



# 2022-23 Faculty Handbook



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# **I. Introduction**

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## **I.A. Message from the Rector**

Dear Faculty of JMU,

On behalf of the Board of Visitors, I would like to thank the Faculty Handbook Committee for their work on revising this latest version of the handbook. The Board of Visitors approved the recent revisions to the handbook at the April 2022 board meeting, to be effective July 1, 2022.

As a resource, the Faculty Handbook is designed to outline the duties, rights, and responsibilities of faculty members and be a guide for the relationship between faculty members and the university. It does not contain all of the university's policies and procedures and, therefore, should not be considered to be a part of the university's contractual agreement with individual faculty members.

Our shared mission to educate the students of James Madison University and prepare them to be contributing citizens in their respective communities is vital to the purpose of the institution. The Board of Visitors appreciates the critical role the faculty play in achieving this mission. I hope this newest version of the Faculty Handbook assists you in your professional endeavors.

Thank you for your commitment to James Madison University.

Maribeth D. Herod

Rector, Board of Visitors

## **I.B. Message from the President**

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Dear Colleagues:

As president of James Madison University, I want to recognize one of the strengths that make this institution an inspirational place to work. It is not true at every college and university, but here there is a collaborative atmosphere and willingness of the community to strive for consensus through shared responsibility. The Faculty Handbook Committee has modeled that strength on behalf of the entire academic community, showing us what can be accomplished when the faculty and the administration work together to refine and improve the language of this living document. As I have said many times, our people are our greatest resource. The efforts of the committee to enhance and clarify the relationship between the institution and its people are an important and valuable offering to the wellbeing of the university.

The 2022-23 Faculty Handbook is the result of the labor of engaged faculty members and administrators who have given their time and energy to this task. It is a work in progress, and it will continue to be reviewed and improved over the years to make sure that it is a useful tool to guide us in shaping the campus community. It is a guide to the duties and responsibilities, as well as the privileges and benefits, of the faculty's service to the university. As such, it provides a valuable resource for us all.

My thanks go to the members of the Faculty Handbook Committee for their important work. I appreciate the refinements to the wording of the handbook, and I recognize the committee's serious attention to the vital task they have accomplished.

I call on all of the administrators and faculty members to continue to provide your best efforts to strengthen and improve this handbook and the university, so that we may fulfill our responsibilities to our students, our community and the public.

Jonathan R. Alger  
President

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

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Dear Colleagues:

The Faculty Handbook encompasses many of the provisions that govern the relationship between the faculty and the university. It outlines the ways we work together to achieve our mission. Rather than being cast in stone, the handbook is designed to be flexible enough to meet the needs of the entire university community, while complying with state and federal law, requirements of accreditation, and the best practices of the academy.

Updating and improving the document is undertaken annually by a dedicated group of Academic Affairs administrators and faculty members who represent the voice of the full faculty. This cooperative group effort, in the best tradition of shared governance, is a constant reminder of the value that comes from stakeholders sharing their resources and experience for the greater good of the institution. The handbook recommendations are reviewed by the faculty and administrators within the division before the document is presented for approval by the Board of Visitors. Clarifications and modifications brought forth by the Faculty Handbook Committee, approved by the administration, and adopted by the BOV have made this version of the document as current and reflective of best practices as possible. I commend this year's committee for their painstaking work and appreciate their time and effort.

I encourage all faculty to familiarize themselves with the provisions in this handbook. It represents the source of most of the policies governing the employment relationship each faculty member has with the university. The importance of these policies and the relationship they represent cannot be overstated.

I also extend an invitation to all faculty to be active in the evolution of the handbook by commenting on proposed amendments and making suggestions where you feel they will contribute to those performing the annual review of the document. Thank you for your continued service to the university, our students, and each other.

Heather J. Coltman, D.M.A.

Provost and Senior Vice President for Academic Affairs

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

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Dear Colleagues:

The Faculty Handbook is a collaborative effort produced by university faculty and administrators. The handbook is essentially an agreement between the faculty and administration that describes the obligations of faculty and guarantees certain rights of faculty. Thus, the handbook is an important document that provides guidance and promotes a shared understanding of the role of faculty within the university community.

The Faculty Handbook evolves over time. As described herein, the handbook is subject to annual revision, as faculty and administrators work together to clarify and improve the guidelines.

Please feel free to notify me or members of the Faculty Handbook Committee of your concerns or suggestions. All suggestions proposed by the university community are given serious consideration by the Faculty Handbook Committee.

The Faculty Handbook revision process is fundamentally collaborative, and all participants demonstrate a commitment to transparency and clear communication. Ultimately, we all seek a document that is clearly written, fair to all members of the university community, and promotes the mission of the university.

Katherine Ott Walter, Ph.D., Speaker,  
Faculty Senate

## **II. Applicability of the Faculty Handbook and Procedures for Change**

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### **II.A. Abbreviations and Style**

This handbook is intended to conform to the stylistic conventions of James Madison University, which includes use of [AP Style](#). The university strives to use language, such as gender-neutral pronouns, that is inclusive of all individuals and groups of people.

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 Faculty
- 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 must be bound by changes as they become effective. The provost will maintain the official version of the Faculty Handbook. The official version must be maintained on the university server and may be referenced at <http://www.jmu.edu/facultyhandbook>. The individual faculty member is responsible for informing themselves of the provisions currently in effect.

Faculty members may 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 must notify the faculty of any changes by appropriate and expeditious means and the official version of the Faculty Handbook must 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 must be appointed and must meet as needed, at least once each year. Three members must be appointed to staggered three-year terms by the speaker. Three members must be

appointed to staggered three-year terms by the provost. Terms must begin at the beginning of the fall semester. Letters of appointment must 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 may go out to new appointees by Aug. 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 must schedule its first meeting each fall. The committee must elect its chair annually. At its first meeting of the year, the committee will:

- (1) Elect a chair, who must 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 must 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 must 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.

## **III.E. Procedures for Changing the Faculty Handbook**

### **II.E.1. Charge of the Committee**

The Faculty Handbook Committee must 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 must 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 must be accomplished through the procedures set out in the *Constitution of the Faculty Senate* and must become effective as outlined therein. Any changes recommended to the committee in this section must 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 must 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 online](#).

#### **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 must 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 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 must 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 must be sent to the committee for a recommendation concerning its inclusion in the Faculty Handbook. The committee must consider including any such policy sent to it that would impact the provisions of the Faculty Handbook, or that it deems may 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 must consider including any such policy that would have an

impact on the provisions of the Faculty Handbook, or that it deems may 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 must 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 must 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 complements, 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 must 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 must 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 they 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 must 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 may 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, must 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 must notify the faculty of any changes by appropriate and expeditious means and the official version of the Faculty Handbook must 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 must normally notify the faculty of the changes made via web or email announcement.

## **II.F. Word Usage**

- *Academic Council* is defined as the vice provost, deans, members of the provost's staff, and other representatives as appointed by the provost.
- *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. A specific date indicates that calendar date. If, however, a specified date or 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 must 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.
- *Primary appointment* is defined as the academic or administrative unit where a faculty member spends the majority of their working time and effort. If a faculty member is on an evenly divided appointment, either unit may be designated as the primary appointment.
- *Must* and *must* indicate mandatory actions.
- *May* 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 23.1, § 23.1-1600 and § 23.1-1301.

### 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 their 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 their 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 their 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 their 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/scholarly achievement, and professional qualifications, and professional service from a faculty member, to evaluate and to require improvement (as needed) 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 to require improvement (as needed) 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 to require improvement (as needed) 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 must 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, including *Academic Affairs*, the colleges, and the academic units.

**III.A.2.b.(2)** A faculty member must not engage in dishonest behavior toward their 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 must accurately represent their professional credentials and accomplishments.

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

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

**III.A.2.b.(6)** A faculty member must perform the duties and obligations of their employment with the university in a professional and satisfactory manner.

**III.A.2.b.(7)** A faculty member must not engage in misconduct. See Faculty Handbook, Section III.A.26.

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

**III.A.2.b.(9)** A faculty member must 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 must not act to deprive their students of the exercise of academic freedom and must teach the responsibilities that go with such freedom.

**III.A.2.b.(11)** A faculty member engaged in instruction must refrain from interjecting material that serves no pedagogical purpose into their teaching.

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

**III.A.2.b.(13)** A faculty member engaged in instruction must 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.14.

**III.A.2.b.(14)** A faculty member must 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 must maintain a record in their 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 their employment with the university, a faculty member engaged in instruction must 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 must report grades to the registrar by the published deadline each semester.

**III.A.2.b.(17)** A faculty member engaged in instruction must make appropriate accommodations for students relating to religious observances and disabilities, and they must abide by *Manual of Policies and Procedures*, Policy 1331, Disabilities & Reasonable Accommodations. Faculty must make appropriate accommodations for students who are called to military service or jury duty. 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 Faculty Handbook, Section III.A.17. Attendance Policy.

**III.A.2.b.(18)** Faculty must make reasonable adjustments for students 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. Any class activity which cannot be excused must be noted in the class syllabus. See Faculty Handbook, Section III.A.17. Attendance Policy.

**III.A.2.b.(19)** A faculty member must not abuse, harass, or otherwise take unfair advantage of their students, colleagues, or other employees of the university, and must adhere to the university's equal opportunity policy. See *Manual of Policies and Procedures*, Policy 1302, Equal Opportunity.

**III.A.2.b.(20)** A faculty member must 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.(21)** A faculty member must use their experience and good judgment in supporting their discipline and furthering the university's mission.

**III.A.2.b.(22)** A faculty member must act professionally in voicing any legitimate criticism of the university.

**III.A.2.b.(23)** A faculty member must not engage in malicious actions calculated to destroy or immobilize the academic unit, the college, or the university.

**III.A.2.b.(24)** A faculty member must make it clear when they are speaking or writing as a private citizen or expert in an area of expertise and when they are speaking or writing as an official representative of the university.

**III.A.2.b.(25)** A faculty member must 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.(26)** A faculty member must avoid conflicts of interest in their personal and professional life that may adversely affect their responsibilities to the university. A faculty member must be scrupulous in disclosure of their interests and must 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.(27)** A faculty member must not engage in violent behavior, and must 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 may 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 their role as a guardian of intellectual honesty, scholarly excellence, and pedagogical soundness.

#### **III.A.3.b. Relationship with Students**

Faculty members may 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 may never take unfair advantage of the student/teacher relationship they have with their students.

#### **III.A.3.c. Relationship with Colleagues**

Faculty members may treat their colleagues and others with respect and may fulfill their responsibilities to assess their colleagues' 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 must 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.

### **III.A.3.f. Codes of Ethics**

Faculty members must 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 may 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 may 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 their immediate family has a personal interest, or benefits or suffers from their 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 their 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 must be sensitive to the potential for such conflicts, and must 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 their professional responsibilities and personal interests in dealings or relationships with students.

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 in

keeping with Policy 1340. Sexual Misconduct and Policy 1346. Title IX Sexual Harassment. See III.A.8.

### **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 Opportunity.

### **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, Sexual Misconduct](#).

#### **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 \(Other than Sexual Harassment and Misconduct\)](#). A complaint may be filed against other university employees (i.e., staff members) with the Human Resources Department. See *Manual of Policies and Procedures*, 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 must hold students accountable under the university's Honor System, must abide by the reporting requirements of the Honor Code, and may communicate clearly the application of the Honor Code in their classes. For details see the [University Honor Code](#).

#### **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 may 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 they are 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 their 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 they are 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 may 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 may be aware of *Code of Virginia* § 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, III.A.25.

### **III.A.12. Class Schedules**

Faculty members must 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 first-year 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 University Advising.

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 may be staggered from day to day to accommodate students and other faculty members. A schedule of office hours must be posted and carefully followed to avoid confusing and discouraging students who may desire conferences. Each full-time faculty member must post regular office hours and may 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 Commission on Colleges, 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. The university requires that each syllabus contain an attendance policy.

Additionally, the university requires that each syllabus contain other provisions. These are listed on the university's [syllabus website](#) containing syllabus requirements. A syllabus may contain a link to the university's [common policies](#) regarding some of these required provisions. Faculty members must place each syllabus on file with the appropriate academic unit by the end of the first week of the semester.

### **III.A.17. Attendance Policy**

Instructors must provide an attendance policy for each course. The attendance policy must state any mandatory, unrepeatable components of the course, and the expected procedure for requesting and obtaining approval for scheduled absences.

A faculty member engaged in instruction must make appropriate accommodations for students relating to religious observances. A faculty member engaged in instruction must make appropriate accommodations relating to student disabilities. Faculty must make appropriate accommodations for students who are called to military service or jury duty. Faculty must make reasonable adjustments for students 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. Any class activity which cannot be excused must be noted in the class syllabus.

### **III.A.18. 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.19. 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) and III.A.2.b.(18). 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.20. Participation in Meetings**

A new faculty member is expected to participate in new faculty orientation. During the contract period, a faculty member is required to attend faculty meetings and to meet with their 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.21. Faculty Absences**

It is a faculty member's responsibility to fulfill their 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.22. Faculty 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 and Reasonable Accommodations.

### **III.A.23. Faculty 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 their job even with reasonable accommodations is not entitled to continued employment.

A faculty member is responsible for informing either their 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.24. 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 themselves or others; dress properly for specific work assignments and use protective equipment correctly; and report immediately to their supervisors all accidents and/or injuries. For details see the *Manual of Policies and Procedures*, Policy 3108, Health and Safety.

### **III.A.25. Use of University Property**

University property, including equipment and supplies, must 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.26.

### **III.A.26. Faculty Misconduct and Sanctions**

#### **III.A.26.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.26.b. Complaints**

Any person who believes in good faith that an instructional faculty member is engaging in or has engaged in misconduct may 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 and Conditions of Employment for Administrative & 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 must 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 must send the official complaint to the AUH for initial processing unless there is a reason to do otherwise. Informal allegations of misconduct must be reported by the AUH to the dean. Formal allegations of misconduct will be reported by the AUH to the dean, who must report the allegations to the provost.

### **III.A.26.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 and 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.26.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.26.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 must 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 may 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 may 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.26.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 must 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 may 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.26. must be available to the faculty member after the removal. If the faculty member does not notify the dean within five days of removal of their decision to exercise the option to have this hearing, the faculty member's dismissal will become final.

### **III.A.26.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 must be suspended pending a final decision on the misconduct charge. A determination of misconduct is relevant in a promotion or tenure review.

### **III.A.26.h. Inquiry**

For a formal or informal complaint, if the AUH determines that an allegation of misconduct does not merit a formal inquiry, they must discuss the allegation with the faculty member in question and may take action they deem 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 must file a report with the dean concerning the complaint and the action taken by the AUH. A copy of the report must be sent to the faculty member and a copy must be placed in the faculty member's personnel file. If the faculty member disputes the report, they may place an accompanying response into the file. If the faculty member disagrees with the action taken by the AUH, they 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 must 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, they 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 must send a written request for a formal inquiry to the appropriate dean, with copies to the provost and the faculty member. This request must 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 must be altered to affect the appropriate administrative review.

### **III.A.26.i. Hearing**

If the dean determines that a hearing is not warranted, they must notify the AUH and the faculty member of that decision in writing, with copies to 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 may 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 must 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 must 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 must be determined by the college, but must always include the right of the faculty member to know the proof of the alleged misconduct, the right to present arguments and evidence on their 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 their designee must have the burden of establishing that the faculty member engaged in misconduct. Following the hearing the college committee must prepare a written summary of findings, including a recommendation by majority vote of those members hearing the matter regarding any proposed sanctions. This report must 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 must send any recommendations on the matter they determine are appropriate to the provost, with copies to the college committee, the AUH, and the faculty member.

### **III.A.26.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.26.k. Decision**

Within five days of receipt of the dean's recommendations concerning the committee's report, the provost must 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 must be included. If the indicated sanction is dismissal, the

notification must 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.26.l. Appeal**

All appeals must 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 must 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 must promptly send an acknowledgment of receipt of the appeal to the faculty member, and must notify the president, provost, the dean, and the AUH. If an appeal is filed, the provost must appoint a respondent to represent the administration in the appeal process.

### **III.A.26.m. Faculty Appeals Committee**

The Faculty Appeals Committee must 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 may be granted, the procedures in Faculty Handbook, Section III.L.2.c. must apply. In the hearing, the petitioner must 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 must not be granted, the faculty member, the respondent, the speaker, the provost, and the president must 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.26.n. Confidentiality**

All persons performing responsibilities under Faculty Handbook, Section III.A.26. must 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 non-classified 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**

A faculty member whose primary responsibility includes teaching, scholarly achievement and professional qualifications, and professional service. Instructional faculty also have specific guidelines for employment set forth in the University Faculty Handbook.

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

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

Administrative faculty and professional faculty are normally referred to collectively, as both require advanced learning acquired by prolonged formal instruction and/or specialized training and work experience; however, the university recognizes administrative faculty and professional faculty as distinct position types.

Administrative Faculty positions are generally administrators who perform work related to the management of the educational and general activities of the university, for at least fifty percent (50%) of their work. Typically, administrative faculty serve in executive leadership roles such as vice president, provost, dean, assistant or associate vice president, or assistant or associate vice provost. Other administrative faculty roles can include (1) those responsible for the administrative direction of separately designated divisions or departments of institutional activity; (2) positions whose primary responsibility is to attract external funds; or (3) positions that are characterized by active, continuing involvement in formulating, interpreting, and implementing institutional policy, and exercise substantial independence, authority, and discretion in areas such as program planning, design, and allocation of resources. The organizational reporting relationship for administrative faculty is normally not lower than three levels below Executive Council positions. For Academic Affairs, this would include: vice provost/dean (level 1), academic unit head/director (level 2), and associate director (level 3).

Professional Faculty require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. Typical professional faculty positions are counselors, coaches, physicians, lawyers, engineers, or architects. Other professional positions may support education, research, university life, and other such activities. Professional faculty positions must require the incumbent to regularly exercise professional discretion and judgment and to produce work that is intellectual and varied and not standardized.

### **III.B.2.c. Library Faculty**

Instructional faculty who are affiliated with Libraries. Their responsibilities include job performance, scholarly achievement and professional qualifications, and professional service as defined in the *Libraries' Promotion and Tenure Guidelines*.

### **III.B.2.d. Academic Unit Head**

An academic department head or the functional equivalent of that position. 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, scholarly achievement and professional qualifications, 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, principal lecturer, senior lecturer, and instructor.

### **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 may 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 may 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 may 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, senior lecturer, principal 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 may 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 eligible for promotion. Appointment at the rank of lecturer normally carries with it primarily teaching and service responsibilities, and a graduate degree in a relevant discipline. See Faculty Handbook, Section III.D.4.

#### **III.B.4.c. Senior Lecturer**

In addition to the requirements for lecturer, appointment at the rank of senior lecturer is contingent upon substantial professional achievements, evidenced by excellence in teaching, with an appropriate combination of service and scholarship achievement/professional qualifications, and normally a graduate degree in a relevant discipline.

#### **III.B.4.d. Principal Lecturer**

In addition to the requirements for senior lecturer, appointment at the rank of principal lecturer is contingent upon recognition of outstanding professional accomplishment, evidenced by excellence in teaching, with an appropriate combination of service and scholarship achievement/professional qualifications, and normally a graduate degree in a relevant discipline.

#### **III.B.4.e. Assistant Professor**

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

#### **III.B.4.f. 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.g. 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* must 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 Selection and 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 must 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 must review the strength of the candidate pool with the AUH or hiring authority, who must make a judgment as to whether additional recruitment efforts may be made. After the search, the AUH or hiring authority must 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 the 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 must request the academic unit to nominate members of its faculty for service on a search committee, unless the dean determines that the position may 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 must appoint the search committee from among those nominated and may appoint additional members who must constitute a minority of the committee. The dean must 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 may 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 must review the strength of the candidate pool with the dean, who must make a judgment as to whether additional recruitment efforts may 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 may be conducted. A formal search committee must 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 must appoint the chairperson of the search committee. If no formal search committee is used, the dean must 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.

For more details concerning assistant and associate deans, see *Academic Affairs Policy #13: Associate Deans*.

### **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 may be conducted. If a formal search is used, the dean must appoint a search committee consisting of appropriate faculty and members of the administration. If no formal search committee is used, the dean must 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 must 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 must include faculty representatives from all appropriate colleges. The provost must appoint this search committee from the list of nominees and may appoint additional members who must constitute a minority of the committee. The provost will appoint a dean from another college to chair the search committee. A national search must be conducted. Prior to recommending candidates for interview, the search committee chair must review the strength of the candidate pool with the provost, who must make a judgment as to whether additional recruitment efforts may be made. After the search, the provost must 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., Libraries, 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 must consult with the Academic Council and the speaker and must recommend to the president a candidate to fill the position. The provost must 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 must request nominations for membership on a search committee from the appropriate faculty and academic administration. The search committee must include faculty representatives from all appropriate colleges. The provost must appoint this search committee from the list of nominees and may appoint additional members who must constitute a minority of the committee. The provost will appoint a dean or another vice provost to chair the search committee. A national search must be conducted.

Prior to recommending candidates for interview, the search committee chair must review the strength of the candidate pool with the provost, who must make a judgment as to whether additional recruitment efforts may be made. After the search, the provost must 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 must be conducted. The president must request nominations for membership on a search committee from the faculty and the administration. The president must appoint the search committee from the list of nominees and may appoint additional members. The president must appoint the chair of the search committee.

Prior to recommending candidates for interview, the search committee chair must review the strength of the candidate pool with the president or their designee, who must make a judgment as to whether additional recruitment efforts may be made. After the search, the president must 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 1326, Immigration Reform & Control Act
- Policy 1335, Terms and Conditions of Employment of Administrative & Professional Faculty
- Policy 2101, Faculty Selection and Hiring Procedures

## **III.D. Contracts and Appointments**

For details on procedures for hiring faculty members, see *Manual of Policies and Procedures*, Policy 2101, Faculty Selection and Hiring Procedures.

### **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.g.

RTAs are not candidates for tenure and cannot be awarded tenure. RTAs in the rank of lecturer and senior lecturer are 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.

### **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**

A substantial change in a faculty member's position or primary assignment, including but not limited to promotion, award of tenure, change in title, rank, status, type of appointment, salary, and special assignments, 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 their home unit upon receiving notice of nonrenewal of an A&P appointment. For details, see *Manual of Policies and Procedures*, Policy 1335, Terms and Conditions of Employment for Administrative & 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 must 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 must 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 four types of evaluations:

- (1) The initial evaluation must 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.

- (2) Annual evaluations of all faculty members must 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.
- (3) A comprehensive evaluation concerned with promotion is conducted in addition to the annual evaluation at the midpoint of the probationary period, typically during the third year of candidacy. It becomes a matter of the college's record and are filed in the office of the dean. For more details, see Faculty Handbook, Section III.E.4.m.
- (4) A comprehensive evaluation concerned with tenure is conducted in addition to the annual evaluation in the appropriate year. It becomes a matter of the college's record and are filed in the office of the dean.

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

### **III.E.1. Evaluation Fundamentals**

Each academic unit must establish written procedures and criteria for initial, annual, promotion and tenure evaluations. The procedures and criteria must 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 these three types of evaluations, and if they do so, the guidelines, standards, and criteria must 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 must, at a minimum, consider a faculty member's performance as set out in Faculty Handbook, Section III.E.1. Additional criteria may be added at the academic unit or college level in accord with Section III.E.2. 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 must be applied equally to all similarly situated faculty members in the academic unit.

#### **III.E.1.c. AUPAC Involvement**

The AUPAC must 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 must promptly be given access to the documents and given an opportunity to respond to them. A faculty member may elect to waive their 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 must 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 must 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 must 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 must 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 must be responsible for determining the composition and membership of the AUPAC. The rules for determining the membership of the AUPAC must be approved by the academic unit faculty members, AUH, dean, and provost, and they must 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 must 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.26.

### **III.E.2.b. Criteria**

The areas of performance that must 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 may include but is not limited to a well-developed teaching philosophy, self-evaluation, evaluations by peers and/or AUHs, and student evaluations of the course content, rigor, assignments and learning experiences, rather than individual style or personality of the instructor. Student evaluations may only be utilized as a formative tool or as part of a teaching portfolio.

Consideration may be given to a faculty member's commitment to student advising, student mentoring, innovations in teaching, contributions to departmental curriculum improvement, efforts to improve teaching as evidenced by development of new course work and teaching methodology, and other contributions to student success. Consideration of teaching performance may include artifacts to demonstrate student progress and learning, such as edited papers, student projects, student accomplishments, testimony from students, and course portfolios (e.g., presentation material, assignments, rubrics). Any such policy must apply equally to all similarly situated faculty members in the academic unit. Furthermore, student evaluation scores may not be the primary method by which teaching performance is evaluated.

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

### **III.E.3.d. Deadline**

The initial evaluation process must 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, must be sent to the dean by the AUH. If the faculty member refuses to sign the evaluation, this refusal must 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 must 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 must 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 must 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 must be developed by the full-time faculty members of each academic unit, approved by the AUH, dean, and 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 must 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 must 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 must 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 must 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 must 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 must provide the official written evaluation to the faculty member by Oct. 1. Any failure to meet this deadline will extend the appeal process 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 in accordance with evaluation



criteria established by the academic unit 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, they will take the appropriate action and either confirm or modify their original evaluation. The AUH will notify the reviewing body, the faculty member, and the dean of their 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 must 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 they deem 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 must 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 must inform the AUPAC and, in consultation with the faculty member, must 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, they will receive no financial support from the university to improve their performance, but the faculty member will still have the responsibility to bring their 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. Midpoint Review**

The AUPAC and AUH must independently review the accomplishments of tenure track faculty at the midpoint of the probationary period, typically during the third year of candidacy. The AUPAC and AUH will rate work of the candidate in teaching, research and service (if part of the candidate's duties). The written evaluation should identify any aspects of the candidate's work in which improvement is needed to be on course to receive tenure and/or promotion. In lieu of a midpoint review, academic units have the option of providing more frequent AUPAC and AUH feedback, e.g., in the second and fourth year.

#### **III.E.4.n. Confidentiality**

All persons involved in the evaluation process must 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 must 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, they 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 must 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 must 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.a.(4) Senior Lecturer**

An excellent rating in teaching and at least satisfactory ratings in the second and third areas are required for promotion to senior lecturer.

### **III.E.6.a.(5) Principal Lecturer**

Excellent ratings in teaching and one other area and at least a satisfactory rating in the third area are required for promotion to principal lecturer.

### **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 intent to apply or nomination must be made by Sept. 1 to the AUH. The faculty member must be informed if the AUPAC or AUH has nominated the faculty member, and must have the option to accept or decline the nomination without prejudice. The faculty member who wishes to be considered for promotion must 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 must 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 must 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. The dean has the option of selecting an administrator, such as but not limited to the AUH from another academic unit, to evaluate the promotion materials of the AUH applying for promotion, in addition to the dean and the AUPAC.

If a dean applies for promotion in faculty rank, or is nominated for promotion in faculty rank, the dean must 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 must submit a summary of activities and accomplishments in all appropriate areas to their 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 must make independent evaluations of the facts and make independent recommendations.

**III.E.6.b.(4)** Recommendations on promotion in academic rank must 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 must 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 must include a justification of their conclusions. The recommendations must be submitted to the dean by November 15, and a copy of both recommendations must concurrently be provided to the faculty member. After the dean has received both the AUPAC and AUH recommendations, the dean will provide a copy of the AUPAC recommendation to the AUH and a copy of the AUH recommendation to the AUPAC.

**III.E.6.b.(6)** The dean may consult with their college personnel advisory body and must 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 must include a justification of their conclusions.

The dean must submit the recommendations of the AUH, AUPAC, and dean to the provost by Dec. 15. After the recommendations have been provided to the provost, the dean must provide a copy of the dean's recommendation 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 must be reviewed by the provost, who must 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. The provost must send official written notification 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 must 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 must 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 must 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 must 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 must be sent to the BOV. The BOV must act on the recommendation, and notification of its decision must be sent to the faculty member by the president within 15 days after the BOV's meeting.

Official notification granting promotion must 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's 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 must submit a written notice of appeal to the Faculty Appeals Committee within 30 days setting forth the grounds for the appeal and a summary of the arguments and evidence they intend to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee must promptly send an acknowledgment of the receipt to the faculty member and must notify the president, provost, dean, and AUH. If an appeal is filed, the provost must appoint a person to serve as the respondent, representing the administration in the appeal process.

**III.E.6.b.(11)** The Faculty Appeals Committee must 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. must apply. In the hearing, the faculty member must 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 must not be granted, the faculty member, respondent, speaker, provost, and president must 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 must respect and maintain the confidentiality of all relevant documents and deliberations.

### **III.E.7. Tenure**

Tenure does not apply to any rank of lecturer or administrative or professional positions within the university. It is a concept with application only to the instructional faculty of the university. A&P faculty members 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 Faculty Handbook, 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 must 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 their 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 the option of stopping the tenure clock more than twice during the probationary period, regardless of the times FMLA is used.

**III.E.7.c.(2)** A faculty member has the right to suspend the tenure clock for a year if they take one or more non-intermittent FMLA leaves totaling six weeks or more of leave during the pre-tenure period. See Faculty Handbook, Section III.J.1.g 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 their 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 must 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 must 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. The dean has the option of selecting an administrator, such as but not limited to the AUH from another academic unit, to evaluate the tenure materials of the AUH applying for tenure, in addition to the dean and the AUPAC.

If an A&P faculty member applies for tenure, the A&P faculty member must submit a summary of activities and accomplishments in all appropriate areas to their 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 they teach or hold 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 must 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 must 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 must 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 must include a justification of their conclusions. The recommendations must be submitted to the dean by Nov. 15, and a copy of both recommendations must be provided to the faculty member. After the dean has received both the AUPAC and AUH recommendations, the dean must provide a copy of the AUPAC recommendation to the AUH and a copy of the AUH recommendation to the AUPAC.

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

The dean must submit recommendations of the AUH, AUPAC, and dean to the provost by Dec. 15. After the recommendations have been provided to the provost, the dean must provide a copy of the dean's recommendation to the AUH, AUPAC, and faculty member.

**III.E.7.f.(7)** Recommendations on tenure from the AUH, AUPAC, and dean must be reviewed by the provost, who must 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.

The provost must send official written notification of denial to the faculty member by Feb. 1, with concurrent copies to the dean, AUH, and AUPAC. If the provost recommends awarding tenure, the recommendation must 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 must include a justification.

**III.E.7.f.(8)** If the provost recommends awarding tenure, the president must 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 must 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 must be sent to the BOV. The BOV must act on the recommendation, and notification of its decision must be sent by the president 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 must submit a written notice of appeal to the Faculty Appeals Committee within 30 days setting forth the grounds for the appeal and a summary of the arguments and documentation they intend to present at a hearing. Upon receipt of an appeal, the chair of the Faculty Appeals Committee must promptly send an acknowledgement of the receipt of the appeal to the faculty member and must notify the president, provost, dean, and AUH. If an appeal is filed, the provost must appoint a person to serve as the respondent representing the administration in the appeal process.

**III.E.7.f.(10)** The Faculty Appeals Committee must 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. must apply. In the hearing, the faculty member must 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 must not be granted, the faculty member, respondent, speaker, provost, and president must 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 must remain employed for the duration of the probationary period, but they may not apply for tenure again. Notice of denial of tenure must serve as notice of non-reappointment at the end of the probationary period and must 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 must 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 their academic position, absent unusual circumstances. Post-tenure review may 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 must 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 must recommend

that the faculty member undergo remediation. Notification must 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 must 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 must submit its written evaluation to the dean by Nov. 30, with copies to the AUH and faculty member concurrently. The evaluation must 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 must review the tenured faculty member's annual evaluations and the AUPAC's evaluation of the faculty member's overall performance. The dean must provide a separate written evaluation. The evaluation must conclude whether the faculty member's overall performance has been satisfactory or unsatisfactory over the last three years. The evaluation must 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 must 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 must be in writing and must be submitted within seven days of receiving notification from the dean that a remediation plan is required. The provost must 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 must include a justification of their 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, must devise a remediation plan that respects academic freedom and professional self-direction.

The plan must 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 may be flexible enough to allow for subsequent alteration. Development of the plan must 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 must 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 must be in writing and must be submitted within seven days of receiving the

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

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

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

#### **III.E.8.l. Provost's Determination**

The provost must review the evaluations of the AUH, AUPAC, and dean, and must 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 must 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 must be sent to the faculty member by Feb. 1, with copies to the AUH, AUPAC, and dean. The notification must include a rationale for the provost's determination and any sanction. If the sanction is dismissal, it must 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 must 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 must 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 must promptly send an acknowledgement of the receipt of the appeal to the faculty member and must notify the president, the provost, the dean, and AUH. If an appeal is filed, the provost must 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 must 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 may be granted, the procedures in Faculty Handbook, Section III.L.2.c. must apply. In the hearing, the respondent must 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 must not be granted, the faculty member, respondent, speaker, provost, and president must 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 must 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.

### **III.F.1. Resignation**

A faculty member may resign their 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, must 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 must make independent evaluations of the facts and make independent recommendations, and may 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 must include a justification of their conclusions. These recommendations must be submitted to the dean. If the AUH makes the initial recommendation, the AUH must 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 must inform the AUH that a recommendation has been sent to the dean, and the AUH will submit their 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 must 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 must be provided to the AUH and concurrently a copy of the AUH recommendation must be provided to the AUPAC.

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

The dean must 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 must include a justification of their conclusions. The recommendations of the

AUH, AUPAC, and dean must be submitted to the provost within five days of the dean's receipt of the AUH and AUPAC recommendations. After the recommendations have been received by the provost, a copy of the dean's recommendation must 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 must be reviewed by the provost, who must 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 must include a justification of their conclusions. Notice of nonrenewal must be sent to the faculty member, and a copy must 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 must 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 may 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 15 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,. 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 must 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 must 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 must promptly send an acknowledgement of the receipt of the appeal to the faculty member and must notify the president, the provost, dean, and AUH. If an appeal is filed, the provost must 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 must 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 may be granted, the procedures in Faculty Handbook, Section III.L.2.c. must apply to both tenure-track and RTA faculty members. In the hearing, the faculty member must 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 must not be granted, the faculty member, respondent, speaker, provost, and president must 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 must 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 their 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 must 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 must specify the criteria for identifying individuals whose appointments will be terminated. The provost must identify those individuals who will be terminated under the criteria specified and must be responsible for notifying those faculty members who will be terminated. The provost must 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 must 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 must 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 must 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 must 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 must 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 must be given such written notice as may be practical under the circumstances. If financial circumstances allow, this must 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 must 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 must promptly send an acknowledgement of the receipt of the appeal to the faculty member and must notify the president, provost, dean, and AUH. If an appeal is filed, the provost must 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 must 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 may be granted, the procedures in Faculty Handbook, Section III.L.2.c. must apply. In the hearing, the respondent must have the responsibility to establish that the termination is appropriate. If the Faculty Appeals Committee determines that a hearing must not be granted, the faculty member, respondent, speaker, provost, and president must 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 must 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 must 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 must consult with the university community including the Faculty Senate. Responsibility for the decision on individual termination decisions must 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 must 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 must 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 must 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 must 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 must promptly send an acknowledgement of the receipt of the appeal to the faculty member and must notify the president, provost, dean, and AUH. If an appeal is filed, the provost must 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 must 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 may be granted, the procedures in Faculty Handbook, Section III.L.2.c. must apply. In the hearing, the respondent must have the responsibility to establish that the termination is appropriate. If the Faculty Appeals Committee determines that a hearing must not be granted, the faculty member, respondent, speaker, provost, and president must 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 may 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 must 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 they are 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 their position, with or without reasonable accommodation. This determination must be based on information available to the provost, including medical documentation from the faculty member's health care provider when it is available, and must be preceded by written recommendations from the AUH and dean. The provost must 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 must 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 must promptly send an acknowledgement of the receipt of the appeal to the faculty member and must notify the president, provost, dean, and AUH. If an appeal is filed, the provost must 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 must 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 may be granted, the procedures in Faculty Handbook, Section III.L.2.c. must apply. In the hearing, the respondent must have the responsibility to establish that the termination is appropriate.

- If the Faculty Appeals Committee determines that a hearing must not be granted, the faculty member, respondent, speaker, provost, and president must 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 must 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 may arrange an

appointment with human resources, the dean of the college, and/or the AUH. A faculty member may be required to review their 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 may be removed or corrected, they 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 must 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 must attempt to inform a faculty member if their 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 must 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 may 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

Interests 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 fundraising materials, the timing of solicitations and the list of those to be solicited. Requests may 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, Private Fundraising.

## **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 their choice. Faculty members may access information on current and year to date pay information by logging into My Madison. 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, scholarly achievement and professional qualifications, and professional 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 or senior lecturer, and a faculty member who is promoted to professor or principal lecturer. 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 must be a prior, explicit description of the basis on which the allocation is to be made. This must 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 must not abridge any individual's privacy rights. The college's criteria must require approval by the provost.

### **III.I.2.d. Academic Unit Allocation**

**III.I.2.d.(1.)** In addition, there must 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 must require approval by the dean and the provost. At or near the start of an academic year, each faculty member and their AUH must 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 must receive a detailed, written explanation of the salary adjustment that they are 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 must provide a written recommendation on the appeal to the dean by Jan. 31.

**III.I.2.e.(4)** The dean must 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 must 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 must 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 and Exempt Staff 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 and Exempt Staff 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 on the [Human Resources website](#).

### **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 must 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 they are on an educational leave.

Accomplishing the agreed-upon goal(s) of the educational leave must 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, they are 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 their 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 must 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 them unable to perform the functions of their 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, Alcohol and Other Drugs, 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, Training and Development – A&P Faculty and Classified Staff.

#### **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, Waiver of Tuition Program for Faculty and Staff Course Work.

#### **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, Work-Related Education or Training from an External Source.

### **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.

## **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 must be filed within six months of the most recent alleged violation, or they will be dismissed as untimely. Each college must 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 must be given to the next level supervisor. That official's decision on the matter must 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 they have a grievance concerning their role as an instructional faculty member must present a complaint in writing to AUH to seek a resolution at the lowest level possible. The grievance statement must set forth the alleged violation of existing policy or established practices. This document must 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 must 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, they 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 must 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 must have five days to review the recommendation from the standing committee and to send their 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 their 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 may 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 must 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.b. Hearing Committee**

The Hearing Committee is not a standing committee of the Faculty Senate, but is selected according to the procedure in Faculty Handbook section III.L.2.b.(5) if an appeal is sent to a hearing.

### **III.L.2. Procedures**

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

A faculty member filing an appeal must 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 they intend to present at a hearing. Evidence in the form of documents that the faculty member intends to rely upon must 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 must 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 must be notified that their appeal has been denied. Procedures for appeal are identified below or elsewhere in the Faculty Handbook.

- Tenure-track faculty contract nonrenewal III.F.3.i, III.F.3.j
- RTA contract nonrenewal III.F.3.i, III.F.3.j
- Denial of Tenure III.E.7.f.(9), III.E.7.f.(10), III.E.7.f.(11)
- Denial of Promotion III.E.6.b.(9), III.E.6.b.(10), III.E.6.b.(11)
- Tenured faculty termination due to Program Reduction or Elimination III.F.4.b.(4), III.F.4.b.(5)
- Tenured faculty termination for Financial Exigency III.F.4.a.(8), III.F.4.a.(9)
- Termination of faculty due to Inability to Perform for Medical Reasons III.F.4.c.(1), III.F.4.c.(2)
- Sanctions following a post tenure review III.E.8.o, III.E.8.p
- Sanctions imposed as a result of misconduct III.A.26.1, III.A.26.m.

**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 must be notified that their 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 must be notified that their appeal has been denied.

**III.L.2.b.(4)** The faculty member must present substantiation with the appeal sufficient to warrant a hearing. If they do not, the faculty member must be notified that their 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 they present. 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 must select a Hearing Committee consisting of five faculty

members selected at random from all tenured full-time teaching and research faculty, excluding academic unit heads, to form the Hearing Committee. Those who serve on the panel must come from different colleges than the appellant. All materials on the appeal received by the Faculty Appeals Committee must 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 must contact the faculty member and the respondent. The chair must 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 must 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 must 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 must set a date for the hearing after consultation with the faculty member and the respondent.

**III.L.2.c.(4)** Thirty calendar days must 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 must 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, must determine the time frame in which the hearing must be conducted. The sequence of presentation of arguments and witnesses must 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, must 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 must 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 must 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 must 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 must 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 their private legal counsel during the appeal at their 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 must 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 must be submitted by the Hearing Committee to the Legal Services Office.

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

**III.L.2.c.(13)** The hearing must be audiotaped and/or transcribed, and copies of the tapes or transcription must 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 must be secured within the Office of the Provost and closed to protect the privacy of the parties involved. Access must 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 must deliberate in closed session and must make written findings and recommendations on the matter to the university's president. These must be based solely on the hearing record, and the decision must be made based on the greater weight of the arguments and evidence presented. The decision must be by simple majority vote of the membership. Within 30 days following the vote, the Hearing Committee must provide a report of its findings and recommendations. A dissenting member has the option of attaching a minority report. Findings must 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 must 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 45 days from their receipt of the report of the Hearing Committee, the president must 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

must respond to the report of the Hearing Committee and state their 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 must 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 their 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 their 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 have 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 must 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 must 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 must determine the specific structure and membership of its governance bodies, and these must 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 must 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](http://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.

#### **I.E. 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 must be reviewed and approved by the academic unit(s) and AUH(s) involved. After academic unit review, the proposals must be submitted with recommendations to the appropriate college curriculum committee. Each college may establish a deadline for proposals each semester.

The appropriate college curriculum committee must review all proposals for new courses as well as existing courses that have been substantially modified for approval within the college. This committee must 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 10 days. A college-level decision on a course proposal stands unless it is contested within 10 days to the Committee on Academic Programs.

Following the university-wide review, course proposals are reviewed by the provost or their 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 their designee without full review of the college C&I committee, with no 10 day posting period.

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

Proposals for undergraduate program creation, deletion, and modification must 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 must be submitted with recommendations to the appropriate college curriculum committee.

The appropriate college curriculum committee must review all program proposals. This committee must 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 10 days. A college level decision on a program proposal stands unless it is contested within 10 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 must 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 must contact the chair of the Committee on Academic Programs, who must determine the need for review and must 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 (SACSCOC). Submission to the BOV, SCHEV, and SACSCOC is coordinated through the Office of the Provost. See <http://www.jmu.edu/curriculum> for details on preparing submission of changes.

## **IV.D.2. Graduate Courses and Programs**

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

Proposals for graduate course additions, deletions, and changes must be reviewed and approved by the AUH or, with permission of the academic unit, the program coordinators involved. After program-level review, the proposals must be submitted with recommendations to the appropriate college curriculum committee. Each college may establish a deadline for proposals each semester.

The appropriate college curriculum committee must review all proposals for new courses as well as existing courses that have been substantially modified for approval within the college. This committee must 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 10 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 10 days to the Committee on Academic Programs.

Following the Committee on Academic Programs approval, course proposals are reviewed by the provost or their 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 their designee without full review of the college C&I committee, and with no 10 day posting period.

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

Proposals for graduate program creation, deletion, and modification must 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 must be submitted with recommendations to the appropriate college curriculum committee. The appropriate college curriculum committee must review all program proposals. This committee must 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 10 days. A college-level decision on a program proposal stands unless it is contested within 10 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 must 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 must contact the chair of the Committee on Academic Programs, who must 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 their 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 Commission on Colleges (SACSCOC). Submission to the BOV, SCHEV and SACSCOC is coordinated through the Office of the Provost. See <http://www.jmu.edu/curriculum> for details on preparing submission of changes.

### **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 master's 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 must 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 must be submitted with recommendations to the appropriate college curriculum committee.

The appropriate college curriculum committee must review all program proposals. This committee must 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 must be made available for university-wide review. Program proposals must be available for university-wide review for a minimum of 10 days. A decision on a program proposal which has been approved by the Graduate Council stands unless it is contested within 10 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 must 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 must contact the chair of the Committee on Academic Programs, who must 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 their 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.

#### **IV.E. 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 must be maintained by the provost's office and must be available on request to any faculty member.

#### **IV.F. Committee on Academic Programs**

The Committee on Academic Programs is a university committee.

##### **IV.F.1. Responsibilities**

**IV.F.1.a.** 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.F.1.b.** The committee reviews curricular procedures for consistency.

**IV.F.1.c.** The committee resolves disputes raised during the review process for course and program proposals.

## **IV.F.2. Membership**

Voting membership of the committee must 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 Libraries;
- 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 edition is the result of the work of the 2021-22 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:

- *2021-22 Undergraduate Catalog*
- *2021-22 Graduate Catalog*
- *2021-22 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 must be James Madison University, 800 South Main Street, Harrisonburg, Virginia, 22807.

### **Article III: Purpose**

The purpose of the Faculty Senate must 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 must be comprised of members who represent the instructional faculty of James Madison University. The business and property of the Faculty Senate must 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 must possess voting rights (“voting members”). The voting members, and the qualification and rights of the voting members, are as follows: voting members must be instructional faculty members elected by the instructional faculty members in the academic units of James Madison University. They must meet such additional criteria and be elected in the manner as described in the bylaws.

The Faculty Senate must also have a class of members who do not possess voting rights, who must 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 must be as provided in the bylaws.

### **Article VII: Bylaws**

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

### **Article VIII: 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 must become effective when approved by the president and the Board of Visitors of James Madison University.