means of a written recommendation for nonrenewal. The initial commendation for nonrenewal, if it

originates outside of the faculty member's academic home unit, shall be sent to the AUH and AUPAC for their consideration and recommendation. Consideration for nonrenewal may occur at any time, and is not dependent on the outcome of or judgments reflected in an initial, annual, or other evaluation.

III.F.3.b. Independent Evaluations

Although consultation among the AUPAC, AUH and dean concerning nonrenewal of a faculty member is encouraged, the AUH and the AUPAC shall make independent evaluations of the facts and make independent recommendations, and should clearly indicate a positive or negative recommendation on nonrenewal.

III.F.3.c. Academic Unit's Recommendations

The written recommendations of the AUPAC and AUH shall include a justification of their conclusions. These recommendations shall be submitted to the dean. If the AUH makes the initial recommendation, the AUH shall inform the AUPAC that a recommendation has been sent to the dean, and the AUPAC will submit its recommendation to the dean within five days of the initial recommendation for nonrenewal. If the AUPAC makes the initial recommendation, the AUPAC shall inform the AUH that a recommendation has been sent to the dean, and the AUH will submit his or her recommendation to the dean within five days of the initial recommendation of nonrenewal. If an administrator outside of the academic home unit initiates the nonrenewal consideration, both the AUPAC and the AUH shall submit their recommendations to the dean within five day of the initial recommendation. After the dean has received both the AUPAC and AUH recommendations, a copy of the AUPAC recommendation shall be provided to the AUH and concurrently a copy of the AUH recommendation shall be provided to the AUPAC.

III.F.3.d. Dean's Recommendations

The dean shall make a recommendation concerning nonrenewal of a faculty member after reviewing the recommendations of the AUH and the AUPAC. The written recommendation of the dean shall include a justification of his or her conclusions. The recommendations of the AUH, AUPAC and dean shall be submitted to the the provost within five days of the dean's receipt of the AUH and AUPAC recommendations. After the recommendations have been received by the the provost, a copy of the dean's recommendation shall be provided to the AUH and the AUPAC.

III.F.3.e. Provost's Decision

The recommendations regarding nonrenewal from the AUH, AUPAC and dean shall be reviewed by the provost, who shall decide if nonrenewal of the appointment of the faculty member is warranted. The decision not to renew the appointment of an untenured faculty member does not require action by the BOV. The written decision of the provost shall include a justification of his or her conclusions. Notice of nonrenewal shall be sent to the faculty member, and a copy shall be sent to the dean, AUH and AUPAC within five days of the provost's receipt of the AUH, AUPAC and dean recommendations. In the absence of a timely written appeal, the decision of the provost becomes final and the nonrenewal is effective at the end of the appointment period. In no event shall the time the case is on appeal extend the employment of the faculty member beyond the end date of the contract.

III.F.3.f. Special Circumstances

In the case of a faculty member with less than two years of service at the university, the administration has the discretion to act more quickly than specified above so that notice of nonrenewal may be given in accordance with the schedule of calendar dates set forth below.

III.F.3.g. Notice

If the provost decides not to renew the appointment of a faculty member, written notice of nonrenewal should be sent to the faculty member in accordance with the following schedule.

III.F.3.g.(1) For faculty members in their first year of full-time service on an RTA appointment or tenure track contract at JMU:

- Not later than March 1 if the appointment is to expire at the end of the spring semester in that calendar year.
- At least three months' notice otherwise.

III.F.3.g.(2) For faculty members in their second year of consecutive full-time service on an RTA appointment or tenure track contract at JMU:

- Not later than Dec. 15 if the appointment is to expire at the end of the spring semester in the following calendar year.
- At least six months' notice otherwise.

III.F.3.g.(3) For faculty members with two or more years of consecutive full-time service on an RTA appointment or tenure track contract at JMU:

- Not less than 12 months' notice for a tenure track faculty member for any reason, or for a RTA faculty member if the basis for nonrenewal is unsatisfactory performance, or if the RTA faculty member is a lecturer. Notice given by the end of December in one calendar year means that the appointment will end by the end of December of the following calendar year. Notice given by the end of June in one calendar year means that the appointment will end by the end of June in the following calendar year.
- Not less than 24 months' notice for a RTA faculty member, if the basis for nonrenewal is anything other than unsatisfactory performance. Notice given by the end of December in one calendar year means that the appointment will end by the end of December of the calendar year two years from then. Notice given by the end of June in one calendar year means that the appointment will end by the end of June of the calendar year two years from then.

III.F.3.h. Access to Records

Upon request, the faculty member shall be provided copies of the decision of the provost and the recommendations of the AUH, AUPAC and dean.

III.F.3.i. Appeal

All appeals must be in writing. A tenure-track or RTA faculty member has 30 days from the receipt of a written notice of nonrenewal from the provost to submit a written appeal to the Faculty Appeals Committee. The written appeal shall set forth the grounds for the appeal and a summary of the arguments and documentation the faculty member intends to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee shall promptly send an acknowledgement of the receipt of the appeal to the faculty member and shall notify the president, the provost, dean, and AUH. If an appeal

is filed, the provost shall appoint the AUH or an administrative designee to serve as the respondent, representing the administration in the appeal process.

III.F.3.j. Faculty Appeals Committee

The Faculty Appeals Committee shall determine if a hearing is warranted. See *Faculty Handbook*, Section III.L.2.b.

- For a tenure-track faculty member, grounds for appealing a nonrenewal are limited to failure of the university to follow its procedures or unreasonable or improper bases for nonrenewal, including academic freedom violations.
- For an RTA faculty member, grounds for appealing a nonrenewal are limited to academic freedom violations.

If the Faculty Appeals Committee determines that a hearing should be granted, the procedures in *Faculty Handbook*, Section III.L.2.c. shall apply to both tenure-track and RTA faculty members. In the hearing, the faculty member shall have the responsibility to establish that the procedures were not followed or that the university used unreasonable or improper bases for the nonrenewal. If the Faculty Appeals Committee determines that a hearing shall not be granted, the faculty member, respondent, speaker, provost, and president shall be notified that the appeal has been denied. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost becomes final, and the nonrenewal becomes effective at the end of the appointment term.

III.F.3.k. Confidentiality

All persons involved in the nonrenewal process shall respect and maintain the strict confidentiality of all relevant documents and deliberations.

III.F.3.l. Pay and Benefits

For an instructional faculty member who is nonrenewed, the faculty member will be paid the full amount of compensation for the work performed at the next possible pay period after the effective date of the nonrenewal in a lump sum, and benefits for the faculty member will terminate on the last day of the month in which the nonrenewal becomes effective. An exception may be made if an academic unit head or other appropriate supervisor authorizes in writing that the nonrenewed faculty member will remain active in the payroll system in order to receive benefits while the remaining salary due is paid out in regular payroll. However, the university reserves the right to restrict the faculty member's technology, building and other access during the period after the nonrenewal notice is received.

III.F.4. Termination

In addition to dismissal as a sanction outlined elsewhere in this handbook (e.g., III.A.25., III.E.8.), the appointment of a tenured or untenured faculty member may be terminated by the university in the event of a bona fide financial exigency, program reduction, discontinuance or elimination, or for medical reasons that prevent a faculty member from fulfilling the responsibilities of his or her position. For faculty appointments with a specified term, termination may occur before the expiration of the term.

If an instructional or A&P faculty member is terminated, the faculty member will be paid the full amount of compensation due for the work performed in a lump sum at the next possible pay period, and benefits for the faculty member will terminate on the last day of the month in which the faculty member's termination becomes effective. However, the

university reserves the right to restrict the faculty member's technology, building and other access after the termination notice is received.

III.F.4.a. Financial Exigency

III.F.4.a.(1) Before a faculty member can be terminated for financial exigency, a declaration shall be made by the president and the BOV that a severe financial crisis exists that cannot be satisfactorily alleviated by less drastic means.

III.F.4.a.(2) A tenured faculty member may be terminated only if such termination is a component of a comprehensive program adopted by the university in the exercise of its judgment to resolve the financial peril that includes other measures reasonably fashioned to achieve that goal. The president, in consultation with the university community including the Faculty Senate, will be responsible for preparing such a program. The program must be approved by the BOV.

III.F.4.a.(3) The program proposed by the president shall specify the criteria for identifying individuals whose appointments will be terminated. The provost shall identify those individuals who will be terminated under the criteria specified and shall be responsible for notifying those faculty members who will be terminated. The provost shall make decisions on termination in consultation with the Academic Council. In the absence of a timely written appeal, the decision of the provost becomes final, and the termination becomes effective on the date specified by the provost.

III.F.4.a.(4) When the university terminates appointments because of financial exigency, it shall not at the same time make new appointments except to replace faculty members who have separated from the university for other reasons, or in extraordinary circumstances where a serious distortion in the academic program would otherwise result. The appointment of a faculty member with tenure shall not be terminated in favor of retaining a faculty member in the same academic unit without tenure, except in extraordinary circumstances where a serious distortion of the academic unit's program would otherwise result.

III.F.4.a.(5) Before terminating the appointment of a tenured faculty member because of financial exigency, the university shall make every reasonable effort to place the faculty member concerned in another suitable position within the university for which the faculty member is qualified. If placement in another position would be facilitated by a reasonable period of training, appropriate financial and other support for such training shall be proffered. If no suitable position is available, with or without retraining, the faculty member's appointment may be terminated.

III.F.4.a.(6) In all cases of termination of the appointment of a tenured faculty member because of financial exigency, the place of the faculty member concerned shall not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it, or unless the released faculty member is no longer qualified for the position or able to perform the essential functions of the job.

III.F.4.a.(7) In all cases of termination of appointment because of financial exigency, the faculty member concerned shall be given such written notice as may be practical under the circumstances. If financial circumstances allow, this shall be not less than three months for faculty members in their first year of service, not less than six months for

faculty members in their second year of service, and not less than 12 months for all other faculty members.

III.F.4.a.(8) A faculty member may appeal a termination for financial exigency only if the faculty member has tenure. All appeals must be in writing. In such instances, the faculty member has 30 days from receipt of written notice of termination to submit a written appeal to the Faculty Appeals Committee. The written appeal shall set forth the grounds for the appeal and a summary of the arguments and documentation the faculty member intends to present at a hearing.

Upon receipt of an appeal, the chair of the Faculty Appeals Committee shall promptly send an acknowledgement of the receipt of the appeal to the faculty member and shall notify the president, provost, dean and AUH. If an appeal is filed, the provost shall appoint the AUH or an administrative designee to serve as the respondent to represent the administration in the appeal process.

III.F.4.a.(9) The Faculty Appeals Committee shall determine if a hearing is warranted. See *Faculty Handbook*, Section III.L.2.b. Grounds for appealing a termination for financial exigency are not limited. If the Faculty Appeals Committee determines that a hearing should be granted, the procedures in *Faculty Handbook*, Section III.L.2.c. shall apply. In the hearing, the respondent shall have the responsibility to establish that the termination is appropriate. If the Faculty Appeals Committee determines that a hearing shall not be granted, the faculty member, respondent, speaker, provost, and president shall be notified that the appeal has been denied. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost on the termination becomes final, and the termination becomes effective on the date the appeal is denied.

III.F.4.a.(10) All persons involved in the termination process shall respect and maintain the strict confidentiality of all relevant documents and deliberations.

III.F.4.b. Program Reduction or Elimination

III.F.4.b.(1) In the absence of financial exigency, before a faculty member can be terminated because of program reduction or elimination, a determination shall be made by the president and the provost that such reductions or eliminations are consistent with institutional goals and needs. In considering such matters, the president and the provost shall consult with the university community including the Faculty Senate. Responsibility for the decision on individual termination decisions shall rest with the provost. In the absence of a timely written appeal, the decision of the provost becomes final, and the termination is effective on the date specified by the provost.

III.F.4.b.(2) The decision to reduce or eliminate a program or department of instruction shall be based on the judgment that the educational mission of the institution will be enhanced by the reduction or elimination.

III.F.4.b.(3) Before the provost issues notice to a tenured faculty member of the decision to terminate an appointment because of program reduction or elimination, the university shall make every reasonable effort to place the faculty member concerned in another suitable position for which the faculty member is qualified. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training shall be proffered. If no suitable position is available, with or without retraining, the faculty member's appointment may be terminated.

III.F.4.b.(4) A faculty member may appeal a termination for program reduction or elimination only if the faculty member has tenure. All appeals must be in writing. In such

instances, the faculty member has 30 days from receipt of the written notice of termination from the provost to submit a written appeal to the Faculty Appeals Committee. The written appeal shall set forth the grounds for the appeal and a summary of the arguments and documentation the faculty member intends to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee shall promptly send an acknowledgement of the receipt of the appeal to the faculty member and shall notify the president, provost, dean, and AUH. If an appeal is filed, the provost shall appoint the AUH or an administrative designee to serve as the respondent, representing the administration in the appeal process.

III.F.4.b.(5) The Faculty Appeals Committee shall determine if a hearing is warranted. See *Faculty Handbook*, Section III.L.2.b. Grounds for appealing a termination for program reduction or elimination are not limited. If the Faculty Appeals Committee determines that a hearing should be granted, the procedures in *Faculty Handbook*, Section III.L.2.c. shall apply. In the hearing, the respondent shall have the responsibility to establish that the termination is appropriate. If the Faculty Appeals Committee determines that a hearing shall not be granted, the faculty member, respondent, speaker, provost and president shall be notified that the appeal has been denied. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost on the termination becomes final, and the termination is effective on the date the appeal is denied.

III.F.4.b.(6) In all cases of termination of appointment because of program reduction or elimination, the faculty member concerned should be given written notice not less than: three months for faculty members in their first year of service, six months for faculty members in their second year of service, 12 months otherwise.

III.F.4.b.(7) All persons involved in the termination process shall respect and maintain the strict confidentiality of all relevant documents and deliberations.

III.F.4.c. Inability to Perform for Medical Reasons

III.F.4.c.(1) If the reason for a faculty member's inability to perform is a medical condition or problem, the faculty member may request leave, or may be eligible for peer coverage, or may file for disability benefits in a program in which he or she is enrolled. If the faculty member is a qualified individual with a disability, the university will consider a request for accommodations under the terms of the *Manual of Policies and Procedures*, Policy 1331, Disabilities & Reasonable Accommodations. Additionally, disability retirement benefits may be available to the faculty member in some circumstances. However, if the faculty member continues to be unable to perform, the university may take action to terminate the faculty member's employment.

Before a faculty member can be terminated for medical reasons, the provost must make the determination consistent with applicable law that the faculty member is unable to perform the essential functions of his or her position, with or without reasonable accommodation. This determination shall be based on information available to the provost, including medical documentation from the faculty member's health care provider when it is available, and shall be preceded by written recommendations from the AUH and dean. The provost shall send the faculty member notice of the decision to terminate under this provision. In the absence of a timely written appeal, the decision of the provost becomes final, and the termination is effective on the date specified by the provost.

Any appeal must be in writing. The faculty member has 30 days to submit a written appeal to the Faculty Appeals Committee. The written appeal shall set forth the grounds for the appeal and a summary of the arguments and documentation the faculty member intends to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee shall promptly send an acknowledgement of the receipt of the appeal to the faculty member and shall notify the president, provost, dean and AUH. If an appeal is filed, the provost shall appoint the AUH or an administrative designee to serve as the respondent, representing the administration in the appeal process.

III.F.4.c.(2) The Faculty Appeals Committee shall determine if a hearing is warranted. See *Faculty Handbook*, Section III.L.2.b. Grounds for appealing a termination for medical reasons are not limited.

If the Faculty Appeals Committee determines that a hearing should be granted, the procedures in *Faculty Handbook*, Section III.L.2.c. shall apply. In the hearing, the respondent shall have the responsibility to establish that the termination is appropriate.

- If the Faculty Appeals Committee determines that a hearing shall not be granted, the faculty member, respondent, speaker, provost and president shall be notified that the appeal has been denied. If the appeal is denied by the Faculty Appeals Committee, the decision of the provost on the termination becomes final, effective on the date the appeal is denied.

III.F.4.c.(3) All persons involved in the termination process shall respect and maintain the strict confidentiality of all relevant documents and deliberations.

III.G. Personnel Records

Official personnel files are maintained in the Office of Human Resources, dean's office and academic unit office. The file in the Office of Human Resources contains information on employment status and personnel actions. Promotion and tenure documents are located in the dean's office, and documents relevant to professional performance and assessments are maintained in the academic unit office. For details of maintenance requirements on official files see *Manual of Policies and Procedures*, Policy 1109, Records Management.

III.G.1. Reviewing Personnel Files

Faculty members have access to information retained in all personnel files of which they are the subject, in accordance with law, except for letters of recommendation or reference kept in personnel files. See *Manual of Policies and Procedures*, Policy 1316, Release of Information From Employee Records. Individuals seeking access to their personnel files should arrange an appointment with human resources, the dean of the college and/or the AUH. A faculty member may be required to review his or her file in the presence of a human resources official, a member of the staff of the dean's office, or a member of the staff of the academic unit office. If the faculty member believes that some of the contents of a file should be removed or corrected, he or she may submit a written request for the removal or correction to the administrative custodian of the file, who will determine if the material will be removed or corrected. If the administrative custodian of the file denies the request, the faculty member may place a statement in the file.

III.G.2. Disclosure of Information to Third Parties

In compliance with the *Virginia Freedom of Information Act*, (*Code of Virginia*, Section 2.2-3700), and the *Manual of Policies and Procedures*, Policy 1316, Release of Information From Employee Records, certain personal information must be disclosed to third parties upon request

and may be disclosed without the knowledge and consent of the subject faculty member. Other personal information normally shall not be disclosed to third parties without the written consent of the faculty member.

III.G.3. Court-Ordered Disclosure of Information

The university must comply with discovery requests, subpoenas and warrants ordering records to be turned over to a court or party to litigation. The university shall attempt to inform a faculty member if his or her records are the subject of such discovery requests, subpoenas and warrants, unless prohibited by the terms of the document.

III.H. Research and Scholarship

III.H.1. Sponsored Programs

The Office of Sponsored Programs assists and facilitates efforts to obtain extramural support for faculty projects. Faculty members must use the procedures of this office when seeking funding sources, preparing proposals and conducting funded projects. Pre- and post-grant award policies are outlined in *Manual of Policies and Procedures*, Policy 2201, Sponsored Programs Proposals: Pre-Award/Post-Award Procedures.

III.H.2. Regulations and Policies

Faculty members engaged in a scholarly activity that may result in patents or copyrightable materials shall consult the Office of Technology Transfer and the *Manual of Policies and Procedures*, Policy 1107, Intellectual Property, for details of the university's intellectual property policies. The university is supported by James Madison Innovations, Inc., a nonprofit corporation formed to promote, encourage and aid scientific and technological research and the creation and development of intellectual property at James Madison University by its faculty, staff and students.

The university must abide by laws, rules, and policies that regulate research and related activities. The Office of Sponsored Programs should be consulted for details. Some of the more important are those that relate to human subject research (*Manual of Policies and Procedures*, Policy 1104, The Institutional Review Board on the Use of Human Subjects in Research), animal research (*Manual of Policies and Procedures*, Policy 2202, Care and Use of Laboratory Animals), institutional biosafety, including recombinant DNA experiments (*Manual of Policies and Procedures*, Policy 2204, Policy for Institutional Biosafety), investigator significant financial interest disclosure (*Manual of Policies and Procedures*, Policy 2203, Conflict of Interest Disclosure for Sponsored Programs), and misconduct in research (*Manual of Policies and Procedures*, Policy 2205, Misconduct in Research and Other Scholarly Work).

III.H.3. Solicitations for Private Funds

Faculty members must discuss requests that are unrelated to sponsored projects, but that will require private funding with academic unit heads and deans for initial approval and inclusion in within the college's annual fundraising plan. Plans must be reviewed within the development office before discussions with prospect and before preparing a formal written request for funding. The development office will work closely with the initiator of the request and is responsible for the final approval of all solicitation efforts including all fund raising materials, the timing of solicitations and the list of those to be solicited. Requests should include reasons for the funds, the amount of the request needed, and names of individuals or groups to be

cultivated as decided in consultation with the Development Office. See Manual of Policies and Procedures Policy 5101.

III.I. Compensation

III.I.1. Salary

Personnel in faculty positions at the publicly supported colleges and universities of Virginia are not included in the classified services of the state's personnel system. Faculty member salary ranges and conditions of employment are determined by the BOV. As a condition of employment, a faculty member must participate in the university's direct deposit program. This program provides for pay to be deposited directly into the faculty member's account at the financial institution of her or his choice. Faculty members may access information on current and year to date pay information by logging into the J-Ess (JMU Employee Self Service) system. Participation in direct deposit begins by completing the necessary paperwork available in the Office of Human Resources.

III.I.2. Salary Adjustments

Funds disbursed by the commonwealth to the university for annual salary adjustments are to be allocated principally on the basis of performance (merit). Annual adjustments in the salaries of faculty members are not an entitlement but rather reflect continued meaningful contributions in the three areas of expected faculty member performance (i.e., for an instructional faculty member, teaching, scholarship and service). This system of salary adjustment is intended to encourage all faculty members toward continuous performance improvement.

III.I.2.a. Adjustments Due to Promotion

A faculty member who is promoted is eligible for a salary increase, in an amount to be set by the BOV. This includes a faculty member who is promoted to assistant professor, a faculty member who is promoted to associate professor and a faculty member who is promoted to professor. Any exceptions must be approved by the Provost upon recommendation of the AUH and dean.

III.I.2.b. Adjustments Due to Merit

Salary adjustments that reflect merit will be dependent on annual evaluations and will be allocated by the AUH or supervisor. For details on the annual evaluation, see *Faculty Handbook*, Section III.E.4.

III.I.2.c. College Allocation

At the dean's level of allocating funds designated for adjustments to faculty member salaries, there shall be a prior, explicit description of the basis on which the allocation is to be made. This shall include the mechanism for distributing funds among the relevant academic units for merit pay adjustments and the basis used for any other distribution of the funds. The description must also contain a specification of the total adjustment funds to be allocated directly to individual faculty member salaries by the dean as a proportion of all funds to be allocated for faculty salary adjustments in all academic units of the college. This description shall not abridge any individual's privacy rights. The college's criteria shall require approval by the provost.

III.I.2.d. Academic Unit Allocation

III.I.2.d.(1.) In addition, there shall be an explicit, published description of the mechanism approved by the academic unit and employed by the AUH in the allocation of merit pay

adjustments to individual instructional faculty member salaries. Each mechanism must be objective insofar as it is based on (a) the relative weights applied to the three areas of faculty performance (i.e., teaching, scholarly achievement and professional qualifications, and professional service) and (b) the annual evaluation ratings awarded to the faculty member in each of the performance areas.

Each academic unit's mechanism shall require approval by the dean and the provost. At or near the start of an academic year, each faculty member and his/her AUH shall agree on a personal set of relative weights to be applied to the three performance areas of teaching, scholarly achievement and professional qualifications, and professional service in determination of the annual salary adjustment, as a part of the discussion of the Faculty Anticipated Activity Plan. See Section III.E.4.a. This agreement may be amended by mutual consent during the academic year.

III.I.2.d.(2.) The academic unit may approve a standard set of weights that will be applied in the absence of an individually negotiated agreement. Due to annual fluctuations in and uncertainties about the availability of resources for annual salary adjustment, a moving summary of recent past performance (e.g., a moving average of the preceding three years of performance ratings) may be employed in determining the annual salary adjustment.

III.I.2.e. Timetable

III.I.2.e.(1) By Dec. 1, a faculty member shall receive a detailed, written explanation of the salary adjustment that he/she is to receive, including the dollar amount and the formula by which the merit component was computed using the annual evaluation ratings. For additional details on the notifications of annual evaluation ratings, see *Faculty Handbook*, Section III.E.4.

III.I.2.e.(2) Any appeal of an annual salary adjustment must be based on an alleged violation of existing policy and must be made in writing to the appropriate college committee by Dec. 15.

III.I.2.e.(3) The college committee designated by the college to hear such matters shall provide a written recommendation on the appeal to the dean by Jan. 31.

III.I.2.e.(4) The dean shall reach a determination on the appeal by Feb. 15.

III.I.2.e.(5) An appeal of the dean's decision to the provost must be made by March 1. The provost shall render a final decision by March 15. The provost's decision is final, and may not be appealed.

III.I.2.e.(6) At each stage of the appeal process, a clear, written notice and explanation of the decision shall be provided to the faculty member and the AUH.

III.I.3. Overload Pay

A faculty member may receive extra pay for overload employment. The amount of extra salary will be decided in advance by negotiation between the faculty member and the AUH. Overload employment of this nature must be approved by the AUH, dean and provost. Overload employment which includes compensation from sponsored programs is limited by federal guidelines. See *Manual of Policies and Procedures*, Policy 1306, Extra Employment for Faculty Members Within the University.

III.I.4. Noncontract Period Compensation

A faculty member who teaches, serves on a committee, commission, or task force, or conducts research under specific endorsement of the university during a time period defined as being

outside the contract period may receive additional compensation. See *Manual of Policies and Procedures* Policy 1306, Extra Employment for Faculty Members Within the University.

III.J. Employment Benefits

Listed below are some of the employment benefits available to full-time faculty members. Other benefits are described in *Faculty Handbook*, Section VII.A.1.

III.J.1. Leave

The probationary status of an untenured faculty member in a tenure-track position will continue during a leave of absence, and the time while on leave will be counted as part of the probationary period, unless there is a negotiated agreement to the contrary. See *Faculty Handbook*, Section III.E.6.

For types of leave other than those listed below, see *Manual of Policies and Procedures*, Policy 1338, Faculty Leave.

III.J.1.a. Educational Leave. Educational leave is awarded to instructional faculty members by a competitive process within each college. Eligibility for such leave is limited to instructional faculty members who have not had such leave in the previous five years and who have been at the university for at least three years. Each college shall develop and publicize its process for selecting its faculty members to be awarded educational leave.

Educational leave provides opportunities for faculty members to pursue full-time independent study, graduate/postgraduate study, research or creative activities that will enhance their teaching abilities, professional growth and intellectual renewal. An educational leave enables a faculty member to elect to take an academic year of leave at one-half salary or one semester of leave at full salary. There is no restriction on the additional earnings of a faculty member while he/she is on an educational leave.

Accomplishing the agreed-upon goal(s) of the educational leave shall be a significant component of the annual evaluation upon the faculty member's return. Recipients of educational leave to be taken during an academic year will be notified by the end of the preceding fall semester and are expected to return for at least one year of full-time service to the university following the leave. The university may require the repayment of the salary paid during such leave if the faculty member fails to return and fulfill this responsibility.

III.J.1.b. Administrative Leave. Administrative leave will be granted to an instructional or A&P faculty member to serve on a jury or appear in court as a witness under subpoena. Administrative leave may also be granted for testing and/or interviewing for other positions, at the discretion of the AUH or supervisor. Reasonable travel time may be included. Advance approval is required for administrative leave and written verification of the need for such leave may be required.

III.J.1.c. Required Leave. The university may require a faculty member to take a leave under circumstances that materially compromise the faculty member's ability to serve the university. For example, a faculty member may be placed on administrative leave in the process of attempting to resolve a work-related problem or dispute.

III.J.1.d. Medical Leave. A faculty member may be entitled to either paid medical disability leave or to peer coverage for leave due to illness, depending on the faculty

member's participation in the Virginia Sickness and Disability Program (VSDP) and on the disability leave option chosen. Faculty members enrolled in VSDP must track any sick leave used through a tracking report, which must be signed by the supervisor and submitted to the Office of Human Resources. For more information, see *Manual of Policies and Procedures*, Policy 1338, Faculty Leave, or contact the Office of Human Resources.

III.J.1.e. Military Duty Leave. If a faculty member is a member of the National Guard or organized Armed Forces Reserves of the United States, he or she is entitled to 15 workdays of paid leave per federal fiscal year (Oct. 1 to Sept. 30) for federally funded military duty. Regardless of whether the duty is fragmented, a faculty member is still entitled to 15 workdays of leave per federal fiscal year. A faculty member must include a copy of his or her military orders or other official documentation with the request for military leave. If a faculty member is ordered to duty because of an emergency, supporting documentation must be supplied upon the return to work to confirm the use of military leave.

III.J.1.f Political Activity. Faculty members, as citizens, are free to engage in political activities. On timely application, and for a reasonable period of time, an unpaid leave of absence may be granted to a faculty member for the duration of an election campaign or a term of office, at the discretion of the AUH or supervisor. The terms of such leave of absence shall be set forth in writing. The leave must be approved by the AUH or supervisor, dean and appropriate vice president.

III.J.1.g Family and Medical Leave. It is the university's objective to provide eligible faculty members with up to 12 weeks of family or medical leave following the birth of the faculty member's son or daughter or the placement of a child with the faculty member for adoption or foster care, to care for a family member (son, daughter, spouse or parent) with a serious health condition, or because the faculty member's own serious health condition makes him or her unable to perform the functions of his or her position. For additional details including the status of other benefits during leave, see *Manual of Policies and Procedures*, Policy 1308, Family and Medical Leave.

III.J.1.h Additional Educational or Personal Leave. A faculty member may also request a period of unpaid leave for an educational leave beyond the allowable leave with pay or for personal reasons. Such a request may be granted at the discretion of the AUH or supervisor, and requires the approval of the dean and appropriate vice president

III.J.2. State Employee Assistance Service

A faculty member is entitled to use the Virginia State Employee Assistance Service in the resolution of personal difficulties. For more details, see *Manual of Policies and Procedures*, Policy 1110, Substance Abuse, or contact the Office of Human Resources.

III.J.3. Professional Development

III.J.3.a. Support

It is the policy of James Madison University to encourage and support the professional development of faculty members. As funding is available, participation in courses, workshops, seminars and meetings directly related to the goals and objectives of the university will be supported to enable faculty members to improve performance. See *Manual of Policies and Procedures*, Policy 1403, A&P Faculty and Staff Training & Development.

III.J.3.b. Travel

The university encourages faculty members to attend meetings that will enhance their professional development. Requests for reimbursement for travel and related expenses and to be absent from classes or other duties to attend these meetings must be approved by the AUH or supervisor. For details on the procedures of approval, payment and reimbursement for travel expenses, see *Manual of Policies and Procedures*, Policy 4401, University Supported Travel.

III.J.3.c. On-Campus Courses

Faculty members may enroll in a limited number and type of credit courses at the university and have normal tuition or tuition deposit fees waived. Other fees must be paid by the faculty member. For further information on this policy, see *Manual of Policies and Procedures*, Policy 1402, Faculty-Staff Waiver of Tuition Program for Non Degree-Seeking Course Work at JMU.

III.J.3.d. Tuition Reimbursement at Other Educational Institutions

The university may authorize departments to reimburse full-time employees for the tuition cost of certain courses taken at other educational institutions if the courses are unavailable at the university and if other criteria are met. For details, see *Manual of Policies and Procedures*, Policy 1401, Tuition Reimbursement for Courses Taken at Other Educational Institutions.

III.J.4. Recreational Facilities

Each faculty member is entitled to the full use of available recreational facilities at the university subject to existing policies for their general use. See <http://www.jmu.edu/recreation/> for details.

III.J.5. Awards

The university prides itself on its academic programs and seeks to recognize faculty members who contribute to educational excellence. In each college of the university, there are annual awards to recognize a distinguished teacher and one or more annual awards to recognize Madison Scholars. In each case, a faculty selection committee chooses the award recipients after peer review of the candidates' accomplishments. Although criteria vary among the colleges, eligibility is limited to full-time faculty members with at least five years of service at the university at the rank of assistant professor or above. Individual colleges have annual awards to honor faculty members for specific contributions to achievement of the college's mission.

In addition, the university nominates faculty members as candidates for the Council for the Advancement and Support of Education Professor of the Year award and for the State Council of Higher Education in Virginia Outstanding Faculty Award. In each of these award processes, the emphasis is on the faculty member's accomplishments as a teacher.

III.J.6. Retirement Incentive Plan

The Retirement Incentive Plan for faculty members is described in *Manual of Policies and Procedures*, Policy 1333, Retirement Incentive Plan for Faculty. Interested faculty members may contact the Office of Human Resources. See *Faculty Handbook*, Section VI.A.1.e., for information regarding other retirement benefits.

III.K. Grievances

III.K.1. Grievable Actions

Any instructional faculty member may initiate a grievance procedure alleging violation of existing policies or established practices as applied to the grieving faculty member concerning the faculty member's role as an instructional faculty member. However, if a faculty member's grievance is addressable by other procedures described in the *Faculty Handbook*, those must be followed.

Grievances shall be filed within six months of the most recent alleged violation, or they will be dismissed as untimely. Each college shall establish a standing committee to hear grievances by instructional faculty members concerning their roles as instructional faculty members.

A&P faculty members and instructional faculty members grieving actions concerning any administrative roles or assignments may initiate grievances with their administrative supervisors, and any appeals from the supervisor's decision on the matter shall be given to the next level supervisor. That official's decision on the matter shall be final, and no further appeals will be available.

III.K.2. Procedures

III.K.2.a. Complaint and Response

An instructional faculty member who believes he or she has a grievance concerning his or her role as an instructional faculty member shall present a complaint in writing to AUH to seek a resolution at the lowest level possible. The grievance statement shall set forth the alleged violation of existing policy or established practices. This document shall contain a concise statement of the facts relevant to the grievance, the approximate date on which the alleged action took place and the redress sought. The AUH shall meet with the grievant within 10 days to discuss the matter. The AUH has 10 days from the date of the written grievance to issue a response in writing to the grievant.

III.K.2.b. Appeal

III.K.2.b.(1) If the grievant is not satisfied with the AUH's response, he or she may, within five days of receiving the response of the AUH, appeal in writing to the appropriate standing committee established by the college, with a copy to the AUH, explaining the grievance and describing the actions taken thus far and their results. The AUH has five days to file a response to the grievant's appeal with the standing committee hearing the grievance.

III.K.2.b.(2) The standing committee shall have no more than 15 days to review the material presented, meet with the grievant and the AUH to discuss the matter, if the committee chooses to do so, and file its report and recommendations to the dean, with a copy to the grievant and the AUH. The dean shall have five days to review the recommendation from the standing committee and to send his or her decision to the grievant with a copy to the AUH. The dean's decision will be final unless the decision rendered is different from the recommendation of the standing committee. If there is a difference between the two, the grievant has the option of appealing the dean's decision to the provost. This appeal to the provost must be made within five days of receiving the dean's decision and must be in writing. The provost has five days to review the materials submitted, meet with the grievant and others, if so desired, and render a decision, which is final.

III.K.2.c. Modifications to Procedure

If the grievance involves a person or group who is part of the process, the procedure will be modified so as to exclude that person or group either by bypassing a step in the procedure, or by substituting another person or group for the person or group already involved in the grievance, at the discretion of the provost. If the provost is the subject of a grievance, the president may appoint a substitute for the purposes of the grievance appeal.

III.L. Faculty Appeals Committee

III.L.1. Appointment

III.L.1.a. Faculty Appeals Committee

The Faculty Appeals Committee is a standing committee of the Faculty Senate that is responsible for providing a means for an instructional faculty member to appeal decisions on certain specific matters to a committee of his or her peers. The Faculty Appeals Committee receives an instructional faculty member's appeal, determines whether a hearing will be held, and if so, selects a Hearing Committee. For information concerning the makeup and appointment of the Faculty Appeals Committee, see the *Bylaws of the Faculty Senate, Faculty Handbook*, Article IV, Section 10. Appeals should be sent to the chair of the Faculty Appeals Committee. The faculty member holding the position of chair is designated on the Faculty Senate committees' home page. The Faculty Appeals Committee is not a general grievance body and it shall consider only those matters specified in the *Faculty Handbook* as appealable to the Faculty Appeals Committee. A&P faculty members do not have access to the Faculty Appeals Committee except in matters concerning promotion and/or tenure denials, as specified in the *Faculty Handbook* sections on those matters.

III.L.1.2.b. Hearing Committee

At the time senate committee assignments are made, the Faculty Appeals Committee will select 24 names at random from all tenured full-time teaching and research faculty, excluding academic unit heads, to form the Hearing Committee pool. In the initial selection, the first eight people chosen will serve for one year, the next eight for two years, and the final eight, three years. Thereafter, eight persons will be selected each year to three-year terms. Members who have served in the Hearing Committee pool will be exempt from selection for the three years immediately following their terms. Members of the Hearing Committee who leave the university or can no longer serve, will be replaced by members from a pool selected each year. Those new appointments will serve out the time of the member they are replacing.

III.L.2. Procedures

III.L.2.a. Submission of an Appeal

A faculty member filing an appeal shall submit a written request to the chair of the Faculty Appeals Committee for a hearing, containing a description of the appealed action, a statement of the grounds for the appeal, and a summary of the arguments and evidence he or she intends to present at a hearing. Evidence in the form of documents that the faculty member intends to rely upon shall be attached to the request for a hearing, submitted to the Faculty Appeals Committee, and may include but are not limited to the

faculty member's personnel records, recommendations from the AUPAC, AUH or dean, and any other records appropriate to provide substantiation of the faculty member's arguments. A faculty member may withdraw an appeal from consideration at any time prior to the final appeal decision by the president.

III.L.2.b. Initial Review of Faculty Appeals Committee

Upon receipt of the appeal, the Faculty Appeals Committee shall make the following determinations:

III.L.2.b.(1) The personnel action addressed in the appeal must be a personnel action specified as appealable to the Faculty Appeals Committee by the *Faculty Handbook*. If not, the faculty member shall be notified that his or her appeal has been denied.

III.L.2.b.(2) The appeal must be filed in a timely manner. If the faculty member did not file by the deadline imposed by policy, the faculty member shall be notified that his or her appeal has been denied.

III.L.2.b.(3) The grounds stated for the appeal must be appropriate for the specific type of personnel action for the Faculty Appeals Committee to consider, under the terms of the *Faculty Handbook*. If not, the faculty member shall be notified that his or her appeal has been denied.

III.L.2.b.(4) The faculty member must present substantiation with the appeal sufficient to warrant a hearing. If he or she does not, the faculty member shall be notified that his or her appeal has been denied. A hearing is not warranted if, viewing the evidence disclosed by the request for a hearing in the light favoring the faculty member, the relief sought by the faculty member is not supported by the case he or she presents. If the Faculty Appeals Committee determines that the personnel matter presented is appealable, the appeal is timely and the grounds stated are appropriate for the type of personnel matter, it will then decide by simple majority vote of the membership if a hearing is warranted as outlined in this section. If the Faculty Appeals Committee votes against sending the appeal to a hearing, it will notify the faculty member, provost, speaker, dean, and AUH that the appeal has been denied.

III.L.2.b. (5) If the Faculty Appeals Committee votes to send the appeal to a hearing, the Faculty Appeals Committee shall select a Hearing Committee consisting of five faculty members from the Hearing Committee pool to hear the appeal. All materials on the appeal received by the Faculty Appeals Committee shall be sent by the Faculty Appeals Committee to the Hearing Committee.

III.L.2.c. Review by Hearing Committee

III.L.2.c.(1) Once the Hearing Committee has elected its chair, the chair shall contact the faculty member and the respondent. The chair shall provide the respondent with a copy of the appeal and all documentation submitted by the faculty member to the Hearing Committee.

III.L.2.c.(2) The respondent shall have 30 days to respond to the appeal, providing a statement of the arguments to be presented. Along with the written response to the appeal, the respondent shall submit appropriate materials for consideration by the Hearing Committee demonstrating substantiation of the grounds and arguments in the response. This may include, but is not limited to, the faculty member's personnel records, recommendations from the AUPAC, AUH or dean, and any other records appropriate to provide substantiation of the respondent's arguments.

III.L.2.c.(3) The chair of the Hearing Committee shall set a date for the hearing after consultation with the faculty member and the respondent.

III.L.2.c.(4) Thirty calendar days shall be allowed for preparation prior to the hearing. The Hearing Committee, in consultation with the parties involved and for good cause shown, may adjust this period of time.

III.L.2.c.(5) The chair of the Hearing Committee shall set and enforce the procedural guidelines for the hearing. This may include, but is not limited to, determining the length of time necessary to conduct the hearing, the number and nature of witnesses, and the length of their testimony. The chair, in consultation with the parties involved, shall determine the time frame in which the hearing shall be conducted. The sequence of presentation of arguments and witnesses shall also be determined by the chair. Any person disruptive of the hearing may be ejected by the chair.

III.L.2.c.(6) The hearing is a formal peer review of a faculty member's appeal of an appealable action and not a judicial proceeding. Legal rules of evidence and procedure do not apply. A flaw in the procedures at any level, including the appeal procedures and the procedures relating to the personnel action from which the appeal is taken, shall not result in a recommendation to overturn a prior decision unless that flaw substantially harmed the faculty member. In the absence of new evidence or extraordinary circumstances, the hearing shall be limited in its scope to grounds cited in the faculty member's written request for a hearing and determined by the Faculty Appeals Committee to be appropriate for appeal.

III.L.2.c.(7) The faculty member and the respondent have the right to be present at the hearing, except during the deliberation, and to hear and examine the arguments and documentation presented. The faculty member may waive this right, in which case the hearing shall proceed with the respondent's case presented for review. After the decision to waive participation has been made, the proceedings will begin, and the faculty member has lost all rights to formal participation in the proceedings.

III.L.2.c.(8) Both the faculty member and the respondent have the right to present arguments and documentation and have witnesses testify on their behalf. The chair of the Hearing Committee may limit the number of witnesses who testify and the length of that testimony. Both parties have the right to question witnesses. The Hearing Committee may also question the witnesses. The chair of the Hearing Committee shall determine if the questions asked of the witnesses are pertinent to the case at hand. The Hearing Committee may request additional information and may call or question witnesses considered necessary to make reasonable findings and recommendations.

III.L.2.c.(9) When a witness cannot or will not appear, the Hearing Committee may allow the use of written statements or telephonic testimony.

III.L.2.c.(10) Both the faculty member and the respondent shall be expected to cooperate with the Hearing Committee in securing witnesses and in making available pertinent documentary and other evidence.

III.L.2.c.(11) The faculty member has the right to be accompanied and advised by his or her private legal counsel during the appeal at his or her own expense. If counsel is to be present at the hearing, the Hearing Committee must be given notice at least 10 days before the beginning of the hearing. If notice is not given within this time frame, the faculty member's counsel will not be allowed to attend. Upon receipt of any such notice, the Hearing Committee shall immediately notify the respondent. The role of legal counsel

is to ensure that the faculty member has appropriate advice, not to act as an advocate for the faculty member. The chair of the Hearing Committee may otherwise limit, as deemed appropriate, counsel's involvement in the Hearing Committee process. If the faculty member is accompanied by legal counsel, the respondent may be accompanied by legal counsel. The Hearing Committee may in any event request legal counsel to advise the committee. Such a request shall be submitted by the Hearing Committee to the Legal Services Office.

III.L.2.c.(12) The hearing process shall be closed unless the faculty member requests in writing that the hearing be open.

III.L.2.c.(13) The hearing shall be audiotaped and/or transcribed, and copies of the tapes or transcription shall be available upon written request to the faculty member and the respondent.

III.L.2.c.(14) The files, including the original audiotape and/or transcript of the proceedings shall be secured within the Office of the Provost and closed to protect the privacy of the parties involved. Access shall be available only to those members of the university who have a legitimate need or to others pursuant to a legal right of access.

III.L.2.c.(15) The Hearing Committee shall deliberate in closed session and shall make written findings and recommendations on the matter to the university's president. These shall be based solely on the hearing record, and the decision shall be made based on the greater weight of the arguments and evidence presented. The decision shall be by simple majority vote of the membership. Within 30 days following the vote, the Hearing Committee shall provide a report of its findings and recommendations. A dissenting member has the option of attaching a minority report. Findings shall set out the Hearing Committee's determination of the facts on appeal and its recommendations that support the action taken or recommend that the action be amended or vacated.

III.L.2.c.(16) The Hearing Committee shall deliver its report to the president, with copies to the faculty member, respondent, Faculty Appeals Committee, speaker, dean and Provost.

III.L.2.c.(17) Within 30 days from his or her receipt of the report of the Hearing Committee, the president shall send a written reply to the Hearing Committee, with copies to the faculty member, respondent, Faculty Appeals Committee and speaker. In this reply, the president shall respond to the report of the Hearing Committee and state his or her decision including reasons for the decision.

III.L.2.c.(18) The decision of the president will be final. The effective date of the personnel action shall be the date of the president's written decision, unless the president specifies otherwise.

IV. FACULTY ROLE IN GOVERNANCE

Authority for the governance of the university is vested in the BOV by the Commonwealth of Virginia. The BOV is responsible for generally directing the affairs of the university, and for appointing the president as the chief executive officer of the university. The president, with the approval of the BOV, has exercised his authority to create an administrative system of divisions and areas within the university, including the Division of Academic Affairs, headed by the provost. The provost, with the approval of the BOV and the president, has exercised his authority to create a system of administrative areas and colleges within the division. A&P faculty members are generally involved in the governance of the university through this administrative structure. Subject to the BOV's ultimate responsibility for the governance of the university, including its curriculum, instructional faculty members are afforded the right and the responsibility to participate in university governance and to speak out and have input on university policies and procedures.

IV.A. College Governance

Each college of the university shall determine the specific structure and membership of its governance bodies. The college faculty, the dean and the provost must approve this structure. The governance structure shall include elected faculty representatives from each academic unit of the college. The governance bodies will have the function of advising the dean and making recommendations to the dean and other appropriate bodies on matters of curriculum, budget and planning, and personnel. For academic units or schools which do not exist within a college, the academic unit or school shall determine the specific structure and membership of its governance bodies, and these shall be approved by the faculty, the head of the unit and the provost.

IV.A.1. Curriculum

The responsibilities of college governance bodies in the area of curriculum include:

- Overseeing curricular matters including the approval/deletion/revision of programs and courses within the college; and
- Communicating information, recommendations and decisions to the faculty of the college.

IV.A.2. Budget and Planning

In the areas of budget and planning, the responsibilities of college governance bodies include:

- Advising the dean on matters relating to college organization, budget, facilities and planning;
- Reviewing enrollment trends and budget allocations; advising the dean on the general oversight, direction and priorities of the college;
- Offering recommendations affecting the university beyond the college level;
- Passing any recommendations on to the appropriate university or Faculty Senate committee; and
- Communicating information, recommendations and decisions to the faculty of the college.

IV.A.3. Personnel

The responsibilities of college governance bodies in the area of personnel include:

- Advising the dean on personnel matters at the college level;
- Reviewing allocation and type of faculty and administrative positions;

- Reviewing annual evaluation procedures for consistency among academic units;
- Establishing procedures and participating in evaluation of AUHs (For details, see Academic Affairs Policy #2, Academic Unit Heads);
- Serving as an appeal body for faculty grievances as specified in Faculty Handbook, Section III.L.;
- Promoting communication within the college; and
- Serving as a hearing body on faculty misconduct.

IV.B. Academic Unit Governance

Each academic unit of the university shall determine the specific structure and membership of its AUPAC (See III.E.2.a.) and any other governing bodies. The academic unit faculty and AUH, the dean (if the AU resides in a college) and the provost must approve this structure. The responsibilities of the AUPAC in the area of personnel include:

- Advising the AUH on personnel matters at the academic unit level;
- Serving as an appeal body for evaluations.

The academic unit governing bodies may also be involved in promoting communication within the academic unit, or other appropriate responsibilities.

IV.C. Faculty Senate

The complete constitution of the JMU Faculty Senate can be found in *Faculty Handbook*, Section V, and on the Faculty Senate website at www.jmu.edu/facultysenate. The function of the Faculty Senate is to represent the faculty in the consideration of all policies that affect the academic climate and direction of the institution. The Faculty Senate seeks to create, maintain and protect a university environment conducive to the growth of scholarship, learning, teaching, research, service, and respect for human dignity and rights. Among other things the responsibilities of the Faculty Senate include:

- Offering suggestions to the vice presidents on matters of university organization, budget recommendations and revisions, facilities, planning, and mission at the university level;
- Consulting with appropriate resource persons concerning academic policy;
- Offering recommendations about admissions policies and enrollment management;
- Participating in university-wide curricular oversight through its representatives on the Committee on Academic Programs; and
- Working with the Office of the Provost to maintain policies and procedures by which the faculty will be involved in the evaluation of academic administrators at the university level.

In order to facilitate communication in carrying out these responsibilities, the provost and the vice president for administration and finance will be ex-officio, nonvoting members of the Faculty Senate Steering Committee. Further, the president and provost will be ex-officio, nonvoting members of the Faculty Senate.

IV.D. Curriculum

Only Academic Units and Academic Institutes and Centers in the Division of Academic Affairs may offer courses for university credit. For an overview of university curriculum policy and procedure, see <http://www.jmu.edu/curriculum>. Specific details about curriculum approval procedures for each college are available through the college office. All curricular proposals

must be submitted during the academic year (mid-August through mid-May) to ensure all faculty members have the opportunity to review the proposals.

IV.D.1. Undergraduate Courses and Programs

IV.D.1.a. Undergraduate Course Review Procedures

Proposals for undergraduate course additions, deletions and changes shall be reviewed and approved by the academic unit(s) and AUH(s) involved. After academic unit review, the proposals shall be submitted with recommendations to the appropriate college curriculum committee. When an academic unit or school is not housed in a college, the proposals will follow the Cross College Curriculum Committee procedure for college review. Each college may establish a deadline for proposals each semester.

The appropriate college curriculum committee shall review all proposals for new courses as well as existing courses that have been substantially modified for approval within the college. This committee shall oversee the submission of academic unit course proposals, consider the use of college resources and review the potential impact upon other programs, supervise communication with other affected sectors of the university, and consider input from others about the implications of the course proposal. Approval of the college-level committee(s) is required before the proposal may be made available for university-wide review.

Course proposals must be available for university-wide review for a minimum of 15 days. A college-level decision on a course proposal stands unless it is contested within 15 days to the Committee on Academic Programs.

Following the university-wide review, course proposals are reviewed by the provost or his or her designee. Approval of the dean(s) is required before proposals are forwarded to the provost's office.

Minor changes to existing courses that do not involve resources may be administratively approved by the academic unit Curriculum & Instruction (C&I) representative, the AUH, the college C&I chair, the college dean, and the provost or his or her designee without full review of the college C&I committee, with no 15 day posting period.

For cross-disciplinary courses, review shall include all academic units and colleges involved, or review by the Cross College Curriculum Committee.

IV.D.1.b. Undergraduate Program Review Procedures

Proposals for undergraduate program creation, deletion and modification shall be reviewed by the academic unit(s) and AUH(s) involved. New programs must be developed according to the pre-proposal process established by the Office of the provost. After academic unit review, the proposals shall be submitted with recommendations to the appropriate college curriculum committee. When an academic unit or school is not housed in a college, the proposals will follow the Cross College Curriculum Committee procedure for college review.

The appropriate college curriculum committee shall review all program proposals. This committee shall oversee the submission of proposals for creation, deletion or modification of all academic programs; consider the use of college resources and review the potential impact upon other programs; supervise communication with other affected university sectors; and consider input from others about the implications of the program proposal.

Approval of the college level committee(s) is required before the program proposal may be made available for university-wide review. Program proposals must be available for university-wide review for a minimum of 15 days. A college level decision on a program proposal stands unless it is contested within 15 days to the Committee on Academic Programs.

Following the university-wide review, the proposals for the creation, deletion or significant modification of all academic programs shall be submitted to the Committee on Academic Programs. If there is any question about the need for review by the Committee on Academic Programs, the originator of the proposal shall contact the chair of the Committee on Academic Programs, who shall determine the need for review and shall publish a summary of such determinations in a timely manner. For the purposes of program review, the General Education Council functions as a college curricular committee.

Approval of the college-level committee(s) and dean(s) are required before the proposal is forwarded to the provost's office. Proposals for new programs or significant changes to existing programs require review by the Board of Visitors (BOV), the State Council of Higher Education in Virginia (SCHEV) and the Southern Association of Colleges and Schools (SACS). Submission to the BOV, SCHEV and SACS is coordinated through the Office of the Provost. See <http://www.jmu.edu/curriculum> for details on preparing submission of changes.

For cross-disciplinary programs, review shall include all academic units and colleges involved, or review by the Cross College Curriculum Committee.

IV.D.2. Graduate Courses and Programs

IV.D.2.a. Graduate Course Review Procedures

Proposals for graduate course additions, deletions and changes shall be reviewed and approved by the AUH or, with permission of the academic unit, the program coordinators involved. After program-level review, the proposals shall be submitted with recommendations to the appropriate college curriculum committee. When an academic unit or school is not housed in a college, the proposals will follow the Cross College Curriculum Committee procedure for college review. Each college may establish a deadline for proposals each semester.

The appropriate college curriculum committee shall review all proposals for new courses as well as existing courses that have been substantially modified for approval within the college. This committee shall oversee the submission of academic unit course proposals, consider the use of college resources and review the potential impact upon other programs, supervise communication with other affected sectors of the university, and consider input from others about the implications of the course proposal.

Approval of the college-level committee(s) is required before the proposal may be made available for Graduate Council review.

Following college-level approval, course proposals are reviewed and voted on by the Graduate Council and the dean of The Graduate School. Following Graduate Council approval, course proposals are subject to university-wide review. Course proposals must be available for university-wide review for a minimum of 15 days. A college-level decision on a course proposal which has been approved by the Graduate Council and the

dean of the Graduate School stands unless it is contested within 15 days to the Committee on Academic Programs.

Following the Committee on Academic Programs approval, course proposals are reviewed by the provost or his or her designee for final review. Approval of the dean(s) is required before proposals are forwarded to the provost's office.

Minor changes to existing courses that do not involve resources may be administratively approved by the academic unit Curriculum & Instruction (C&I) representative, the AUH, the college C&I chair, the college dean, and the provost or his or her designee without full review of the college C&I committee, and with no 15 day posting period.

For cross-disciplinary courses, review shall include all academic units and colleges involved, or review by the Cross College Curriculum Committee.

IV.D.2.b. Graduate Program Review Procedures

Proposals for graduate program creation, deletion and modification shall be reviewed by the program(s) and AUH(s) or program coordinators involved. New programs must be developed according to the pre-proposal process established by the provost's office. After program-level review, the proposals shall be submitted with recommendations to the appropriate college curriculum committee. When an academic unit or school is not housed in a college, the proposals will follow the Cross College Curriculum Committee procedure for college review. The appropriate college curriculum committee shall review all program proposals. This committee shall oversee the submission of proposals for creation, deletion or modification of all academic programs; consider the use of college resources and review the potential impact upon other programs; supervise communication with other affected university sectors; and consider input from others about the implications of the program proposal.

Approval of the college level committee(s) is required before the program proposal may be made available for Graduate Council review. Following college-level approval, program proposals are reviewed and voted on by the Graduate Council and the dean of The Graduate School, Graduate Council and the dean of The Graduate School. Following Graduate Council approval, program proposals are subject to university-wide review. Program proposals must be available for university-wide review for a minimum of 15 days. A college-level decision on a program proposal stands unless it is contested within 15 days to the Committee on Academic Programs.

Following the university-wide review, the proposals for the creation, deletion or significant modification of all academic programs shall be submitted to the Committee on Academic Programs. If there is any question about the need for review by the Committee on Academic Programs, the originator of the proposal shall contact the chair of the Committee on Academic Programs, who shall determine the need for review and publish a summary of such determinations in a timely manner.

Following the Committee on Academic Programs approval, course proposals are reviewed by the provost or his or her designee. Approval of the college-level committee(s), dean(s) and the Graduate Council are required before the proposal is forwarded to the provost's office.

Proposals for new programs or significant changes to existing programs require review by the Board of Visitors (BOV), the State Council of Higher Education in Virginia (SCHEV) and the Southern Association of Colleges and Schools (SACS). Submission to

the BOV, SCHEV and SACS is coordinated through the Office of the Provost. See <http://www.jmu.edu/curriculum> for details on preparing submission of changes.

For cross-disciplinary programs, review shall include all academic units and colleges involved, or review by the Cross College Curriculum Committee.

IV.D.3. Dual Level Courses and Five Year Programs

IV.D.3.a. Dual Level Course Procedures

Programs may develop dual-level courses, in which graduate and undergraduate students attend the same course meeting. For example, such courses may offer content concurrently on the 400 and 500 levels. Courses offered at dual levels may be no more than one course level apart, with the exception of performance courses in music. No undergraduate courses numbered below 400 may be taught as dual-level courses.

When using dual-level courses, higher quality and/or additional work is required of the students enrolled at the graduate level to ensure the additional rigor of graduate work. The additional requirements of graduate students in these dual-level courses must be evident in the course syllabus. It is the responsibility of the AUH to review dual-level syllabi for adherence to this policy.

IV.D.3.b. Five Year Program Procedures

Academic programs that span undergraduate and graduate curriculum, such as five-year masters programs and pre-professional teacher licensure programs, must be reviewed by involved areas at all levels. The same proposal form may be used for both undergraduate and graduate review.

Proposals for program creation, deletion and modification shall be reviewed by the program(s) and AUH(s) or program coordinators involved. New programs must be developed according to the pre-proposal process established by the provost's office.

After program-level review, the proposals shall be submitted with recommendations to the appropriate college curriculum committee. When an academic unit or school is not housed in a college, the proposals will follow the Cross College Curriculum Committee procedure for college review.

The appropriate college curriculum committee shall review all program proposals. This committee shall oversee the submission of proposals for creation, deletion or modification of all academic programs; consider the use of college resources and review the potential impact upon other programs; supervise communication with other affected university sectors; and consider input from others about the implications of the program proposal.

Approval of the college level committee(s) is required before the program proposal may be made available for Graduate Council review. Following college-level approval, program proposals are reviewed and voted on by the Graduate Council and the dean of The Graduate School. Following the graduate council approval, course proposals shall be made available for university-wide review. Program proposals must be available for university-wide review for a minimum of 15 days. A decision on a program proposal which has been approved by the Graduate Council stands unless it is contested within 15 days to the Committee on Academic Programs.

Following the university-wide review, the proposals for the creation, deletion or significant modification of all academic programs shall be submitted to the Committee on

Academic Programs. If there is any question about the need for review by the Committee on Academic Programs, the originator of the proposal shall contact the chair of the Committee on Academic Programs, who shall determine the need for review and publish a summary of such determinations in a timely manner. For the purposes of program review, the General Education Council functions as a college curricular committee.

Program proposals which are approved by the Committee on Academic Programs are reviewed by the provost or his or her designee. Approval of the college-level committee(s) and dean(s) are required before the proposal is forwarded to the provost's office. Proposals for new programs or significant changes to existing programs also require review by the BOV and the State Council of Higher Education in Virginia (SCHEV). Submission to the BOV and SCHEV is coordinated through the Office of the Provost.

For cross-disciplinary programs, review shall include all academic units and colleges involved, or review by the Cross College Curriculum Committee.

IV.D.4. Academic Program Review

Periodic academic program reviews are conducted by all university programs and are coordinated by the Office for Academic Programs. Program changes recommended in an academic program review report are governed by the above procedures. A copy of every academic program review report shall be maintained by the provost's office and shall be available on request to any faculty member.

IV.D.5. Committee on Academic Programs

The Committee on Academic Programs is a university committee.

IV.D.5.a. Responsibilities

IV.D.5.a.(1) The committee serves as the final faculty and administrative body to review and recommend to the president and BOV curricular matters related to the entire university (e.g., degree requirements; major changes within the general education program; and the addition, deletion and significant modification of all programs).

IV.D.5.a.(2) The committee reviews curricular procedures for consistency.

IV.D.5.a.(3) The committee resolves disputes raised during the review process for course and program proposals.

IV.D.5.b. Membership

Voting membership of the committee shall include:

- Three faculty senators, elected by the Faculty Senate;
- A graduate student representative nominated by the Graduate Council and selected by the dean of The Graduate School;
- An undergraduate student representative from an appropriate Student Government Association committee;
- One faculty member elected by each undergraduate college curriculum committee;
- Two faculty members elected by the Graduate Council;
- One member elected by the Library and Educational Technologies Unit;
- One member elected by the General Education Council;
- The provost; and
- Two college deans, appointed by the provost.

V. HISTORY AND REFERENCES

V.A. History

The *James Madison University Faculty Handbook* has been prepared by university faculty members and administration and reviewed and approved by the BOV. The handbook is designed to be a source of information for faculty members about their employment at the university. The 2001 version of the *Faculty Handbook* was drafted by a Faculty Handbook Task Force that was formed in the fall of 1999. It represented a new creation that replaced the 1994-95 Faculty Handbook. This new edition is the result of the work of the Faculty Handbook Committee. Cross-references to other university documents are frequent, and the reader is encouraged to seek information elsewhere for issues that have not been addressed in the handbook.

V.B. References

The Faculty Handbook Committee consulted the following university policies in drafting the language of this handbook:

- 2014-15 Undergraduate Catalog
- 2014-15 Graduate Catalog
- 2014-15 Student Handbook
- Constitution and Bylaws of the Faculty Senate
- Financial Procedures Manual
- JMU Manual of Policies and Procedures
- Academic Affairs policies

VI. CONSTITUTION & BYLAWS OF THE FACULTY SENATE

July 1, 2012

VI.A. Constitution of the Faculty Senate

Article I: Name

The name of this organization is the James Madison University Faculty Senate (“Faculty Senate”).

Article II: Place of Business

The office for the transaction of business of the Faculty Senate shall be James Madison University, 800 South Main Street, Harrisonburg, Virginia, 22807.

Article III: Purpose

The purpose of the Faculty Senate shall be to represent the instructional faculty of James Madison University, and to exercise the delegated authority of the instructional faculty in the consideration of all policies and issues that affect the academic climate and direction of James Madison University.

Article IV: Powers

The Faculty Senate has all the authority and the responsibilities vested in it by the instructional faculty of James Madison University.

Article V: Membership

The Faculty Senate shall be comprised of members who represent the instructional faculty of James Madison University. The business and property of the Faculty Senate shall be managed and controlled by its members.

The Faculty Senate is to have two classes of members, voting members and non-voting members.

One class of members shall possess voting rights (“voting members”). The voting members, and the qualification and rights of the voting members, are as follows: voting members shall be instructional faculty members elected by the instructional faculty members in the academic units of James Madison University. They shall meet such additional criteria and be elected in the manner as described in the bylaws.

The Faculty Senate shall also have a class of members who do not possess voting rights, who shall serve ex-officio on the Faculty Senate, according to the provisions of the bylaws.

Article VI: Officers

The officers of the Faculty Senate and the manner of election of the officers shall be as provided in the bylaws.

Article VII: Meetings

The Faculty Senate shall have regular meetings during the academic year, as provided in the bylaws.

Article VIII: Bylaws

The Bylaws adopted by the Faculty Senate shall be the governing rules of this Faculty Senate so long as they are consistent with this Constitution.

Article IX: Amendment

This Constitution may be amended by a vote of the faculty of James Madison University, provided that more than one-half of the total number of full-time faculty members employed by James Madison University participate in the voting process, and further provided that two-thirds of the faculty members who vote approve the amendment.

Proposed constitutional amendments require readings of the proposed amendment at two regularly scheduled or specially called meetings of the Faculty Senate. Discussion at a Faculty Senate meeting may only take place after the full text of the amendment has been electronically distributed at least two weeks before the second reading to all members of the faculty. The Faculty Senate must endorse proposed amendments by a two-thirds majority vote of the full membership of the Faculty Senate before submitting the amendment to the full faculty for a vote. An amendment to the Constitution approved by the faculty shall become effective when approved by the president and the Board of Visitors of James Madison University.

VI.B. Bylaws of the Faculty Senate

Article I: Purpose and Functions

Section 1.

The Faculty Senate shall seek to create, maintain, and protect a university environment conducive to the growth of scholarship, learning, teaching, research, service, and respect for human dignity and rights.

Section 2.

The Senate shall elect or nominate individuals to represent the interests of the entire instructional faculty to University committees or other such bodies as shall require representation.

Article II: Membership

Section 1.

At the beginning of each spring semester, the office of the Provost shall send to the Nominations and Elections Committee a list of academic units.

Section 2.

Each academic unit shall hold elections no later than six weeks prior to the termination of the spring semester every other year to elect a member and alternate as its representatives to the Faculty Senate for the following term of office. The newly elected member shall notify the Chair of the Nominations and Elections Committee of the results of the election at least one week before the regularly scheduled April meeting of the Faculty Senate.

In cases where a new academic unit is created and identified by the office of the Provost after the spring election, the new academic unit shall hold an election at the first faculty meeting of the academic unit, and the newly elected member will notify the Chair of the Nominations and Elections Committee within a week after the election.

Section 3.

Each academic unit which has more than one instructional faculty member shall elect one member to serve as its representative on the Faculty Senate. Each academic unit will also elect one alternate to represent the academic unit in the absence of the member. The elected alternate shall be able to represent the academic unit with full voting rights when the member is unable to attend meetings, but alternates shall not represent members on senate committees.

Section 4.

Members and alternates shall be elected from and by instructional faculty members, including academic unit heads, assistant and associate deans, and all other instructional faculty members whose home unit is the academic unit. A majority vote of those voting is required to elect members and alternates.

Administrative and Professional faculty members, and emeritus faculty members are not eligible to vote or serve as members or alternates of the Faculty Senate.

Section 5.

It shall be the responsibility of elected members to serve as a liaison between the Faculty Senate and the instructional faculty members of their academic unit. In this capacity, members:

- a. shall exercise their best judgment in the governance and decision-making processes of the senate;
- b. shall maintain an awareness of the interests and concerns of their constituents and submit relevant issues to the appropriate senate committee or office; and
- c. shall be fully responsible for keeping faculty members of their academic unit informed of senate actions and decisions and of relevant information provided at senate meetings.

Section 6.

The term of office for the academic unit's member and alternate shall be two years, from the start of the organizational meeting of the Faculty Senate until the end of the regularly scheduled April meeting of the Faculty Senate held in the second year thereafter. No member shall serve more than six years in succession or three terms in succession.

Section 7.

A member or alternate may resign at any time by notifying the Faculty Senate and the academic unit head of the resignation. A member or alternate is only eligible to continue in the position while employed by James Madison University in an instructional position. A member or alternate is not eligible to continue while on administrative leave.

Academic units may remove a duly elected member or alternate for nonperformance of duties, misconduct, ineligible status, or other just cause. Removal shall require a two-thirds vote of the full-time instructional faculty in the academic unit. If an academic unit removes a member or alternate, the academic unit head will notify the Faculty Senate.

The Faculty Senate may, by a two-thirds vote of the entire membership of the Faculty Senate, dismiss a member for nonperformance of duties, misconduct, ineligible status, or other just cause. If the Faculty Senate dismisses a member, the marshal shall notify the academic unit.

Section 8.

In case of a vacancy in the position of the member or alternate, the academic unit shall elect another member or alternate within 30 days to fill the remainder of the unexpired

term under the election provisions set out herein. The Chair of the Senate Nominations and Elections Committee shall be notified of the results of the election.

Section 9.

The academic units from which the speaker and the speaker pro tempore are elected shall each elect an additional member for the duration of the officer's terms in office to serve as the member representing that academic unit.

Section 10.

The ex-officio members of the Faculty Senate shall be the president, the provost, and the Vice President for Administration and Finance. Any ex-officio member may designate someone to serve as his or her representative on the Faculty Senate.

Section 11.

Members are empowered to designate proxies other than their duly elected alternates.

Article III: Officers

Section 1. Organization

- A. Officers of the Faculty Senate shall be the speaker, speaker pro tempore, secretary, treasurer and marshal. Officers shall be elected from the current Faculty Senate voting members.
- B. Between the academic unit elections and the organizational meeting in April, the Nominations and Elections Committee shall nominate at least one candidate for each Faculty Senate office and shall present these nominations at the organizational meeting of the newly elected Faculty Senate. The vote for officers shall be by majority vote of those voting, and the results for each office shall be announced before the next officer is voted upon. Nominations may be made from the floor. Ex-officio members are not eligible to serve as officers.
- C. The Faculty Senate officers shall serve from the date of their election for a 12-month period. Officers may not serve for more than two successive terms in office.
- D. The Faculty Senate may remove, by two-thirds vote of the entire membership of the Faculty Senate, any officer for nonperformance of duties, misconduct, ineligibility, or other just cause.
- E. In case of a vacancy occurring during the year, a special election to fill the vacancy shall be held at the next regularly scheduled meeting of the Faculty Senate. The Nominations and Elections Committee shall nominate at least one candidate for the vacancy. The Nominations and Election Committee shall supervise and the marshal shall preside over the election. Nominations may be made from the floor. In the event of a vacancy in the office of marshal, the speaker shall preside over the election of the new marshal.

Section 2. Duties

A. Speaker

- 1. The speaker shall preside over meetings of the Faculty Senate, with the exception of the organizational meeting.
- 2. The speaker shall call all meetings of the Faculty Senate as prescribed in Sections 2 and 3 of Article V.
- 3. The speaker shall serve as faculty liaison with the administration of the university.

4. The speaker shall countersign all official communications of the Faculty Senate.
5. The speaker, with the aid of the Steering Committee, shall make the agenda for all regular Faculty Senate meetings, but a majority of those voting members present and voting may add items to the agenda at a regularly scheduled meeting.
6. The term of office for the Speaker shall be two years. No Speaker shall serve more than four years in succession or two terms in succession.

B. Speaker Pro Tempore

1. The speaker pro tempore shall assume the duties of the speaker when the speaker is absent or is unable to perform them.
2. The speaker pro tempore shall serve as chair of the Faculty Concerns Committee.

C. Secretary

1. The secretary shall keep a record of attendance, the minutes, and other records of the Faculty Senate.
2. The secretary shall keep the university community regularly informed on the business of the Faculty Senate in accordance with Section 5 of Article V, and shall oversee the Faculty Senate website.

D. Treasurer

1. The treasurer shall serve as financial agent of the Faculty Senate and shall prepare necessary budgetary requests.
2. The treasurer shall receive all faculty dues and shall make reports to the Faculty Senate on the funds held by the Faculty Senate.
3. The treasurer shall manage the Faculty Senate Flower Fund and make appropriate purchases from the fund for memorial gifts to the families of faculty members who have died or lost immediate family members.
4. The treasurer shall conduct the annual computer lottery and report the results to the Faculty Senate.

E. Marshal

1. The marshal shall serve as supervisor of Faculty Senate elections and votes and shall receive certification of election results from each academic unit's elected member.
2. The marshal shall act as marshal for university convocations.
3. The marshal shall act as parliamentarian of the Faculty Senate.
4. The marshal shall serve as sergeant-at-arms of the Faculty Senate.
5. The marshal shall serve as chairman of the Nominations and Elections Committee.
6. The outgoing marshal shall preside over the organizational meeting of the newly elected Faculty Senate each April.

Article IV: Committees

Section 1. Standing Committees

The Faculty Senate shall have standing committees to which the speaker of the Faculty Senate will normally refer matters for study and for a report before these matters come to

the floor of the Faculty Senate for action. Upon a vote of a majority of those voting members present and voting, the Faculty Senate may take up matters without referral to a committee, or may set aside a report of a committee. Committees may take no action on behalf of the Faculty Senate, except for the Steering Committee as provided in Section 5.E. below.

Section 2. Membership

Standing committees shall be composed of voting members of the Faculty Senate who are appointed by the Steering Committee, except for the membership of the Steering Committee, which is provided in Section 5.1 below.

A member of a committee may be removed from service on the committee for nonperformance of duties, misconduct, ineligibility, or other just cause. Upon recommendation of the chair of the standing committee, the Steering Committee will vote on removal of the member's committee appointment. The speaker of the Faculty Senate shall report the removal to the senate, and the secretary shall notify the academic unit of the member who has been removed from the committee. The chair of the committee may appoint a replacement for the removed member of the committee, preferably from the same academic college.

Section 3. Meetings

Committee meetings shall be called by the chair of the committee as needed. The quorum for each committee is a majority of its members.

Section 4. Procedures

Each standing committee of the Faculty Senate shall have the authority to adopt an operating procedure for the internal governance of that committee, providing that:

- a. No part of the operating procedure conflicts with this constitution or any of its bylaws.
- b. The Steering Committee is kept informed of current operating procedures.
If, in the opinion of the Steering Committee, operating procedures for the various committees will conflict in the transaction of senate business, the speaker shall advise the chairs of the respective committees regarding the conflicting procedures. If the committees are unable to resolve the conflict, the senate shall make the final decision as to acceptable operating procedures.

Section 5. The Steering Committee

- A. The Steering Committee shall be composed of the speaker, the speaker pro tempore, the secretary, the treasurer, the marshal, and the chairs of all standing committees. The speaker of Faculty Senate shall serve as chair of the Steering Committee.
- B. The Steering Committee shall aid the speaker in setting the agenda for meetings of the Faculty Senate.
- C. The Steering Committee shall regularly review the actions of all Faculty Senate committees and shall provide appropriate leadership and direction for their proper functioning.
- D. Immediately after the organizational meeting of the new Faculty Senate each April, the new officers shall meet and recommend the appointment of the Faculty Senate members among the appointed standing committees of the Faculty Senate. Each member shall be assigned to at least one committee based on preferences supplied by the members and the needs of the Faculty Senate. Whenever possible, all academic colleges shall be represented on each committee.

- E. Between the end of the spring semester and the beginning of the fall semester, the Steering Committee, including newly elected officers, shall serve as an interim governance body. Personnel or policy issues normally requiring larger Faculty Senate deliberation can be considered by this group, as necessary, with recommendations being formulated for Faculty Senate action during the fall. Issues considered, decisions made, and recommendations formulated shall be presented for review and concurrence at the first fall meeting of the full Faculty Senate.

Section 6. The Nominations and Elections Committee

- A. Membership of the Nominations and Elections Committee shall consist of at least one member from each academic college, when possible. The marshal of the Faculty Senate shall serve as chair of this committee, but the marshal's college should, if possible, have a representative in addition to the marshal.
- B. The committee shall oversee, through the agency of the Faculty Senate marshal, the elections of members and alternates. In the event of a contested election, the committee shall conduct a full investigation and make a recommendation to the Faculty Senate. The Faculty Senate shall make the final decision as to the seating of members and alternates by majority vote of the Senate.
- C. Before the organizational meeting, the Nominations and Elections Committee shall nominate at least one candidate for each senate office and shall present these nominations at the organizational meeting of the newly-elected Faculty Senate. The committee shall supervise the elections of Faculty Senate officers held in the organizational meeting of the newly elected Faculty Senate.
- D. The committee shall oversee the removal of officers and members from the Senate and from committee appointments for nonperformance of duties, misconduct, ineligibility, or other just cause.
- E. Each year, the committee shall solicit the faculty to find members who are interested and qualified to serve on general university committees or commissions.

Section 7. The Faculty Concerns Committee

- A. The Faculty Concerns Committee shall consist of at least one member from each academic college, when possible. The speaker pro tempore chairs this committee, but the speaker pro tempore's college should have a representative in addition to the speaker pro tempore, if possible.
- B. The Faculty Concerns Committee studies, formulates and recommends action on university-wide concerns pertaining to:
 - 1. Methods of selection and appointment of faculty, including academic unit heads and administrative officers;
 - 2. Tenure, promotions, salaries, academic leaves, consulting practices, research and publication of instructional faculty members;
 - 3. Fringe benefits and working conditions of instructional faculty members;
 - 4. Issues concerning academic freedom and responsibilities; and
 - 5. Development and utilization of university resources and services as they affect faculty morale and professional development of instructional faculty members.

Section 8. The Student Relations Committee

- A. The Student Relations Committee shall consist of at least one member from each academic college, when possible. This committee shall elect a chair from the membership of the committee at its first meeting following the Organizational meeting in April.

- B. The chair of the committee shall serve as a member of the Steering Committee.
- C. This committee shall identify and make recommendations concerning matters of mutual responsibility and concern among faculty and students.

Section 9. The Committee on Academic Policies

- A. The Committee on Academic Policies shall consist of at least one member from each academic college, when possible. This committee shall elect a chair from the membership of the committee at its first meeting following the Organizational meeting in April. The chair of the committee shall serve as a member of the Steering Committee.
- B. This committee shall consider and make recommendations concerning new or existing academic policies of the university, including but not limited to degree requirements, credit/no-credit courses, special studies, etc.

Section 10. The Faculty Appeals Committee

- A. The Faculty Appeals Committee shall consist of one member from each academic college. Members on this committee must be either tenured or have served at least six years of full-time teaching at JMU. If the college requirement cannot be met from among members of the Faculty Senate, the Steering Committee may appoint as a member of the committee a tenured faculty member, or a faculty member who has served at least six years of full-time teaching at James Madison University, who is not a member of the Faculty Senate. Academic Unit heads, and assistant and associate deans are ineligible for membership on this committee. The committee shall elect its own chair at its first meeting following the Organizational meeting in April. The chair of the committee shall serve as a member of the Steering Committee.
- B. This committee shall receive appeals from instructional faculty members, determine whether a hearing will be held, and if so, select a Hearing Committee, under the terms of the Faculty Handbook.

Section 11. Budget Committee

- A. The Budget Committee shall consist of at least one member from each academic college, when possible. As necessary, appropriate, and with the consent of the Steering Committee, the Budget Committee chair may appoint additional faculty members who are not Faculty Senate members to its membership. The committee shall elect a chair from membership of the committee at its first meeting following the Organizational meeting in April. The chair of the committee shall serve as a member of the Steering Committee.
- B. The Budget Committee will advise the Faculty Senate regarding the fiscal operation of the University as it is relevant to the University's academic mission so that the faculty may provide its recommendations to the University's administration.

Article V: Meetings

Section 1.

The organizational meeting of the newly-constituted Faculty Senate shall be held each year in April, after the conclusion of the regular Faculty Senate meeting, for the purpose of electing new officers.

Section 2.

The Faculty Senate shall hold meetings as follows:

- First Thursday in September

- First Thursday in October
- First Thursday in November
- First Thursday in December
- Last Thursday in January
- Last Thursday in February
- Last Thursday in March
- Last Thursday in April

These regular meetings shall be open meetings under the laws of the Commonwealth of Virginia, and all members of the James Madison University community are welcome. The time and location of the meetings will be posted on the Faculty Senate website. Members must be given at least three days' notice of all regular meetings by the speaker. In the event the university is closed on the regular meeting day, the meeting will be rescheduled to the following Thursday at the same time and place, if the university has re-opened, and the website will reflect the change.

Section 3.

The speaker may also call special meetings of the Faculty Senate as deemed necessary. Upon receipt of a petition from at least 20 percent of the membership of the Faculty Senate, the speaker shall immediately call a meeting of the Faculty Senate to be held no later than five working days after the petition is received, if the university is in session, or at least thirty days after the petition is received, if the university is not in session. Notice will be provided to all members, and the time and location will be posted on the website.

Section 4.

A quorum of the Faculty Senate's members is necessary to conduct business. A majority of the voting members of the Faculty Senate shall constitute a quorum. Official acts of the Faculty Senate shall be voted upon by the voting members in attendance. Unless otherwise specified herein, a majority vote of those present and voting is required to pass a motion.

For purposes of determining a quorum or majority, alternates or duly authorized proxies shall be considered voting members.

Section 5.

Minutes shall be kept of every meeting, and the secretary will distribute a draft of the minutes to the Steering Committee for review. After its approval, copies shall be distributed electronically to the members by the secretary no later than three weeks following a meeting.

Section 6.

Minutes will be officially approved at the next meeting of the Faculty Senate but will not be re-distributed to the members unless the Senate votes for re-distribution.

Section 7.

Meetings shall be conducted in accordance with the latest edition of Robert's Rules of Order, subject to such rules as may be adopted by the Faculty Senate.

Section 8. Conduct of Senate Business

A. A member may bring a matter to the senate for discussion by submitting a written request to the speaker who, with the advice of the Steering Committee, will either (1) place it on the agenda for a future senate meeting, or (2) refer it to the appropriate senate committee for study prior to bringing it to the full senate.

- B. The senate may extend privileges of the floor of the senate to any member of the university community, including alumni. Such privilege for a meeting shall be extended to a visiting university community member through either of two procedures: (1) by arrangement prior to the meeting with the speaker, or (2) through introduction of the visitor by any member during the course of a meeting.
- C. A full agenda for a forthcoming meeting shall be presented in writing or in an electronically readable form to all members at least three (3) days in advance of each regular meeting. In addition, the text of motions requiring senate action shall likewise be presented in writing or electronically readable form at least three (3) days in advance of meetings, to the extent possible.

Article VI. Dues

Each full-time instructional faculty member is expected to pay dues to the Faculty Senate. Dues are collected for the purpose of providing memorial tributes for the death of a James Madison University faculty member or family member (the “Flower Fund”). Dues are set at \$2.00 per year, and are to be paid to the faculty member’s Faculty Senate member representative by October 15 each year.

The Faculty Senate member will collect the dues and transmit them to the Treasurer at the regular October meeting of the Faculty Senate. The member will keep an accurate record of the dues collected and paid to the Treasurer.

The Treasurer will keep an accurate record of the dues collected from members. Dues will be deposited by the Treasurer in the official Faculty Senate account, and will be administered according to university cash handling procedures.

Article VII: Amendments

These bylaws shall become effective when approved by a two-thirds majority vote of the total number of voting members of the Faculty Senate.

These bylaws can be amended at any time by the Faculty Senate when approved by a two-thirds majority vote of the total number of voting members of the Faculty Senate.

VII. APPENDICES

VII.A. Other University Policies and Procedures

VII.B. Organization Chart

VII.C. Information on Divisions of the University

VII.D. General University Information