

2026-27

# Faculty Handbook



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I INTRODUCTION

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            Forthcoming

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

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

## I.E Shared Governance at James Madison University

### I.E.1 Statement of Mutual Understanding

Shared governance is a form of governance in higher education through which core institutional stakeholders—primarily administrative leadership, faculty, and governing boards—work together to make decisions that impact the institution. Facilitated by structures and processes, shared governance ensures that those with the most relevant expertise have a primary decision-making role in their respective areas.

Shared governance and academic freedom are inextricably linked and essential for fulfilling JMU’s academic mission. Bound by the norms of honesty, integrity, and responsibility, academic freedom is the principle that scholars and educators can teach, research, and express ideas related to their scholarly expertise without censorship or fear of retribution. Academic freedom also protects the right of a faculty member to speak freely when participating in institutional governance, as well as to speak freely as a citizen. [Shared governance at JMU](#) rests on a commitment to transparent and meaningful collaboration in a framework of academic freedom.

### I.E.2 Stakeholder Responsibilities

In the context of shared governance, faculty, administrators, and board members have the following primary responsibilities:

- Administrative Leadership: setting and conducting institutional vision, overseeing financial health and viability, and leading strategic planning.
- Faculty: establishing and maintaining academic quality and responsibility, including teaching, curriculum, research and scholarly/creative activity, and setting and upholding standards in their disciplines.
- Board of Visitors: hiring/supervising the president, fiduciary oversight, accountability for fulfilling institutional mission, and other duties per the [Code of Virginia § 23.1](#).

### I.E.3 Indicators of Shared Governance

Shared governance can be assessed as healthy and successful when the following norms and practices are present:

- Collaboration and shared responsibility among administrators, faculty, and governing board members.
- Open, clear, and consistent communication across all relevant groups.
- Efforts that demonstrate good faith in advancing the university’s academic mission and core values.
- A commitment to fostering a culture of trust, mutual respect, and accountability within the JMU community.
- Accessible information that supports transparency in decision-making processes.
- Inclusive practices that engage administrators, faculty members, staff, and students.
- A shared understanding of roles and responsibilities, especially related to stakeholder dominance, primacy, and joint authority.
- A commitment to enriching decision-making by seeking input from a broad range of JMU community members.

## II APPLICABILITY OF THE FACULTY HANDBOOK AND PROCEDURES FOR CHANGE

### II.A Abbreviations and Style

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

After a name or title has been used the first time, it usually is abbreviated. Examples include:

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

### II.B Applicability

This Faculty Handbook applies to all instructional faculty members at the university. In addition, many sections also apply to A&P faculty members. Sections indicate when they are applicable to A&P faculty members.

### 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. This Faculty 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. The Office of the Provost maintains the official version of the Faculty Handbook on the [Academic Affairs website](#). Faculty members are bound by changes as they become effective, and the individual faculty member is responsible for informing themselves of the provisions currently in effect.

The Faculty Handbook must be consistent with university policies as listed in the [James Madison University Manual of Policies and Procedures](#); in addition, [Academic Affairs Policies](#) must be consistent with the Faculty Handbook. Academic Affairs Policies and the Faculty Handbook are intended to be consistent and complementary. Efforts should be made to ensure alignment between the two, promoting clarity and coherence.

Faculty members may also familiarize themselves with the [Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty](#), the [university catalogs](#), and the [Student Handbook](#),

## II.D Definitions

The definitions below are applicable within this document because they are specific to the roles of instructional and administrative and professional faculty (A&P) within Academic Affairs. Official definitions used in other contexts may differ.

- *Academic Council*: The vice provost, deans, members of the provost's staff, and other representatives as appointed by the provost. It is advisory to the provost.
- *Academic unit*: An administrative department or its functional equivalent that exists within an academic college or university-wide program in Academic Affairs and is responsible for developing and executing graduate and/or undergraduate curricula, as identified by the provost
- *Administrative units*: Units in Academic Affairs that carry out administrative tasks as designated by the provost. Unlike academic units, they are not responsible for developing and executing graduate and/or undergraduate curricula.
- *Academic unit head*: A department head or equivalent. See [Academic Affairs Policy #2: Academic Unit Heads](#).
- *Administrative designee*: A JMU employee who a) has the professional qualifications required for the designated role; b) can serve impartially; and c) is appointed by the provost.
- *Appointment*: The establishment of an employment relationship or assignment of duties between a faculty member and the university, even if on an at-will basis or for a limited time.
- *College*: An administrative organizational unit within the Division of Academic Affairs, as identified by the provost.
- *Date*: 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 (holiday), an unscheduled partial or full day closure (weather emergency), or when administrative offices within Academic Affairs are closed (weekends), the deadline changes to the next day the university is officially open for business.
- *Day*: A calendar day, unless otherwise specified. When in reference to filing or beginning a process day one refers to the first day the university is officially open for business after the filing was received or process started.
- *Home unit*: 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. For faculty with joint appointments the home unit is the academic unit in which their position number resides.
- *May*: Indicates discretionary actions. Actions stated in the Faculty Handbook should be assumed to be mandatory unless stated as discretionary.
- *Majority (in the context of voting)*: defined as one-half of eligible voting members plus one. The relevant pool of votes to count is dependent on context.
- *Must*: Indicates mandatory actions.
- *Offer Letter*: A written document that outlines the terms of negotiation at hiring between a faculty member and their supervisor.
- *Primary appointment*: The academic or administrative unit where a faculty member spends a 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.

- *Professor*: When used alone to describe rank of a faculty member, this refers to the most senior level of rank and occurs after promotion from Associate Professor. A Professor is sometimes referred to as a Full Professor.
- *Supervisor*: The employee to whom a faculty member directly reports. Those with appointments or duties other than a primary appointment may have multiple supervisors.
- *Will*: Indicates mandatory actions.

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

## II.E Faculty Handbook Committee

### II.E.1 Charge of the Faculty Handbook Committee

Guided by the principle of shared governance and support for the university's academic mission, the Faculty Handbook Committee determines if any changes to Sections [II](#), [III](#), and [IV](#) of the Faculty Handbook are to be recommended for approval. All proposed or required changes in these sections of the Faculty Handbook are reviewed by the committee. In the case of changes to be made to the official version of the Faculty Handbook correcting errors, adhering to state or federal laws or regulations, or 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 Section [VI](#) follow the procedures set out in the Constitution of the Faculty Senate and become effective as outlined therein. Any changes recommended to the committee in Section [II.E](#) are referred to the Speaker of the Faculty Senate and Provost.

In 2024-26, a wholesale examination of the Faculty Handbook was conducted. If the provost and the speaker (or the provost and the Faculty Senate by a vote of two-thirds majority), or the president, or the BOV determine that a subsequent wholesale examination of the Faculty Handbook is warranted, they will establish a body to lead a transparent and open process for this purpose, seeking input from all stakeholders, and receiving approval from the provost and senate speaker of their final product. This body will be comprised of at least half faculty without administrative appointments.

The work of the Faculty Handbook Committee is suspended during such a wholesale revision effort other than for correcting time-sensitive errors, emergent changes mandated by state or federal law or regulation, or new or modified policies of the university. A Faculty Handbook product coming from a body appointed with a wholesale examination is considered as the "final recommendations to be sent to the president" in Section [II.F.4.c](#), and the approval process of the wholesale Faculty Handbook product proceeds according to Sections [II.F.4](#) and [II.F.5](#) led by the Faculty Handbook Committee.

This standing committee is appointed and meets as needed at least once each academic year.

### II.E.2 Appointment to the Committee

Three voting members are appointed to staggered three-year terms by the speaker, and three voting members are appointed to staggered three-year terms by the provost, with terms commencing at the beginning of the fall semester. Letters of appointment specify the length of the term of appointment. There are two ex officio, non-voting members of the committee: the Associate Vice Provost for Academic Affairs Policy and University Counsel.

Each year, the provost and the speaker make any necessary new appointments to the committee, filling vacancies left by members whose terms are scheduled to end or who are leaving the committee for other reasons. The deadline for these new appointments is the first day of the fall semester, to take

effect at the beginning of the fall semester. Any vacancies arising during the academic year are filled by written appointment by the provost or speaker, as appropriate, to serve the unexpired term of the vacancy.

### II.E.3 Operating Procedures

#### *II.E.3.a First Meeting of the Academic Year*

A representative from the Office of the Vice Provost for Faculty Affairs and Curriculum schedules the initial committee meeting each fall. At its first meeting, the committee:

- Elects a chair from the voting members of the committee.
- Acquires a list of suggestions received to date to be considered for the year.
- Sets a schedule for any meetings needed during the year.
- Discusses any procedural matters for the operation of the committee.

#### *II.E.3.b Subsequent Meetings*

The committee meets as necessary to determine if any changes in the Faculty Handbook are to be recommended for approval. At other scheduled meetings during the suggestion consideration cycle, the committee considers, discusses, and votes on suggestions received that academic year for changes in the Faculty Handbook.

#### *II.E.3.c Staff Support*

Assistance to the committee is provided by appropriate individuals appointed by the provost. The Office of the Provost provides staff support for the committee.

#### *II.E.3.d Consideration of Changes*

The Faculty Handbook Committee may confer both via synchronous and asynchronous means to discuss changes. Votes may be completed during meetings or via electronic methods when appropriate. Regardless of the means of discussion and voting, all members are expected to actively engage in review of suggestions and subsequent discussion, and all members must have the opportunity to provide input. A majority vote of the entire Faculty Handbook Committee is required to recommend any change ([II.F.4.a](#)).

### II.E.4 Reporting Procedures

#### *II.E.4.a Periodic Reports to the Provost and the Faculty Senate*

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

#### *II.E.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 sends a written report to the president, the 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 next year. The report is posted to the [Academic Affairs website](#).

## II.F Procedures for Changing the Faculty Handbook

### II.F.1 Receipt of Suggestions

#### *II.F.1.a Timelines for Suggestions*

Each academic year, the committee considers suggestions for changes to the Faculty Handbook that are submitted to the committee by a deadline they have set.

#### *II.F.1.b Notice to Faculty*

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

#### *II.F.1.c Submission of Suggestions*

Suggestions are brought before the committee for consideration and recommendation. A complete explanation to support the argument for a change is highly encouraged, including available data and exemplars of best practices when possible. Proposers may consult with faculty and/or university community members with relevant expertise, when applicable, to gather the best evidence in support of a proposal. Changes may be submitted by email to [facultyhandbook@jmu.edu](mailto:facultyhandbook@jmu.edu).

#### *II.F.1.d Tracking of Suggestions*

The committee compiles a list of suggestions made by the deadline each year and tracks the consideration and disposition of each suggestion. Once approved by the committee, the list is posted on the website.

#### *II.F.1.e Eligibility to Suggest Changes*

Any member of the university community may recommend a change to the Faculty Handbook or by email submission to [facultyhandbook@jmu.edu](mailto:facultyhandbook@jmu.edu).

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

#### *II.F.1.f Acknowledgment of Receipt*

Each suggestion receives an acknowledgment from the committee. However, suggestions made anonymously or by persons outside of the university community receive no response.

### II.F.2 Committee Processing of Suggestions

#### *II.F.2.a Timing of Consideration*

Suggestions received by the committee by the deadline are 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 are carried forward to the next year's cycle for consideration at that time. Suggestions received after the deadline are held until the next year's cycle for consideration at that time.

#### *II.F.2.b Committee Consideration*

The committee considers suggestions—along with corresponding modifications to other text in the Faculty Handbook that must occur to maintain consistency and alignment—and votes to take one of the following actions for each suggestion:

1. Recommend approval of the suggestion.

2. Decline to recommend approval of the suggestion.
3. Modify the suggestion in any way it deems appropriate for a recommendation of approval.
4. Refer a suggestion for further discussion to both the Faculty Senate and Academic Council.

If the committee refers a suggestion for discussion to both the Faculty Senate and Academic Council, it postpones 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 accept the suggestion for consideration or carry it forward to the following year's cycle for consideration at that time. In cases (1), (3), and (4), the Faculty Handbook Committee also considers expanding the suggestion to include modification to other parts of the Faculty Handbook that would be affected.

#### *II.F.2.c Invitation to Appear Before the Committee*

The speaker and the provost (or their designees) have the right to speak with 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 is no right to a hearing on a suggestion before the committee.

#### *II.F.2.d Suggestions Not Recommended*

A decision by the committee to decline to recommend approval of a suggestion ends the committee's consideration of the suggestion. Only recommendations for changes are sent forward for review.

### **II.F.3 Procedures for Considering Other Policies**

#### *II.F.3.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 is sent to the committee for a recommendation concerning its inclusion in the Faculty Handbook. The committee considers including any policy sent to it that would impact the provisions of the Faculty Handbook, or that it deems may be included in the Faculty Handbook.

To maintain consistency and avoid errors, the Faculty Handbook must link to the original source of the policy.

#### *II.F.3.b Other Division Policies*

Other divisions are expected to propose new or revised policies to the committee if the policies would affect provisions of the Faculty Handbook or would have a significant impact on the employment relationship between faculty members and the university. The committee considers 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.

To maintain consistency or avoid errors, the Faculty Handbook must link to the original source of the policy.

#### *II.F.3.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.

To maintain consistency or avoid errors, the Faculty Handbook must link to the original source of the policy.

## II.F.4 Committee Recommendations

### *II.F.4.a Voting on Recommendations*

A majority vote of all Faculty Handbook committee members is required to recommend a change, addition, deletion, or a referral of a suggestion to the Faculty Senate and Academic Council. A majority vote of all Faculty Handbook committee members to recommend changes results in a recommendation of such action to the president, provost, and speaker. However, any members of the committee dissenting from the recommendation may write an opposing report to those individuals. A vote to recommend action by less than a majority of all Faculty Handbook committee members results in the rejection of the suggestion and thus it is not recommended or forwarded.

### *II.F.4.b First Draft Recommendation*

The committee sends its first draft of recommended changes to the president, the speaker, and the provost, and posts the recommendations on the provost's website to inform the faculty. Accompanying each first draft recommendation must be a categorical reason for the change, including, but not limited to: increasing clarity and interpretation; enhancing governance and processes; responding to evolving circumstances; complying with legal and regulatory requirements; and updating institutional policies. All faculty in Academic Affairs are notified by the Faculty Handbook committee and the provost's office at the time of the above posting.

**II.F.4.b.(1) Timing:** The first draft recommendation by the committee is sent to the president, provost, and speaker in time for their review and feedback prior to submission to the BOV for consideration at one of its spring meetings.

**II.F.4.b.(2) Comments:** Any member of the university community may send comments to the committee concerning the first 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 is no right to a hearing on suggested input before the committee.

**II.F.4.b.(3) Voting:** No first draft recommendation may 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 first draft recommendation.

### *II.F.4.c Second Draft Recommendation*

After considering any comments, a vote of a majority of the full committee is necessary to approve the second draft recommendations to be sent to the president, provost, and speaker. However, any members of the committee dissenting from the second draft report may write a dissenting report. Accompanying each second draft recommendation must be a categorical reason for the change, including, but not limited to: increasing clarity and interpretation; enhancing governance and processes; responding to evolving circumstances; complying with legal and regulatory requirements; and updating institutional policies.

**II.F.4.c.(1) Input by President, Provost, and Speaker of the Faculty Senate:** The president, provost, and speaker 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.F.4.c.(2) Consideration of Input by Committee:** The committee considers any input sent by the president, provost, and speaker, and may accept by vote suggested changes to its second draft

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

*II.F.4.d Final Recommendations to the President*

The committee sends its final draft recommendations to the president, as well as to the provost, and speaker. Accompanying each final draft recommendation must be a categorical reason for the change, including, but not limited to: increasing clarity and interpretation; enhancing governance and processes; responding to evolving circumstances; complying with legal and regulatory requirements; and updating institutional policies. The committee is advisory to the president, who is not bound by the final draft recommendations of the committee.

**II.F.5 Finalizing the Process**

*II.F.5.a Presidential Recommendation to the Board of Visitors*

The president determines whether specific recommended revisions of the committee will be recommended to the BOV for final approval. Normally, recommended changes to the Faculty Handbook are sent to the BOV at one of its spring meetings. The Associate Vice Provost for Academic Affairs Policy typically briefs the BOV on the recommendations.

*II.F.5.b Approval and Effective Date of Changes*

The official version of the Faculty Handbook, with changes as approved by the BOV, is signed by the BOV secretary and normally takes effect July 1 after BOV approval. The BOV may authorize an earlier effective date.

*II.F.5.c 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 are made in the Faculty Handbook when specified and approved by the BOV.

*II.F.5.d Notification of Faculty Handbook Updates*

By July 1 following BOV approval, the Office of the Provost makes the changes approved by the BOV, posts that version of the Faculty Handbook to the [Academic Affairs website](#), and notifies all faculty in Academic Affairs. The Office of the Provost provides, along with the newly published Faculty Handbook, a summary of the final changes enacted.

In addition, changes recommended by the Faculty Handbook Committee (but not by the BOV) must cite the committee's categorical reason for making each change (e.g., increasing clarity and interpretation; enhancing governance and processes; responding to evolving circumstances; complying with legal and regulatory requirements; and updating institutional policies).

If the BOV makes subsequent changes to the Faculty Handbook after the initial posting, the Office of the Provost must post the updated Faculty Handbook on the Academic Affairs website within five business days of being provided these changes and notify the Faculty Handbook Committee and all faculty in Academic Affairs of the changes.

**II.G Ad-Hoc Procedure Creation**

In situations not explicitly addressed in the Faculty Handbook, the Provost shall develop and use processes and procedures that parallel those in the Faculty Handbook as closely as possible, given the circumstances.

### 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, research and scholarly/creative activity, and service—are 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 service and community participation.

##### 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. The university is committed to supporting a faculty member's right to academic freedom. Accordingly, in the conduct of their professional activities, each member of the faculty has a right to the freedom of thought and expression, including a right to reasoned dissent, the process of articulating disagreement in a thoughtful and evidence-based manner. 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.

A faculty member who is acting in the course and normal scope of their assigned duties at the university, and in a manner consistent within those responsibilities, is protected by the tenets of academic freedom as outlined in the statement on Academic Freedom within the [1940 Statement of Principles](#) of the American Association of University Professors (AAUP). A faculty member who is speaking or writing on matters of public concern is not subject to university censorship or discipline.

Academic freedom:

- Establishes the right of the faculty member to teach, instruct, and examine students on the information, concepts, methodology, and content of courses without interference, consistent with the university's right to expect productive teaching, research and scholarly/creative activity, and 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 and communicate research and scholarly/creative activity unfettered by unreasonable restrictions imposed by the institution. This freedom is consistent with the university's right to expect productive research and scholarly/creative achievement from a faculty member, to evaluate and to require improvement (as needed) in the quality and quantity of research and scholarly/creative work, and to make rules concerning ownership and conduct of university-related research and creative endeavors.

- Allows the faculty member to engage in service unfettered by unreasonable restrictions imposed by the institution. This freedom 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 related 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 process for addressing possible violations of academic responsibility is found in [III.L](#). Overall, faculty conduct must reflect professionalism, ethical standards, and a commitment to a supportive learning and working environment.

Faculty members must adhere to all relevant laws and regulations of the Commonwealth of Virginia and the United States of America, all policies outlined in the [JMU Manual of Policies and Procedures](#), the Financial Procedures Manual, and policies of relevant administrative divisions or units, as well as the policies of their respective college(s) and unit(s). This includes maintaining academic integrity, accurately representing their professional credentials, and acting ethically in the context of their job responsibilities. Faculty are expected to engage with students, colleagues, and the public respectfully and fairly, without bullying or retaliation; to uphold professional standards in their duties; and avoid any form of misconduct. Faculty must pursue intellectual honesty, communicate information clearly, and exercise academic freedom responsibly in accordance with university policy.

In their field of specialization, faculty members must maintain professional competence in teaching, research and scholarly/creative activity, and service, and adhere to ethical standards.

**III.A.2.b.(1)** In the area of teaching, responsibilities include but are not limited to: writing and assessing learning goals and outcomes; creating syllabi that incorporate the components required by JMU academic policies; consistently preparing for and regularly conducting classes; using class time to provide instruction and learning activities related to course objectives; providing timely and fair evaluation of student work; accurately maintaining and timely reporting a record of student grades; holding office hours; conferring with, mentoring, and advising students; and implementing accommodations for students registered with the [Office of Disability Services](#).

**III.A.2.b.(2)** In the area of research and scholarly/creative activity, responsibilities include but are not limited to: adhering to ethical best practices within their field of study; ensuring the originality of their work; adhering to standards related to human and animal safety and non-exploitation; and fairly representing their methods, findings, and final products. See [Policy 2205: Research and Scholarship Misconduct](#).

**III.A.2.b.(3)** In the area of service, responsibilities include but are not limited to: attending faculty meetings; participating in group deliberations related to curriculum, instruction, and governance; working collaboratively with faculty, staff, and administrators to advance the academic mission of the university; and supporting disciplinary/professional work and organizations outside the university. In addition, faculty are responsible for the fair evaluation of the achievements of their colleagues according to unit and divisional published criteria and processes.

### 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, faculty members must abide by the following guidelines of ethical behavior.

*III.A.3.a Relationships with Students*

Faculty members must respect students' privacy and intellectual pursuits. Faculty members function as advisors and mentors for their students and, as such, must not take unfair advantage of the student/teacher relationships they have with their students.

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 1302: Equal Opportunity and Non-Discrimination](#), [Policy 1340: Sexual Misconduct](#) and [Policy 1346: Title IX Sexual Harassment](#). See Section [III.A.9](#).

*III.A.3.b Relationships with Colleagues*

Faculty members must treat their colleagues with respect and must fulfill their responsibilities to assess their colleagues' and supervisors' performance honestly and without prejudice.

*III.A.3.c Academic Honesty*

Faculty members must give their best efforts to their research and scholarly/creative activities, maintaining honesty and deference to truth and fairness. See [Policy 2205: Research and Scholarship Misconduct](#).

*III.A.3.d Codes of Ethics*

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

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

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

**III.A.4 Release of Information and Records**

A relevant distinction should be made between the requests for records versus information.

*III.A.4.a Records*

The Freedom of Information Act (FOIA) requires the university to give access to public records to citizens of the Commonwealth of Virginia and representatives of the media operating within the commonwealth. Requests for records under this statute must be referred immediately to the FOIA office. See [Policy 1103: Responding to External Requests for Information](#). Faculty members receiving requests for published data from individuals, agencies, groups, or other sources outside of the university may contact or refer requesters to the [Office of Planning, Analytics, and Institutional Research \(PAIR\)](#).

*III.A.4.b Information*

Certain types of information, including student grades and employee personnel information, must not be released by representatives of the university, except as provided by law, without the written consent of the individual involved. See [Policy 1109: Records Management](#) and [Policy 2112: Student Privacy](#).

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. See [Policy 1103: Responding to External Requests for Information](#). Requests for information must be referred to the University Spokesperson.

### III.A.5 University Communications

Official university communications are prepared with the assistance of the [Office of Media Relations](#). See [Policy 1508: Media Relations and Social Media Publishing](#).

### III.A.6 Conflict of Interests

A conflict of interest occurs when a university officer or employee, or a member of their immediate family, has a financial interest or financially benefits or suffers from their participation in a contract or transaction considered by JMU. Financial conflicts of interest, conflicts related to nepotism, and conflicts related to sponsored projects are managed in accordance with Virginia Code and University Policies [1106: Conflict of Interests](#), [1301: Nepotism and Employment of Family Members](#), and [2203: Conflict of Interests Disclosure for Sponsored Programs](#).

### III.A.7 Equal Opportunity

All faculty members are required to abide by the university's equal opportunity policy with respect to employment or admissions, or in connection with its programs or activities. See [Policy 1302: Equal Opportunity and Non-Discrimination](#) and [Policy 1324: Discrimination and Retaliation Complaint Procedures \(Other than Title IX Sexual Harassment \(Policy 1346\) and Sexual Misconduct \(Policy 1340\)\)](#).

### III.A.8 Discrimination, Misconduct, Harassment, and Retaliation

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 Protected Characteristic Discrimination, Sexual Misconduct, Title IX Sexual Harassment, and Retaliation*

In accordance with law and university policy, the university prohibits discrimination (including harassment), sexual misconduct, Title IX sexual harassment, and retaliation based upon protected characteristics. Contact the [Title IX Office](#) or the [Office of Equal Opportunity](#), as applicable, with questions or complaints.

#### *III.A.8.b Misconduct*

Alleged faculty misconduct is addressed in Faculty Handbook [III.L.4](#).

### III.A.9 Academic Integrity

Faculty members are expected in all 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, abide by the reporting requirements of the Honor Code, and clearly communicate the application of the Honor Code in their classes. See [The JMU 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 [Policy 2205: Research and Scholarship Misconduct](#).

Academic dishonesty may also include violation of federal or state laws, or university guidelines for the appropriate conduct of research and scholarly/creative activity, including but not limited to: [Policy 1104: Institutional Review Board – Use of Human Subjects in Research](#); [Policy 2202: Institutional 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 informed by the faculty member's employment agreement (e.g., contract, offer letter, or MOU) and the curricular needs of the unit. Workload is documented in the Faculty Anticipated Activity Plan (FAAP) as determined by the AUH/supervisor in consultation with the faculty member, subject to approval of the dean. For information related to workload adjustments or "banking" teaching credit, see [Policy 1306: Extra Employment for Faculty and Exempt Staff Members Within the University](#).

### III.A.11 Outside Employment and Consulting

A faculty member may engage in outside employment, outside consulting, or keep any private business or profession during the period for which they are employed to work for the university, provided it does not create a conflict of commitment as an employee of the university.

No full-time faculty member may engage in full- or part-time teaching for another institution during the semesters they are employed by the university without prior approval of the appropriate vice president. See [Policy 1304: Outside Employment of Faculty](#).

Faculty members who desire to participate in outside employment may refer to [Policy 1106: Conflict of Interests](#). Employees considering outside employment with a firm contracting with the university or with another state agency may consult [Code of Virginia § 2.2-3100](#) 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 ([III.A.27](#)).

### III.A.12 Class Schedules

The scheduled time and place of class meetings, including final examinations, as reflected in the official class schedule, can only be modified with the advance approval of the AUH and dean. The advance approval of the AUH is required to add or drop a class from the schedule.

### III.A.13 Class Modality

Instruction must be delivered in the modality(ies) judged to be the most appropriate for meeting instructional and student needs, as determined by the AUH, in consultation with the faculty member and dean.

### III.A.14 Online Classes

Federal regulations require instructors of online and hybrid courses to provide regular and substantive interaction with students. See [Regular and Substantive Interaction \(RSI\)](#).

### III.A.15 Student Advising

Entering first-year students are assigned a first-year advisor at summer orientation who continues to serve in that role through mid-February of the following spring semester. Second semester first-year students, new transfer students, and all other currently enrolled students are assigned an advisor in their declared major of study. Exploratory students are advised by [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 advisors have an obligation to help direct the studies of advisees and answer questions they may have, including questions about general education and degree requirements. To this end, the advisor 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.16 Facilities

JMU is responsible for providing faculty with an office or workspace, classroom, and other space associated with their duties, as appropriate. Subject to need and space constraints, full-time faculty have a reasonable expectation of being assigned a private office, which allows them to discuss matters of a confidential nature with their students.

### III.A.17 Office Hours

Faculty members are responsible for being accessible and responsive to students, including maintaining office hours as scheduled in accordance with the policies of the academic unit. These policies must also include the required modality and location of office hours.

Full-time faculty engaged in instruction, who have been assigned a private office, must hold office hours according to departmental policy. Adjunct faculty must hold office hours according to departmental policy. These office hours must be posted and carefully followed, and faculty members may also be available during other hours by appointment. Faculty are encouraged to stagger office hours day to day to accommodate students and other faculty members.

### III.A.18 Course Instructional Materials

Faculty members are required to use James Madison University's copyright permission service to make printed/hard copies of copyrighted materials for sale and distribution to students. See [Policy 1507: Academic Coursepack Service](#).

University approved platforms, including the current Learning Management System (LMS), are the appropriate online venues for sharing copyrighted materials in support of teaching, where permissible under federal copyright law. The library also provides course reserves and scan-and-deliver services for sharing copyrighted materials in support of teaching. Linking to library-provided electronic materials is the preferred method of access, where possible. Faculty members are required

to use James Madison University's copyright permission service to make copies of copyrighted materials.

### III.A.19 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. See [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.20 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, which 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 full week of the semester.

### III.A.21 Attendance Policy

Instructors must provide an attendance policy for each course. The attendance policy must align with [Academic Affairs Policy #16: Attendance and Excused Absences](#) and must state any mandatory, unrepeatable components of the course, and the expected procedure for requesting and obtaining approval for scheduled absences. Any class activity which cannot be excused must be noted in the class syllabus.

### III.A.22 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 evaluating a course product prior to final exam week. Instructors cannot allow individual students to opt-out of the final exam or evaluated course product, except as provided by the [Office of Disability Services](#) accommodations and [Academic Affairs Policy #16: Attendance and Excused Absences](#). 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 and in the locations designated by the official class schedule. Any deviation from this policy requires prior written approval of the AUH. Changes to the regular exam schedule, including common exams, are added to the official roster of finals by the university registrar. In the case of conflicting exam times, the published exam schedule takes precedence.

### III.A.23 Participation in Meetings and Academic Affairs Events

During the contract period, a full-time faculty member must attend faculty meetings and meet with their AUH/supervisor and other supervisory officials at their request. All faculty members must

participate in meetings of committees relevant to their teaching, research and scholarly/creative activity, and service activities reported on their annual evaluation.

Full-time faculty who are expected to participate in academic processions at convocations, including commencements, must have access to academic regalia. New faculty members are encouraged to participate in new faculty welcome activities, which normally take place the first full week before fall semester classes begin.

#### III.A.24 Faculty Absences

It is a faculty member's duty to fulfill their assigned responsibilities, including the teaching of courses as they are described in the syllabus. If a faculty member cannot 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 is absent from any other scheduled responsibility, the faculty member is responsible for consulting with the AUH as early as possible concerning other arrangements. For longer term absences, see Section [III.K.1](#).

#### III.A.25 Faculty Disability Accommodations

The university must consider requests for reasonable accommodations to enable faculty members who are qualified individuals with documented disabilities to perform their jobs. See [Policy 1331: Disabilities & Reasonable Accommodations](#).

#### III.A.26 Faculty Religious Accommodations

[Policy 1302: Equal Opportunity and Non-Discrimination](#), specifically paragraph 6.4, addresses faculty requests for religious accommodations.

#### III.A.27 Workplace Hazards

Faculty must comply with the following regarding workplace hazards. See the following policies in the [Manual of Policies and Procedures](#):

- [Policy 3108: Health and Safety](#)
- [Policy 4303: Use of State Vehicles](#)
- [Policy 1312: Workers' Compensation/Return to Work](#)
- [Policy 2207: Radiation Safety](#)
- [Policy 2204: Policy for Institutional Biosafety](#)

##### *III.A.27.a Safety and Compliance:*

Faculty are responsible for ensuring a safe and healthy working environment for themselves and their colleagues and must adhere to all university and departmental safety policies and procedures, as well as comply with any relevant regulations and standards.

##### *III.A.27.b Risk Assessment:*

Faculty must assess the risks associated with their work and take appropriate steps to minimize those risks. They must inform students of all risks inherent in the class, lab, or activity including dangerous substances, equipment or procedures. This may involve developing standard operating procedures (SOPs) for hazardous tasks, ensuring the proper use of personal protective equipment (PPE), and addressing any identified hazards in a timely manner.

*III.A.27.c Safety Oversight*

Faculty must inform students, staff, and other relevant individuals who are new to their specific work or teaching environment about potential hazards, including dangerous substances, equipment, or procedures. They are also responsible for ensuring that all personnel working with such hazards in their specific work (research, field, studio, etc.) or teaching environment receive appropriate training on how to safely handle these hazards and comply with established safety protocols. They are responsible for ensuring that all relevant safety regulations and policies, as well as directives issued by supervisors or the relevant health and safety departments, are followed. Unsafe conditions or practices must be reported to the appropriate authorities, such as the department head, the Environmental Health and Safety personnel, or other designated personnel.

*III.A.27.d Emergency Procedures:*

Faculty must be familiar with campus emergency procedures and proper response to emergency evacuation, fires, chemical spill, and earthquakes as they pertain to their specific work or teaching environment; location of the nearest emergency exits; reporting an emergency using the campus emergency number (540-568-6911); and proper procedures in case of an injury. Faculty must inform students new to their specific work or teaching environment of the location of emergency response procedures.

*III.A.27.e Incident Reporting:*

Faculty must promptly report to their supervisor any injuries or accidents that occur in the workplace, even if they seem minor at the time.

*III.A.27.f Field Trips*

Faculty must minimize the risks associated with field trips and other off-campus activities by informing students of the risks inherent in the field activity and exercising a degree of supervision over the class activity appropriate with the degree of hazards involved. Faculty must inform students of campus emergency procedures and explain their application in the field, inform participants that alcohol or controlled substances must not be transported in university vehicles and report infractions to that policy, and notify University Police in the event of a serious injury, death, or extensive property damage. Required reporting according to the [Jeanne Clery Campus Safety Act](#) is included on the [JMU Police website](#).

**III.A.28 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. Technology resources may be used for both academic and personal purposes, provided that such use does not conflict with or violate any existing university policies. Acceptable personal use may include activities such as checking personal email, browsing news websites, or managing personal calendars. For specific guidance on policy-related issues, refer to: [Policy 1506: Property Use \(University\)](#); [Policy 1505: Telephones and Telecommunication Services](#); [Policy 1207: Appropriate Use of Information Technology Resources](#); and [Policy 1201: Information Technology Resource Management](#).

The appropriate vice president or division head must address any violation of these policies by a faculty member. In cases of violations, faculty members may be sanctioned for misconduct in accordance with Section [III.L.4.b](#).

### III.B Faculty Status, Positions, and Ranks.

#### III.B.1 Faculty Status

As an employee of a Commonwealth of Virginia institution of higher education, JMU faculty members are employees of the Commonwealth of Virginia.

#### III.B.2 Faculty Types

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

##### *III.B.2.a Instructional Faculty*

An instructional faculty member's primary responsibilities include teaching, research and scholarly/creative activity, and service. Instructional faculty also have specific guidelines for employment set forth in this Faculty Handbook. Each instructional faculty member, including those with primary assignments in an administrative unit, have an academic unit identified in their contract 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. The primary responsibilities of A&P faculty vary across the university and are enumerated in their key responsibilities of the job description and held in the office of HR with a copy sent to the faculty member. See [JMU Policy 1335: Administrative & Professional Faculty - Terms and Conditions of Employment](#).

#### III.B.3 Length of Appointment

Individuals who have appointments with a full-time workload for the academic year or fiscal year are defined as full-time faculty members. Faculty members who are employed for less than a full academic year, or who are employed for at least an academic year but at less than a full workload, are considered part-time faculty. See [Policy 2104: Part-time and Adjunct Faculty](#).

##### *III.B.3.a Academic-Year Appointments*

Most instructional faculty appointments are for the academic year. Academic year appointments for instructional faculty entail duties that are of length as specified in their contract. Faculty members are expected to fulfill their professional responsibilities as appropriate to their position during the academic year even when the university is not in session but remains open (e.g., fall break, winter session, or spring break) but not during official university holidays.

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 at the beginning of the academic year.

##### *III.B.3.b Fiscal-Year Appointments*

Fiscal year appointments may begin on any date but always end on June 30 of that same fiscal year. Subsequent renewals are for a full fiscal year (July 1 – June 30).

These appointment dates are normally associated with A&P faculty contracts and with AUH appointments on instructional faculty contracts, although in certain circumstances, they may be used for instructional faculty members on nontraditional schedules.

#### *III.B.3.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.B.4 Instructional Faculty Contracts

#### *III.B.4.a Adjunct Appointments*

Adjunct faculty in Academic Affairs are typically individuals who teach at the university on a limited, special, or provisional basis, but perform no other duties. For exceptions to this definition, for qualifications, and other details including the distinction between adjunct and part-time faculty, see [Policy 2104: Part-time and Adjunct Faculty](#). Adjunct faculty are not candidates for tenure and cannot be awarded tenure.

#### *III.B.4.b Fixed-Term Appointments (FTA)*

A fixed-term appointment is a nonrenewable appointment for a specific contract period, normally not more than one year. FTAs are not candidates for tenure or promotion and cannot be awarded tenure or promotion. FTA faculty normally hold the rank of instructor, but rank can be negotiated subject to the discretion of the provost.

#### *III.B.4.c 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 may 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 Section [III.G.3.g](#).

RTAs can hold any of these listed ranks. See Section [III.B.5](#) for more information.

- Instructor
- Lecturer, Senior Lecturer, or Principal Lecturer
- Assistant Professor, Associate Professor, or Professor (only if hired prior to Aug. 25, 2024)
- Assistant Professor of Practice, Associate Professor of Practice, or Professor of Practice

RTAs are not candidates for tenure and cannot be awarded tenure. RTAs in the rank of lecturer, senior lecturer, assistant professor, associate professor, assistant professor of practice, and associate professor of practice are eligible for promotion as set forth in Section [III.D.9](#).

#### *III.B.4.d 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.

Tenure-track faculty can hold any of these listed ranks. See Section [III.B.5](#) for more information.

- Instructor
- Assistant Professor, Associate Professor, or Professor

*III.B.4.e 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. The AUH and AUPAC of the unit in which the faculty member is to be tenured are consulted and approve the granting of tenure to a faculty member at hire.

Tenured faculty can hold the rank of Assistant or Associate Professor or Professor. See Section III.B.5 below for more information.

**III.B.5 Academic Faculty Ranks***III.B.5.a Instructor*

Appointment at the rank of instructor is typically for instructional faculty on a fixed term appointment or for A&P faculty without an appointment in an academic unit but may be used in other circumstances as appropriate. Duties of an instructor in a fixed term or adjunct appointment are determined by the AUH/supervisor at hire and outlined in a Memorandum of Understanding (MOU). These may include responsibilities in teaching and/or research and scholarly/creative activity. 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 or lecturer may be made automatic on completion of the terminal degree in the terms of the appointment subject to approval of the BOV.

*III.B.5.b Lecturer*

Appointment at the rank of lecturer can be made in the case of an RTA. Appointment at the rank of lecturer normally carries with it primarily teaching and service responsibilities, and normally a graduate degree in a relevant discipline. See Section [III.D.4](#) for more information.

*III.B.5.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 research and scholarly/creative activity, and normally a graduate degree in a relevant discipline.

*III.B.5.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 research and scholarly/creative activity, and normally a graduate degree in a relevant discipline.

*III.B.5.e Assistant Professor*

Appointment at the rank of assistant professor normally carries with it teaching, research and scholarly/creative activity, and service, and a graduate degree, normally a terminal degree in a relevant discipline. Appointment at the rank of assistant professor cannot be made for faculty on RTA contracts hired after Aug. 25, 2024.

*III.B.5.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, research and scholarly/creative activity, and service. Appointment at the rank of associate professor cannot be made for faculty on RTA contracts hired after Aug. 25, 2024.

#### *III.B.5.g Professor*

In addition to the requirements for associate professor, appointment at the rank of professor is contingent upon recognition of outstanding professional accomplishment. Appointment at the rank of professor cannot be made for faculty on RTA contracts hired after Aug. 25, 2024.

#### *III.B.5.h Assistant Professor of Practice*

Appointment at the rank of assistant professor of practice can only be made in the case of an RTA. Appointment at the rank of assistant professor of practice normally carries with it primarily teaching and service responsibilities, and a graduate degree in a relevant discipline. Faculty have expertise in professional fields and may fulfill teaching responsibilities in clinical, professional, or practicum settings.

#### *III.B.5.i Associate Professor of Practice*

In addition to the requirements for assistant professor of practice, appointment at the rank of associate professor of practice is contingent upon substantial professional achievements, evidenced by excellence in teaching, with an appropriate combination of service, research and scholarly/creative activity, and normally a graduate degree in a relevant discipline.

#### *III.B.5.j Professor of Practice*

In addition to the requirements for associate professor of practice, appointment at the rank of professor of practice is contingent upon recognition of outstanding professional accomplishment, evidenced by excellence in teaching, with an appropriate combination of service, research and scholarly/creative activity, and normally a graduate degree in a relevant discipline.

Further details concerning academic faculty ranks and promotion are contained in Sections [III.D.8](#) and [III.D.9](#).

### **III.B.6 Special Appointments**

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

#### *III.B.6.a Adjunct Faculty*

See Section [III.B.4.a](#).

#### *III.B.6.b Affiliate Faculty: Professor or Lecturer*

These are courtesy titles granted to individuals holding a primary appointment in another unit within the university at the discretion of the granting academic unit. Affiliate status is normally associated with teaching, research and scholarly/creative activity, or service functions performed in the additional academic unit. Affiliate status is determined by mutual consent of the unit's AUH of the granting unit, the AUH of the faculty member's primary unit, and the affiliated faculty member. The AUPAC of the granting unit may be involved in the approval process at the request of the AUH. Affiliate status may be withdrawn at the discretion of the AUH of the granting academic unit or the AUH of the faculty member's primary unit. The details of the affiliation with additional academic units are communicated in a letter of appointment, so that the affiliated faculty member's voting rights and responsibilities in the additional academic unit, evaluation procedures, and assignment of duties are clearly defined.

Changes to the voting rights and responsibilities, evaluation procedures, and assignment of duties are documented through MOUs that are signed by the faculty member, their AUH and Dean, and the AUH and Dean of the granting academic unit. Any voting rights must be in line with any academic unit procedures, bylaws, governance documents, or criteria in regard to how voting rights within the unit are determined. A copy of such MOUs is placed in the personnel folder of the faculty member by their AUH, and a copy is given to all signers of the MOU. The affiliated designation does not constitute a faculty appointment and does not confer faculty rights and privileges other than those conveyed in the letter of appointment, nor does it automatically grant additional remuneration.

Note: An affiliate faculty member is not the same as a university affiliate. See [Policy 1337: Affiliates](#).

#### *III.B.6.c Joint Appointment*

Faculty appointments may be shared between or among academic units. Individuals holding joint appointments normally have a portion of their salary paid on a prorated basis by each of the units. Individuals holding joint appointments are fully participating faculty members in each of the academic units, with teaching, research and scholarly/creative activity, and service expectations negotiated among the faculty member and the respective AUHs. The faculty member's initial joint appointment is approved by the AUHs and AUPACs of each academic unit.

A joint faculty member's personnel line is in a single academic unit as indicated on their contract at time of employment and this is considered their home unit.

The faculty member's voting rights in the academic units, evaluation procedures, assignments of duties, etc. are documented through MOUs that are signed by the faculty member, the AUHs of each of the academic units, and the dean(s) of the college(s) in which these units reside. A copy of the MOUs is placed in the personnel folder of the faculty member by the AUH of their home unit, and a copy is given to all signers of the MOU. Negotiated changes to those details are reflected in updated MOUs.

#### *III.B.6.d Graduate Faculty*

A graduate faculty member is an individual who has been appointed to the graduate faculty under specific criteria. Appointment to the graduate faculty is neither automatic nor guaranteed. See [Academic Affairs Policy #5: Appointment to the Graduate Faculty](#).

#### *III.B.6.e Emeritus Faculty*

A retired instructional or A&P faculty member is eligible for emeritus status under specific criteria. Emeritus rank is a privilege and not a right of any retired faculty member. See [Policy 2105: Emeritus Faculty](#).

#### *III.B.6.f Visiting Faculty*

Appointments as visiting faculty members are for a fixed term to conduct 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.6.g Scholar or Artist in Residence*

A scholar or artist in residence is an individual appointed to a fixed-term appointment based on noteworthy experience and credentials.

*III.B.6.h Researcher*

A researcher is an individual employed by the university either full- or part-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 MOU signed by the individual and a representative of the provost. A copy of this MOU is retained in the Office of the Provost, and a copy is given to all signers of the MOU.

*III.B.6.i Affiliated Researcher*

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.

The details of the affiliation with the academic unit are communicated in writing through a MOU signed by the affiliated researcher and the AUH of the academic unit, so that the individual's rights and responsibilities in the academic unit are clearly defined. A copy of this MOU is retained in the academic unit, and a copy is given to all signers of the MOU. See [Policy 1337: Affiliates](#).

*III.B.6.j Academic Unit Head*

Academic unit heads are instructional faculty members with administrative workload assigned by their dean. Generally, AUHs are tenured associate professors or professors. Deans may appoint non-tenure-eligible or non-tenured AUHs with the approval of the provost. AUH workloads are assigned by their dean in consultation with the AUH. AUH administrative workload may exceed 50 percent and differs across academic units, depending on the size of the unit (including the number of faculty and students), accreditation requirements, staffing support, unit-specific initiatives, and other factors deemed appropriate by the dean. See [Academic Affairs Policy #2: Academic Unit Heads](#).

**III.B.7 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, and salary, is documented and communicated to the faculty member. MOUs are expected for any special assignments or appointments that are for a fixed term or for which the faculty member receives additional compensation in terms of stipend or course release(s). The faculty member's AUH/supervisor(s) is a signatory on the MOU and is provided with a copy.

*III.B.7.a Appointment to Administrative Assignments while Instructional Faculty*

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 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 discretion 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.L.5](#). The faculty member's voting rights in their academic unit, evaluation procedures, assignments of duties, and compensation etc. are documented through a MOU that is signed by the faculty member, the AUHs of each academic unit, the dean of the college in which the

faculty member would earn or has earned tenure and/or promotion, and the supervisor of their administrative appointment if that is not their AUH.

For faculty who are seeking further promotions in rank or who are tenure-track at the time of their administrative assignment, the MOU should pay particular attention to how the expectations in teaching, professional service, and research and scholarly/creative activity for promotion and/or tenure reflect the administrative assignment. A copy of the MOU is held in the personnel folder of the faculty member by their AUH, and a copy of the signed MOU is given to all signers. Negotiated changes to those details are reflected in updated MOUs.

### *III.B.7.b Appointment of Instructional Faculty to Administrative & Professional Positions*

Instructional faculty members may be given administrative and/or professional appointments. A&P faculty 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 exercise retreat rights according to [Policy 1335: Administrative & Professional Faculty - Terms and Conditions of Employment](#).

Section [III.D.11](#) clarifies the tenure eligibility of A&P faculty. The AUH and dean for the home unit are informed and an MOU developed that details the faculty member's rights and responsibilities in their home unit while on the A&P contract. A copy of the MOU is held in the personnel folder of the faculty member by the supervisor of the A&P appointment. A copy of that MOU is provided to the faculty member and the AUH and dean of their home unit.

## III.C Search and Appointment Procedures

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

[Policy 2101: Faculty Selection and Hiring Procedures](#) applies to all faculty searches regardless of contract type, full-time or part-time. The [Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty](#) must guide all full-time instructional faculty searches within Academic Affairs. The same guidelines are used, as possible, by the provost for searches for full-time A&P faculty the provost directly supervises, or by the AUH and dean for other full-time A&P faculty searches in Academic Affairs. The Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty and the Faculty Handbook are intended to be consistent and complementary. Efforts should be made to ensure alignment between the two, promoting clarity and coherence. In the case of any discrepancies between the Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty and the Faculty Handbook, the Office of the Provost should be consulted for guidance.

The faculty in the hiring unit<sup>1</sup> must have the opportunity to review the candidates' qualifications, meet with the candidate, and provide anonymous feedback to the search committee. The only exception to this is when a full search is not required, e.g., 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.

In cases where exceptions to search procedures are needed, a request must go to the [Office of Equal Opportunity](#) and the provost.

<sup>1</sup> The category of hiring unit is context dependent, e.g., all faculty in a department for an AUH search; all faculty in a college for an associate dean or dean search; or all faculty in Academic Affairs for a vice provost or provost search.

### III.C.2 Appointment of Faculty Members

The search committee for a faculty position in Academic Affairs must conform with the [Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty](#). The AUH of the academic unit or administrative unit in which the faculty member conducts their primary responsibilities ensures compliance with these 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 makes a judgment as to whether additional recruitment efforts may be made. After the search, the AUH or hiring authority makes 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.

In the hiring process for new faculty, when the AUPAC serves as a body for evaluation of the candidate, the AUPAC makes a recommendation to the hiring authority (typically the AUH) on shortened probationary periods for tenure and/or promotion, as well as the rank for these candidates.

The [Office of Equal Opportunity](#) must be consulted and provide approval if an abbreviated search is to be used or to fill the position without a search if the position is for a full-time instructional or A&P faculty member. The Office of Equal Opportunity is not involved in the hiring of adjunct faculty, or the appointment of assistant or associate AUHs or deans, or interim AUHs or deans unless as outlined in Sections III.C.3-6 below.

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 the Vice Provost for Faculty Affairs and Curriculum](#) 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 confers with the academic unit to determine whether they recommend the search be internal or external. The recommendation is made by a majority vote of the unit's voting faculty with primary assignment in the unit to be taken under advisement by the dean. Voting rights of faculty in such decisions need to be defined in unit guidelines. The [Office of Equal Opportunity](#) must be consulted and provide approval for an abbreviated search. The dean determines whether a search is internal or external, subject to the provost's approval. The selection of an interim or acting AUH (up to two years or until the position is filled) is decided upon by the dean with input from the unit's full-time instructional faculty. If necessary, interim or acting AUHs may come from another unit.

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

The committee meets with the dean to determine appropriate conditions of the position, such as rank and available resources. The dean should discuss 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 reviews the strength of the candidate pool with the dean, who makes a judgment as to whether additional recruitment efforts

may be made. After the search, the dean makes 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. The AUPAC must affirm the rank and tenure status to be included in the offer of appointment for all external hires and for internal hires who are being offered a change in rank or tenure status. See [Academic Affairs Policy #2: Academic Unit Heads](#).

#### III.C.4 Appointment of Assistant and Associate Academic Unit Heads

The positions of assistant or associate unit head are normally filled internally. Nominations or self-nominations from full-time faculty within the unit are solicited by the AUH after a description of the responsibilities of the position is shared with all full-time faculty in the unit. The AUH may appoint someone to the position with approval by the dean and provost. The [Office of Equal Opportunity](#) must be consulted and provide approval prior to an individual who is not currently a JMU employee being appointed.

The faculty member's voting rights, evaluation procedures (including how the administrative assignments are reflected in all evaluations), assignments of duties, eligibility to serve on departmental or college committees, etc., is documented through a MOU that is signed by the faculty member, the AUH, and the dean. A copy of the MOU is placed in the personnel folder of the faculty member by their AUH and a copy provided to all signers of the MOU. Negotiated changes to those details are reflected in updated MOUs.

Assistant and associate AUHs retain their instructional or A&P appointments, whichever is appropriate, throughout their terms as assistant or associate AUH. Normally such a role would not result in an extension to the timeline for a promotion.

#### III.C.5 Appointment of Assistant and Associate Deans of Academic Colleges

The administrative duties of assistant and associate deans vary based on the needs of their college. The assignment of the assistant or associate title is determined by the dean according to the nature and scope of the duties assigned at the time of creating the position description. There is no prescribed or necessary promotion pathway from assistant to associate dean.

When a vacancy occurs in the position of associate dean, assistant dean, or other faculty positions reporting to the dean of an academic college, it is filled on recommendation by the dean to the provost.

Academic unit heads and representative faculty members are consulted on whether a search is to be conducted. The [Office of Equal Opportunity](#) must be consulted and provide approval if an abbreviated search is to be used or to fill the position without a search. A formal search committee is used if the appointment is not limited to internal candidates recommended for internal searches. If a formal search is used, the search and selection procedures are like those used for deans, but the dean appoints the chairperson of the search committee.

If no formal search committee is used, the dean consults with AUHs and the college personnel committee ([IV.A.3](#)). Even when no formal search is used the position must still be publicized within the faculty and nomination (including self-nominations) must be accepted. Faculty must be given the opportunity to provide feedback on the candidate(s) under final consideration.

The dean makes 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.

The assistant or associate dean's voting rights, evaluation procedures, including how the administrative assignments are reflected in all evaluations, assignments of duties, eligibility to serve on departmental or college committees, etc., is documented through a MOU that is signed by the assistant/associate dean, the AUH of their primary academic unit, and the dean. A copy of the MOU is placed in the personnel folder of the faculty member by the dean, and a copy of the MOU is given to all signers of the MOU. Negotiated changes to those details are reflected in updated MOUs. See [Academic Affairs Policy #13: Associate Deans](#).

### III.C.6 Appointment of Assistant and Associate Deans of Division-Wide Programs

When a vacancy occurs in the position of associate dean, assistant dean, or A&P positions reporting to the dean of a division-wide program (e.g., Libraries, University Studies, The Graduate School), it is filled on recommendation by the dean to the provost. Appropriate individuals are consulted on whether a search is to be conducted. The [Office of Equal Opportunity](#) must be consulted and provide approval if an abbreviated search is to be used or to fill the position without a search. If a formal search is used, the dean must appoint a search committee consisting of appropriate faculty and members of the administration. Formal search committees are required if the appointment is not limited to internal candidates and recommended for internal searches. 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. Even when no formal search is used the position must still be publicized within the faculty and nomination (including self-nominations) must be accepted. Faculty must be given the opportunity to provide feedback on the candidate(s) under final consideration. The dean makes 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.7 Appointment of Deans of Academic Colleges

When a vacancy occurs in the position of dean, the provost requests 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 appoints this search committee from the list of nominees and may appoint additional members who must constitute a minority of the committee. The provost appoints a dean from another college to chair the search committee. A national search is then conducted. Faculty input must be solicited during the hiring process.

Prior to recommending candidates for interview, the search committee chair reviews the strength of the candidate pool with the provost, who makes a judgment as to whether additional recruitment efforts may be made. After the search, the provost makes 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.8 Appointment of A&P Positions in the Office of the Provost and for Deans of Division-Wide Programs

When a vacancy occurs in an A&P faculty position in the office of the provost (excluding that of vice-provosts for which III.C.9 below applies), or in the position of dean of a division-wide program (e.g., Libraries, University Studies, The Graduate School), the provost, in consultation with the Academic Council, the speaker, and the [Office of Equal Opportunity](#), decide whether a search committee is

required to fill the position. If a search committee is used, the search and selection procedures are like 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.9 Appointment of Vice Provosts

When a vacancy occurs in the position of vice provost, the provost requests 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 appoints this search committee from the list of nominees and may appoint additional members who must constitute a minority of the committee. The provost appoints a dean or another vice provost to chair the search committee. A national search is then conducted. Faculty input must be solicited during the hiring process.

Prior to recommending candidates for interview, the search committee chair reviews the strength of the candidate pool with the provost, who makes a judgment as to whether additional recruitment efforts may be made. After the search, the provost makes 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.10 Appointment of the Provost

When a vacancy occurs in the position of the provost, a national search is conducted. The president requests nominations for membership on a search committee from the faculty and the administration. The president appoints the search committee from the list of nominees and may appoint additional members who must constitute a minority of the committee. The president appoints the chair of the search committee. Faculty input must be solicited during the hiring process.

Prior to recommending candidates for interview, the search committee chair reviews the strength of the candidate pool with the president or their designee, who makes a judgment as to whether additional recruitment efforts may be made. After the search, the president makes the offer or gives 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.11 Additional Policies on Searches and Appointments

In addition to the guidelines above and the procedures detailed in [The Academic Affairs Guidelines for Recruiting and Hiring Instructional Faculty](#), the following policies apply to faculty searches:

- [Policy 1301: Nepotism and Employment of Family Members](#)
- [Policy 1302: Equal Opportunity and Non-Discrimination](#)
- [Policy 1326: Immigration Reform and Control Act](#)
- [Policy 1335: Administrative & Professional Faculty - Terms and Conditions of Employment](#)
- [Policy 2101: Faculty Selection and Hiring Procedures](#)

### III.D Evaluations, Promotion, and Tenure

All full-time instructional faculty members are subject to annual evaluation of their performance. Evaluations support a variety of decisions including those affecting tenure and promotion.

The purpose of the 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 conduct regular and systematic evaluations of instructional faculty members in the academic unit. For faculty members on joint appointments, the evaluation responsibilities of each academic unit are communicated in the faculty member's MOU (see [III.B.6.c](#)).

An AUH also evaluates part-time instructional faculty and other individuals who are assigned teaching responsibilities to determine whether they continue to be employed by the academic unit as defined in Section [III.D.6](#) Evaluation of A&P faculty members, including A&P faculty teaching courses, is described in [Policy 1307: Performance Evaluation of Administrative & Professional Faculty](#).

There are five types of evaluations:

1. **Initial:** The initial evaluation is conducted by the AUH at the beginning of a new faculty member's second full semester at James Madison University. The initial evaluation becomes a matter of the college's record and is filed in the dean's office ([III.D.3](#)).
2. **Annual:** Annual evaluations of all faculty members are conducted by the AUH after the conclusion of each academic year. The annual evaluation becomes a matter of the college's record and is filed in the dean's office ([III.D.4](#)).
3. **Midpoint:** A comprehensive review concerned with promotion, and tenure (if applicable), is conducted through independent reviews by the AUH and AUPAC in addition to the annual evaluation at the midpoint of the probationary period, typically during the third year of candidacy. The midpoint reviews by AUH and AUPAC become a matter of the college's record and the AUH and AUPAC's reports are filed in the dean's office ([III.D.7](#)).
4. **Promotion:** A comprehensive evaluation concerned with promotion is conducted through independent evaluations by the AUH and AUPAC in addition to the annual evaluation in the appropriate year. The evaluation becomes a matter of the college's record and the AUH and AUPAC's reports are filed in the dean's office ([III.D.8](#)).
5. **Tenure:** A comprehensive evaluation concerned with tenure is conducted through independent evaluations by the AUH and AUPAC in addition to the annual evaluation in the appropriate year. The tenure evaluation becomes a matter of the college's record and the AUH and AUPAC's reports are filed in the dean's office ([III.D.11](#)).

Copies of all evaluations are maintained in a faculty member's personnel file ([III.H](#)). Personnel files may be maintained as physical files or stored electronically. A faculty member may examine their personnel files in accordance with [III.H](#).

#### III.D.1 Evaluation Fundamentals

Each academic unit establishes written procedures and criteria for initial, annual, midpoint, and promotion and tenure evaluations. The number of performance levels, the manner of determining these performance levels, the manner of determining overall performance, and the annual evaluation

appeal procedure are 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. 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 five types of evaluations, and if they do so, the guidelines, standards, and criteria must be approved by the faculty of the college, the dean of the college, and only then sent for the approval of the provost.

#### *III.D.1.a* AUPAC

Each academic unit has 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.

##### **III.D.1.a.(1)** Composition

The procedures for determining the membership of the AUPAC are approved by the full-time faculty of the academic unit (subject to academic unit restrictions on unit-level voting rights), AUH, dean, and provost, and are made available to all members of the academic unit. Only full-time faculty of the academic unit (subject to academic unit restrictions on unit-level voting rights) – except the AUH – may nominate and select AUPAC members to serve within this structure.

The procedures must address the number of members, rank and contract type restrictions (if any) of members, 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 eligibility of Assistant and Associate AUHs to serve on the AUPAC, the recusal of members for conflicts of interest (such as the review of family members or other situations that impede a fair and objective review), 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.

When considering applications for promotion and tenure of tenure-track and tenured instructional faculty, the academic unit must establish a committee limited to tenured faculty. Only tenured members of an AUPAC may vote on an application for tenure. If an academic unit has insufficient faculty—as per department guidelines—of a given rank to establish a full AUPAC, then the dean determines the composition of the AUPAC in consultation with the AUH and provost.

In evaluation of the promotion of a faculty member not on a tenure-track or tenured contract, at least one member of the AUPAC must be on the same contract type as the candidate and at or above the rank applied for. It may be required that faculty from outside the academic unit be added to the AUPAC for the purposes of evaluating a particular candidate unless promotion to the rank/contract type is new enough to the institution to place undue burden on the academic unit.

Each academic unit is permitted (but not required) to allow all tenured faculty to serve on the AUPAC regarding tenure and/or promotion applications.

##### **III.D.1.a.(2)** Removal of AUPAC Members

The AUPAC may, by a majority vote of the whole committee, remove a member of the committee for violation of AUPAC rules. Any such action is subject to review by the AUH and the dean. The AUH and dean review the removal of an AUPAC member to determine if the cause(s) for removal are supported by a failure to follow AUPAC rules. If there is cause for removal, then the AUH and dean

communicate the AUPAC's decision in writing to the removed faculty member within three business days and notify the remaining AUPAC members. If an AUPAC member is removed, then the revised committee membership is announced to the unit faculty. When required, a new AUPAC chair is selected by the members.

### **III.D.1.a.(3) Confidentiality**

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 and for a misconduct complaint under Section [III.L.4](#).

#### *III.D.1.b Criteria*

All evaluations must, at a minimum, consider a faculty member's performance as set out in Section III.D.2 below. Any aspects of a faculty member's professional ethics as described in Section [III.A.3](#) and "academic responsibility," as described in Section [III.A.2.b](#) that impacts performance must be addressed in these evaluations.

#### *III.D.1.c Applicability*

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

#### *III.D.1.d AUPAC Involvement*

The AUPAC participates in midpoint review, and promotion and tenure evaluations. At the discretion of the unit, the AUPAC may be involved in annual evaluations in an advisory capacity. The AUPAC may serve as the appeal body for annual evaluations if this is specified in the unit's guidelines and provided that the AUPAC is not involved in the annual evaluation process.

Academic units may designate the AUPAC to conduct initial evaluations for all eligible faculty or to limit AUPAC input to reviewing those faculty members for whom the AUH recommends nonrenewal of appointment.

The AUPAC must receive from the AUH relevant personnel information for evaluation purposes. See Section III.D.1.e below.

#### *III.D.1.e Access to Records by AUPAC*

In support of its role in evaluations, the AUPAC has the right to review 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 divides the file into those documents that are relevant for consideration and those that are not. The AUH provides 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 informally or may place a statement in the personnel file materials to be shared with the AUPAC if the objection is not resolved in the faculty member's favor.

In initial and annual evaluations, or a midpoint review, if the AUPAC or AUH wants clarification on an element under consideration, the AUPAC Chair and/or AUH may request supporting evidence from the candidate in writing, co-copying the other. The candidate supplies further documentation to the AUPAC and AUH within three business days unless an exception is requested and a different deadline is set by the AUPAC Chair and AUH. The process used must ensure that the AUPAC and AUH reviews/evaluations are based on the same body of evidence.

*III.D.1.f 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. However, reference letters for the purposes of promotion and/or tenure may be kept confidential from the faculty member as permitted by law. A faculty member may elect to waive their right to access specific documents.

*III.D.1.g Approval of Academic Unit Evaluation Procedures and Criteria*

Academic unit evaluation procedures and criteria are 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 AUH. New or revised procedures and criteria are proposed and approved by academic units in accordance with their voting procedures and in a timely manner to allow their use by faculty completing evaluations. Academic units must consider the impact of abrupt and/or substantive changes in the procedures and criteria for annual, promotion, and tenure evaluations on their faculty. If a substantive change goes into effect within three years of eligibility to apply for promotion and/or tenure, then the faculty member may opt to remain on the most recent approved guidelines prior to those with the substantive change. The faculty member must select the entirety of a guideline rather than different guideline versions for different areas.

*III.D.1.h Distribution*

The AUH must provide academic unit procedures, bylaws, governance documents, and criteria for promotion and/or tenure in hard copy or electronic format to a new full-time faculty member upon receiving an offer letter for their signature or to an adjunct upon first employment by an academic unit or upon any changes in their contract type.

In the faculty member's first semester of full-time employment, either before Oct. 1 (Fall) or Mar. 1 (Spring), the AUH also provides a new faculty member with information concerning university evaluation procedures (e.g., the Faculty Handbook) and other required evaluation procedures.

*III.D.1.i Annual Evaluation Appeals Body*

The unit must designate an appeals body for annual evaluations. If the AUPAC does not play a role in annual evaluations ([III.D.4](#)), it is the default appeals body for annual evaluation, unless otherwise designated by the unit.

*III.D.1.j Academic Freedom*

The evaluation of a faculty member must not infringe upon the exercise of academic freedom as defined in Section [III.A.2](#).

**III.D.2 Criteria**

The areas of performance that must be considered in all performance evaluations are:

- Teaching (or Job Performance as outlined in an MOU signed by the faculty member, AUH, and dean of the academic unit and college in which the faculty member would earn tenure and/or promotion). In the absence of an MOU, it is assumed the criterion is job performance for Libraries faculty and RTA faculty with a professor of practice rank. For all other faculty, the criterion is teaching.
- Research and Scholarly/Creative Activity
- Service

Additionally, any aspects of a faculty member's professional ethics as described in Section [III.A.3](#) and academic responsibility in [III.A.2.b](#) that impacts performance must be addressed in these evaluations.

The methods by which these areas are to be evaluated follow below.

#### *III.D.2.a Teaching*

Teaching is the principal component to the core identity of James Madison University. Consideration of teaching performance may include but is not limited to a well-developed teaching philosophy, self-evaluation, and evaluations by peers and/or AUHs.

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 include students in grant-funded research, publications co-authored with students, supervision of theses or capstones, teaching service courses, and other contributions to student success.

Consideration may also be given to efforts to improve teaching as evidenced by the development of new course work and teaching methodology and/or participation in teaching-related professional development courses or workshops.

Evidence of teaching performance may include but is not limited to artifacts highlighting student learning, such as edited papers, student projects, student accomplishments, testimony from students, and portfolios of teaching materials (e.g., presentation material, assignments, rubrics).

For annual evaluations, and promotion and tenure decisions, faculty members are responsible for providing clear and comprehensive evidence of their teaching effectiveness. Faculty are encouraged to compile and submit materials that fully reflect their teaching performance aligning with the guidelines and expectations as outlined in their academic unit's evaluation procedures.

**III.D.2.a.(1)** Student feedback surveys may only be used as a formative tool for faculty members, or, at the discretion of the faculty member, as part of teaching evidence when relating to the course content, rigor, assignments, and learning experiences, rather than individual style or personality of the instructor. Without the faculty member's consent, student feedback surveys of teaching cannot be used as evidence of teaching in promotion and tenure decisions. Student feedback surveys should only be used in annual evaluation conferences as a tool to identify areas of growth for the faculty member. If the AUH identifies potential misconduct referenced within student feedback surveys, they must appropriately address this.

#### *III.D.2.b Research and Scholarly/Creative Activity*

Evaluation criteria in this area may differ according to discipline and are determined by the unit. Criteria may include but are not limited to: publishing scholarly or creative works; presenting at professional conferences or recognized venues; participating in or directing performances and exhibitions; producing original scholarly, artistic, or design contributions; engaging in recognized research or creative scholarship; obtaining external funding; pursuing professional development through coursework or residencies; publishing educational or instructional materials; and engaging in consulting, public scholarship, community-based scholarship, or the scholarship of teaching.

#### *III.D.2.c Service*

The term "service" is the application of a faculty member's scholarly and professional qualifications both on and off campus, to the enhancement of the mission of the University, the faculty member's profession, and the community, both locally and beyond. Evaluation of activity in this area includes committee service, service activities, and leadership at James Madison University. This may also

include service to professional, community, or educational organizations, or service otherwise enhancing the profession, community, academic unit, college, or university.

### III.D.3 Initial Evaluation

The initial evaluation is 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.D.3.a Conference*

At the start of a new faculty member's second full semester, the AUH schedules 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.D.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.D.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.D.3.d Deadline*

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

#### *III.D.3.e Dean's Receipt of Evaluation*

A copy of the evaluation, signed by the faculty member and the AUH, is sent to the dean by the AUH within five business days of the completion of the initial evaluation process. If the faculty member refuses to sign the evaluation, this refusal is noted on the evaluation when the AUH sends it to the dean.

#### *III.D.3.f Nonrenewal*

Unacceptable performance as determined in the initial evaluation normally results in nonrenewal of an appointment of an untenured first-year faculty member ([III.G.3](#)).

### III.D.4 Annual Evaluation of Full-time Faculty

The annual evaluation must consider the performance of the faculty member both within and outside of the academic unit in the areas of teaching, research and scholarly/creative activity, and service as evidenced by materials submitted by the faculty member by the established deadline. The established deadlines are in effect unless the AUH communicates a different and specific deadline in writing to the faculty member. Any extenuating circumstances requiring late or additional submission should be communicated with the AUH as soon as possible. The AUH then communicates a different and specific deadline in writing to the faculty member. Additionally, any aspects of a faculty member's conduct or behavior around academic responsibility and professional ethics that impacts performance, positive or negative, is addressed in these evaluations. The AUH solicits 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.

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

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 is the supervisor of the primary assignment, with input from any AUH of a department where the faculty member teaches or has other responsibilities.

In each of the three performance areas, a faculty member is 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 is evaluated as acceptable or unacceptable. A factor in determining overall annual performance is 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 are developed by the full-time faculty members of each academic unit, approved by the AUH/supervisor, 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 subject to the approval of the AUH, dean, and provost.

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

#### *III.D.4.a Faculty Anticipated Activity Plan (FAAP)*

The faculty member submits a Faculty Anticipated Activity Plan (FAAP), a summary of anticipated activities and the relative weights of the three performance areas of teaching, research and scholarly/creative activity, and service for the coming academic year to the AUH. Faculty members must use their academic unit's evaluation criteria to draft the FAAP. The relative weights are informed by the summary of anticipated activities and are agreed on by the AUH and faculty member for the following academic year by Aug. 15, or Jan. 15 for faculty who start mid-year, or within 10 business days of the official contract start date for a faculty member beginning employment at any other time of year.

An academic unit may have standard relative weights for the three performance areas, which applies if individual negotiations are not agreed upon by the faculty member and the AUH by the dates above. The agreement on weights may be renegotiated during the year under appropriate circumstances. The relative weights for each faculty member are shared with the AUPAC prior to the AUPAC evaluating the faculty member in an advisory capacity.

#### *III.D.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 current 12 month evaluation period in the areas of teaching, research and scholarly/creative activity, and service to the AUH for review and evaluation purposes in the format established by their academic unit. For the responsibilities of faculty members returning from educational leave, see Section [III.K.1.a](#).

The onus is on the faculty member to make sure that all required evaluation elements and supporting documentation are included in the summary of activities. Everything must be submitted in the summary of activities so that the preliminary written evaluation is as complete as possible.

#### *III.D.4.c Preliminary Written Annual Evaluation*

The preliminary written annual evaluation must be given to the faculty member electronically by Oct. 1, and at least one business day prior to the regular annual evaluation conference. If a conference has been mutually agreed upon to occur prior to Oct. 1, the preliminary written annual evaluation must be provided to the faculty member at least two business days prior to the scheduled conference.

Any failure to meet this deadline extends the appeal process by the number of days the preliminary written annual evaluation is late.

#### *III.D.4.d Annual Evaluation Conference and Written Annual Evaluation*

All faculty must have the opportunity for an evaluation conference as part of the annual evaluation process to discuss the faculty member's performance, professional contributions, and needs as perceived by both the faculty member and AUH. This is an opportunity for the faculty member and AUH to clarify and/or add additional relevant information when needed (although, when possible, this is included in the summary of activities). The faculty member and the AUH may mutually decide to cancel the conference if both agree on the terms of the preliminary written annual evaluation. The conference and any update by the AUH to the preliminary written annual evaluation must be completed and sent to the faculty member by Oct. 21. This document is then the written annual evaluation below.

#### *III.D.4.e Final Written Annual Evaluation*

The annual evaluation and the annual evaluation process are considered finalized when both the AUH/supervisor and the faculty member have agreed upon the written annual evaluation and both parties have signed it. This final written annual evaluation must be forwarded to the dean by Oct. 31.

When a faculty member and an AUH do not agree on the written annual evaluation after a conference, the faculty member is afforded the opportunity to appeal the written annual evaluation as outlined below.

If the faculty member does not sign the written annual evaluation nor file an appeal, the AUH forwards the written annual evaluation to the dean with a notation that the faculty member declined or failed to sign by Oct. 31.

#### *III.D.4.f Filing an Appeal of an Annual Evaluation*

The faculty member may review and appeal the written annual evaluation to the body designated by the academic unit. The faculty member has a maximum of five business days following the annual evaluation conference to appeal in writing to the AUH. The dean and designated appeals body must each be notified and sent a copy of the appeal, supporting documentation, and written annual evaluation, by the AUH within 2 business days of the appeal being submitted.

Failure to file a timely written appeal results in the written annual evaluation being sent forward to the dean, with a notation that the faculty member has declined to sign their written annual evaluation, and no further appeal rights are available.

*III.D.4.g Review Criteria for Annual Evaluation Appeals*

In considering an appeal, the crucial question for the reviewing body is whether all relevant information was objectively reviewed by the AUH in accordance with evaluation criteria established by the academic unit. The designated review body may consider the materials submitted by the faculty member as part of the annual summary of activities and any materials and discussion resulting from the annual evaluation conference. Faculty members may not submit new materials as part of an appeal of their annual evaluation.

*III.D.4.h Annual Evaluation Appeal Procedures*

Upon receipt of an appeal of a written annual evaluation, the review body has seven business days to provide a recommendation to the AUH, with a copy provided to the faculty member and the dean. The reviewing body may recommend that the AUH's written annual evaluation be upheld or modified. Upon consideration of the input from the review body, the AUH has two business days to either confirm or modify their written annual evaluation. The AUH notifies the faculty member, review body, and the dean of their decision.

Within two business days of the notification by the AUH one of the following must occur:

- If this appeals process has produced a resolution that is satisfactory to both the faculty member and the AUH, they both sign the updated written annual evaluation, concluding the annual evaluation process. This final written annual evaluation is then sent to the dean with copy to the faculty member.
- If the appeals process did not produce a resolution satisfactory to both the AUH and the faculty member, the faculty member or the AUH must ask the dean to review and make a decision. The dean reviews the (confirmed or modified) written annual evaluation written by the AUH and the reviewing body's recommendations to determine whether the AUH's evaluation is 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 dean writes the final written annual evaluation and sends the document to the faculty member, AUH, and review body. The decision of the dean on the evaluation is final and is not subject to appeal.

**III.D.4.h.(1)** If the appealing faculty member applied for promotion and/or tenure by Oct. 1 of the same year, the promotion and/or tenure process may be adapted. The faculty member's application for promotion and/or tenure may be supplemented to include the final written annual evaluation and any narrative regarding this appealed annual evaluation. This supplemental material must be received by the AUH, AUPAC, and dean no later than five business days after the dean receives the final written annual evaluation or the dean renders their decision on the appeal, as applicable. The deadlines for the AUPAC and AUH promotion and/or tenure recommendations for faculty members with a pending annual evaluation appeal advance to Dec. 1, but the dean's recommendation due date remains Dec. 15. See Sections [III.D.8.b.\(4\)](#), [III.D.9.b.\(4\)](#), [III.D.10.b.\(4\)](#), and [III.D.11.f.\(4\)](#).

III.D.4.i Summary of Annual Evaluation of Full-Time Faculty Timeline

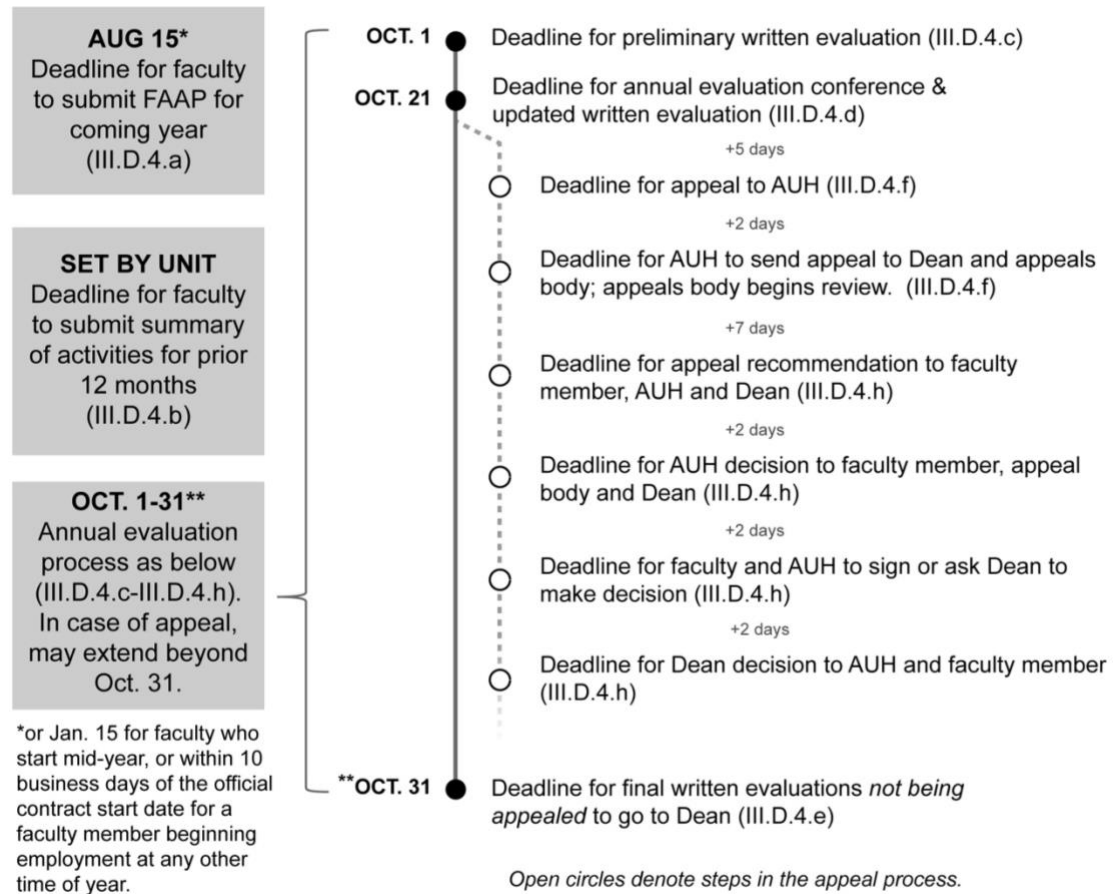


Figure 1 Summary of Annual Evaluation of Full-Time Faculty Timeline

In the above figure, numbers refer to business days. Exceptions are provided for deadlines/processes in some sections as noted by a \* or \*\*, including appeals potentially extending the process beyond Oct. 31. Open circles denote steps in an appeals process. Dashed lines indicate steps that may not occur in all annual evaluation cases.

III.D.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 Section III.J.2 for further information on the process for determining annual salary adjustments for faculty members, including appeal and timetable information.

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

In cases in which a tenured faculty member’s overall annual evaluation is evaluated as unacceptable after the conference (III.D.4.d) occurs, the appeals process in Section III.D.4.f must occur with the dean making the final decision. If the overall final written annual evaluation is unacceptable, the AUH

must inform the AUPAC and immediately design a professional development plan as described in Section [III.D.12.a](#).

#### *III.D.4.I Retention of Documentation*

In cases in which a faculty member's overall annual performance is evaluated as unacceptable, the academic unit retains copies of the materials considered in conducting the annual evaluation for the faculty member's full length of employment. For additional document retention requirements and information see [III.H](#) and [Policy 1109: Records Management](#).

#### III.D.5 Annual Evaluation of Academic Unit Heads

AUH's are evaluated annually. See [Academic Affairs Policy #2: Academic Unit Heads](#).

#### III.D.6 Evaluation of Adjunct Faculty

All adjunct faculty are evaluated according to a schedule and criteria established by the AUH using the established academic unit evaluation guidelines related specifically to teaching (or job performance) in the adjunct faculty's hired role. The purpose of adjunct evaluations is to assist academic unit heads with future hiring decisions and to satisfy university requirements for merit-based increases in pay. However, in the absence of opportunities for promotion, and given that adjunct faculty are contracted for specific teaching assignments, care must be taken to avoid requesting additional, uncompensated work from adjunct faculty. Additional compensated work may be negotiated with the AUH and requires a new contract reflecting additional work. Moreover, any evaluation of adjunct faculty is restricted to teaching. Additional evidence from other areas of evaluation may be submitted as a method of documenting other professional accomplishments.

AUHs must share evaluation procedures with adjunct faculty upon hire. These procedures include a more-detailed initial evaluation of new adjunct faculty within their first semester, as well as ongoing evaluations after every two semesters of teaching. All evaluations result in a rating of acceptable or unacceptable; additional levels are permitted, though not required. Appropriate tools for evaluating adjunct faculty may include but are not limited to observations of teaching as stipulated in academic unit evaluation guidelines. In cases where adjunct faculty are rehired for multiple semesters, adjunct faculty may request a more holistic evaluation of teaching for the purposes of professional development.

#### III.D.7 Midpoint Review

The AUPAC and AUH 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 must independently review the accomplishments of renewable term faculty at the rank of lecturer prior to, or in, their third year in rank. The AUPAC and AUH review the work of the candidate in teaching, research and scholarly/creative activity, and service in accordance with the relative weights of these areas as agreed upon by the AUH and faculty member. The written reviews identify any aspects of the candidate's work in which improvement is needed to be on track to receive promotion, and/or tenure for tenure-track faculty. The two reports are filed in the Office of the Dean.

In lieu of a midpoint review, academic units may provide more frequent AUPAC and AUH feedback (e.g., in the second and fourth year).

The midpoint review is not appealable.

### III.D.8 Promotion in Academic Rank of Tenured and Tenure-Track Instructional Faculty

The promotion of an instructional faculty member is determined by merit regardless of the distribution of faculty by academic rank within the academic unit. Though length of service may be given consideration, it is not a sufficient basis for recommendation for promotion. A faculty member must have spent five years in their current academic rank before being reviewed for promotion unless a shortened timeline to promotion was stipulated in the offer letter. 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. Compelling evidence usually indicates accomplishments of excellence well beyond the minimum criteria for the rank in which the faculty member is applying. If a faculty member is denied promotion, applicants may reapply without prejudice. Each academic unit determines its own criteria for compelling evidence to apply for early promotion according to their own disciplinary standards. Faculty considering applying for promotion before completing five years in academic rank are encouraged to discuss this with the AUPAC, AUH, and dean.

A faculty member's pattern of prior annual evaluations must be considered in the analysis of an application or nomination for promotion, but each administrator and committee must use the unit's summative promotion evaluation criteria when making recommendations on promotion and clearly indicate a positive or negative recommendation on the promotion.

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 are processed.

#### *III.D.8.a Standards*

Teaching, research and scholarly/creative activity, and service are the bases for evaluating the performance of candidates for promotion in academic rank. In each of these areas, the faculty member is evaluated as excellent, satisfactory, or unsatisfactory. A faculty member's conduct or behavior around academic responsibility and professional ethics may disqualify a candidate for promotion in academic rank.

Recommendations on promotion in academic rank are justified using the academic unit criteria created by the individual academic unit and based on the standards for promotion as set forth in this section. Specific academic unit criteria for promotion in academic rank are 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 eligible for promotion in academic rank are 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 in accordance with the voting procedures of the academic unit and with the approval of the AUH, dean, and provost.

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

**III.D.8.a.(1)** Assistant Professor: Satisfactory or excellent ratings in all areas are required for promotion to assistant professor.

**III.D.8.a.(2)** Associate Professor: An excellent rating in one area, and satisfactory or excellent ratings in the other areas, are required for promotion to associate professor.

**III.D.8.a.(3)** Professor: Excellent ratings in two areas and satisfactory or excellent rating in the third area are required for promotion to professor.

*III.D.8.b Procedures*

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

**III.D.8.b.(1)** The faculty member may apply for promotion or may be nominated by the AUPAC or AUH. Written intent to apply must be made by May 1 to the AUH and AUPAC. Failure to declare intent by May 1 requires that a faculty member defer their application for promotion, for example, to the following year. If nominated, the faculty member must be informed of the nomination prior to May 1 and has 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, research and scholarly/creative activity, and service to the dean, AUH, and AUPAC by Oct. 1 (see definition of “date” in Section [II.D](#)). Failure by the faculty member to submit a summary of activities and accomplishments by the Oct. 1 deadline constitutes a refusal of a nomination or withdrawal of an application, and no consideration of promotion is required.

If an AUH wishes to be considered for promotion, the dean appoints another AUH from the college to function as the AUH *in the context of the promotion process*.

- The AUH wishing to be considered for promotion submits a summary of activities and accomplishments in all areas to the appointed AUH, the AUPAC, and the dean.
- The appointed AUH and the AUPAC make their recommendations to the dean.

If a dean wishes to be considered for promotion, the provost appoints another dean to function as the AUH in the context of the promotion process. The provost will also appoint an administrative designee to function as the dean in the context of the promotion process.

- The dean wishing to be considered for promotion submits a summary of activities and accomplishments in all areas to the appointed AUH, the AUPAC of the promotion granting unit, and the provost.
- The appointed AUH and the AUPAC make their recommendations to the administrative designee functioning as the dean.

**III.D.8.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 by the provost and may apply for promotion later.

**III.D.8.b.(3)** Although the AUPAC, AUH, and dean may consult on matters of procedure, receipt and access of candidate materials, criteria, and interpretations of documented activities within the application, the AUH and the AUPAC must make independent evaluations of the facts and make independent recommendations.

**III.D.8.b.(4)** The written recommendations of the AUPAC and AUH must include a justification of their conclusions based on the criteria set by the unit. The AUPAC and AUH recommendations are submitted to the dean by Nov. 15. A copy of both recommendations must concurrently be provided by the Dean to the faculty member, AUH, and AUPAC by Nov. 15.

If the faculty member appealed their most recent annual evaluation, the faculty member must be given the option to supplement their submitted summary of activities and accomplishments, and the Nov. 15 deadline for the AUH and AUPAC recommendations may be extended to Dec. 1. See Section [III.D.4.h.\(1\)](#).

**III.D.8.b.(5)** The dean makes a recommendation after reviewing the recommendations of the AUH, the AUPAC, and the dossier. If questions arise about the recommendations from the AUH or the AUPAC, the dean may consult with either group to gain more information. The written recommendation of the dean must include a justification of their conclusions based on the criteria set by the unit.

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.D.8.b.(6)** The recommendations on promotion in academic rank from the AUH, AUPAC, and dean are reviewed by the provost, who either denies the promotion or makes 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 president or 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 is 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 from the provost.

**III.D.8.b.(7)** If the provost recommends granting a promotion in academic rank, the president must review the recommendation and either denies the promotion or makes 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 with justification 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 is sent to the BOV. The BOV acts 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.D.8.b.(8)** 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.D.8.b.(9)** In any appeal permitted by Section III.D.8.b.(8) above, the faculty member must submit a written notice of appeal to the Faculty Appeals Committee within 10 calendar 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 appeal to the faculty member and must notify the president, provost, speaker, dean, and AUH. If an appeal is filed, the provost appoints a person to serve as the respondent, representing the administration in the appeal process.

**III.D.8.b.(10)** The Faculty Appeals Committee determines if a hearing is warranted ([III.M.5.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.

**III.D.8.b.(11)** If the Faculty Appeals Committee grants a hearing, the procedures in Section [III.M.5.c](#) apply. In the hearing, the faculty member has the burden of establishing that the procedures were not followed or that the university used unreasonable or improper bases for the denial of promotion.

**III.D.8.b.(12)** If the Faculty Appeals Committee does not grant a hearing, the faculty member, respondent, speaker, provost, dean, AUH, and president are 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, effective on the date of the notice of denial by the Faculty Appeals Committee.

**III.D.8.b.(13)** All persons involved in the promotion process must respect and maintain the confidentiality of all relevant documents and deliberations.

### III.D.9 Promotion in Academic Rank of Renewable Term Appointment Faculty (RTA)

Promotion for RTA faculty is an opportunity, not a requirement. The promotion of a non-tenure-track instructional faculty member is determined by merit regardless of the distribution of faculty by academic rank within the academic unit. Though length of service may be given consideration, it is not a sufficient basis for recommendation for promotion. A faculty member must have spent five years in their current academic rank before being reviewed for promotion unless a shortened timeline to promotion was stipulated in the offer letter. 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. Compelling evidence usually indicates accomplishments of excellence well beyond the minimum for the rank in which the faculty member is applying. If a faculty member is denied promotion, applicants may reapply without prejudice. Each unit determines its own criteria for compelling evidence to apply for early promotion according to their own disciplinary standards.

A faculty member's pattern of prior annual evaluations must be considered in the analysis of an application or nomination for promotion, but each administrator and committee must use the unit's summative promotion evaluation criteria when making recommendations on promotion and clearly indicate a positive or negative recommendation on the promotion.

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 are processed.

#### *III.D.9.a Standards*

Teaching, or job performance where applicable, research and scholarly/creative activity, and service are the bases for evaluating the performance of candidates for promotion in academic rank. In each of these areas, the faculty member is evaluated as excellent, satisfactory, or unsatisfactory. A faculty member's conduct or behavior around academic responsibility and professional ethics may disqualify a candidate for promotion in academic rank.

Recommendations on promotion in academic rank are justified using the criteria created by the individual academic unit and based on the standards for promotion as set forth in this section. Specific academic unit criteria for promotion in academic rank are 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 eligible for promotion in academic rank are 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.

In the evaluation of faculty members being considered for promotion in academic rank, the following standards apply. The following criteria apply to RTA faculty:

**III.D.9.a.(1)** Senior Lecturer: An excellent rating in teaching or job performance, and satisfactory or excellent ratings in the second and third areas are required for promotion to senior lecturer.

**III.D.9.a.(2)** Principal Lecturer: An excellent rating in teaching or job performance, an excellent rating in a second area, and a satisfactory or excellent rating in the third area are required for promotion to principal lecturer.

**III.D.9.a.(3)** Associate Professor: An excellent rating in teaching or job performance, and satisfactory or excellent ratings in the second and third areas are required for promotion to associate professor.

**III.D.9.a.(4)** Professor: An excellent rating in teaching or job performance, an excellent rating in a second area, and a satisfactory or excellent rating in the third area are required for promotion to professor.

**III.D.9.a.(5)** Associate Professor of Practice: An excellent rating in teaching or job performance, and satisfactory or excellent ratings in the second and third areas are required for promotion to associate professor of practice.

**III.D.9.a.(6)** Professor of Practice: An excellent rating in teaching or job performance, an excellent rating in a second area, and a satisfactory or excellent rating in the third area are required for promotion to professor of practice.

#### *III.D.9.b Procedures*

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

**III.D.9.b.(1)** The faculty member may apply for promotion or may be nominated by the AUPAC or AUH. Written intent to apply must be made by May 1 to the AUH and AUPAC. If nominated, the faculty member must be informed of the nomination prior to May 1 and has 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, research and scholarly/creative activity, and service to the dean, AUH, and AUPAC by Oct. 1 (see definition of “date” in Section [II.D](#)). 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.

**III.D.9.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 by the provost and may apply for promotion later.

**III.D.9.b.(3)** Although the AUPAC, AUH, and dean may consult on matters of procedure, receipt and access of candidate materials, criteria, and interpretations of documented activities within the application, the AUH and the AUPAC must make independent evaluations of the facts and make independent recommendations.

**III.D.9.b.(4)** The written recommendations of the AUPAC and AUH must include a justification of their conclusions based on the criteria set by the unit. The AUPAC and AUH recommendations are

submitted to the dean by Nov. 15. A copy of both recommendations must concurrently be provided by the Dean to the faculty member, AUH, and AUPAC by Nov. 15.

If the faculty member appealed their most recent annual evaluation, the faculty member must be given the option to supplement their submitted summary of activities and accomplishments, and the Nov. 15 deadline for the AUH and AUPAC recommendations may be extended to Dec. 1. See Section [III.D.4.h.\(1\)](#).

**III.D.9.b.(5)** The dean makes a recommendation after reviewing the recommendations of the AUH, the AUPAC, and the dossier. If questions arise about the recommendations from the AUH or the AUPAC, the dean may consult with either group to gain more information. The written recommendation of the dean must include a justification of their conclusions based on the criteria set by the unit.

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.D.9.b.(6)** The recommendations on promotion in academic rank from the AUH, AUPAC, and dean are reviewed by the provost, who either denies the promotion or makes 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 is 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 from the provost.

**III.D.9.b.(7)** If the provost recommends granting a promotion in academic rank, the president must review the recommendation and either denies the promotion or makes 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 with justification 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 is sent to the BOV. The BOV acts 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.D.9.b.(8)** 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.D.9.b.(9)** In any appeal permitted by Section III.D.9.b.(8) above, the faculty member must submit a written notice of appeal to the Faculty Appeals Committee within 10 calendar 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, speaker, dean, and AUH. If an appeal is filed, the provost appoints a person to serve as the respondent, representing the administration in the appeal process.

**III.D.9.b.(10)** The Faculty Appeals Committee determines if a hearing is warranted ([III.M.5.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.

**III.D.9.b.(11)** If the Faculty Appeals Committee grants a hearing, the procedures in Section [III.M.5.c](#) apply. In the hearing, the faculty member has the burden of establishing that the procedures were not followed or that the university used unreasonable or improper bases for the denial of promotion.

**III.D.9.b.(12)** If the Faculty Appeals Committee does not grant a hearing, the faculty member, respondent, speaker, dean, AUH, provost, and president are 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, effective on the date of the notice of denial by the Faculty Appeals Committee.

**III.D.9.b.(13)** All persons involved in the promotion process must respect and maintain the confidentiality of all relevant documents and deliberations.

### III.D.10 Promotion in Academic Rank of Administrative and Professional Faculty (A&P)

The promotion of an A&P faculty member is determined by merit regardless of the distribution of faculty by academic rank within the academic unit. Though length of service may be given consideration, it is not a sufficient basis for recommendation for promotion. A faculty member must have spent five years in their current academic rank before being reviewed for promotion unless a shortened timeline to promotion was stipulated in their offer letter. 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. Compelling evidence usually indicates accomplishments of excellence well beyond the minimum criteria for the rank in which the faculty member is applying. Each unit must determine its own criteria for compelling evidence to apply for early promotion according to the unit's own disciplinary standards.

An A&P faculty member's pattern of prior annual evaluations must be considered in the analysis of an application or nomination for promotion, but each administrator and committee must use the unit's summative promotion evaluation criteria for A&P faculty promotion when making recommendations on promotion and clearly indicate a positive or negative recommendation on the promotion.

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 are processed.

#### *III.D.10.a Standards*

Teaching or performance of one's primary job duties, research and scholarly/creative activity, and service are the bases for evaluating the performance of candidates for promotion in academic rank. In each of these areas, the faculty member is evaluated as excellent, satisfactory, or unsatisfactory. A

faculty member's conduct or behavior around academic responsibility and professional ethics may disqualify a candidate for promotion in academic rank.

Recommendations on promotion in academic rank are justified using the criteria created by the individual academic unit for the promotion of A&P faculty. Specific academic unit criteria for promotion in academic rank of A&P faculty members are adopted by the AUPAC and approved by the academic unit's full-time faculty members, the AUH, dean, and provost. New A&P faculty members eligible for promotion in academic rank are 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.

If A&P faculty have a joint appointment that includes teaching as an additional assignment or opportunity, then these A&P faculty are evaluated by the standards for teaching in the unit where they hold the joint appointment, outside of their A&P faculty position. The home unit where the A&P faculty member is applying for promotion must determine what role teaching as a possible additional assignment plays in the home unit's standards for promotion.

#### *III.D.10.b Procedures*

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

**III.D.10.b.(1)** The faculty member may apply for promotion or may be nominated by the AUPAC or AUH. Written intent to apply must be made by May 1 to the AUH and AUPAC. Failure to declare intent by May 1 requires that a faculty member defer their application for promotion, for example, to the following year. If nominated, the faculty member must be informed of the nomination prior to May 1 and has 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, research and scholarly/creative activity, and service to the dean, AUH, and AUPAC by Oct. 1 (see definition of "date" in Section [II.D](#)). 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.

**III.D.10.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 by the provost and may apply for promotion later.

**III.D.10.b.(3)** Although the AUPAC, AUH, and dean may consult on matters of procedure, receipt and access of candidate materials, criteria, and interpretations of documented activities within the application, the AUH and the AUPAC must make independent evaluations of the facts and make independent recommendations.

**III.D.10.b.(4)** The written recommendations of the AUPAC and AUH must include a justification of their conclusions based on the criteria set by the unit. The AUPAC and AUH recommendations are submitted to the dean by Nov. 15. A copy of both recommendations must concurrently be provided by the Dean to the faculty member, AUH, and AUPAC by Nov. 15.

If the faculty member appealed their most recent annual evaluation, the faculty member must be given the option to supplement their submitted summary of activities and accomplishments, and the Nov. 15 deadline for the AUH and AUPAC recommendations may be extended to Dec. 1. See Section [III.D.4.h.\(1\)](#).

**III.D.10.b.(5)** The dean makes a recommendation after reviewing the recommendations of the AUH, the AUPAC, and the dossier. If questions arise about the recommendations from the AUH or the AUPAC, the dean may consult with either group to gain more information. The written recommendation of the dean must include a justification of their conclusions based on the criteria set by the unit.

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.D.10.b.(6)** The recommendations on promotion in academic rank from the AUH, AUPAC, and dean are reviewed by the provost, who either denies the promotion or makes 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 from the provost.

**III.D.10.b.(7)** If the provost recommends granting a promotion in academic rank, the president must review the recommendation and either denies the promotion or makes 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 with justification 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 is sent to the BOV. The BOV acts 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 is only conveyed to a faculty member after the formal action of the BOV. Promotions become effective at the beginning of the following academic year.

**III.D.10.b.(8)** 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.D.10.b.(9)** In any appeal permitted by Section III.D.10.b.(8) above, the faculty member must submit a written notice of appeal to the Faculty Appeals Committee within 10 calendar 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, speaker, 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.D.10.b.(10)** The Faculty Appeals Committee determines if a hearing is warranted ([III.M.5.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.

**III.D.10.b.(11)** If the Faculty Appeals Committee grants a hearing, the procedures in Section [III.M.5.c](#) apply. In the hearing, the faculty member has the burden of establishing that the procedures were not followed or that the university used unreasonable or improper bases for the denial of promotion.

**III.D.10.b.(12)** If the Faculty Appeals Committee does not grant a hearing, the faculty member, respondent, speaker, dean, AUH, provost, and president are 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, effective on the date of the notice of denial by the Faculty Appeals Committee.

**III.D.10.b.(13)** All persons involved in the promotion process must respect and maintain the confidentiality of all relevant documents and deliberations.

### III.D.11 Tenure

Tenure is a concept with application only to the instructional faculty contracts of the university. Tenure may only be awarded through the approval of the academic unit stipulated in the faculty member's contract and the Academic Affairs administration of the university. Tenure does not apply to any renewable term or fixed term appointment faculty regardless of rank nor administrative or professional positions within the university. An instructional faculty member with a tenured appointment who is appointed to an A&P faculty contract is subject to [University Policy 1335: Administrative & Professional Faculty - Terms and Conditions of Employment](#) regarding tenure. An A&P faculty member who is hired through an external search to be a direct report of the provost may be granted tenure in a home unit to which they would usually opt to return (or mutually agreed upon alternative appointment) upon nonrenewal of their A&P faculty contract.

#### *III.D.11.a Purpose*

Tenure is intended to protect academic freedom, provide a reasonable measure of employment protection from arbitrary and unfair dismissal, and enable the university to consistently retain instructional faculty of distinction. Society benefits from faculty research and scholarly/creative activity, and teaching, and society is disadvantaged when outside interests unduly control or influence teachers and researchers. Tenure, a vital protection for faculty's academic freedom, supports free inquiry, free expression, and open dissent, which are all critical for student learning and the advancement of knowledge. The BOV is the only authority that awards tenure or makes a commitment that promises tenure.

#### *III.D.11.b Probationary Period*

When an instructional faculty member is hired in a tenure-track appointment, 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 receive a favorable review only upon presentation of compelling evidence of accomplishment by the faculty member. Compelling evidence usually indicates accomplishments of excellence beyond the minimum for the rank in which the faculty member is applying. Each unit determines its own criteria for compelling evidence to apply for early promotion according to their own disciplinary standards. Failure to achieve tenure after applying early results in non-reappointment at the conclusion of the probationary period. See Section [III.D.11.f.\(13\)](#).

*III.D.11.c Suspensions*

**III.D.11.c.(1)** The faculty member and the AUH may agree to suspend the tenure clock for a specific time period 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 tenure clock. 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 waives 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.D.11.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. 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. See Section [III.K.1](#) and [Policy 1308: Family and Medical Leave](#).

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 waives the right to suspend the tenure clock. No faculty member may exercise this option more than twice during the probationary period.

*III.D.11.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. The faculty member must request such an extension in writing to the AUH and dean prior to May 1 of the final year of their original probationary period.

*III.D.11.e Standards*

The awarding 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.

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 faculty member's home unit or academic specialization, program reduction or elimination, or financial exigency. A faculty member's conduct or behavior around academic responsibility and professional ethics may disqualify a candidate for tenure. Teaching (or job performance), research and scholarly/creative activity, and service must be used in evaluating the performance of a candidate for tenure.

Recommendations on tenure are justified using the academic unit's criteria for tenure. Specific academic unit criteria for tenure are 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 with tenure-track appointments are 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 in accordance with the voting procedures of the academic unit and with approval of the AUH, dean, and provost.

A faculty member's pattern of prior annual evaluations must be considered in the analysis of an application or nomination for tenure, but each administrator and committee must use the unit's summative tenure evaluation criteria when making recommendations on tenure and clearly indicate a positive or negative recommendation on the tenure.

#### *III.D.11.f Procedures*

If an application for tenure and an application for promotion are made concurrently, then: the procedures for tenure are used, while the standards for the tenure application are those for tenure and the standards for the promotion application are those for the applicable promotion. The following policies and procedures apply to applications for tenure.

**III.D.11.f.(1)** A faculty member in the penultimate year of the probationary period must apply for tenure, notifying the AUPAC and AUH of their intent to apply by May 1, and submit a summary of activities and accomplishments in the areas of teaching, research and scholarly/creative activity, and service to the dean, AUH, and AUPAC by Oct. 1 (see definition of "date" in Section [II.D](#)).

If an AUH applies for tenure, the dean appoints another AUH from the college to function as the AUH in the context of the tenure process. The AUH applying for tenure submits a summary of activities and accomplishments in all areas to the appointed AUH, the AUPAC, and the dean. The appointed AUH and the AUPAC make their recommendations to the dean.

**III.D.11.f.(2)** In all cases, a candidate for tenure may withdraw from consideration prior to receiving official notification from the provost of the tenure decision. Withdrawal from tenure consideration in the penultimate year of the probationary period is considered resignation effective at the end of the probationary period, and no further applications for tenure may be submitted in the academic unit. Withdrawal from an early tenure consideration at any time prior to the provost's decision (in any year prior to the penultimate year) does not prohibit the faculty member from applying for tenure later if the application is submitted by the penultimate year of the probationary period.

**III.D.11.f.(3)** Although the AUPAC, AUH, and dean may consult on matters of procedure, receipt and access of candidate materials, criteria, and interpretations of documented activities within the application, the AUH and the AUPAC must make independent evaluations of the facts and make independent recommendations.

**III.D.11.f.(4)** The written recommendations of the AUPAC and AUH must include a justification of their conclusions based on the criteria set by the unit. The AUPAC and AUH recommendations are submitted to the dean by Nov. 15. A copy of both recommendations must concurrently be provided by the Dean to the faculty member, AUH, and AUPAC by Nov. 15.

If the faculty member appealed their most recent annual evaluation, the faculty member must be given the option to supplement their submitted summary of activities and accomplishments, and the Nov. 15 deadline for the AUH and AUPAC recommendations may be extended to Dec. 1. See Section [III.D.4.h.\(1\)](#).

**III.D.11.f.(5)** The dean makes a recommendation after reviewing the recommendations of the AUH, the AUPAC, and the dossier. If questions arise about the recommendations from the AUH or the AUPAC, the dean may consult with either group to gain more information. The written

recommendation of the dean must include a justification of their conclusions based on the criteria set by the unit.

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.D.11.f.(6)** The recommendations on tenure from the AUH, AUPAC, and dean are reviewed by the provost, who either denies tenure or makes 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.

**III.D.11.f.(7)** 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 with justification to the faculty member by Feb. 1, with copies to the dean, AUH, and AUPAC concurrently. 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 notification of denial or recommendation to award tenure must include a justification from the provost.

**III.D.11.f.(8)** If the provost recommends awarding tenure, the president must review the recommendation and either denies tenure or makes 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 to deny tenure is not appealable. Official written notification of denial with justification 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 is sent to the BOV. The BOV acts on the recommendation, and notification of its decision must be sent by the president within 15 days after the BOV's meeting. The decision of the BOV to deny tenure is not appealable.

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.D.11.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 10 calendar 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 acknowledgement of the receipt of the appeal to the faculty member and must notify the president, provost, speaker, dean, and AUH. If an appeal is filed, the provost appoints a person to serve as the respondent, representing the administration in the appeal process.

**III.D.11.f.(10)** The Faculty Appeals Committee determines if a hearing is warranted ([III.M.5.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.

**III.D.11.f.(11)** If the Faculty Appeals Committee grants a hearing, the procedures in Section [III.M.5.c](#) apply. In the hearing, the faculty member has the responsibility to establish that the procedures were not followed or that the university used unreasonable or improper bases for the denial of tenure.

**III.D.11.f.(12)** If the Faculty Appeals Committee does not grant a hearing, the faculty member, respondent, speaker, dean, AUH, provost, and president are 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 notice of denial by the Faculty Appeals Committee.

**III.D.11.f.(13)** Faculty members in a tenure-track appointment who are denied tenure at any point during the probationary period may not apply for tenure again. Notice of denial of tenure serves 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 separates from employment at the university. A faculty member who applies for tenure early and receives a notice of denial of tenure may receive a notice of non-reappointment earlier than the penultimate year of their probationary period.

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.D.11.f.(14)** All persons involved in the tenure process must respect and maintain the strict confidentiality of all relevant documents and deliberations.

*III.D.11.g Withdrawal of Tenure Application*

A candidate for both promotion and tenure may withdraw either application prior to the recommendation of the provost. The candidate then proceeds with the remaining application following its associated procedures from the point of withdrawal. Withdrawal of an application for early tenure, prior to the recommendation of the provost, does not result in any action and the candidate can re-apply. A withdrawal of a tenure application in the penultimate year of a probationary period is a resignation effective at the end of the probationary period.

**III.D.12 Post-Tenure Review**

The granting of tenure anticipates that a faculty member retains 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 an overall acceptable level of performance.

*III.D.12.a Professional Development Plan*

Within 7 business days of a faculty member receiving an overall unacceptable final written annual evaluation ([III.D.4](#)), the AUH designs a professional development plan and invites the faculty member in writing for their input on this plan. The university provides 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 receive no financial support from the university to improve their performance, but the faculty member still has the responsibility to bring their performance up to acceptable levels in the next annual performance evaluation.

While scheduling flexibility is appropriate, the development plan is initiated at the earliest opportunity to effect positive change in the next annual performance evaluation.

*III.D.12.b Remediation Recommendation*

If a tenured faculty member's overall annual performance has been found to be unacceptable 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.D.12.c AUPAC's Review of Remediation Recommendation*

The AUPAC reviews the tenured faculty member's annual evaluations and makes an independent appraisal of whether the faculty member's performance over the last three years has been acceptable or unacceptable 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 unacceptable must be supported by substantial evidence including the criteria for annual evaluations set by the unit.

*III.D.12.d Dean's Review of Remediation Recommendation*

The dean reviews the tenured faculty member's annual evaluations and the AUPAC's evaluation of the faculty member's overall performance and provides a separate written evaluation. The evaluation must conclude whether the faculty member's overall performance has been acceptable or unacceptable 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 unacceptable must be supported by substantial evidence including the criteria for annual evaluations set by the unit.

*III.D.12.e Remediation*

A plan of remediation is required if the dean concludes that the overall performance of the tenured faculty member has been unacceptable. The dean must send notification of whether remediation is required to the faculty member by Dec. 15, with concurrent copies to the AUH and AUPAC.

*III.D.12.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 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 unacceptable must be supported by substantial evidence.

*III.D.12.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 includes 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. If the faculty member appeals the need for a plan, development of the plan proceeds unless or until the appeal is approved. A copy of the plan must be sent to the faculty member by Feb. 1, with a concurrent copy to the dean.

*III.D.12.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 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.D.12.i Report of Faculty Member*

The tenured faculty member has 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.D.12.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 are provided to the faculty member.

*III.D.12.k Dean's Review of Plan Completion*

The dean reviews the evaluations of the AUH and AUPAC and prepares 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 is provided to the AUH, AUPAC, and faculty member.

*III.D.12.l Provost's Determination*

The provost reviews the evaluations of the AUH, AUPAC, and dean, and determines 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 is 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.D.12.m Sanctions*

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

*III.D.12.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.D.12.o Appeal of Sanctions*

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. All appeals must be in writing. The 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 appoints the AUH or an administrative designee to serve as the respondent, representing the administration in the appeal process.

*III.D.12.p Faculty Appeals Committee*

**III.D.12.p.(1)** The Faculty Appeals Committee determines if a hearing is warranted ([III.M.5.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.

**III.D.12.p.(2)** If the Faculty Appeals Committee grants a hearing, the procedures in Section [III.M.5.c](#) apply. In the hearing, the respondent has 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.

**III.D.12.p.(3)** If the Faculty Appeals Committee does not grant a hearing, the faculty member, respondent, speaker, provost, and president are notified that the appeal has been denied. If the Faculty Appeals Committee denies the appeal, the decision of the provost becomes final, effective on the date of the notice of denial by the Faculty Appeals Committee.

*III.D.12.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.E Comprehensive Evaluation of Academic Unit Heads**

AUHs undergo a comprehensive review. See [Academic Affairs Policy #2: Academic Unit Heads](#).

**III.F Comprehensive Evaluation of Deans and the Provost**

Deans and the provost are evaluated annually according to the performance evaluation process for A&P faculty established by [Human Resources](#).

**III.G Separation**

See [Policy 2106: Instructional Faculty Separation from Employment](#) and [Policy 1335: Administrative & Professional Faculty - Terms and Conditions of Employment](#) for A&P faculty. For specific information about retirement, see Section [III.K.6](#).

**III.G.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 provides at least three months' notice.

If an instructional faculty member resigns, the faculty member is 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 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 remains active in the payroll system 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.G.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 is 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 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 cease upon termination.

### III.G.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 Section [III.D.11](#). 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.G.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, is 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.G.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 make independent evaluations of the facts and recommendations and must clearly indicate a positive or negative recommendation on nonrenewal.

#### *III.G.3.c Academic Unit's Recommendations*

The written recommendations of the AUPAC and AUH must include a justification of their conclusions. These recommendations are submitted to the dean. If the AUH makes the initial recommendation, the AUH informs the AUPAC that a recommendation has been sent to the dean, and the AUPAC must submit its recommendation to the dean within five days of the initial recommendation for nonrenewal. If the AUPAC makes the initial recommendation, the AUPAC informs the AUH that a recommendation has been sent to the dean, and the AUH must 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 days of the initial recommendation. After the dean has received both the AUPAC and AUH recommendations, a copy of the AUPAC recommendation is provided to the AUH and concurrently a copy of the AUH recommendation is provided to the AUPAC.

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

The dean makes 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 is provided to the AUH and the AUPAC.

#### *III.G.3.e Provost's Decision*

The recommendations regarding nonrenewal from the AUH, AUPAC, and dean is reviewed by the provost, who decides 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 is 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. The time period the case is under appeal never extends the employment of the faculty member beyond the end date of the contract.

#### *III.G.3.f Special Circumstances*

In the case of a faculty member with fewer 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.G.3.g Notice*

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

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

- No later than Mar. 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.G.3.g.(2)** For faculty members in their second year of consecutive full-time service in an RTA or tenure-track appointment at JMU:

- No 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.G.3.g.(3)** For faculty members with two or more years of consecutive full-time service in an RTA or tenure-track appointment at JMU:

- At least 12 months' notice for a tenure-track faculty member for any reason, or for an 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 ends 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 ends by the end of June in the following calendar year.
- At least 24 months' notice for an 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 ends by the end of December of the calendar year two years

hence. Notice given by the end of June in one calendar year means that the appointment ends by the end of June of the calendar year two years hence.

*III.G.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.G.3.i Appeal*

A tenure-track or RTA faculty member has 10 calendar 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 a written appeal, the chair of the Faculty Appeals Committee must promptly send an acknowledgement of the receipt of the appeal to the faculty member and notifies the president, the provost, dean, and AUH. If an appeal is filed, the provost appoints the AUH or an administrative designee to serve as the respondent, representing the administration in the appeal process.

*III.G.3.j Faculty Appeals Committee*

**III.G.3.j.(1)** The Faculty Appeals Committee determines if a hearing is warranted ([III.M.5.b](#)). For tenure-track and RTA faculty members, 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.

**III.G.3.j.(2)** If the Faculty Appeals Committee grants a hearing, the procedures in Section [III.M.5.c](#) apply to both tenure-track and RTA faculty members. In the hearing, the faculty member has the responsibility to establish that the procedures were not followed or that the university used unreasonable or improper bases for the nonrenewal.

**III.G.3.j.(3)** If the Faculty Appeals Committee does not grant a hearing, the faculty member, respondent, speaker, provost, and president are notified that the appeal has been denied. If the Faculty Appeals Committee denies the appeal, the decision of the provost becomes final, and the nonrenewal becomes effective at the end of the appointment term.

*III.G.3.k Confidentiality*

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

*III.G.3.l Pay and Benefits*

For an instructional faculty member who is nonrenewed, the faculty member is 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 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 remains active in the payroll system to receive benefits while the remaining salary due is paid out through the 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.G.4 Termination

In addition to dismissal as a sanction outlined elsewhere in this Faculty Handbook (e.g., [III.A.28](#) or [III.D.12](#)), 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 is 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 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.G.4.a Financial Exigency*

**III.G.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.G.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, is responsible for preparing such a program. The program must be approved by the BOV.

**III.G.4.a.(3)** The program proposed by the president must specify the criteria for identifying individuals whose appointments are to be terminated. The provost must identify those individuals who are to be terminated under the criteria specified and is responsible for notifying those faculty members who are to be terminated. The provost makes 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.G.4.a.(4)** When the university terminates appointments because of financial exigency, it cannot 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.G.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 additional 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.G.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

given a reasonable time in which to accept or decline the offer, or unless the released faculty member is no longer qualified for the position or able to perform the essential functions of the job.

**III.G.4.a.(7)** In all cases of termination of appointment because of financial exigency, the tenured faculty member concerned must be given such written notice as practical under the circumstances. If financial circumstances allow, this must be at least three months for faculty members in their first year of service, at least six months for faculty members in their second year of service, and at least 12 months for all other faculty members.

**III.G.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 10 calendar 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.

**III.G.4.a.(9)** 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 appoints the AUH or an administrative designee to serve as the respondent to represent the administration in the appeal process.

**III.G.4.a.(10)** The Faculty Appeals Committee determines if a hearing is warranted ([III.M.5.b](#)). Grounds for appealing a termination for financial exigency are not limited. If the Faculty Appeals Committee grants a hearing, the procedures in Section [III.M.5.c](#) apply. In the hearing, the respondent has the responsibility to establish that the termination is appropriate.

**III.G.4.a.(11)** If the Faculty Appeals Committee does not grant a hearing, 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.G.4.a.(12)** All persons involved in the termination process must respect and maintain the strict confidentiality of all relevant documents and deliberations.

*III.G.4.b Program Reduction, Discontinuation, or Elimination*

**III.G.4.b.(1)** In the absence of financial exigency, before a faculty member can be terminated because of program reduction or elimination, a determination is 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 rests 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.G.4.b.(2)** The decision to reduce or eliminate a program or department of instruction is based on the judgment that the educational mission of the institution is enhanced by the reduction or elimination.

**III.G.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.G.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 10 calendar days from receipt of the written notice of termination from the provost to submit a written appeal to the Faculty Appeals Committee. The 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.

**III.G.4.b.(5)** 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 appoints the AUH or an administrative designee to serve as the respondent, representing the administration in the appeal process.

**III.G.4.b.(6)** The Faculty Appeals Committee determines if a hearing is warranted ([III.M.5.b](#)). Grounds for appealing a termination for program reduction or elimination are not limited. If the Faculty Appeals Committee grants a hearing, the procedures in Section [III.M.5.c](#) apply. In the hearing, the respondent has the responsibility to establish that the termination is appropriate.

**III.G.4.b.(7)** If the Faculty Appeals Committee does not grant a hearing, 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.G.4.b.(8)** In all cases of termination of appointment because of program reduction or elimination, the faculty member concerned must be given written notice of at least three months for faculty members in their first year of service; six months for faculty members in their second year of service; or 12 months in all other cases.

**III.G.4.b.(9)** All persons involved in the termination process must respect and maintain the strict confidentiality of all relevant documents and deliberations.

### III.H 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 in the office of the dean, and documents relevant to professional performance and assessments are maintained in the office of the academic unit. See [Policy 1109: Records Management](#).

#### III.H.1 Reviewing Personnel Files

[Policy 1316: Employee Records - Release of Information](#) details the release, and exceptions to this release, of personnel files including a faculty member's access to all personnel files of which they are the subject. FOIA provides for copies of (rather than access to) documents. A faculty member seeking access to their personnel files must arrange an appointment with human resources or their supervisor. 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 should be removed or corrected, they must submit a written request for the removal or correction to the record keeper of the file, who

determines whether the material is removed or corrected. If the record keeper of the file denies the request, the faculty member may place a statement in the file.

### III.H.2 Disclosure of Information to Third Parties

In compliance with the Virginia Freedom of Information Act ([Code of Virginia, § 2.2-3700](#)) and [Policy 1316: Employee Records - Release of Information](#), certain personal information must be disclosed to third parties upon request to the Office of Human Resources 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.H.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.I Research and Scholarly/Creative Activity

### III.I.1 Sponsored Programs

The Office of Sponsored Programs and the Office of Research Development assist and facilitate efforts to obtain extramural support for faculty projects. As the university's Authorized Organizational Representatives, the Office of Sponsored Programs is solely responsible for signing contracts related to sponsored projects. Pre- and post-grant award policies are outlined in [Policy 2201: Sponsored Programs Proposals: Pre-Award/Post Award Procedures](#).

### III.I.2 Regulations and Policies

Faculty members engaged in research or a scholarly/creative activity that may result in patentable or copyrightable materials must consult with [Research to Impact \(R2I\)](#), the university's designated commercialization and licensing office, and [Policy 1107: Intellectual Property](#) for details of the university's intellectual property policies and procedures. 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, development, and use 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 Research Integrity and Compliance may be consulted for details related to human subject research ([Policy 1104: Institutional Review Board – Use of Human Subjects in Research](#)), animal research ([Policy 2202: Institutional Care and Use of Laboratory Animals](#)), institutional biosafety, including recombinant DNA experiments ([Policy 2204: Policy for Institutional Biosafety](#)), investigator significant financial interest disclosure ([Policy 2203: Conflict of Interests Disclosure for Sponsored Programs](#)), and misconduct in research ([Policy 2205: Research and Scholarship Misconduct](#)).

### III.I.3 Solicitations for Private Funds

Faculty must be aware that private funds may be gifts or grants and follow sponsored program procedures where appropriate. Faculty members must discuss requests that are unrelated to sponsored projects, but require private funding, with academic unit heads and deans for initial approval and inclusion in the college's annual fundraising plan. Plans are reviewed within the development office before discussions with a prospect and before preparing a formal written request for funding. The

development office works 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 [Policy 5101: Fundraising - Private](#).

### III.J Compensation

Personnel in faculty positions at 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 [MyMadison](#). Participation in direct deposit begins by completing the necessary paperwork available in the [Office of Human Resources](#).

Funds disbursed by the Commonwealth to the university for annual salary adjustments are to be allocated principally based on performance (merit) unless otherwise indicated. 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. This system of salary adjustment is intended to encourage all faculty members toward continuous performance improvement.

#### III.J.1 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, associate professor, professor, senior lecturer, principal lecturer, associate professor of practice, or professor of practice. Any exceptions must be approved by the provost upon recommendation of the AUH and dean. If the published effective date of a salary adjustment due to a promotion occurs while a faculty member is on paid or unpaid leave, the effective date of the salary increase is delayed until the conclusion of the leave.

#### III.J.2 Adjustments Due to Merit

Salary adjustments that reflect merit are dependent on annual evaluations and are allocated by the dean and AUH/supervisor based on the college and academic unit policies for merit-based salary adjustment ([III.D.4.j](#)).

##### *III.J.2.a College Allocation*

At the dean's level of allocating funds designated for merit-based 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 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 require approval by the provost. In the absence of a formalized college allocation plan for merit, funds are distributed to academic units in proportion to the number of otherwise

eligible faculty who earned an overall evaluation of acceptable or higher on their last written annual evaluation at JMU.

### *III.J.2.b Academic Unit Allocation*

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 academic unit's mechanism requires approval by the AUH, the dean and the provost.

Each mechanism must be objective to the extent that it is based on both:

- The relative weights applied to the three areas of faculty performance—teaching (or job performance), research and scholarly/creative activity, and service—in the Faculty Anticipated Activity Plan ([III.D.4.a](#)).
- The annual evaluation ratings awarded to the faculty member in each of the three performance areas.

In the absence of an individually negotiated agreement on relative weights ([III.D.4.a](#)) the academic unit may approve a standard set of weights for use in the merit pay adjustment. Due to annual fluctuations in, and uncertainties about, the availability of resources for annual salary adjustment, a 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.

In the absence of a formalized academic unit allocation plan for merit, all otherwise eligible faculty in the academic unit who earned an overall evaluation of acceptable or higher on their last written annual evaluation receive the same percentage merit increase where the percentage is calculated on a 10-month salary base.

### *III.J.2.c Timetable*

The timetable for salary adjustments normally adheres to the following process. However, the timetable may be adjusted accordingly if the effective date of approved merit increases does not allow sufficient time for the merit process to be carried out effectively and/or for the appeal process to be completed within the academic year.

**III.J.2.c.(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 ([III.D.4.i](#)).

**III.J.2.c.(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.J.2.c.(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.J.2.c.(4)** The dean must reach a determination on the appeal by Feb. 15.

**III.J.2.c.(5)** An appeal of the dean's decision to the provost must be made by Mar. 1. The provost must render a final decision by Mar. 15. The provost's decision is final and may not be appealed.

**III.J.2.c.(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.J.3 Overload and Additional Pay

The amount of overload pay is decided in advance by negotiation between the faculty member and the AUH. Overload employment of this nature must be approved by the AUH, dean, provost, and the external funding source if the overload pay is to come from an external funding source. Overload employment, which includes compensation from sponsored programs, is limited by federal guidelines. See [Policy 1306: Extra Employment for Faculty and Exempt Staff Members Within the University](#).

### III.J.4 Noncontract Period Compensation

A faculty member who teaches, serves on a special project, 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 [Policy 1306: Extra Employment for Faculty and Exempt Staff Members Within the University](#).

## III.K Employment Benefits

Listed below are several employment benefits available to faculty members. The benefits available to a faculty member are dependent on their contract type (part-time, full-time instructional, or A&P). Other benefits are described on the [Human Resources website](#).

### III.K.1 Leave

The types of leave available to instructional and/or A&P faculty are defined in [Policy 1338: Faculty Leave](#) and summarized on the Office of Human Resources websites for [full-time faculty](#) and [part-time faculty](#).

Examples of leave types include but are not limited to those listed below.

- Educational leave (see Section III.K.1.a below)
- Civil and work-related leave
- Military leave
- Parental leave
- Political activity leave
- Family and medical leave (see also [Policy 1308: Family and Medical Leave](#))

Faculty members should direct questions about eligibility for educational leave to their AUH/supervisor and direct questions about other types of leave must be referred to their Human Resources benefits specialist.

The probationary status of an untenured faculty member in a tenure-track position continues during a leave of absence, and the time while on leave is counted as part of the probationary period, unless there is a negotiated agreement to the contrary. For any faculty member at a promotable rank, their time while on leave is counted as part of their minimum time in rank until eligible for promotion, unless there is a negotiated agreement to the contrary ([III.D.8](#)).

#### *III.K.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 (or all faculty members in Libraries) 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 and scholarly/creative activities that 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. Additional earnings of a faculty member while they are on educational leave and receiving compensation managed by the university are evaluated case-by-case per dean's review and approval.

Faculty members on educational leave may continue to work with and mentor students at their discretion, but otherwise the AUH must not assign workload.

The voting rights of faculty who are on educational leave must be addressed in academic unit guidelines.

Accomplishing the agreed-upon goal(s) of the educational leave is a significant component of the annual evaluation upon the faculty member's return.

A representative of the dean's office notifies recipients of educational leave to be taken during an academic year by the end of the fall semester of the preceding academic year. Recipients 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.

Libraries faculty on a 12-month contract may take educational leave outside of the academic year.

#### *III.K.1.b 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.K.1.c 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/supervisor and requires the approval of the dean and appropriate vice president.

### **III.K.2 Employee Assistance Program**

A faculty member is entitled to use the Virginia State Employee Assistance Program in the resolution of personal difficulties. For more details, see the [Employee Assistance website](#) or contact the [Office of Human Resources](#).

### **III.K.3 Professional Development**

#### *III.K.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. Funds are available in support of the professional development of A&P faculty members in particular through [Talent Development](#). See [Policy 1403: Training and Development A&P Faculty and Classified Staff](#).

*III.K.3.b Travel*

The university encourages faculty members to attend meetings that enhance their professional development. Requests to travel with 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/supervisor prior to the commitment of funds for such professional development. See [Policy 4401: University Supported Travel](#).

*III.K.3.c On-Campus Courses*

Except for affiliate faculty, 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. The faculty member must pay other fees. See [Policy 1402: Tuition Waiver Program for Faculty and Staff Course Work Taken at James Madison University](#).

*III.K.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. See [Policy 1401: Work-Related Education or Training from an External Source](#).

**III.K.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 [University Recreation](#) for details.

**III.K.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. See the provost's website for a [summary of awards for faculty](#).

**III.K.6 Retirement Incentive Plan**

The Retirement Incentive Plan for faculty members is described in [Policy 1333: Retirement Incentive Plan for Faculty](#). For additional information, please contact the [Office of Human Resources](#).

**III.L Dispute Resolution, Complaints, and Grievances****III.L.1 Introduction**

Disputes within the University community can occur given different goals, contrasting incentives, disparate values, and simple misunderstandings. Effective communication and resolution of disputes help bring important issues to everyone's attention, obviate unnecessary litigation, and maintain a productive and positive work environment for all.

The purpose of this section is to help faculty members decide how to effectively and efficiently resolve such concerns. When possible, affected faculty members are encouraged to consider beginning with an open conversation prior to pursuing a more formal path. Throughout the complaint and grievance processes, all parties are expected to adhere to good faith principles. The [Office of Human Resources](#) provides individual coaching, trained conversation facilitators, and formal mediation as options to find consensus and avoid more intensive processes.

Here is some useful terminology applicable within this section:

- *Complainant* is the person filing a misconduct complaint.
- *Grievant* is the person filing a grievance.
- *Respondent* is the person who is alleged to have engaged in a violation of policy and who responds to a misconduct complaint or a grievance.
- *Direct Report* is a faculty member (generally: any employee) who reports directly to a supervisor (e.g., a faculty member in a home unit is the direct report of their AUH; an AUH is the direct report of their dean; a dean or a vice provost is the direct report of the provost).
- *Supervisor* is the supervisor of the respondent for the administrative duties relevant to the concern (e.g., an AUH, when a misconduct complaint is filed against a faculty member in an academic unit).
- *Supervisor's supervisor* is the second-level supervisor of the respondent for the administrative duties relevant to the concern (e.g., a dean is the supervisor's supervisor, or second-level supervisor of the respondent, when a misconduct complaint is filed against a faculty member in a unit).

### III.L.2 Categories of Policy Violation

If addressing the concern through discussion fails and formal procedures seem the best option for resolution, it is essential to identify the policy in question and the appropriate process.

#### III.L.2.a Misconduct complaints

Misconduct complaints are intended to bring potential misconduct to the attention of a supervisor with no expectation of further involvement by the complainant.

#### III.L.2.b Grievances

Grievances are intended to seek redress for the grievant in the form of modified working conditions.

#### III.L.2.c Other Relevant Policies

Many misconduct violations fall under policies that supersede this Faculty Handbook and are managed through dedicated offices. The following is a list of other common types of policy violations, their relevant policies that may be found elsewhere, and points of contact. This list is not exhaustive, but rather a set of examples of policies.

*Table 1 Disputes, Policies, and Points of Contact*

Type of Dispute	Relevant Policy	Point of Contact or Access
Discrimination or Harassment	<a href="#">University Policy 1324</a>	<a href="#">Office of Equal Opportunity</a>
Sexual Misconduct	<a href="#">University Policy 1340</a>	<a href="#">Title IX Coordinator</a>
Sexual Harassment	<a href="#">University Policy 1346</a>	<a href="#">Title IX Coordinator</a>
Annual Evaluation Appeals	Faculty Handbook <a href="#">III.D.4.h</a>	Body designated by the Home Unit ( <a href="#">III.D.4.h</a> )
Promotion Appeals	Faculty Handbook <a href="#">III.D.8.b.(9)</a>	Faculty Appeals Committee (FAC) ( <a href="#">III.M</a> )
Tenure Appeals	Faculty Handbook <a href="#">III.D.8.b.(9)</a>	Faculty Appeals Committee (FAC) ( <a href="#">III.M</a> )

Misconduct complaints of other types	Faculty Handbook <a href="#">III.L.4</a>	Supervisor of respondent within Academic Affairs (see below)
Grievance concerning process or procedure violation	Faculty Handbook <a href="#">III.L.5</a>	Supervisor of respondent within Academic Affairs (see below)

Where procedures for raising concerns 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 below. If there is uncertainty about which process is the most appropriate for a concern, the [Faculty Ombudsperson](#) is a neutral third party available to faculty for clarification of policy and options for pursuing resolution.

### III.L.3 Guiding Principles for Misconduct Complaints and Grievances

Misconduct complaints are treated as a first formal attempt at remediating a dispute when collegial conversation or dialogue fails. Once a misconduct complaint is filed regarding an alleged policy violation, the right of the complainant to involvement in the process ends and the process proceeds.

Grievances, on the other hand, are a mechanism for seeking a specific change in work duties and assignments for the person filing the grievance. For this reason, the grievant remains involved in the process through final resolution.

While any member of the university community may file a misconduct complaint with the supervisor of any other member, the processes outlined in this Faculty Handbook are subject to the following limitations:

- Anyone in the university community can be the complainant in a misconduct complaint.
- The respondent in a misconduct complaint that utilizes the processes outlined in Faculty Handbook section III.L.4 below can be:
  - any instructional faculty member in Academic Affairs (regardless of rank or contract).
  - a tenured A&P faculty member for whom removal of tenure, rank and/or dismissal from the university may be assessed as sanctions for misconduct. Apart from removal of tenure, rank, and dismissal, a misconduct complaint with a respondent who is A&P faculty is governed by [Policy 1335: Administrative & Professional Faculty - Terms and Conditions of Employment](#).

Any faculty member in Academic Affairs can be the respondent in a grievance under this Faculty Handbook. In addition, employees under another contract type that includes an instructional faculty role or special appointment in Academic Affairs, as defined in [III.B.4](#) or [III.B.6](#), can be the respondent if the grievance pertains to that instructional role or special appointment. Only instructional faculty can be the grievant in a grievance process.

Both the misconduct complaint and grievance processes allow for an initial administrative response (in the form of a decision, typically from the respondent’s supervisor) intended to efficiently resolve the issue. If the matter is not resolved after the first administrative decision, there is an optional second administrative decision and an appeal that can follow.

### III.L.4 Faculty Misconduct Complaints

If there is a concern regarding faculty misconduct, and the complainant is not seeking a specific change in, or reinstatement of, work responsibilities or conditions, a complaint can be raised with the

supervisor of the faculty member in question (the “respondent”) by submitting to the respondent’s supervisor a fully completed complaint form located on the provost’s website. To be considered by the supervisor, the complaint must identify the policy being violated and provide evidence supporting the allegation. Once a misconduct complaint is filed using this procedure, the right of the complainant to involvement in the process ends, though they may be called upon for additional information.

Complainants seeking personal redress regarding the alleged misconduct should see Section [III.L.5](#).

#### *III.L.4.a Faculty Misconduct*

A faculty member who engages in conduct incompatible with the responsibilities of faculty membership as provided in this Faculty 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 ([III.A.2.b](#))

Misconduct allegations must be articulated as violations of university policy, or of another policy (e.g., state or federal) that applies to the university.

#### *III.L.4.b Sanctions*

Sanctions for misconduct may include but are not limited to: an oral or written reprimand; a period of suspension without pay; loss of summer teaching opportunities; removal of study abroad or Faculty Member in Residence privileges; a reduction in salary; a reduction in rank; removal of specific privileges (e.g., conference or professional development funding, summer teaching, or workgroups); revocation of tenure; and/or dismissal.

#### *III.L.4.c Procedures*

Upon receiving a misconduct complaint using the misconduct complaint form, the respondent’s supervisor must confirm that it meets **all** the following conditions:

- Complaint is received within 90 days of the alleged misconduct unless the deadline is extended for cause (e.g. contract dates or FMLA) by the respondent’s supervisor.
- Has been directed to the appropriate supervisor.
- Articulates one or more violated policies.
- Presents evidence supporting the allegation of misconduct.

It is not the intention that failure to cite the correct policy halts a complaint.

The timelines below begin once a completed misconduct complaint is submitted to the appropriate supervisor. Timelines may be extended for cause by the supervisor, and this must be documented on the misconduct complaint form.

The supervisor then has 10 business days to complete one of the following two options:

1. Decide the conduct as alleged does not violate policy. The supervisor may consider having an informal conversation with the complainant and/or respondent about the concern(s) in the interest of dispute resolution. The University Office of Human Resources provides individual coaching,

trained conversation facilitators, and formal mediation as options to find consensus and avoid more intensive processes. The process moves to III.L.4.c.(1) below.

2. Decide the conduct as alleged does violate policy, and to:
  - Discuss the complaint with the respondent.
  - Assess whether the complaint has merit. This may involve conversations with the complainant and/or respondent or other knowledgeable parties
  - Determine the appropriate policies.
  - Determine if sanctions are appropriate.
  - Add their decision to the completed complaint form with a justification for each allegation of: findings of fact; relevant policies; determination of whether respondent's conduct violated policy and if so, the sanctions imposed.
  - Send the completed complaint form to the supervisor's supervisor and respondent.

**III.L.4.c.(1)** If the supervisor determines no misconduct has occurred, the decision is reported to the supervisor's supervisor and the respondent. A copy of the completed complaint form is retained in the respondent's personnel folder in the office of the supervisor's supervisor. In this case of no misconduct being the finding, the supervisor's supervisor reviews the completed complaint form and: may elect to proceed with the process of III.L.4.c.(4), otherwise the matter is closed.

**III.L.4.c.(2)** If the supervisor determines that misconduct has occurred and sanctions within their purview are warranted, the decision and sanctions are reported to the supervisor's supervisor and respondent. A copy of the completed complaint form is retained in the respondent's personnel folder in the office of the supervisor. Sanctions within the purview of an AUH are limited to reprimand and removal of specific privileges (e.g., conference or professional development funding, summer teaching or workgroups).

**III.L.4.c.(3)** If the supervisor determines that misconduct has occurred and sanctions beyond their purview may be warranted, they must refer the original misconduct complaint, their decision, their recommendation on sanctions, and any other relevant materials to the next administrative level (supervisor's supervisor) with notice to the respondent and provost.

**III.L.4.c.(4)** The supervisor's supervisor has 10 business days to:

- Review the complaint and assess its merits. This may involve conversations with the complainant and/or respondent, supervisor who made the decision at the first administrative level, or other knowledgeable parties.
- Determine if the recommended sanctions are appropriate in consultation with the initial supervisor.
- Add their decision to the completed complaint form with justification, with notice to the respondent, respondent's supervisor, and provost.
- Retain a copy of the completed complaint form in the respondent's personnel folder.

**III.L.4.c.(5)** If the respondent to a complaint is a dean or vice provost, then there is no level of supervisory response between the respondent and the provost. In this case, the provost must appoint a vice provost to serve as supervisor for complaints against a dean, and a dean to serve as the supervisor for complaints against a vice provost. As in the procedure earlier in this section, sanctions may be applied at that level or referred to the provost with timelines remaining the same.

If the respondent to a complaint is the provost, then the complaint is submitted to the president who must appoint another vice president to serve as supervisor for a complaint against a provost. In this case, the Hearing Committee would include three FAC members and three other vice presidents. As in the standard procedure, sanctions may be applied at that level or referred to the president with timelines remaining the same.

#### *III.L.4.d Appeal to Faculty Appeals Committee*

In cases where sanctions within the purview of the AUH were administered, the respondent may appeal that decision to the dean and not the FAC. The dean must then follow the process as outlined in Section III.L.4.c.(1) above.

If sanctions are administered at the dean or vice provost level, the respondent may appeal to the FAC within 10 business days of being notified of the decision.

**III.L.4.d.(1)** In special cases, such as where an instructional faculty member is serving as a dean or higher-level administrative role, the following procedures allow for complaints and/or appeals in these circumstances:

- First decision maker is the vice provost as stated in Section [III.L.4.c](#).
- An appeal to the FAC can be made at respondent's request or by request of the provost.
- The provost makes the final decision.

**III.L.4.d.(2)** Procedures for the FAC are outlined below in Section [III.M.5](#) but must always include the right of the respondent to know the evidence of the alleged misconduct, the right to present arguments and evidence on their own behalf, the right to have the advice of counsel (see Section [III.M.5.c.\(10\)](#) regarding the eligibility of counsel to attend the hearing), and the right to a timely decision on the matter. The supervisor imposing sanctions has the burden of establishing that the respondent engaged in misconduct.

**III.L.4.d.(3)** After receiving the recommendation of the FAC, the provost makes the final decision on sanctions. 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 (see also [III.G.4](#)). A copy of the appeal decision and justification must be retained in the provost's office.

#### *III.L.4.e Modifications to Procedures*

At the discretion of the Provost, an Administrative Designee may be appointed to carry out an administrative role within the Misconduct Complaint procedures.

#### *III.L.4.f Temporary Removal*

A supervisor receiving a complaint may determine, in consultation with the dean and provost, that the alleged misconduct poses an immediate impediment or threat to the administration and operation of the university. In this case the respondent may be immediately placed on administrative leave and removed from all duties at the university or may be removed from a specific list of 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 does not invalidate the decision.

Upon being removed, the faculty member may request the decision be referred to the Faculty Appeals Committee under the procedures outlined in Section [III.L.4.d](#). The FAC may advocate for the reinstatement of the faculty member while the complaint is in process, but the provost has the final decision. If the faculty member does not request the participation of the FAC within five business days of removal, their temporary removal remains in place until the complaint process is resolved.

#### *III.L.4.g Effect of Complaint on Tenure or Promotion Review*

A supervisor receiving a complaint may determine, in consultation with the dean and provost, that the alleged misconduct is of sufficient gravity to merit a suspension of an ongoing review for a promotion and/or tenure application of the respondent. In this case, the process for promotion or tenure review must be suspended pending a final decision on the misconduct complaint. A determination of misconduct is relevant in a promotion or tenure review.

#### *III.L.4.h Withdrawal*

A complaint may be withdrawn at any time, but the decision of the complainant to withdraw the complaint does not obligate the supervisor to stop the process or the implication of sanction.

### III.L.5 Grievances

#### *III.L.5.a Grievable Actions*

Any instructional faculty member in Academic Affairs may initiate a grievance procedure formally expressing dissatisfaction regarding a decision, action, or lack of action that impacts their teaching, research and scholarly/creative activity, service, or administrative roles. The grievable action must be a demonstrable violation of written policy or procedure by any faculty member in Academic Affairs at any of the following levels: state, university, Academic Affairs, college, or academic unit. The grievant must be seeking redress for themselves, in the form of better working conditions; as a result, grievances can only be addressed to those with formal administrative authority over the grievant, as they hold the power to affect the desired change. If the respondent in an alleged policy violation is a faculty or staff peer, a misconduct complaint may be more appropriate.

Concerns that are ineligible for grievance include but are not limited to: decisions concerning financial exigency or discontinuation of a program, actions by university officials outside the Division of Academic Affairs, actions covered by other policies and procedures (indicated above), decisions related to health and safety inspections, and policy or procedure decisions that do not demonstrably affect the faculty member.

#### *III.L.5.b Grievance and Response Procedures*

An instructional faculty member who believes they have a legitimate grievance as outlined above (“grievant”) must complete a Grievance Concern Form located on the provost’s website to seek a resolution. The grievant must then submit the completed form to the individual whose alleged actions impacted them (“respondent”). A completed grievance concern form must set forth:

- The alleged violation of existing policy
- A concise statement of evidence substantiating the violation
- The approximate date on which the alleged action took place
- A description and most recent date of impact
- The relief sought

Grievances must be filed within 90 calendar days of the most recent impact of the grievable action, or they must be dismissed as untimely by the respondent and higher-level administrators or the appeals

body. Untimely dismissals are based solely on the date of most recent impact provided in the completed grievance concern form and not on whether the respondent believes the impact is legitimate or relevant to the grievable action. The 90 calendar day deadline can be extended for cause (e.g. contract dates or FMLA) by the respondent's supervisor.

The respondent has 10 business days from the date of receiving the written grievance to:

- Send a copy of the completed grievance concern form to their supervisor (email suffices).
- Meet with the grievant to discuss the concern.
- Issue a response to the grievant in writing on the grievance concern form to resolve or remediate the grievance at the lowest level.
- Provide a copy of the completed grievance concern form with their written response to their supervisor (email suffices).

This timeline may be extended for cause by the respondent's supervisor. Copies of the completed grievance concern form with written response must be kept in the personnel files of both the respondent and the grievant.

**III.L.5.b.(1)** If the process above does not result in resolution:

- The grievant may, within five business days of receiving the respondent's written response, appeal in writing to the respondent's supervisor with the respondent copied. The appeal must:
  - Include a completed copy of the grievance concern form including respondent's written response.
  - Include a statement of appeal of the offered resolution.
- The respondent has five business days to file a response to that appeal to their supervisor, copying the grievant.
- The respondent's supervisor then has fifteen business days to:
  - Review the material presented in the completed grievance concern form, the appeal, and respondent's response.
  - Optionally meet with the grievant and the respondent to discuss the matter.
  - Send their decision on whether a grievance occurred and the resolution in writing to both parties.

Copies of the completed grievance concern form with written response, appeal, and appeal responses must be kept in the personnel files of both the respondent and the grievant.

If the respondent to a grievance is a dean or vice provost, there is no level of supervisory response between the respondent and the provost. In the case of an appeal at this level, the provost appoints a vice provost to serve as supervisor for grievances against a dean, and a dean to serve as supervisor for grievances against a vice provost. The timelines remain the same.

If the respondent to a grievance is the provost, then an appeal to that grievance is submitted to the president, who must appoint another vice president to serve as supervisor. In this case, the Hearing Committee would include three FAC members and three other vice presidents. As in the standard procedure, sanctions may be applied at that level or referred to the president with timelines remaining the same.

**III.L.5.b.(2)** If the decision of the respondent's supervisor is unsatisfactory to the grievant, the faculty member may appeal to the Faculty Appeals Committee as outlined in Section III.M below.

Extensions to the deadlines in this section are permissible when mutually agreed upon by all parties.

### III.M Faculty Appeals Committee

#### III.M.1 Purpose

The Faculty Appeals Committee (FAC) is a body of trained faculty intended to serve as a broadly representative faculty voice in the review of appeals in specific circumstances articulated in this Faculty Handbook. The FAC receives an instructional faculty member's appeal (or A&P faculty's appeal in limited cases; see Section [III.L.3](#)), determines whether a hearing is to be held, and if so, selects a Hearing Committee. The FAC will have initial bylaws that are approved by the provost and speaker.

All appeals are sent to the Chair of the FAC as designated on the Faculty Senate committees' home page. The FAC is not a general grievance body and considers only those matters specified in the Faculty Handbook as appealable to the FAC. A&P faculty members do not have access to the FAC except in matters concerning promotion and/or tenure denials as specified in the Faculty Handbook sections on those matters.

#### III.M.2 Membership

The FAC consists of 17 faculty members. Sixteen voting members are drawn from colleges in the numbers specified:

- One from University Studies
- One from Libraries
- Two from each of the seven colleges with instructional faculty lines.

The membership and election process for the FAC will be outlined by the bylaws of that committee. However, these 16 faculty members must be elected by the faculty in their respective college/division-wide units from amongst any full-time instructional faculty in that college/division-wide unit not holding an administrative role at the time of the election. Each member serves a three-year term, and these may be renewed. Elections must take place each spring semester to elect approximately one-third of FAC members.

The chair of the FAC, normally a faculty senator, is appointed for a three-year term by the Steering Committee of the Faculty Senate as a non-voting 17th member of the committee. The chair is responsible for ensuring proper college representation and staggered terms so that roughly one-third of the FAC members rotate off each year. The chair of FAC may be removed with cause by the Steering Committee of the Faculty Senate. The three-year term is renewable.

In any given year, three members of the FAC are selected to serve on an Initial Review Panel for initial review of appeals, as described in [III.M.5.b](#). The FAC Chair is eligible to serve in this capacity.

#### III.M.3 Hearing Committee

The Hearing Committee, in most cases, consists of a six-member subset of the FAC appointed by the FAC chair. In the case of an appeal for misconduct complaint or grievance, if the respondent holds an administrative position, three of the six Hearing Committee members must hold administrative positions at the same level as the respondent and are selected by the FAC chair in collaboration with the provost. The other three members are selected from the 16 voting FAC members.

Hearing Committee members are expected to recuse themselves from service if they cannot serve impartially throughout the entire process (e.g., close relationship with any party, vested interest in the outcome, having served as grievant support as part of Faculty Senate, or common home unit or college

with the complainant/grievant or respondent). The respondent may also request the FAC chair to replace a committee member with explanation, as may the grievant in the case of a grievance. The FAC chair's decision is final in these cases. The FAC chair is responsible for ensuring conflicts of interest are considered and is the final authority on recusal and replacement. The FAC chair is also responsible for minimizing duplicate college representation among the 6 members of a panel. If the requisite numbers of FAC members are ineligible to serve due to inability to serve impartially throughout the entire process, then the FAC Chair must appoint temporary FAC members to serve for the current appeal. The FAC chair does not participate in panel deliberations over an appeal.

Upon formation of a Hearing Committee, the Hearing Committee members select a chair from among their membership.

#### III.M.4 Training and Resources

All FAC members are provided relevant annual training on policy and process. In addition, an abbreviated form of that training is provided to all faculty in Academic Affairs holding administrative positions to facilitate their informed participation regarding appeals for complaints and grievances. The FAC is expected to seek support on legal and procedural matters from on-campus resources, within ethical constraints regarding confidentiality.

#### III.M.5 Procedures

##### *III.M.5.a Submission of an Appeal*

A faculty member filing an appeal ("appellant") must submit a written request to the Chair of the FAC for a hearing containing:

- A description of the appealed action (in the form of the fully completed misconduct form from Section [III.L.4](#), the grievance form and the resulting written decisions from Section [III.L.5](#), or written decisions related to matters listed below.
- A statement of the grounds for the appeal.
- A summary of the arguments and evidence they intend to present at a hearing.

Evidence in the form of documents that the appellant intends to rely upon are attached to the request for a hearing and submitted to the FAC. In addition to the required documentation listed above, evidence may include but is not limited to the appellant's personnel records, recommendations from the AUPAC, AUH, or dean, and any other records appropriate to substantiate the appellant's arguments.

Legitimate areas of appeal to the FAC are indicated below (with relevant Faculty Handbook section reference(s)):

- Tenure-track faculty contract nonrenewal ([III.G.3.i](#), [III.G.3.j](#))
- RTA contract nonrenewal ([III.G.3.i](#), [III.G.3.j](#))
- Denial of promotion ([III.D.8.b.\(9\)](#))
- Denial of tenure ([III.D.11.f.\(9\)](#))
- Tenured faculty termination for Financial Exigency ([III.G.4.a.\(8\)](#))
- Tenured faculty termination due to Program Reduction or Elimination ([III.G.4.b.\(4\)](#))
- Sanctions following a post tenure review ([III.D.12.o](#))
- Sanctions following a formal complaint process ([III.L.4.b](#))
- Sanctions following a formal grievance process ([III.L.5.b.\(2\)](#))

Depending on the nature of the appeal, the appellant may withdraw an appeal from consideration at any time prior to the final appeal decision by the president or provost.

### *III.M.5.b Initial Review for Relevant Action*

Upon receipt of the appeal, the FAC chair has five business days to consult the designated Initial Review Panel to determine if the appeal pertains to a personnel action specified as appealable to the Faculty Appeals Committee by the Faculty Handbook (see above). This timeline may be extended for cause by the FAC Chair, with notice to the appellant, respondent, provost, and speaker. Only the documentation and evidence submitted by the appellant to the Chair of the FAC may be considered. If the appeal does not pertain to an appealable personnel action, the appellant must be notified that their appeal has been denied. If the appeal does pertain to a specified appealable personnel action, the timelines and processes articulated in Section III.M.5.c. below are engaged.

### *III.M.5.c Hearing of Appeal*

**III.M.5.c.(1)** As soon as possible after acceptance of the appeal by the Initial Review Panel, the FAC Chair must notify the appellant and the respondent and provide the respondent with a copy of all appeal documentation and evidence, including all documentation submitted by the appellant.

**III.M.5.c.(2)** The respondent must have 15 calendar days to respond to the appeal by 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 to the Hearing Committee substantiating the grounds and arguments in their response. This may include but is not limited to: the appellant's personnel records; recommendations from the AUPAC, AUH, or dean; and any other records appropriate to provide substantiation of the respondent's arguments.

**III.M.5.c.(3)** The FAC Chair has 7 calendar days from the acceptance of the appeal to a) assemble a Hearing Committee, b) determine that a hearing chair has been selected, c) share all documents and evidence submitted with the members, and d) work with the Hearing Committee to establish a date for the hearing as described below.

**III.M.5.c.(4)** The Hearing Committee must have 21 calendar days to prepare for the hearing, beginning on the day the respondent is provided a copy of the appeal. This timeline may be extended for cause by the Hearing Committee, in consultation with the parties involved. Within these 21 days:

- The Chair of the Hearing Committee sets a date for the hearing after consultation with the appellant and the respondent. The hearing must take place no more than 30 calendar days after the respondent is provided a copy of the appeal. The hearing date must be provided to the appellant and the respondent within the first seven calendar days after acceptance of the appeal.
- The Chair of the Hearing Committee sets and enforces 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, determines the time period in which the hearing is conducted and the sequence of presentation of arguments and witnesses.

**III.M.5.c.(5)** The hearing is a formal peer review of an appellant's appeal 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, cannot result in a recommendation to overturn a prior decision unless that flaw substantially harmed the appellant. In the absence of new evidence or extraordinary circumstances, the

hearing is limited in its scope to grounds cited in the appellant's written request for a hearing and determined by the Hearing Committee to be appropriate for appeal.

**III.M.5.c.(6)** The appellant and the respondent have the right to be present at the hearing, except during deliberations, and to hear and examine the arguments and documentation presented. The appellant may waive this right, in which case the hearing proceeds with the respondent's case presented for review. After the decision to waive participation has been made, the proceedings begin and the appellant has lost all rights to formal participation in the proceedings.

**III.M.5.c.(7)** Both the appellant and the respondent have the right to present arguments and documentation, and have witnesses testify on their behalf. The Hearing Committee chair may limit the number of witnesses who testify and the length of that testimony but must do so in fairness to both parties. Both parties have the right to question witnesses but not each other. The Hearing Committee may question the witnesses, the appellant, and/or the respondent. The Hearing Committee chair determines if the questions asked of any party are pertinent to the case at hand as limited to the grounds cited in the appellant's written request for a hearing and determined by the Hearing Committee to be appropriate for appeal. When considered necessary to make reasonable findings and recommendations the Hearing Committee may request documentary evidence prior to the hearing that is made available to both parties prior to the hearing; and may call or question witnesses during the hearing who may also be questioned by both parties. No member of the Hearing Committee may otherwise seek additional documentation, question witnesses, or undertake investigation into the facts.

**III.M.5.c.(8)** When a witness cannot or fails to appear, the Hearing Committee may allow the use of written statements or telephonic testimony. The respondent and appellant are provided with copies of such statements prior to the hearing so that they may address these in their hearing testimony. The Hearing Committee must officially register at the hearing if a statement or testimony read at the hearing or presented in documentation has been presented anonymously and, as a result, the respondent and appellant have had no opportunity to question the originator of such statements or testimony.

**III.M.5.c.(9)** Both the appellant and the respondent are expected to cooperate with the Hearing Committee in securing witnesses and in making relevant evidence available.

**III.M.5.c.(10)** The appellant 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 nine calendar days before the beginning of the hearing. If notice is not given within this time period, the appellant's counsel is not allowed to attend. Upon receipt of any such notice, the Hearing Committee must immediately notify the respondent. If legal counsel accompanies the appellant, legal counsel may accompany the respondent. The role of legal counsel is to ensure that the party has appropriate advice, not to act as an advocate for or speak on behalf of the party. The Hearing Committee chair may otherwise limit, as deemed appropriate, counsel's involvement in the process. The Hearing Committee may in any event request legal counsel to advise the committee. Such a request is submitted by the Hearing Committee to the Office of University Counsel.

**III.M.5.c.(11)** The hearing process is closed unless the appellant requests in writing that the hearing be open but limited to non-student employees of the university. An appellant's request for an open hearing is taken as permission for their personnel information to be shared by all parties within the hearing (i.e., confidentiality of their personnel information is waived).

**III.M.5.c.(12)** The hearing is recorded and/or transcribed, and copies of the recordings or transcripts are made available to the appellant and the respondent upon their written request to the Hearing Committee chair.

**III.M.5.c.(13)** Disruption by any party involved in the hearing, including witnesses or audience members in the case of an open hearing, may lead to the Hearing Committee chair ejecting the disruptor from the hearing.

**III.M.5.c.(14)** The files, including the original recording and/or transcript of the proceedings, are secured within the Office of the Provost and closed to protect the privacy of the parties involved. Access is available only to those members of the university who have a legitimate need or to others pursuant to a legal right of access.

**III.M.5.c.(15)** The Hearing Committee deliberates in closed session and makes written findings and recommendations on the matter to the university's president. Findings are based solely on the hearing record and are limited to specific issues before the hearing committee, and the decision is made based on the greater weight of the arguments and evidence presented. The decision is by simple majority vote of the membership. Within 10 calendar days of the conclusion of the hearing, the Hearing Committee must provide a report of its findings and recommendations. A dissenting member has the option of attaching a minority report. In the case of a tie, both recommendations are reported. 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.M.5.c.(16)** The recipient of the final recommendation from the Hearing Committee is the president or provost, as indicated by the specific personnel action being appealed. The Hearing Committee delivers its report to the final recipient, with copies sent to the appellant, respondent, FAC chair, and all others in the supervisory chain of both the appellant and respondent up to and including the provost (this would typically be the AUH, dean, and provost). The Hearing Committee chair must let the FAC chair know that the report has been delivered to its final recipient along with feedback on any procedural difficulties that arose so that processes may be improved.

**III.M.5.c.(17)** Within 10 calendar days from their receipt of the report of the Hearing Committee, the final recipient must send a written reply to the Hearing Committee, with copies to the appellant, respondent, and all others in the supervisory chain of both the appellant and respondent up to and including the provost (this would typically be those in AUH, dean, and provost positions). In this reply, the final recipient must respond to the report of the Hearing Committee and state their decision including reasons for the decision. The Hearing Committee chair must then inform the FAC chair that all parties have received the final recipient's reply.

**III.M.5.c.(18)** The decision of the final recipient is final. The effective date of the personnel action is the date of the final written decision unless the final recipient specifies otherwise.

**III.M.5.d** *Modifications to Procedures*

At the discretion of the Provost, an Administrative Designee may be appointed to carry out an administrative role within the Grievance procedures.

III.M.5.e Summary of Appeals Timeline

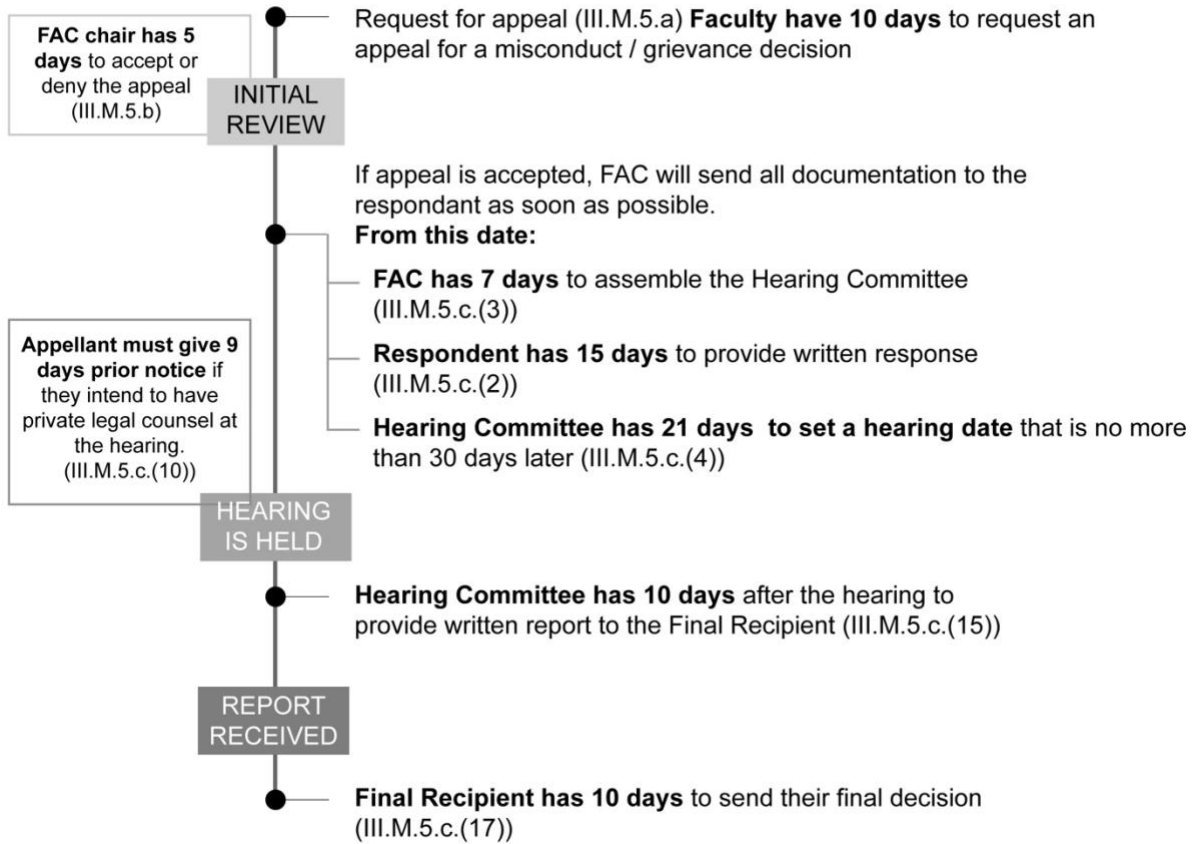


Figure 2 Summary of Appeals Timeline

## 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 generally responsible for 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 and instructional faculty members are involved in the governance of the university through this administrative structure and through their job titles/roles. 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 determines the specific structure and membership of its governance bodies. The college faculty, the dean, and the provost approve this structure. The governance structure includes elected faculty representatives from each academic unit of the college. The governance bodies 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 determines the specific structure and membership of its governance bodies, and these are approved by the faculty, the head of the unit, and the provost.

#### IV.A.1 Curriculum

In the area of curriculum, the responsibilities of college governance bodies include:

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

#### IV.A.3 Personnel

In the area of personnel, the responsibilities of college governance bodies include:

- Advising the dean on personnel matters at the college level to include creation of new offices or positions but not matters that are confidential in nature. [Policy 1316: Employee Records -](#)

[Release of Information](#) describes the release of information unless otherwise mentioned in the Faculty Handbook.

- Reviewing annual evaluation procedures for consistency among academic units.
- Participating in evaluation of AUHs as stipulated in [Academic Affairs Policy #2: Academic Unit Heads](#).
- Promoting communication within the college.

#### IV.B Academic Unit Governance

Each academic unit of the university must determine the specific structure and membership of its AUPAC ([III.D.1.a](#)) and any other governing bodies. The academic unit faculty and AUH, the dean (if the academic unit resides in a college), and the provost approve this structure. The responsibilities of the AUPAC in personnel include:

- Advising the AUH on personnel matters at the academic unit level.
- Serving as an appeal body for initial and annual evaluations, with the exceptions noted in [III.D](#).

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 and bylaws of the JMU Faculty Senate can be found on the [Faculty Senate website](#). The Faculty Senate represents 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 learning, teaching, research and scholarly/creative activity, 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.
- Working with the Office of the Provost to maintain policies and procedures by which the faculty participate in the evaluation of academic administrators at the university level.

To facilitate communication in fulfilling these responsibilities, the provost and the vice president for administration and finance are nonvoting ex officio members of the Faculty Senate Steering Committee. Additionally, the president and provost are nonvoting ex officio members of the Faculty Senate.

#### IV.D Curriculum

Only academic units and Academic Institutes and Centers in the Division of Academic Affairs may offer courses or programs for university credit (see [Curriculum & Instruction \(C&I\)](#)). Specific details about curriculum approval procedures are available on the C&I website. Details about the process each academic unit and college uses to approve proposals at their step are available through the

respective unit or college office. All curricular proposals are 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 are reviewed and approved by the academic unit(s) and AUH(s) involved. After academic unit review, the proposals are submitted with recommendations to the appropriate college curriculum committee(s). Each college may establish additional deadlines for proposal submission within the curriculum and catalog publication deadlines set by the Faculty Affairs and Curriculum office.

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 oversees the submission of academic unit course proposals, assesses the use of college resources and reviews the potential impact upon other programs, supervises communication with other affected sectors of the university, and considers input from others about the implications of the course proposal. Approval of the college-level curriculum committee(s) and the dean(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 \(CAP\)](#).

Following the university-wide reviews, the provost or their designee reviews the proposals. 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's 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.1.b Undergraduate Program Review Procedures*

Proposals for undergraduate program creation, deletion, and modification are reviewed by the academic unit(s) and AUH(s) involved. New programs are developed according to the pre-proposal process established by the Office of the Provost. After academic unit review, the proposals are submitted with recommendations to the appropriate college curriculum committee(s).

The appropriate college curriculum committee(s) reviews all program proposals. This committee oversees the submission of proposals for creation, deletion, or modification of all academic programs, assesses the use of college resources and review the potential impact upon other programs, supervises communication with other affected university sectors, and considers input from others about the implications of the program proposal.

Approval of the college level committee(s) and the dean(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 contested within 10 days to the [Committee on Academic Programs \(CAP\)](#).

Following the university-wide review, the proposals for the creation, deletion, or significant modification of all academic programs are submitted to CAP. If there is any question about the need for review by CAP, the originator of the proposal must contact the chair of CAP, who determines the

need for review and publishes 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) is required before the proposal is forwarded to university-wide review. Proposals for new programs, program deletions, or significant changes to existing programs require review by the 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 [Curriculum & Instruction \(C&I\)](#) 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 are reviewed and approved by the AUH or, with permission of the academic unit, the program coordinators involved. After program-level review, the proposals are submitted with recommendations to the appropriate college curriculum committee(s). Each college may establish additional deadlines for proposal submission within the curriculum and catalog publication deadlines set by the Curriculum and Instruction office.

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

Following college-level curriculum committee and dean approval, course proposals are reviewed and voted on by the Graduate Council Curriculum Committee and the Dean of The Graduate School. Following Graduate School approval, course proposals are subject to university-wide review for a minimum of 10 days. A college-level decision on a course proposal stands unless contested within 10 days to the [Committee on Academic Programs \(CAP\)](#).

Following university review, 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 C&I representative, the AUH, the college C&I chair, the college dean, the dean of the graduate school, 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 are reviewed by the program(s) and AUH(s) or program coordinators involved. New programs are developed according to the pre-proposal process established by the Office of the Provost. After program-level review, the proposals are submitted with recommendations to the appropriate college curriculum committee(s). The appropriate college curriculum committee(s) review all program proposals. This committee oversees the submission of proposals for creation, deletion, or modification of all academic programs, assesses the use of college resources and reviews the potential impact upon other programs, supervises communication with other affected university sectors, and considers input from others about the implications of the program proposal.

Approval of the college level committee(s) and dean(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 Curriculum Committee and the Dean of The Graduate School. Following Graduate School approval, program proposals are subject to university-wide review for a minimum of 10 days. A college-level decision on a program proposal stands unless contested within 10 days to CAP.

Following the university-wide review, proposals for the creation, deletion, or significant modification of all academic programs are submitted to the CAP. If there is any question about the need for review by CAP, the originator of the proposal must contact the chair of the CAP, who determines the need for review and publishes a summary of such determinations in a timely manner.

Proposals for new programs, program deletions, or significant changes to existing programs require review by the BOV, SCHEV, and SACSCOC. Submission to the BOV, SCHEV, and SACSCOC is coordinated through the Office of the Provost. See [Curriculum & Instruction \(C&I\)](#) for details on preparing submission of changes.

### IV.D.3 Dual Level Courses and Accelerated Graduate 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 except for 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 Accelerated Graduate Programs*

Academic programs that span undergraduate and graduate curriculum, such as five-year master's programs and pre-professional teacher licensure programs, are reviewed by involved areas at all levels. The same proposal form is used for both undergraduate and graduate review.

Proposals for program creation, deletion, and modification are reviewed by the program(s) and AUH(s) or program coordinators involved. New programs are developed according to the pre-proposal process established by the Office of the Provost.

After program-level review, the proposals are submitted with recommendations to the appropriate college curriculum committee.

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

Approval of the college level curriculum committee(s) and dean(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 Graduate School approval, course proposals must be made available for university-

wide review for a minimum of 10 days. A decision on a program proposal which has been approved by The Graduate School stands unless contested within 10 days to CAP.

Following the university-wide review, the proposals for the creation, deletion, or significant modification of all academic programs are submitted to CAP. If there is any question about the need for review by CAP, the originator of the proposal must contact the CAP chair, who determines the need for review and publishes 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 approved by CAP 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, program deletions, or significant changes to existing programs require review by the BOV, SCHEV, and SACSCOC. Submission to the BOV, SCHEV, and SACSCOC is coordinated through the Office of the Provost. See [Curriculum & Instruction \(C&I\)](#) for details on preparing submission of changes.

#### IV.E Academic Program Review

Periodic academic program reviews (APRs) are conducted by all university programs and are coordinated by the Office for Faculty Affairs and Curriculum following [Academic Affairs Policy #8: Academic Program Reviews](#). For degree granting and academic support units, APRs include an internal self-study, an external site visit, an implementation plan based on the recommendations provided, and interim report requirements. A copy of every academic program review report is maintained by the provost's office.

#### IV.F Committee on Academic Programs (CAP)

The [Committee on Academic Programs](#) is a university committee.

##### IV.F.1 Responsibilities

CAP 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). The committee reviews curricular procedures for consistency and resolves disputes raised during the review process for course and program proposals.

##### IV.F.2 Membership

Voting membership of CAP includes:

- 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 Libraries
- One member elected by the General Education Council
- The provost (or their designee)
- 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 Faculty 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 2024-26 Faculty Handbook Revision 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 Faculty Handbook.

### V.B References

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

- 2025-26 Undergraduate Catalog
- 2025-26 Graduate Catalog
- 2025-26 Student Handbook
- Academic Affairs policies
- Constitution and Bylaws of the Faculty Senate
- Financial Procedures Manual
- JMU Manual of Policies and Procedures

## VI CONSTITUTION & BYLAWS OF THE FACULTY SENATE

The Faculty Senate [Constitution](#) and [Bylaws](#) are on the Faculty Senate website. The approval process for the constitution is accordingly: “An amendment to the Constitution approved by the faculty shall become effective when approved by the president and the Board of Visitors of James Madison University.”