Board of Visitors Meeting Schedule
August 24-25, 2020

**Monday, August 24:** BOV members will have breakfast on their own at The Inn (Preston’s dining room open from 6:30-7:15 a.m.)

7:20 a.m. **BOV members assemble in the lobby of The Inn for transport to Roanoke.** (The only passengers on the buses will be Board members, representatives, and 3-4 administrators.)

8:30-9:30 **Tour of the Fralin Biomedical Research Institute at VTC led by Dr. Michael Friedlander**

9:30-11:15 **Academic, Research, and Student Affairs Committee** meets in **Closed Session** followed by **Open Session** in Room G102A/B, Fralin Biomedical Research Institute at VTC

11:30-12:15 **Tour of the Virginia Tech Carilion School of Medicine led by Dean Lee Learman**

12:15-1:30 Travel by bus from Roanoke to Kentland. **Boxed lunches** will be provided on the bus

1:30-2:15 **Tour/observation of milking facility at Kentland Farm**

2:15-2:45 Travel by bus from Kentland Farm to The Inn for afternoon meetings

3:00-4:15 **Information Session for full Board** at The Inn, Latham Ballroom A/B with briefings on the Innovation Campus, Sesquicentennial planning, new Title IX regulations, and legal environment for Board members, and constituent reports.

4:30-5:30 **Compliance, Audit, and Risk Committee** meets in **Closed Session** followed by **Open Session** in Latham Ballroom A/B

6:00 p.m. **Dinner** for Board Members and invited administrators on the Holtzman Alumni Center patio

**Tuesday, August 25:** All meetings Tuesday morning are at The Inn. BOV members will have breakfast on their own at The Inn (Preston’s dining room will open at 7:00 a.m.)

8:00 – 8:30 **Academic, Research and Student Affairs Committee and Finance and Resource Management Committee** meet jointly in **Closed Session** in Latham Ballroom A/B

8:30-11:00 **Finance and Resource Management Committee** meets in **Open Session** in Latham Ballroom A/B

9:30 – 11:00 **Buildings and Grounds Committee** meets in **Open Session** in Latham Ballroom C/D/E/F

11:00 – 11:30 **Buildings and Grounds Committee and Finance and Resource Management Committee** meet jointly in **Open Session** in Latham Ballroom A/B

11:30 a.m. BOV Group Photo and new BOV member individual photos, Holtzman Alumni Center patio

12:00 p.m. **Lunch** for Board Members in Preston’s (invitation only)

1:00 p.m. Bus departs promptly for the Moss Arts Center

1:15 p.m. **Full Board Meeting** at the Moss Arts Center

4:00 p.m. (time approximate) Meeting adjourns. Board members depart Blacksburg.
BOARD OF VISITORS

MEETING

August 23-25, 2020

Virginia Polytechnic Institute and State University
INDEX – Board of Visitors Meeting – August 23-25, 2020

Cover Cover, Index, Membership Listing, Committee Assignments

Tab A Retreat Agenda – Sunday, August 23, 2020
Information Session Agenda – Monday, August 24, 2020

Tab B Open Session Agenda – Tuesday, August 25, 2020

Tab C Full Board Meeting – Announcements
- Introduction of New Board Member, Faculty Senate President, and Student Representatives

Tab D Approval of Consent Agenda Open Items
- Approval of Minutes from March 19, 2020 Public Comment Period
- Approval of Minutes from June 2, 2020 BOV Meeting
- Approval of Minutes from August 13, 2020 Executive Committee Meeting
- Approval of Minutes from August 23, 2020 Executive Committee Meeting
- Academic, Research, and Student Affairs Committee Report – Monday, August 24, 2020 Meeting
- Buildings and Grounds Committee Report – Tuesday, August 25, 2020 Meeting
- Compliance, Audit, and Risk Committee Report – Monday, August 24, 2020 Meeting
- Finance and Resource Management Committee Report – Tuesday, August 25, 2020 Meeting
- Report of Retreat – Sunday, August 23, 2020
- Report of Information Session – Monday, August 24, 2020
- Resolution to Ratify 2020-2021 Faculty Handbook
- Resolution to Edit Constitution of the Graduate Honor System to add Revoking Graduate Degree to Penalty Options
- Resolution for Exclusion of Certain Officers/Directors
- Resolution on the Demolition of a University Greenhouse
- Resolution to Amend the Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act of 2002
- Resolution for Approval of an Update to the Capital Construction Delivery Method Approval Process
- Resolution on Appointment to the Virginia Tech Montgomery Regional Airport Authority
- Resolution on Creativity and Innovation District Living Learning Community 9(c) Debt Financing
- Resolution to Adjust VT-ARC Affiliation Agreement
- Atlantic Coast Conference (ACC) Governing Board Annual Certification
- Report of Research and Development Disclosures (no action required)

Tab E Report of Academic, Research, and Student Affairs Committee - Agenda/Briefing Report

Tab F Report of Buildings and Grounds Committee - Agenda/Briefing Report

Tab G Buildings and Grounds Agenda Items for Board Approval
- Resolution on the Partial Demolition of the Art and Design Learning Center
- Resolution on the Demolition of Femoyer Hall
- **Resolution for Temporary Supplement for Planning the Undergraduate Science Laboratory Building

Tab H Report of Compliance, Audit, and Risk Committee – Agenda/Briefing Report
Tab I  Report of the Finance and Resource Management Committee – Agenda/Briefing Report

Tab J  Finance and Resource Management Agenda Items for Board Approval
- Resolution to Approve Additional Lines of Credit
- Resolution for Approval of Year-to-Date Financial Performance Report (July 1, 2019 – June 30, 2020)
- Resolution Establishing University Policy 12111, Acceptance of Terms and Conditions Associated with Donations, Gifts, and Other Private Philanthropic Support
- **Resolution for Temporary Supplement for Planning the Undergraduate Science Laboratory Building

Tab K  Executive Committee Agenda Items for Board Approval
- Resolution for Ratification of Actions Taken at August 13, 2020, Executive Committee Meeting

Tab L  Open Session President’s Report and Items for Board Approval and Information
- Resolution of Appreciation Honoring Dennis Treacy

Tab M  Constituent Reports – (No action required) – Time permitting, Constituent Reports will be delivered at the Board’s Information Session on Monday, August 24, 2020
- Camellia Pastore, Undergraduate Student Representative to the Board
- Sabrina Sturgeon, Graduate Student Representative to the Board
- Tamarah Smith, Staff Representative to the Board
- Eric Kaufman, Faculty Representative to the Board

Tab N  Motion to Begin Closed Session

Tab O  Closed Session Agenda – Tuesday, August 25, 2020

Tab P  Closed Session Salary and Personnel Actions for Board Approval
- Resolutions to Approve Appointment to Professor Emeritus/a (9)
- Resolutions for Approval of Endowed Chairs, Professorships, or Fellowships (5)
- Resolution for Reappointments to Alumni Distinguished Professor (2)
- *Resolution for Ratification of the Personnel Changes Report

Tab Q  Closed Session President’s Report and Items for Board Information

Tab R  Closed Session Reports – (No action required)
- Litigation Report
- Fundraising Report

Tab S  Motion to Return to Open Session

*These items have been reviewed by the Academic, Research, and Student Affairs Committee and the Finance and Resource Management Committee of the Board of Visitors.

**These items have been reviewed by the Buildings and Grounds Committee and the Finance and Resource Management Committee of the Board of Visitors.

There is no public comment period at this meeting.
CURRENT MEMBERS OF THE BOARD OF VISITORS:

Edward H. Baine
Shelley B. Barlow
Carrie H. Chenery
Greta J. Harris
Charles T. Hill
Anna L. James
Letitia A. Long, Vice-Rector
Sharon Brickhouse Martin
Melissa Nelson
L. Chris Petersen
Mehul P. Sanghani
Horacio A. Valeiras, Rector
Jeff E. Veatch
Preston M. White

Undergraduate Student Representative: Camellia Pastore
Graduate Student Representative: Sabrina Sturgeon
Staff Senate Representative: Tamara Smith
Faculty Senate Representative: Eric Kaufman

ADMINISTRATIVE STAFF:

Dr. Timothy D. Sands: President
Dr. Cyril R. Clarke: Executive Vice President and Provost
Dr. Dwayne L. Pinkney: Senior Vice President and Chief Business Officer

Dr. Lance Collins: Vice President and Executive Director for the Innovation Campus
Dr. Karen DePauw: Vice President and Dean for Graduate Education
Dr. Michael J. Friedlander: Vice President for Health Sciences and Technology
Mr. Bryan Garey: Vice President for Human Resources
Dr. Guru Ghosh: Vice President for Outreach and International Affairs
Dr. Chris Kiwus: Vice President for Campus Planning, Infrastructure, and Facilities
Dr. Steven H. McKnight: Vice President for Strategic Alliances
Dr. Scott F. Midkiff: Vice President for Information Technology & Chief Information Officer
Mr. Ken Miller: Vice President for Finance
Ms. Kim O’Rourke: Vice President for Policy and Governance & Secretary to the Board
Mr. Charles D. Phlegar: Vice President for Advancement
Dr. Menah Pratt-Clarke: Vice President for Strategic Affairs and Diversity
Dr. Frank Shushok: Vice President for Student Affairs
Dr. Don Taylor: Interim Vice President for Research and Innovation and Executive Vice Provost
Dr. Lisa J. Wilkes: Vice President for Business Affairs

Ms. Kay K. Heidbreder: University Legal Counsel
Ms. Sharon M. Kurek: Executive Director of Audit, Risk, and Compliance
Mr. Christopher J. Yianilos: Executive Director of Government Relations
Academic, Research, and Student Affairs Committee  
Greta Harris, Committee Chair  
Carrie Chenery  
Melissa Nelson  
Jeff Veatch  

Buildings and Grounds Committee  
C.T. Hill, Committee Chair  
Shelley Barlow  
Tish Long, Vice Rector  
Sharon Brickhouse Martin  
Mehul Sanghani  

Compliance, Audit, and Risk Committee  
Tish Long, Vice Rector, Committee Chair  
Chris Petersen (rep G&A)  
Anna James (rep FRM)  
Sharon Brickhouse Martin (rep B&G)  
Jeff Veatch (rep ARSA)  

Finance and Resource Management Committee  
Ed Baine, Committee Chair  
Anna James  
Preston White  

Governance and Administration Committee  
Mehul Sanghani, Committee Chair  
Tish Long, Vice Rector  
Chris Petersen  

Executive Committee (6 members)  
Horacio Valeiras, Rector  
Greta Harris, Academic, Research, and Student Affairs Committee Chair  
C. T. Hill, Buildings & Grounds Committee Chair  
Tish Long, Vice Rector, Compliance, Audit, and Risk Committee Chair  
Ed Baine, Finance and Resource Management Committee Chair  
Mehul Sanghani, Governance and Administration Committee Chair  

The Rector is an ex officio member of all standing committees.

The constituent representatives will sit in on the committee meetings of their choice:  
Faculty Senate President – Eric Kaufman  
Staff Senate President – Tamarah Smith  
Graduate Student Representative – Sabrina Sturgeon  
Undergraduate Student Representative – Camellia Pastore
The Board of Visitors Retreat

will be on Sunday, August 23, 2020
Virginia Tech Board of Visitors Meeting

Information Session

Monday, August 24, 2020
3:00 – 4:15 p.m.

The Inn – Latham Ballroom A/B
Virginia Tech Campus

Innovation Campus Update
• Dr. Lance Collins: Vice President and Executive Director for the Innovation Campus
• Dr. Brandy Salmon, Associate Vice President for Innovation and Partnerships

Planning for Sesquicentennial Celebration
• Dr. Rosemary Blieszner, Alumni Distinguished Professor and Senior Fellow

New Title IX regulations
• Dr. Kelly Oaks, Assistant Vice President for Equity & Accessibility
• Ms. Katie Polidoro, Title IX Coordinator

Legal Environment for Board of Visitors
• Ms. Kay Heidbreder, Legal Counsel

Constituent Reports
• Camellia Pastore, Undergraduate Student Representative to the Board
• Sabrina Sturgeon, Graduate Student Representative to the Board
• Tamarah Smith, Staff Representative to the Board
• Eric Kaufman, Faculty Representative to the Board
MINUTES

BOARD OF VISITORS PUBLIC COMMENT SESSION
FOR PROPOSED 2020-21 TUITION AND FEES

March 19, 2020

In accordance with Code of Virginia §23.1-307(E), requiring boards of visitors to hold public comment sessions prior to acting on any proposed increase in undergraduate tuition or mandatory fees, an ad hoc committee of Virginia Tech’s Board of Visitors met in open session on Thursday, March 19, 2020, in Assembly Hall of the Holtzman Alumni Center on the Blacksburg campus.

Present

Ms. Letitia Long (Vice Rector)
Ms. Greta Harris
Ms. Anna James
Ms. Sharon Brickhouse Martin
Mr. Dennis Treacy

Also present were the following: President Timothy Sands, Ms. Kim O’Rourke (Secretary to the Board), Ms. Kari Evans, Ms. Kay Heidbreder, Mr. Mark Owczarski, Dr. Dwayne Pinkney, a member of the public, and a member of the media.

Vice Rector Long called the meeting to order at 11:15 a.m. In accordance with Code of Virginia §23.1-307(D), a public notice of the proposed range of increase in tuition and fees was issued on February 28; the public notice included information about the public comment period. (Copy filed with permanent minutes and marked Attachment A.)

* * * * * * * * * *

TUITION WORKSHOP

The meeting began with a 15-minute tuition workshop presented by Dr. Dwayne Pinkney, Senior Vice President and Chief Business Officer. Dr. Pinkney’s PowerPoint presentation covered affordability and financial aid to Virginia Tech students, student success rates, the level of state support, how state support and tuition revenue are used, and factors influencing tuition development, as well as the proposed 2020-21 tuition and fees. (Copy filed with the permanent minutes and marked Attachment B.)

* * * * * * * * * *
Following the presentation, Ms. Long called on Ms. O'Rourke to review the guidelines for the one-hour public comment period. Each speaker was allotted three minutes to speak and were to limit their comments to the topic of tuition and fees. Speakers were asked to pre-register, and if any time remained, then walk-ins would be given the opportunity to speak.

Five individuals from the Virginia Tech community (as determined by their email addresses) registered to speak, one of whom was the president of the Graduate Student Assembly (GSA). The GSA president subsequently decided to submit written comments on behalf of the GSA rather than to appear in person. Only one of the registered speakers appeared at the venue to speak; the others did not attend and gave no notice. The sole speaker was Steven Warren, an undergraduate student, who spoke in opposition to the proposed increase; he left a copy of his comments to be entered into the public record. (Copy filed with the permanent minutes and marked Attachment C.)

There were no walk-in speakers.

The public comment session ended at 12:30 p.m.

* * * * * * * * * *

The public was also given the opportunity to submit written comments through March 22, 2020. The Board of Visitors is scheduled to take action on the proposed tuition and fees for 2020-21 at its next regular meeting on March 30, 2020. All public comments will be provided to the Board in preparation for that meeting and will become part of the public record. [Note: As a result of the Covid-19 pandemic, the March 30 meeting was postponed to a later date.]

* * * * *

Letitia Long, Vice Rector

Kim O'Rourke, Secretary
To: The Board of Visitors of Virginia Tech

March 22, 2020

This letter will serve as the official statement regarding the increase in tuition and fees for Virginia Tech from the 2019-2020 Graduate Student Assembly Executive Board.

We understand that government funding for higher education is at an all-time low and is decreasing every year, but we want the BOV to understand how this increase in tuition and fees will negatively impact graduate students, the research environment at Virginia Tech, and will hinder Virginia Tech’s achievement of many of the proposed milestones in the Advancing Beyond Boundaries initiative.

Graduate students fulfill many missions and goals of the university via assistantships; serving both as students and employees of the university. These assistantships can be, for example, teaching a course for a department, or as a teaching assistant (Graduate Teaching Assistant; GTA), working for a professor to carry out research on a grant (Graduate Research Assistant; GRA), or working in a university administrative office (Graduate Assistant; GA). There is a stipend associated with these assistantships which the university views as salaried employment (as opposed to a scholarship). Assistantship stipends are subject to local/federal taxes and on top of taxes, graduate students pay mandatory comprehensive fees from their respective paychecks. Increases in tuition and fees negatively impact both the assistantship sponsor and the student, and can have a detrimental effect on our ability to advance the goals of the university. Currently, the average annual stipend (pre-tax and pre-comprehensive fee) at Virginia Tech is $17,500.

**Advancing Beyond Boundaries** presented a number of strategic goals deemed essential to advancing the university’s reputation, increasing enrollment, and increasing scholarship, with the intent of positioning the university for its next decade. Of the goals cited in the strategic vision, a number are directly dependent on the activities and work of graduate students, and in particular, of the GTAs, GRAs, and the GAs.

**Graduate Teaching Assistants**

When departments offer undergraduate courses, the GTAs provide the bulk of the educational presence in the classrooms and labs. Furthermore, the same GTA is tasked to grade the assignments and tests and sometimes the same GTAs are the instructor of record. Due to constrained financial resources, academic departments already struggle to fulfill adequate GTAs for the department’s course load and we anticipate this tuition increase will further constrict academic departments at Virginia Tech resulting in the overall educational experience to suffer.

One of the core factors that drive university rankings is the quality of instruction received in the classroom. A lower number of GTAs will impact the instructor to student ratio which will lead to poorer results in the undergraduate learning experience and will be detrimental to undergraduate recruitment. Mitigating for the reduced GTA count, tenure-track faculty will have to divert their attention to more coursework, which will ultimately impair their ability to focus on their grant-writing/publishing, and not being able to secure additional extramural funds for Virginia Tech.
An increase in tuition/fees for the university will impair the university's ability to achieve these metrics in a timely fashion:

- Achieve Top 13 U.S. land-grant (THE World University Rankings) by 2024;
- Achieve Top 10 U.S. public land-grant (WSJ/THE U.S. College Rankings) by 2024
- Ensure 100% of academic majors have a required experiential learning component by 2024
- Achieve Top 1/3rd (66th percentile) of internationally and nationally recognized faculty publications and citations by 2022
- Increase extramural research expenditures to $480M by 2024
- Reach 30,000 undergraduate students by 2023

**Graduate Research Assistants**

When faculty secure an external grant, some of that money is used to fund tuition and stipends for a limited number of GRAs. Many of the academic professionals at Virginia Tech receive extramural support from agencies such as the National Science Foundation, the National Institutes of Health, the United States Department of Agriculture, etc. and the support received from these agencies operates under a “fixed budget” model. With increases in tuition and fees, there is less financial power given to academic departments and professionals to support research (and graduate students) at Virginia Tech. Simply, the more expensive the tuition, the less they can pay each GRA, and the fewer researchers that can be sponsored on the grant. Additionally, the faculty’s research productivity related to the grant suffers.

With fewer GRAs out of each grant, this places a greater burden on a reduced number of individuals to achieve the same high quality work. Ultimately, this impairs faculty’s ability to publish, cite (especially in high impact journals), and secure more funding. Furthermore, as the undergraduate population grows, undergraduate wishing to participate in research as part of their degree’s experiential learning requirement needs to be advised. GRAs are the primary advisors to the undergraduate students at Virginia Tech. An increase in tuition and fees undermines our ability to pursue these metrics proposed in the strategic mission:

- Top 1/3rd of internationally and nationally recognized faculty publications and citations by 2022
- Increase extramural research expenditures to $480M by 2024
- Ensure 100% of academic majors have a required experiential learning component by 2024 (GRAs to advise UG researchers, GTA’s & GA’s for service learning)
- Achieve Top 13 U.S. land-grant (THE World University Rankings) by 2024;
- Achieve Top 10 U.S. public land-grant (WSJ/THE U.S. College Rankings) by 2024

**Graduate Assistants**

Graduate Assistant stipends and tuition function similarly to those of the GRAs, but are funded by a sponsoring university office rather than through a research grant. GAs perform a variety of support functions within the university, providing assistance to the university communities, advising undergraduate students, supporting mission critical tasks in administrative offices, and performing duties that allow the sponsoring department to avoid hiring additional headcount, thus preserving
budget and financial goals. Without these services, achieving the strategic goals listed below will not be possible.

Graduate Assistants are often the student-facing component of the university’s administrative and academic offices. Without their efforts, additional staff will need to be hired, or existing staff will be faced with the demands associated with meeting the needs of an ever-growing undergraduate population, which will hinder the university’s efforts to recruit and retain top student talent. This support is critical for the support of underrepresented minorities both at the undergraduate and graduate levels, since today we ask those students to fulfill those mentorship roles. We all act as informal ambassadors for the university at industry and professional conferences, conventions and events, bringing awareness to Virginia Tech’s offerings and benefits.

The impacts of their efforts directly influence the following strategic goals:

- Reach 30,000 undergraduate students by 2023
- Recruiting talent (increase in 10% in the next 5yrs)
- Achieve 20% representation of underrepresented minority graduate and minority professional students by 2024
- Increase graduate student enrollment to 22% of undergraduate enrollment by 2024 (includes Innovation Campus Master Degree Students)
- Ensure 100% of academic majors have a required experiential learning component by 2024

We understand and recognize that the strategic mission of Virginia Tech is bold and needs to be funded from somewhere. Our ask is two-fold:

First, we ask that the stipend rates be made to grow at the same rate as comprehensive fees, at minimum. This year’s increase of mandatory comprehensive fees of $103/year corresponds to approximately a 5% increase relative to the average, but graduate stipend raises have historically matched faculty and staff raises at approximately 2% each year. The comprehensive fees thus occupy an ever-increasing proportion of our stipend.

Secondly, we ask that the strategic budgeting and planning process take into account the opportunity cost of increasing graduate tuition and fees for the university. The overwhelming majority of graduate students in Blacksburg and Roanoke are supported by these employment contracts. Thus, any increase in expenditures (tuition, fees, etc.) negatively impacts academic colleges and departments, administrative offices, graduate students, and faculty to carry out the strategic mission set out by Virginia Tech’s Beyond Boundaries Initiative.

Thank you very much for the opportunity to comment, and for considering our requests as the Graduate Student Assembly. We’re proud to continue our contribution to Virginia Tech’s mission, we simply ask to be able to afford to continue to do so.
Sincerely,

Graduate Student Assembly Executive Board (2019-2020)

Hani Awni (President)

Alexis Hruby Nice (Vice President)

Sharon Stidham (Director of Programs)

Cortney Steele (Director of Events)

Martina Svyantek (Director of Communications)

Maruf Hoque (Director of Finance)
Dear members of the Board of Visitors,

It is an unfortunate case to learn that our BoV is looking to increase the fees for graduate (and undergraduate) students, especially now in a time of crisis that is striking the financial stability of many students and families.

I hoped to share a small part of my experiences as I chose to come to VT to become an expert in my field, and help develop technology that could be utilized in many industrial applications (I am an electrical engineer). One of the major considerations that I factored while comparing various universities included the stipends, comprehensive fees, cost of medical insurance, and cost of living. Right now Blacksburg is having a spike in increase of cost of living which is caused by the expansion of the University population. In addition, this expansion is causing an increase in our fees. If I look back and was considering to come to VT over other institutions...I would have serious pause to recognize that the comprehensive fees have increased numerous times over the past few years while stipends have not matched this increase.

While I am very fortunate to attend this institution, and to learn from my advisers and educators around me, I am burdened financially by the overall "grad tax" that these fees represent. I try to do my best to represent my lab and VT to the greater community and my professional field, but it is difficult to feel a sense of support if that community is asking for more and more from me without providing additional support- I have had opportunities to work in multiple national laboratories and present my work at top tier conferences nationally and internationally. As of right now, the graduate comprehensive fees are about 10% of my overall income and general livelihood. So, I find myself with serious decisions each month after paying my comprehensive fee.

With all the issues that have been raised and recognized by the University in the past year, especially food security for students, as well as now the impact that the COVID-19 outbreak is adding to already stressed students, I hope the BoV looks for solutions that will add support to the graduate student population. Recognizing the issues that graduate students face and providing gestures of support will reverberate throughout the university as we make up much of the foundation of success - we support students as teaching assistance, we mentor students in research initiatives, and we conduct cutting edge research in the laboratories.

We graduate students chose to attend VT because of the community and sense of UT Prosim that reverberates across campus. We want to be successful and speak of the great experiences we have had attending games at Lane stadium, walking around the duck pond, and presenting our work at conferences; and so I hope that you hear our voices and our stories with regards that the continued financial stress of the comprehensive fees bring. While this increase in fees might be necessary, the overall lack of support experienced in the graduate community will echo into future years of research, teaching, recruitment, and retention.

I thank you all for your consideration and patience to all graduate student stories, as well as your service and dedication to ensure VT remains a premier institution.
Best regards,
Joseph Kozak

Ph.D. Candidate | WBGen Graduate Research Fellow
Center for Power Electronics Systems (CPES)
The Bradley Department of Electrical and Computer Engineering
Virginia Polytechnic Institute and State University
Kasey Stanton, kjstanton@vt.edu, Faculty/Staff
If at all possible, I hope that increases in fees and tuition costs can be avoided. I realize that universities are under tremendous pressure for coordinating budgets and addressing rising costs, but I am worried this will negatively impact graduate students especially. For example, many graduate students in my Department receive a stipend ranging from 17,000-20,000 for a 12-month period. Graduate students already are paying over $2,000 out of this stipend in fees ($2,000 is equivalent to roughly 12% of their overall income), and I worry that increasing the fee rates will make it even more difficult to recruit, retain, and provide a decent quality of life for graduate students. They already are being paid at a rate that is at best barely livable while working for our university as teaching assistants, leading research teams, etc., even though many of them have advanced degrees and already are making contributions to our university and to their respective disciplines. So, I hope that these issues and their impact will be taken into consideration when making decisions.

Ariel Heminger, arielrh@vt.edu, Student
Dear BOV, I understand the importance of providing funds for the university, especially student health services, counseling services, transit services, and wireless network. I do agree that a fee increase should be considered, however, I think that increasing the fees by $103 would be too much for graduate students as well as the undergraduate population. As a graduate student stipends only increased by 3.8% which is just barely enough to keep up with the ever-increasing rent prices in Blacksburg/Christiansburg area, some of which have increased between $50 to $100 per month and with the inflation of groceries, utilities, and basic necessities. May graduate students are already strained financially and increases in student fees and tuition along with the rapidly increasing price of rent in Blacksburg may act as a barrier for students wanting to enter the university and may cause stress for other students struggling to afford tuition. Thank you for your time and consideration.

C. M., Student
I speak from the perspective of a graduate student, and raising the fees graduate students have to pay would be ill-advised, especially considering the graduate student pay lately (e.g. UCSC). Virginia Tech already has one of the highest total combined student fees in comparison with other R1 graduate schools, and raising the rates even higher is a deterrent to recruiting future graduate students. Currently, almost 20% of my paycheck from the University during the semester already goes towards fees, an already impractical amount. Additionally, graduate students are already required to pay fees that do not have any clear benefit to us, and basically go straight to undergraduate students. It is also very unclear what the graduate specific fees even go towards, and just as difficult to get a clear answer on where the money is going. Lastly, there are countless studies that point out the exponential increase in tuition and fees for universities outpaces the inflation rate. In short, there is no justification for increasing fees that graduate students, one of the key factors of bringing research money/grants to the University, are required to pay. If there must be an increase in graduate fees, we should be allowed an opportunity to opt out of fees that do not pertain to us to balance the loss we will see from our stipends to maintain a livable income.

Melissa Burt, melissaburt@vt.edu, Student
A tuition/fee increase for a graduate student is effectively a pay decrease. Will tuition/fee increases get balanced with a raise in graduate student stipends? As a parent of two this proposed tuition/pay
increase puts an extra burden on my family when the current graduate school fees are already hard
enough to afford each semester.

Kregg Quarles, kreggq1@vt.edu, Student
Graduate students with GA just received a small raise that still barely covers living expenses. Another
increase in tuition and fees positions us right back where we were before our small raise. We should not
have to pay more.

Abigail Cooper, Abcooper@vt.edu, Student
Seeing as VT is a public school and receives funding I don’t see why it is necessary to charge more on
tuition when we have to pay for so many extra things like books, game tickets, and Rec sports. We
already pay gym, bus, library, and athletic fees even if they are unused just to name a few. There are so
many current issues with the school that need to be addressed before tuition should be raised. There is
no parking, there is a giant housing crisis in Blacksburg as well as on campus, and for regular athletic
tickets everyone who has continuously been loyal and given generous donations in the past is now being
price gauged. Virginia Tech should not be charging more on tuition because everything is so expensive
anyways. I encourage whoever reads this to look at housing prices at JMU versus Tech as a case study. I
love Virginia Tech but this is absolutely unfair and should not happen.

Student
The proposed changes to Tuition and Fees range from 0 to 4.9%, but are guaranteed to go up for on
campus graduate students along with non-resident undergraduates by at least 2.9%. Currently, the
inflation rate is closer to 2%, so why is the increase greater than inflation? Additionally, what factors are
contributing to the rise in fees?

Noah McNeill, Student
Student fees already represent a cost that is already over 10% of a graduate student’s salary. These fees
are already some the highest in the nation. Graduate students, who educate large numbers of
undergraduates, are particularly harmed by these fees. Please reconsider the increase.

Ardavan, ardavanmh93@vt.edu, Student
Currently, graduate students are paying for comprehensive fees which are quite high considering how
much they earn on their assistantships. Will the comprehensive fee increase as well?

None
The timing of such increase, due to novel COVID-19 and its impact on the economy and well-being, is a
burden on students and families. The Board if Visitors should consider not to increase tuition and fees.

Bradley Sutliff, bpsut@vt.edu, Student
Please do not increase fees. If you must, increase tuition and use it for the same things. Many
fellows and scholarships will pay tuition but will not pay fees so you hurt a lot of students by
increasing fees instead of tuition.
Olivia Wood, Whokie21@vt.edu, Student
I would be pleased to see a tuition freeze. I find it crazy to not freeze tuition when state lawmakers just recently passed a law that would allow it.

Connor Mulligan, cmull@vt.edu, Student
Hi! I would please request that you do everything possible to freeze tuition next year, university is nearly unreachable as it is. Increasing costs year after year would mean that by the time I have kids who want to go to school VT would be impossible to afford!

Cynthia Dunham, Cmdunham@vt.edu, Student
I left my full time job to come here to VT to continue my education. It is important to me that I get an education in a field that I have a passion for. The tuition and fees at VT are already very high, and for people like me, who are relying on high-interest loans to pay for it, that makes it very difficult and ensures a lifetime of debt. In addition to this, raising tuition and fees makes an education more inaccessible to less advantaged people. I advocate not only for NOT raising the tuition, but for lowering it.

Megan Garrick, 5406567220, Student
Tuition/fees should most definitely not go up at all next year. The money being saved by the university closing during this pandemic should more than make up for any tuition raise that had been planned. Freeze tuition!

Oliver Gates Breeden, gatesb@vt.edu, Student
Please do not raise tuition and make Virginia Tech even more unaffordable!!

Student
The fees are ridiculous for Grad students. I am literally *paying* to work at Virginia Tech (not to mention parking fees).

Cailean Pritchard, Student
The proposed Tuition and Fee increases would hinder the performance of graduate students at Virginia Tech. Graduate students typically receive a 2% annual stipend increase which does not match the proposed increases to tuition and fees in conjunction with rising cost of living expenses. As a result, graduate students will effectively receive a pay cut, putting additional stress on graduate life, especially, with drastically increasing housing rates around campus (due primarily to the universities over-enrollment of undergraduate students). Ensuring graduate students receive proportional stipend raises to cover increases in tuition and fees as well as cost of living expenses, would constitute a bare minimum policy for the university to support its graduate students so that they may continue to aid the university in acquiring funding in the form of research grants and produce quality publications which support the status of the university.

Alaina Weinheimer, Student, alainarw@vt.edu
I understand the Board of Visitors has the best interests of students in mind at all times. However, there is no benefit to graduate students by raising the fees. The current fees already have led students to seek
additional sources of income, which take away time and effort for teaching undergraduates and working on their research which provide Virginia Tech its stellar academic reputation. If anything, the fees need to be reduced for graduate students. Their services to the university extend far beyond current stipends. The fees, in addition to reducing graduate student quality of services to the university and their quality of life, will reduce the quality of prospective graduate students. The only reason I chose VT over other offers was because I received a scholarship for $33k/year. Otherwise, I would have made $23k - $2 = $21k/year, which is absurdly low relative to other R1 universities and not competitive. VT will be attracting lower quality graduate students by increasing fees. That is not debatable. I know the services of graduate students (teaching assistants, tutors, mentors to undergrads and producers of cutting edge science) are often under the radar by many, but these are the services that make VT a stellar educational institution. By decreasing the quality of services from current graduate students and the quality of incoming graduate students, VT will suffer.

Kylie Ryan, Student, kylier@vt.edu
Dear Board of Visitors, Hello. You are considering increasing student fees for graduate students. Please consider how little we are paid and how an increase in fees impacts us. In fact, I request that you considering reducing fees for graduate students. After the removal of comprehensive fees (not including my payment for health insurance), I receive $750 every two weeks. I work approximately 50 - 60 hours a week. This is a very small amount to be paid for someone that cannot depend on parents to pay for other expenses. Please do not increase the amount of money that is removed from graduate student paychecks. Sincerely, Kylie Ryan

Student
The increase of fees will severely impact the grad student population. Compared to the fees that fellow grad students pay in other public or private colleges, the fees we pay at Virginia Tech are substantially higher. It is a burden to afford the cost of living in Blacksburg (rent, utilities, food) and these fees on top of it. As a note, the rent in Blacksburg continues to rise every year, but more so in the last year when the number of accepted undergraduates rose sharply. Therefore, the most affected group of students by this increase in fees would be the graduate population. Hope you consider these remarks in your future decisions!

Kristen Bretz, Student, kabretz@vt.edu
Please consider not raising graduate student fees. Graduate students live on very thin financial margins considering the work we do, in terms of complex roles we play within the academic community as both students, researchers, staff, and teachers depending on the time of day. Having to pay fees twice a year already essentially amounts to me not getting paid 2 months out of the year, which is a tremendous hardship. I also feel that as a graduate student, I do not get the value out of these fees that I pay into, i.e., they go to services I do not use. Raising fees sends the message that VT does not care about the financial sacrifices we already make by being graduate students: being in a system that does not fairly compensate us; living in a town where there is not enough affordable housing because of choices by the administration.
Floricel Gonzalez, Student, floric1@vt.edu
Dear Board of Visitors, The proposed increase in graduate comprehensive fees will negatively impact graduate students by taking away income that is needed to pay for room and board. As graduate students at Virginia Tech, we already pay one of the highest fees in the country. Other comparable and higher prestige institutions waive these fees for their graduate students as they understand that this can present unnecessary financial hardship. In Blacksburg, housing prices have risen as the overall number of students has increased. This has left many students with very few economically viable options for housing. Thus, the increase will only continue to place additional financial strain on graduate students as they make housing decisions. Apart from effects on current students, high fees could be detrimental to recruiting prospective students who receive numerous offers from other institutions who a) have lower comprehensive fees or b) waive these fees for their students. Thus, I implore you to please reconsider this increase in comprehensive fees and help keep graduate students feeling valued and supported at Virginia Tech. I assure you that not having to worry about how to make ends meet will result in increased research productivity and bring more research dollars and quality students to Virginia Tech which is a win-win for everyone. All the best, Floricel

Ellen Garcia, Student, ebgarcia@vt.edu
I am commenting as a graduate student on the proposition to raise tuition and fees. My financial situation has been insecure and stressful for the whole duration of my time at Virginia Tech. I have taken multiple student loans out just to pay the comprehensive fees, and currently have the fees taken out of each of my paychecks, resulting in a total monthly income of less than $1500. As a result of so little money every month, my credit card debt has risen beyond what I can routinely pay off and I have no savings. A further spike in fees without an increase in graduate stipend pay would drastically impact my quality of life. Additionally, an increase in tuition would put more financial strain on my advisor and would result in less funding for research and further increase financial and interpersonal stresses within the lab.

Student
Y’all aren’t even issuing refunds for fees for services that can’t even be used for 1/2 the semester nor are you pro-rating tuition for switching to only classes. You’ve put all students out of on-campus jobs with no way to even pay the current tuition and yet have the audacity to propose another tuition increase? Yeah, definitely going to receive a lot of backlash over this if it passes

Zachary Johnson, Student, zaustinj@vt.edu
Hello, I am writing to the Board regarding the increase in fees for graduate students. I understand that fees are a vital source of income for the university, and that they provide a great set of services to us graduate students as well as undergraduates, faculty, and staff. However, I hope the board has taken the time to understand the living wage of a graduate student, and how an increase of $103/year in fees, on top of being one of the highest fee schemes in the US, will impact those already living in extremely stressful conditions.

1) As of right now, an average graduate student in Blacksburg will take home $1900 per month, -$336 for current fees leaving $1,564 to pay for rent, food, health insurance, dental insurance, a phone plan, medical expenses, and food. A fee increase of $8.50 per month may not seem like much to the
board, however this is the current cost of Netflix, which is often the only entertainment a student can afford to purchase.

2) Graduate students do not have the flexibility of finding supplemental income to compensate for sudden cost increases. Graduate students are expected to work (between GRA and GTA duties) 40-60 hours per week, and sometimes more. Often this is NOT time spent progressing on thesis material, but simply performing GRA and GTA tasks which are necessary to supplement our funding.

3) Graduate students funding is inconsistent, and cannot be assumed as uniform among students. While some students are "well-off" on higher tier stipends, most are not. Consider Student A. Student A is funded by a GTA at the lowest tier, $25,000. That means Student A takes home only $1600 per month, even after tax exemptions, leaving only $1,264 for life expenses. Assuming low estimates of $500 for rent, $150 for food, A is left with $614 per month, not including any personal bills, child support, car loans, or anything else an independent adult living in the US needs to survive.  $8.50 is taking away Netflix from graduate students, one of the most stressful, over-worked, underpaid jobs an adult can have. Do you think this is a wise trade for a 2% increase in fees?

Lara Dahora, Student, ldahora@vt.edu
Dear BOV, I wanted to submit for consideration a comment on the tuition and fee increases for graduate students. As graduate students we already make little money and are not offered either dental or vision insurance. An increase in tuition may not affect all graduate students similarly, as many of us are given tuition remission as part of our assistantships. However, an increase in fees is likely to affect most graduate students and both increases should be considered in the context of how they may affect students. While an increase of $100 or so may seem a small price to pay for those making significantly more sums of money, it is not for us. Please consider the additional hardship this increase may confer on us, especially without a commensurate increase in our stipends to account for this additional expense and COL increases. I hope that you will seriously consider my concerns and those of other students regarding this and decide with the wellbeing of your students in mind. Thank you, Lara

Katrina Colucci, Student, kcolucc2@vt.edu
As a student who lives in Blacksburg and works in Roanoke a lot of the amenities in Blacksburg are not accessible to me because of my work hours. Therefore, I feel like you are increasing the rates for amenities that I barely use. Also, not just thinking about me but international students, they come to virginia tech with a set budget to live. By increasing the tuition and fees it is essentially decreasing the amount of money for personal business.

Amber Kelly, Student, amberlk2015@yahoo.com
Tuition is already so high. Do not raise it and cause students to struggle even more. Think of your students that are homeless, single parents, or like me and working multiple jobs. As the coronavirus spreads fear, we need support, not more debt.

Juan Carlos Bedoya, Student, Bedojuan@vt.edu
Please stop charging tuition for Ph.D. students in Candidacy status.

Ivan zuidhoek, Student, 5509155269
Please don’t. Graduate students are already broke. Thank you
Sina Taheri, Student, sinataheri@vt.edu
Hello all, The graduate students are in a pinned point of a disadvantage when it comes to increasing housing and living expense in Blacksburg. Our paychecks increase by about 50-70 dollars each year which in no way catches up to the increasing prices. For example, my rent has increased by 132 a month for next year. Especially in the case of international grad students, they cannot have any other source of income due to the limitations of a student visa and have no option but to reduce their quality of life to make up for the increase. Graduate students love VT and are proud of being in grad school in VT but increasing life expenses makes the experience a lot less fun and productive. Thank you for considering this point.

Shourya Mukherjee, Student, shouryam@vt.edu, Phone: +1 (540) 449-3609
I have an assistantship which takes care of my tuition fee, but increase in comprehensive fees might affect me since I have to pay that, and I only live on my stipend to pay my bills and rent. An increase of around $50-80 might be bearable still, yet I would rather prefer comprehensive fees stay the same.

Nigel Wright, Student, Nigelg@vt.edu
I am opposed to raising grad student comprehensive fees. This takes away from my funding and impacts my ability to feed, house, and provide for myself while completing my graduate degree.

Jian Liu, Student, jianl@vt.edu
The increase of mandatory fees will make it harder for PhD student to live with the low salary. I think this increased fee should be optional rather than mandatory.

Christopher Jelesnianski, Student, bielsk1@vt.edu
As you may know grad students live, and depend on, their Teaching Assistantships and Research Assistantships, (GRAs/GTAs). I am graduate student continuing my studies from undergrad and do not have much saved up. So these TA/RAs I receive each semester are my sole source of income. Currently, I feel these sources of income are barely adequate, and not luxurious by any means. Research is time consuming. Office hours are time consuming. In reality graduate students do not really have the extra time in our schedules to afford a second job. Therefore, any increase in comprehensive fees cuts into our finances and gives us less to take care of ourselves. From personal experience of the university, I feel student health services, counseling services, transit services, and wireless network are more than outstanding, and greatly oppose this increase in Tuition/Fees.

Ali Hassani, Student, Ahassani@vt.edu
Hi I am a grad student at VT. I am writing this comment to show my opposition to increase of comprehensive fee for students in up coming semesters. ($103 as mandatory fee) The living cost in blacksburg is so high in compare of many other places, especially the housing cost. The number of admitted students are so more than the rental places and the owners are increasing the rents dramatically. The current comprehensive fee is one of the highest in nation. VT does provide the same services as many other schools with much less comprehensive fee and students pay for services that not all of them use them. other services such as gym or library are more expensive than other schools with same services. The GAs salaries are barely enough with current comp fee. In the next semesters, due to removing many parking lots, a lot of students wanna return to blacksburg and the housing becomes
worse and the rents are increasing just from now. Generally, the salary of GAs are not enough for compensating current living costs and definitely increasing the comp fee is not fair.

mana Jalali, Student, manaj2@vt.edu
I simply can NOT afford an increase in the comprehensive fee. And I stay in a cheap 3 bed-1 bath apartment. Year by year the cost of living in Blacksburg is increasing but the TA and RA funds remain almost the same. An increase in the comprehensive fee literally can cause me go into debt.

Zakia Ahmed, Student, zakiaahmed@vt.edu
Graduate students are required to pay ~$2700 in comprehensive fees each year. This is a substantial amount that we pay out-of-pocket and already causes financial strain in our day-to-day life. The cost of an apartment in Blacksburg has increased recently because of the influx of students (with over-admitting undergraduate students being one of the main causes). Many of us will experience monthly increases in rent of ~$100. We have tried talking to our rental agency, but they would not budge on the rent hike. Some of us are fortunate to have GTA, GRA, and GA contracts, but even then we struggle to save the money for comprehensive fees. Please reconsider the increases and how it will affect graduate students. We are grateful to be pursuing further education. It comes with many hardships and struggles, but it would be a relief to not have to worry about our financial stability so that we can focus on our research and contribute to the academic/research reputation of the university.

Nazmus Sakib, Student, nazmus.sakib@vt.edu
Because of influx of students in Blacksburg, our rent has gone up about 8%-10% per person per month. We are already paying extra from our pockets to compensate for the increase in rent. The onset of COVID-19 spread also left us vulnerable as we had to secure essential equipment for us and our families. Its impact on the entire economy is yet to be experienced. In these times a $103 of tuition and fee increase would cause lower financial stability for graduate students. I urge the university administrators to reconsider the proposal.

Jun Xiao, Student, junx@vt.edu
I can understand the increase of student healthcare. But I don't understand the reason of increasing fees on other area like the wireless network. Can you explain that?

Md Jubayer al Mahmod, Student, jubayer@auburn.edu
I chose Virginia Tech to pursue my Ph.D. degree because of its reputation. However, the housing cost and comprehensive fees are extremely high in Blacksburg. It has become very difficult to cover the living and educational costs from the research funding I receive. I would greatly appreciate if the board can waive these comprehensive fees for student living off-campus. On top of that, if the Board decides to increase fees, I may have to change school.

Jiarui Xu, Student, jiaruixu@vt.edu
I feel that the increase in comprehensive fee will add more stress to graduate students. I got around $860 every half month (after subtracting tax and comprehensive fee). I need to pay my rent for $500-$600 and living expenses. So I do not have much money left every month (maybe around $100). I cannot deal with any emergency that might happen in my life. I hope our university can consider this. Thanks!
Hello, As a graduate student, I feel that the payment of comprehensive fees is ridiculous, let alone increasing the fees. These fees already represent a significant percentage of our yearly pay which is already, in my opinion, quite low. Graduate students bring highly skilled labor to the school, and are integral to its research and teaching operations, and I believe their pay should reflect that. While I can appreciate the argument that school tuition should also be included when considering graduate student pay, I believe that tuition itself is heavily inflated and is another issue entirely. Additionally, there are many graduate students who are finished with coursework and are not taking classes. My complaints are especially true for my fellow graduate students supporting families, who tell me that they are dipping into poverty levels. I believe that the increase to graduate student comprehensive fees should not be considered and, in fact, the fees themselves should be reconsidered. I have no doubt that Virginia Tech, through tuition and other sources, is able to fund the various services that these fees are supposedly covering. Thank you.

A K M Fazla Mehrab, Student, mehrab@vt.edu

Dear concerned, As a graduate research assistant, I get to work a maximum 20hrs/week. The salary I get in exchange is my only source of income. As a result, my income is less than a minimum wage worker gets to earn in a month. On the other hand, housing in Blacksburg is expensive, and the rent is getting higher each year. I also have a dependent here, who is not permitted to work in the US according to her visa status. Therefore, both of us have to live on my minimal income from the assistantship. Needless to say, when about $340 is deducted every month for the comprehensive fees from my bank account, I find it very difficult to meet my essential needs. Now, if the VT Board of Visitors decides to increase the comprehensive fees by any amount, then I have no idea how I am going to survive in Blacksburg and finish my study here with my minimal earning. However, I am sure it is going to put me in a tougher economic situation. I am pretty sure the situation of the other students, living on GRA/GTA/GA, is more or less the same. I hope the VT Board of Visitors will consider our condition seriously, and, instead of increasing the comprehensive fees, they will figure some way out which can improve our living standard. Thanks, A K M Fazla Mehrab

Rabita Banee, Student, rabita@vt.edu

As an international student, we already struggle to maintain our daily livelihood with the limited income here. The increasing housing cost and other necessities have gone beyond the capacity of most of the students. Graduate students like me have dependents, which brings additional financial responsibilities
to maintain. Graduate students’ salary has not increased keeping up with the same rate as other expenses. For example, renting one bedroom in a two bedroom apartment was between $300-$400 even two years back, which is now between $550-$650. The comprehensive fee was around $1250 in the 2017-2018 academic year, but now we have to pay about $1350. The salary of Graduate Assistants has been stagnant over the past years. Some schools such as the Pamplin Business School pays so poor to their GAs that it seems very unfair and demotivating to work for the school. Increasing the tuition and fees not only economically affects the students, it also mentally stresses them out. As a result, quality research is hampered as many have to worry about financial stability. Moreover, not all departments pay the same stipend to their GAs. The authority should take all these issues into account before increasing tuition and fees. I, as an international graduate student, humbly request to reconsider the matter of increasing tuition and fees. Thank you.

Ali Hosseini Fahraji, Student, ali91@vt.edu

As a graduate student, tuition fees, especially mandatory fees, should not be raised. Mandatory fees were high compared to the income of graduate students. Given the rising cost of living in Blacksburg, in particular renting accommodation, as well as the lack of pay rises in recent years, these fee increases are not fair and put graduate students in a difficult situation and bring more pressure on them.

Sunny Wadkar, Student, sunnywadkar@vt.edu

Graduate Studies are expensive and increasing the tuition would make it difficult for many people like me who are international students. So, I don’t want the tuition fees to be increased.

Concerned Student, Student

I am a graduate student who continues to have to put these fees and insurance on my credit card, which I struggle to pay off with the rather sad stipend I receive. I find it absurd that, during this time of exceptional need, the board of visitors still appears to be contemplating increasing the hardship on students while the world is literally crumbling around us. We are having students who will graduate into an economy which is crashing, with jobs shut down indefinitely. If you decide to increase this burden in these uncertain times, may your greed keep you from sleeping peacefully.

Natalie White, Student, (615) 971-9179

I am writing to express my concern and frustration over the proposed increase in graduate student comprehensive fees for the next academic year, 2020-2021. According to my own research on the latest posted graduate fee rates, VT engineering students will pay more in the next academic year than 4 out of 5 of the top engineering schools in the nation if the proposed increases are approved. Simultaneously, VT graduate stipends are among the lowest in the US. Despite the relatively low cost of living in Blacksburg, housing close to campus is expensive and food prices are continually increasing. I am certain that VT is invested in the recruitment of the highest performing students in the nation and abroad. These competitive students will most likely be admitted to top programs such as MIT and UC Berkeley, and the combination of lower stipends with higher fees is a major deterrent to those considering VT for their graduate education. On a personal note, as my husband and I are expecting a baby during our PhD education next year, financial demands will significantly increase and the extra cost would be a significant burden on our little family. These costs add to the existing mental and physical stresses and grueling nature of graduate programs in general. Because of these reasons, I strongly urge
the Board of Visitors to consider the impact this fee increase will have on all current and future graduate students.

Khanh To, Student, khanhto@vt.edu
I honestly do not enjoy hearing that my fees are going up as my pay has not gone up sufficiently to accommodate the combination of raised rent, raised parking permits, and now raised Tuition and Fees. Frank Student, wanyef@vt.edu Increasing mandatory and E&G fees will place an undue financial strain on graduate students like me. In the face of inflation and rising housing prices (which the university contributes towards through over-enrollment), many of us struggle to pay rent and keep food on our table, even with assistantships. Those not lucky enough to have an assistantship will be hit even harder, seeing as their tuition fees will increase as well. Considering that our work as graduate students directly benefits the university, I ask that you reconsider the proposed tuition and fee increases for graduate students.

Sheik Murad Hassan Anik, Student, murad@vt.edu
I am an international graduate student at Virginia Tech and I am serving as a graduate teaching assistant (GTA). As a graduate student, it is already difficult to maintain our lives with our limited income. We get paid around $1400 after the fees and taxes and it is very hard for us to maintain our expenses. You have to at least live in a studio or a single bedroom apartment when your spouse lives with you. The spouse of international students cannot work so you have to bear all expenses. A single bed apartment cost around $900 in Blacksburg (which is one of the cheapest). There are very few studio apartments that cost around $700. So, you can see that we are left with a small amount of money after the rent. With that small amount, we have to plan our food, travel, bills and every other expense. It creates extra pressure and burden on our mind which generates demotivation and depression. This affects our work and research. Our research work will undoubtedly improve if we did not have to worry about our financial stability. I request the authority to take all these issues into account before making any decision on increasing tuition and fees. We are already paid poorly and I believe the authority should increase the pay of graduate assistants rather than increasing tuition and fees. As an international graduate student, I humbly request the authority to reconsider the matter of increasing tuition and fees.

Sadia Ahmed, Student, sadiaa7@vt.edu
As an international student, graduate assistantship is my only source of income. Due to high demand and low supply, rent is increasing at an extreme rate in Blacksburg. Since parking pass is also very expensive, I am forced to stay near campus as well. We already pay a high amount as complementary fee from paychecks. If my tuition and fee increase again, without an increase in salary, it would be almost impossible to do grocery after paying all the bills.
Board of Visitors Tuition Hearing Comments

Since 2000, tuition has tripled at Tech. The family incomes and the student employee wages used to pay that tuition have not. I have trouble understanding how or why the cost of education in our school has been allowed to run so wildly amuck in just two decades. Regardless of the reasons for the staggering gap that has opened up, it is clear now that we need to— at a bare minimum— stem the rising tide of the cost of education in this country. That starts at our school.

It would be one thing if the value of education provided here had tripled along with the cost. If we were able to go into the work force and find jobs that paid three times as much as the jobs the class of 2000 found. It is obvious this is not the case. It is equally obvious that the money in this tuition hike, just like the past nineteen hikes, will not increase the monetary value of the education provided by our school.

This is especially insulting to students who have to work to afford their education here. During my time working at Owens, I met several students who would work twelve hour shifts and well over twenty hours a week in addition to full class loads in order to pay tuition. While I could get into the questionable and anti-meritocratic ethics surrounding a system where poorer students are forced to sell their study time back to the school, in the interest of keeping to the subject of the proposed tuition increase, I’ll simply say that I think the effects of a tuition hike on these students are clear.

If somehow it is still not clear- the fallout from the coronavirus has aggravated all of these problems. Both my roommates lost their jobs with dining services due to the virus, and will be unlikely to find new employment until the epidemic has passed. The same is true for working families, being cut down on hours or from their positions entirely- often without paid sick leave. In the wake of such a public health and economic crisis, it would be unconscionable to ask those students and families to scrape together a couple hundred more dollars so you can “support the university’s strategic plan within the context of various budget implications”. I ask you, above all, to consider the impact any tuition increase will have on these students and families- already paying triple what was paid twenty years ago with barely any rise in wages or household incomes to compensate for it.

Respectfully,

Steven Warren
Unapproved

MINUTES

June 2, 2020

The Board of Visitors of Virginia Polytechnic Institute and State University met on Tuesday, June 2, 2020, at 1:15 p.m. On this date, the Commonwealth of Virginia was operating under a state of emergency as declared by Governor Northam due to the COVID-19 pandemic. This was an entirely electronic meeting held via Zoom videoconference to conduct regular business as permitted by legislation passed by the General Assembly on April 22, 2020, and signed into law by Governor Northam.* A quorum was present on the videoconference.

Present

Mr. Edward H. Baine (joined at 2:27 p.m.)
Ms. Shelley Butler Barlow
Ms. Greta J. Harris
Mr. C.T. Hill
Ms. Anna L. James
Ms. Letitia A. Long (Vice Rector)
Ms. Sharon Brickhouse Martin
Dr. Melissa Byrne Nelson
Mr. L. Chris Petersen
Mr. Mehul P. Sanghani
Mr. Dennis H. Treacy
Mr. Horacio A. Valeiras (Rector)
Mr. Jeff Veatch
Mr. Preston M. White

Absent

Constituent Representatives:

Dr. John Ferris, Faculty Representative
Ms. Tamarah Smith, Staff Representative
Mr. Ryan King, Graduate Student Representative
Ms. Madelynn Todd, Undergraduate Student Representative

Also present on the Zoom videoconference were the following: President Timothy Sands, Ms. Kim O'Rourke (Secretary to the BOV), Dr. Cyril Clarke, Mr. Al Cooper, Dr. Karen DePauw, Dr. John Dooley, Mr. Corey Earles, Ms. Kari Evans, Dr. Michael Friedlander, Mr. Bryan Garey, Ms. Kay Heidbreder, Dr. Eric Kaufman, Dr. Chris Kiwus, Ms. Sharon Kurek, Dr. Scott Midkiff, Mr. Ken Miller, Mr. Mike Mulhare, Ms. Camellia Pastore, Mr. Charles Phlegar, Dr. Dwayne Pinkney, Dr. Frank Shushok, Ms. Sabrina Sturgeon, Dr. G. Don Taylor, Ms. Tracy Vosburgh, and Mr. Chris Yianilos.

In addition, 209 members of the university community and public viewed a live stream of the videoconference on YouTube Live.

* * * * * * * * * *
Rector Valeiras convened the meeting and welcomed everyone to the Board meeting. He expressed appreciation to the General Assembly and Governor Northam for passing legislation to enable the Board of Visitors to hold electronic meetings to conduct business during the state of emergency caused by the COVID-19 pandemic. He commended the faculty and staff for their commitment and flexibility and congratulated the Class of 2020, which had a virtual commencement ceremony on May 15.

** APPROVAL/ACCEPTANCE OF THE CONSENT AGENDA OPEN ITEMS*
(Refer to Attachments A through Y)

[*Note: Items on the consent agenda are matters of importance that have been reviewed carefully by members of the Board in preparation for the meeting but have been determined not to require discussion by the Board or its committees.]

Rector Valeiras asked for a motion to approve/accept the consent agenda open session items as listed. The motion was made Mr. White, seconded by Mr. Treacy, and approved unanimously.

- Ratify minutes from the State Council of Higher Education for Virginia (SCHEV) Board of Visitors Orientation Meeting held October 22-23, 2019 - Attachment A
- Approval of Minutes from November 18, 2019, BOV Meeting
- Approval of Minutes from March 26, 2020, Special BOV Meeting Regarding COVID-19 - Attachment B
- Approval of Minutes from May 6, 2020, Executive Committee Meeting-Attachment C
- Approval of Minutes from May 13, 2020, Selection Committee Meeting-Attachment D
- Approval of Minutes from June 2, 2020, Executive Committee Meeting-Attachment E
- Academic, Research, and Student Affairs Committee Report (6/1/20) - Attachment F
- Buildings and Grounds Committee Reports (5/14/20 and 5/27/20) - Attachment G
• Compliance, Audit, and Risk Committee Reports (3/19/20 and 5/21/20) - Attachment H

• Finance and Resource Management Committee Reports (5/7/20 and 5/29/20) - Attachment I

• Governance and Administration Committee Report (5/27/20) - Attachment J

From the Academic, Research, and Student Affairs Committee Consent Agenda:

• Report of Completion of Guidelines for Open Educational Resources and Open Textbooks - Attachment K

  That the Board of Visitors accept the attached Guidelines for Open Educational Resources (OER) and Open Textbooks.

• Resolution to Change the Terms of Service for Faculty, Students and Staff on University Council and Commissions - Attachment L

  That the resolution changing the terms of service for faculty, students, and staff on University Council and commissions be approved.

• Resolution to Approve New Degree Bachelor of Science in Behavioral Decision Science - Attachment M

  That the resolution recommending the establishment of the Bachelor of Science degree in Behavioral Decision Science be approved.

• Resolution to Approve the 2020-2021 Student Code of Conduct and to Retire the Hokie Handbook - Attachment N

  That the 2020-2021 Student Code of Conduct be approved and the “Hokie Handbook” be retired.

From the Buildings and Grounds Committee Consent Agenda:

• Resolution on Appointment to the Montgomery Regional Solid Waste Authority - Attachment O

  That the resolution recommending that Sharon G. Scott be appointed as joint representative to the Montgomery Regional Solid Waste Authority Board of Directors be approved.
• Resolution on Affirming Appointment to the New River Resource Authority - Attachment P

That the resolution affirming the appointment to the New River Resource Authority Board of Directors of Christopher H. Kiwus, Associate Vice President and Chief Facilities Officer, in his role as the university’s representative to the Montgomery Regional Solid Waste Authority be approved.

• Resolution on Appointment to the New River Valley Regional Water Authority - Attachment Q

That the resolution reappointing Christopher H. Kiwus, Associate Vice President and Chief Facilities Officer, as the university’s representative to the New River Valley Regional Water Authority through June 30, 2024, be approved.

• Resolution of Support for Projects and Use of Bond Financing by the New River Valley Regional Water Authority - Attachment R

That the resolution supporting New River Valley Regional Water Authority projects and use of bond financing be approved.

From the Finance and Resource Management Committee Consent Agenda:

• Resolution to Approve 2020-21 Pratt Fund Budget - Attachment S

That the proposed 2020-2021 allocation and use of Pratt Funds be approved.

• Resolution to Approve 2020-21 Hotel Roanoke Conference Center Budget - Attachment T

That the budget for The Hotel Roanoke Conference Center for 2020-2021 be approved.

• Resolution to Approve 2020-21 Virginia Tech-Wake Forest University School of Biomedical Engineering and Science Budget - Attachment U

That the 2020-21 budget for the Virginia Tech - Wake Forest School of Biomedical Engineering and Science be approved.
• **Resolution to Rescind the August 31, 2015, Distribution of Nike Contract Revenue Resolution** - Attachment V

  That the 2015 NIKE Contract Revenue Resolution be rescinded.

• **Resolution for Approval of Appointment to the Roanoke Valley Broadband Authority Board** - Attachment W

  That the resolution appointing Dr. Scott Midkiff, Vice President for Information Technology and Chief Information Officer, to the Roanoke Valley Broadband Authority Board to serve through December 12, 2022, be approved.

*Consent agenda information items; no Board of Visitors action required:*

• **Reports of Research and Development Disclosures from 11/1/2019 through 5/19/2020** - Attachment X

• **Notification of Provisions of the Appropriation Act Related to Indebtedness of State Agencies (Unauthorized Deficits)** - Attachment Y

(Copies of consent agenda items are filed with the permanent minutes and marked as noted above.)

* * * * * * * * * *

REPORT OF THE ACADEMIC, RESEARCH, AND STUDENT AFFAIRS COMMITTEE

Rector Valeiras called on Ms. Harris for the report of the Academic, Research, and Student Affairs Committee.

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REPORT OF THE BUILDINGS AND GROUNDS COMMITTEE

Rector Valeiras called on Mr. Hill for the report of the Buildings and Grounds Committee.

As part of the Buildings and Grounds Committee report, approval of the following resolution was moved by Mr. Hill, seconded by Mr. White, and approved unanimously.
Resolution to Clarify a Previous Board Action Regarding the Virginia Tech/Montgomery Regional Airport Authority

That the resolution affirming that the grant assurance documents will supersede the language in the Agreement for Purchase and Sale of Real Estate be approved. The new terms and conditions are repeated here:

For land purchased under a grant for airport development purpose (other than noise compatibility), the Airport Authority will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States’ proportionate share of the fair market value of the land. (Copy filed with the permanent minutes and marked Attachment Z.)

*****

REPORT OF THE COMPLIANCE, AUDIT, AND RISK COMMITTEE

Rector Valeiras called on Ms. James for the report of the Compliance, Audit, and Risk Committee. After delivering her report, Ms. James thanked the Audit, Risk, and Compliance team for beginning the work on enterprise risk management several years ago, which has helped in guiding the university through the COVID-19 pandemic.

*****

REPORT OF THE FINANCE AND RESOURCE MANAGEMENT COMMITTEE

Rector Valeiras called on Ms. Long for the report of the Finance and Resource Management Committee.

As part of the Finance and Resource Management Committee report, approval of the following two resolutions was moved by Ms. Long, seconded by Mr. Sanghani, and approved unanimously.

Resolution Delegating Authority to the President

That the resolution delegating special time-limited authority to the president of the university to address the fiscal impacts of the COVID-19 pandemic be approved, to become effective at the time specified within the resolution. (Copy filed with the permanent minutes and marked Attachment AA.)
Resolution Reaffirming Human Resources Policy for Classified and University Staff

That the resolution reaffirming University Policy 4240: Layoff Policy for Staff be approved. (Copy filed with the permanent minutes and marked Attachment BB.)

* * * * *

As part of the Finance and Resource Management Committee report, approval of the following resolution was moved by Ms. Long, seconded by Mr. White, and approved unanimously.

Resolution for Approval of Tuition and Fee Rates for 2020-21

That the proposed tuition and fee rates be approved, effective Fall Semester 2020. (Copy filed with the permanent minutes and marked Attachment CC.)

Rector Valeiras thanked the Board members who attended the March 19 public comment session on campus, although he was unable to make the trip himself due to travel restrictions imposed as a result of COVID-19. He also thanked those responsible for developing the budget for making adjustments to avoid increasing tuition for undergraduate Virginia students for the second consecutive year.

* * * * *

As part of the Finance and Resource Management Committee report, approval of the following resolution was moved by Ms. Long, seconded by Mr. White, and approved unanimously.

Resolution for Approval of 2020-21 Compensation for Graduate Assistants

That the graduate assistant compensation program for 2020-21 be approved. (Copy filed with the permanent minutes and marked Attachment DD.)

* * * * *

As part of the Finance and Resource Management Committee report, approval of the following resolution was moved by Ms. Long, seconded by Ms. Harris, and approved. Mr. White abstained.
Resolution for Approval of 2020-21 Faculty Compensation Plan

That the proposed 2020-21 Faculty Compensation Plan be approved.
(Copy filed with the permanent minutes and marked Attachment EE.)

* * * * *

As part of the Finance and Resource Management Committee report, approval of the following resolution was moved by Ms. Long, seconded by Mr. White, and approved unanimously.

Resolution to Approve the 2020-21 University Auxiliary Systems Budgets
   a. Dormitory and Dining Hall System Budget
   b. Electric Service Utility System Budget
   c. University Services System Budget
   d. Athletic Facilities System Budget

That the recommended budget for fiscal year July 1, 2020, to
June 30, 2021, for the operation of the Dormitory and Dining System,
Electric Service Utility System, University Services System, and the
Athletic Facilities System be approved. (Copies filed with the
permanent minutes and marked Attachment FF.)

Rector Valeiras commented that these budgets may be revised as the impacts of the pandemic unfold.

* * * * *

As part of the Finance and Resource Management Committee report, approval of the following resolution was moved by Ms. Long, seconded by Mr. White, and approved unanimously.

Resolution to Approve the 2020-21 University Operating and Capital Budgets

That the proposed fiscal year 2020-21 operating and capital budgets,
as displayed on Schedules 1, 2, and 3, be approved. (Copies filed with
the permanent minutes and marked Attachment GG.)

Rector Valeiras noted that over the coming year, revenue figures will be adjusted and the budget will be revised as necessary.

* * * * *

As part of the Finance and Resource Management Committee report, approval of the following resolution was moved by Ms. Long, seconded by Mr. White, and approved unanimously.
Resolution to Approve Revisions to and Renewal of Related Corporations Affiliation Agreements

That the affiliation agreements listed below be approved as revised for a four-year period, expiring on June 30, 2024.

- Virginia Tech Alumni Association, Inc.
- Virginia Tech Athletic Fund, Inc.
- Virginia Tech Corps of Cadets Alumni, Inc.
- Virginia Tech Foundation, Inc.
- Virginia Tech Intellectual Properties, Inc.
- Virginia Tech Services, Inc.
- Virginia Tech Applied Research Corporation, Inc.
- Virginia Tech Innovations Corporation, Inc.
- Virginia Tech India Research & Education Forum

(Copies filed with the permanent minutes and marked Attachment HH.)

* * * * *

As part of the Finance and Resource Management Committee report, approval of the following resolution was moved by Ms. Long, seconded by Ms. Harris, and approved unanimously.

Resolution for Approval of Year-to-Date Financial Performance Report (July 1, 2019 – March 31, 2020)

That the report of income and expenditures for the University Division and the Cooperative Extension/Agricultural Experiment Station Division for the period of July 1, 2019, through March 31, 2020, and the Capital Outlay report be approved. (Copy filed with the permanent minutes and marked Attachment II.)

* * * * * * * * * *

REPORT OF THE GOVERNANCE AND ADMINISTRATION COMMITTEE

Rector Valeiras called on Mr. Sanghani for the report of the Governance and Administration Committee.

* * * * * * * * * *
The Executive Committee met electronically on May 6, 2020, to address some time-sensitive items of business that were pending because the March 29-30, 2020, Board meeting had been cancelled due to the pandemic and prohibitions on gatherings. The Executive Committee’s electronic meeting was enabled by legislation passed by the General Assembly on April 22. Approval of the following resolution was moved by Mr. Treacy, seconded by Ms. Long, and approved unanimously.

Ratification of Executive Committee Actions of May 6, 2020

That the resolution ratifying the actions taken by the Executive Committee of the Board of Visitors at a special meeting convened on May 6, 2020, be approved.

The actions taken on May 6, 2020, include:

- Ratification of the Personnel Changes Report
- Approval of Faculty Research Leaves (95)
- Approval of Emeritus/a Status (10)
- Approval of Endowed Chairs, Professorships, Fellowships (6)
- Approval of Commemorative Namings (2)
- Approval of External Award
- Approval of New School of Communication and Digital Media
- Approval of Appointments to Virginia Coal and Energy Research and Development Advisory Committee
- Resolution to Affirm Transfer and Receipt of Real Property in Support of Airport Expansion
- Resolution for Approval of Public Utility Easement in Support of the VT Foundation, Inc. Gilbert Street Project

(Copy filed with the permanent minutes and marked Attachment JJ.)

*****

(Note: Mr. Baine joined the meeting at this point.)

PRESIDENT’S REPORT

(Copy filed with the permanent minutes and marked Attachment KK.)

*****
Constituent Reports (no action required)

Undergraduate Student Representative to the Board - Ms. Madelynn Todd
Graduate Student Representative to the Board - Mr. Ryan King
Staff Representative to the Board - Ms. Tamarah Smith
Faculty Representative to the Board - Dr. John Ferris

(Copies filed with the permanent minutes and marked Attachment LL.)

* * * * * *

Motion to Begin Closed Session

Ms. Long moved that the Board convene in a closed meeting, pursuant to § 2.2-3711, Code of Virginia, as amended, for the purposes of discussing:

1. Appointment of faculty to Emeritus status, the consideration of individual salaries of faculty, consideration of Endowed Professors, review of departments where specific individuals’ performance will be discussed, and consideration of personnel changes including appointments, resignations, tenure, and salary adjustments of specific employees and faculty leave approvals.

2. The status of current litigation and briefing on actual or probable litigation involving matters brought by current and former employees and students and personal injury litigation involving actions taken by University employees.

3. Fundraising activities.

all pursuant to the following subparts of 2.2-3711 (A), Code of Virginia, as amended, .1, .7, and .9.

The motion was seconded by Mr. White and passed unanimously. The live stream for the public was then suspended.

* * * * *

CLOSED SESSION REPORTS
(No Board action required)

1. Litigation report – Ms. Heidbreder
2. Fundraising report – Mr. Phlegar

* * * * *
Motion to Return to Open Session

Following the Closed Session, the live stream for the public resumed and Rector Valeiras called on Ms. Long to make the motion to return to open session. Ms. Long made the following motion:

WHEREAS, the Board of Visitors of Virginia Polytechnic Institute and State University has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board of Visitors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors of Virginia Polytechnic Institute and State University hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Visitors.

The motion was seconded by Mr. Sanghani and passed unanimously.

* * * * * * * * * *

Rector Valeiras asked for a motion to approve the agenda items that were considered in closed session, as listed. The motion to approve the following resolutions as a group was made by Ms. Long, seconded by Mr. White, and approved unanimously.

- Resolution for Approval of Emeritus Status (1) - Attachment MM
- Resolutions for Approval of Endowed Chairs, Professorships, or Fellowships (4) - Attachment NN
- Resolutions for Approval of Research Leaves (2) - Attachment OO
- Approval of 2019-20 Promotion, Tenure, and Continued Appointments. This item was reviewed by the Finance and Resource Management and the Academic, Research, and Student Affairs Committees. (Copy filed with the permanent minutes and marked Attachment PP.)
- Resolution for Ratification of the Personnel Changes Report - This item was reviewed by the Finance and Resource Management and the Academic, Research, and Student Affairs Committees. (Copy filed with the permanent minutes and marked Attachment QQ.)
- Resolutions on Naming University Facilities (3) - Attachment RR
- Ratification of the 2020-21 Student Representatives to the Board of Visitors:
  - Camellia Pastore, undergraduate student representative
  - Sabrina Sturgeon, graduate student representative
Rector Valeiras noted that the Student Representative Selection Committee consisting of the members of the Executive Committee and the Academic, Research, and Student Affairs Committee met on May 13 and interviewed three undergraduate students and three graduate students for the 2020-21 representatives. He introduced those selected. Camellia Pastore is a rising senior from Charlottesville, majoring in computer science, with minors in math and philosophy, politics and economics (PP&E). Sabrina Sturgeon is a graduate student pursuing a Master of Arts degree in higher education and student affairs.

Rector Valeiras, along with President Sands, thanked Mr. Treacy for his lengthy and notable service on the Board as his second term comes to an end. Rector Valeiras thanked Ms. Harris, Mr. Petersen, and Mr. Veatch as their first terms conclude.

Rector Valeiras, along with President Sands, expressed appreciation to three constituent representatives whose terms are ending: Ms. Todd, Mr. King, and Dr. Ferris. Since the meeting was conducted electronically preventing an in-person presentation, certificates were mailed to the three. Ms. Smith will continue next year as staff representative to the Board.

Election of Officers for 2020-21

Rector Valeiras asked Mr. Sanghani to preside over the Board meeting temporarily for the election of 2020-21 officers. On behalf of the Nominating Committee, which Mr. Sanghani chaired and which also included Dr. Nelson and Mr. Treacy, Mr. Sanghani presented the following nominees:

- **Rector:** Horacio Valeiras
- **Vice Rector:** Tish Long

Mr. Sanghani asked if there were any other nominations from the floor. There being no additional nominations, a motion for approval of the nominees presented was made by Mr. Hill. The motion was seconded by Ms. Butler Barlow and passed. Mr. Valeiras and Ms. Long abstained from voting. **Ms. Kim O'Rourke, as Vice President for Policy and Governance, will remain Secretary to the Board, in accordance with the Board's by-laws.** Mr. Sanghani transferred the chairmanship of the meeting back to Rector Valeiras.
Rector Valeiras appointed Ms. Long and Mr. Veatch to serve on a planning committee for the Board retreat along with Kim O’Rourke. The retreat will be held on Sunday, August 23, 2020, preceding the quarterly Board meeting.

In closing, Rector Valeiras expressed appreciation for everyone’s flexibility through the pandemic crisis and commended all for their focus on the university’s Principles of Community through the events of the past week as protests erupted nationwide in response to several racial incidents. President Sands added that this will be an important year for listening and engaging.

Upon a motion by Mr. Hill and second by Mr. Treacy, the meeting was adjourned at 4:27 p.m.

The dates of the next regular meeting are August 23-25, 2020, in Blacksburg, Virginia.

Horacio A. Valeiras, Rector

Kim O’Rourke, Secretary

*Amendment 28: Allow policy-making boards to meet virtually during emergency declarations

Item 4-0.01 Operating Policies

Page 280, after line 26, insert:
“g. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in §54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with §44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in §54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing
board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

A public body or governing board convening a meeting in accordance with this subdivision shall:

1. Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

2. Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board."
BOARD OF VISITORS EXECUTIVE COMMITTEE
MINUTES

August 13, 2020

The Executive Committee of the Board of Visitors of Virginia Polytechnic Institute and State University met on Thursday, August 13, 2020, at 3:00 p.m. On this date, the Commonwealth of Virginia was operating under a state of emergency as declared by Governor Northam due to the COVID-19 pandemic. This was an entirely electronic meeting held via Zoom videoconference to conduct regular business as permitted by legislation passed by the General Assembly on April 22, 2020, and signed into law by Governor Northam.* A quorum of the Executive Committee was present on the videoconference.

Executive Committee Members Present  Absent
Mr. Horacio Valeiras (Rector)          
Mr. Ed Baine                           
Ms. Greta Harris                       
Mr. C. T. Hill                         
Ms. Letitia Long (Vice Rector)         
Mr. Mehul Sanghani                     

Other Board members present:           
Ms. Sharon Martin                     

Also present on the Zoom videoconference were the following: President Timothy Sands, Ms. Kim O'Rourke (Secretary to the Board), Mr. Whit Babcock, Dr. Cyril Clarke, Mr. Corey Earles, Ms. Kari Evans, Ms. Kay Heidbreder, Dr. Chris Kiwus, Ms. Angie Littlejohn, Dr. Kelly Oaks, Mr. Mark Owczarski, Mr. Charlie Phlegar, Dr. Dwayne Pinkney, Ms. Katie Polidoro, Ms. Tracy Vosburgh, and the captioner.

In addition, approximately 50 members of the university community and public viewed a live stream of the videoconference on YouTube Live.

** * * * * * * * * * *

Rector Valeiras convened the meeting and welcomed everyone. He explained that the by-laws of the Board of Visitors empower the Executive Committee to act in between meetings of the full Board and stipulate that actions taken by the Executive Committee must be ratified at the next meeting of the full Board of Visitors. He explained that this meeting was planned initially to address policy changes resulting from changes in Title IX regulations that go into effect tomorrow, and then some additional time-sensitive matters were added. He thanked the faculty, staff, and students for their work and flexibility and for their commitment to the well-being of the entire community.

** * * * * * * * * * **
Rector Valeiras called on Provost Clarke to present the resolution to change the name of the new School of Communication and Digital Media to the School of Communication. Provost Clarke explained that the name change was requested by the State Council of Higher Education for Virginia. A motion was made by Mr. Hill, seconded by Ms. Harris, and passed unanimously to approve the following resolution (copy attached to the permanent minutes and marked Attachment A).

RESOLUTION TO AMEND NAME OF THE SCHOOL OF COMMUNICATION IN THE COLLEGE OF LIBERAL ARTS AND HUMAN SCIENCES

That the name of the school in the College of Liberal Arts and Human Sciences previously approved by the Board of Visitors be changed to the School of Communication.

**********

FALL 2020 ENROLLMENT UPDATE

Rector Valeiras called on Provost Clarke to provide a brief update on enrollment for fall 2020, including impacts of COVID-19. Provost Clarke reported that there are currently 6728 freshmen enrolled, which is slightly over the goal. However, that number is expected to decrease as a result of the typical summer melt and may be slightly below the goal by the census date in mid-September. The number of out-of-state freshman students is slightly below the goal mostly as a result of fewer international students because of the pandemic. The incoming class is more diverse than the Class of 2023. To date, 282 freshman/transfer students have deferred admission for a year to fall 2021. Another 125 students have deferred their admission to spring/summer 2021, spring/summer 2022, or fall 2022. However, there is no indication of a trend toward declining enrollment. Approximately 8600 students will be living on campus. Rector Valeiras congratulated Provost Clarke and his team on a very successful, all-virtual summer orientation program.

**********

Rector Valeiras called on Ms. Heidbreder, University Legal Counsel, to explain policy changes needed as a result of new Title IX regulations promulgated by the U.S. Department of Education in May 2020. Ms. Heidbreder provided a brief presentation, discussing the most noteworthy provisions of the regulations. The new and revised policies brought forward today represent the work of Dr. Kelly Oaks, Associate Vice President for Equity and Accessibility, and Ms. Katie Polidoro, Title IX Coordinator, who led several work groups over the summer. Oaks and Polidoro will provide a lengthier presentation at the full Board meeting later this month. Action by the Board of Visitors is required today in order to comply with the regulations which go into effect tomorrow, August 14. A motion was made by Ms. Long, seconded by Ms. Harris, and passed unanimously to approve the following resolution (copy of resolution, related documents, and presentation are attached to the permanent minutes and marked Attachment B).
RESOLUTION TO AMEND POLICY 1025 AND STUDENT CODE OF CONDUCT
AND TO CREATE NEW POLICY 1026
TO COMPLY WITH NEW TITLE IX REGULATIONS

That the resolution to approve changes to University Policy 1025 and the Student Code of Conduct, and to approve new University Policy 1026 (including appendices) be approved effective August 14, 2020, to comply with the May 6, 2020, Title IX regulations issued by the U.S. Department of Education Office for Civil Rights.

Ms. Harris and Ms. Long questioned whether the changes could make it more difficult for a complainant to pursue a grievance, and they requested periodic updates on Title IX cases and impacts of the regulations. Ms. Heidbreder replied that cases that do not fall within the Title IX regulations may still be pursued through the regular Student Conduct process. Ms. Heidbreder noted that there is further work to be done, such as the creation of an informal resolution process and that additional changes may be brought to the Board after they proceed through the university’s governance process.

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INTERCOLLEGIATE ATHLETICS UPDATE

Rector Valeiras called on Athletics Director Whit Babcock to provide an update on the status of intercollegiate athletics, which has been impacted significantly by the pandemic. Mr. Babcock indicated that student-athletes began returning to campus in early July. Seven of the 22 fall sports are in full practice mode. Seven winter sports are doing some workouts. The eight spring sports are currently inactive. The biggest issue is the uncertainty about whether sports will be canceled and the associated mental health toll. They continue to educate students about the opportunity to opt out. He views the situation through the lens of a parent as well as an athletic director and considers the wellbeing of the students to be paramount. He and President Sands, as well as Angie Littlejohn, Kay Heidbreder, and others, continue to be heavily involved in discussions with the conference and NCAA. He anticipates that some crucial decisions will be made next week. Rector Valeiras thanked them on behalf of the Board for their significant time and effort. He added that he observed first-hand the safety protocols that were being implemented when he visited campus last week.

* * * * * * * * * *

Motion to Begin Closed Session

Ms. Long moved that the Executive Committee of the Board convene in a closed meeting, pursuant to § 2.2-3711, Code of Virginia, as amended, for the purposes of discussing:
1. Special award(s)/building naming(s).

pursuant to subpart .11 of 2.2-3711 (A), Code of Virginia, as amended.

The motion was seconded by Mr. Baine and passed unanimously. The YouTube live broadcast was suspended.

* * * * * * * * * *

Motion to Return to Open Session

Following the closed session, the YouTube Live broadcast was resumed for members of the public to observe the meeting. Ms. Long made the following motion to return to open session:

WHEREAS, the Board of Visitors of Virginia Polytechnic Institute and State University has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board of Visitors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors of Virginia Polytechnic Institute and State University hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Visitors.

The motion was seconded by Ms. Harris and passed unanimously.

* * * * * * * * * *

RATIFICATION OF ITEMS APPROVED IN CLOSED SESSION

Rector Valeiras asked for a motion to approve as a group the items considered in closed session. President Sands supports these resolutions, which were recommended to him by the Council on Virginia Tech History and the Commemorative Tributes Committee. The motion was made by Mr. Hill, seconded by Ms. Harris, and passed unanimously to approve the following resolutions considered in closed session:

- Resolution to remove the name of the residence hall located at 570 Washington Street, SW, and built in 1966 (copy filed with the permanent minutes and marked Attachment C);
• Resolution to remove the name of the residence hall located at 240 Kent Street and built in 1962 (copy filed with the permanent minutes and marked Attachment D);

• Resolution to name Hoge Hall, the residence hall located at 570 Washington Street, SW, in honor of Janie and William Hoge (copy filed with the permanent minutes and marked Attachment E); and

• Resolution to name Whitehurst Hall, the residence hall located at 240 Kent Street, in honor of James Leslie Whitehurst, Jr., Class of 1963 (copy filed with the permanent minutes and marked Attachment F).

* * * * * * * *

Rector Valeiras announced that the next regular meeting of the full Board will be held on the Blacksburg campus on August 23-25, 2020, and all safety protocols recommended by the Centers for Disease Control and the Virginia Department of Health will be followed. This will be the first time the full Board will have met in person since November 2019.

The meeting was adjourned at 4:30 p.m.

* * * * * * * *

Horacio Valeiras, Rector

Kim O'Rourke, Secretary

*Amendment 28: Allow policy-making boards to meet virtually during emergency declarations Item 4-0.01 Operating Policies

Page 280, after line 26, insert:
“g. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue
operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

A public body or governing board convening a meeting in accordance with this subdivision shall:

1. Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

2. Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board."
Academic, Research, and Student Affairs

General Report

of August 24, 2020

will be presented at

Tuesday’s meeting of the Board
Buildings and Grounds Committee
General Report
of August 25, 2020 will be
presented at
Tuesday’s meeting of the Board
Compliance, Audit, and Risk Committee

General Report

of August 24, 2020 will be presented at

Tuesday’s meeting of the Board
Finance and Resource Management Committee General Report of August 25, 2020 will be presented at Tuesday’s meeting of the Board
Report of Retreat
Sunday, August 23, 2020

Filler Page
Report of Information Session
Monday, August 24, 2020

Filler Page
RESOLUTION TO RATIFY THE 2020 - 2021 FACULTY HANDBOOK

Documents included:
1. Resolution to ratify the 2020 - 2021 Faculty Handbook
2. Table of revisions made to Faculty Handbook
3. Draft “red-lined” Faculty Handbook with edits and comments
RESOLUTION TO RATIFY THE 2020 - 2021 FACULTY HANDBOOK

WHEREAS, the Faculty Handbook is the record for policies pertaining to all types of faculty employees; and

WHEREAS, the oversight of policies governing all types of faculty employees at the university is the responsibility of the Board of Visitors; and

WHEREAS, the Faculty Handbook is revised to incorporate editorial updates, new or amended policies; and

WHEREAS, to ensure that the Faculty Handbook reflects the policies passed by the board and that any changes to the handbook are appropriate and accurate, the board annually reviews and ratifies a revised edition of the Faculty Handbook;

NOW, THEREFORE, BE IT RESOLVED that the Virginia Tech Board of Visitors hereby ratifies the 2020- 2021 Faculty Handbook that incorporates the revisions summarized in the attached table.

RECOMMENDATION:

That the 2020-2021 Faculty Handbook be ratified.

August 25, 2020
### General Notes
- Change dates and EOAA language on cover page
- Edit footer on each page to August 25, 2020 for publishing
- Edits throughout to reflect change in administration of Research Faculty to Office of the Executive Vice President and Provost (office of the provost) from the Office of the Vice President for Research and Innovation

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CHAPTER SIX

Edits throughout reflect:
1. change in administration of Research Faculty to Office of the Executive Vice President and Provost (office of the provost) from the Office of the Vice President for Research and Innovation, and
2. effective August 2020, the elimination of the project associate ranks. Future hires into the project associate ranks
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<td>will be either administrative/professional faculty or university staff. For the remaining employees in the project associate ranks, the language is unchanged with the exception of now being administered by the office of the provost rather than the OVPRI.</td>
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<td>6.1 Office of the Vice President for Research and Innovation</td>
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<td>6.2.1 Research Faculty Promotions: Non-Professorial Ranks</td>
<td>Added language that eliminates future use of project associate as a rank</td>
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<td>6.3.5 Postdoctoral Associate</td>
<td>Added language that clarifies that Postdoctoral associates are administered by the OVPRI</td>
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- Added link to graduate education expectations
- Removed references to “Hokie Handbook” throughout, retired in June 2020 by BOV Resolution

- Accommodating Religious Observances, Per University Council Resolution #CUSP 2019-20N, passed February 3, 2020
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<td>Removed the sentence, &quot;This benefit will continue as long as an Optional Retirement Plan account or Virginia Retirement System account is not rolled over or cashed out by the individual&quot; as this statement is no longer correct.</td>
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<td>Added sentence to last paragraph of section - &quot;Per IRS requirements, life insurance in excess of the established excludable limit, in a calendar year, is taxable&quot; for clarification.</td>
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<td>11.1.2 Long-Term Disability Insurance</td>
<td>Updated percentage in last sentence from 0.26 to 0.25</td>
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<td>age is not a factor in determining benefits at retirement.</td>
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<td>Added Fidelity and TIAA as providers of the ORPs.</td>
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<td>Removed the sentence, &quot;This benefit will continue as long as an Optional Retirement Plan account or Virginia Retirement System account is not rolled over or cashed out by the individual&quot; as this statement is no longer correct.</td>
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<td>11.2.2 Health Insurance</td>
<td>Sentence in second paragraph was corrected to read, &quot;Employees whose FTE is between .50 and .74 are eligible to enroll in a health care plan, however the employee pays 100% of the premium.&quot;</td>
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<td>11.2.13 Long Term Care Insurance</td>
<td>Genworth Life Insurance Co. offers long-term care insurance coverage, under the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program, which provides assistance with costs related to long-term care services such as nursing home care or at-home care to assist with bathing, eating or other activities of daily living which may not be covered by most medical plans. Participant-paid coverage provides a monthly benefit allowance for covered long-term care expenses. Employees do not have to be</td>
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a VRS member to be eligible, and family members may also apply for coverage. Employees who enrolled in the long-term care insurance program before December 31, 2016, will continue their coverage under that program.

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No edits

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12.1 Virginia Tech Carilion School of Medicine Faculty Appointments

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Faculty Handbook 2020-21

Produced by the Office of the Executive Vice President and Provost
Approved by the Virginia Tech Board of Visitors
August 26, 2019

This document is subject to change. Please refer to the provost’s website for the most recent Faculty Handbook information.

University policies are available online, as are many important procedures maintained by the Procurement Department, Human Resources, and the Controller’s Office websites. These websites will be updated as policies and procedures change. Please refer to them for issues not addressed in the Faculty Handbook.

Virginia Tech does not discriminate against employees, students, or applicants on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status; or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants; or any other basis protected by law.

Faculty have the responsibility to be fully acquainted with and to comply with this handbook and the relevant policies of Virginia Tech.
CHAPTER ONE

1.0 Mission and Governance of the University

Inspired by our land-grant identity and guided by our motto, *Ut Prosim* (That I May Serve), Virginia Polytechnic Institute and State University (Virginia Tech) is an inclusive community of knowledge, discovery, and creativity dedicated to improving the quality of life and the human condition within the Commonwealth of Virginia and throughout the world.

1.1 Governance of the University

The Board of Visitors is the governing body of the university. The board appoints the president of the university who serves as the chief executive. The president may delegate authority to the executive vice president and provost (also referred to as the “provost”) and vice presidents.

1.1.1 Governance
1.1.2 Board of Visitors

By statute of the Commonwealth of Virginia, the governing body of the university is the Board of Visitors, which exists as a corporation under the control of the Virginia General Assembly. The board is comprised of 14 members, 13 of whom are appointed by the governor subject to confirmation by the Senate of Virginia, with a four-year term that is eligible for reappointment of a successive four years. The president of the Board of Agriculture and Consumer Services serves as the fourteenth member, by virtue of position, with the term running concurrently from July 1 through June 30. A rector and a vice-rector are elected annually among the members of the board, and, by state statute, either the rector or vice-rector must be a resident of Virginia. The vice president for policy and governance serves as secretary to the board. The board appoints two non-voting student representatives (one undergraduate, one graduate/professional) who serve a one-year term and attend open sessions of board meetings. The presidents of the faculty and staff senates sit with the board at all meetings, except those held in closed session, and participate in discussion without authority to vote or to make or second motions. By law, the board meets at least once a year, but typically meets quarterly to consider policy matters and to review the progress of the university.

The Board of Visitors is responsible for institutional policies except those under the direct jurisdiction of the Commonwealth of Virginia. By statute, the board is charged with the care, preservation, and improvement of university property and with the protection of the safety of students and other persons residing on such property. The board regulates the government and discipline of students. The board has authority over the roads and highways within the university campus and may prohibit entrance to the property of undesirable and disorderly persons or eject such persons from the property. The board is also responsible for ensuring that the university does not incur an unauthorized deficit or members shall be held personally liable.

Some examples of the board’s responsibilities as specified by state statute or developed through tradition and practice include:

- appointing the president
- approving appointments and setting salaries of faculty, university staff, and other personnel
- establishing fees, tuition, and other charges imposed by the university on students
- reviewing and approving university budgets and overseeing the university’s financial management
- reviewing and approving the establishment and discontinuance of new colleges, departments, and degrees
- ratifying appointments by the president or vice presidents
- representing the university to citizens and officers of the Commonwealth of Virginia, especially in clarifying the purpose and mission of the university
- approving promotions, grants of tenure, and employment of selected individuals
- reviewing and approving physical plant development of the campuses
- the commemorative naming of buildings and other major facilities on campus reviewing and approving real property transactions
- exercising the power of eminent domain
- reviewing and approving personnel policies for the faculty and university staff
- subject to the management agreement between the Commonwealth of Virginia and Virginia Tech, the board has full responsibility for the management of Virginia Tech.

1.1.3 Governance by Shared Responsibility

There is a wide recognition of the complexity of university governance and general acknowledgment of the need for faculty, staff, and student participation in the conduct of university affairs. The University Council, university commissions, university advisory council, and university standing committees provide an
The University Council and university commissions constitute the main resident bodies for policy formulation. Their memberships include representatives from administration, Faculty Senate, Staff Senate, college faculty associations, administrative and professional faculty, Graduate Student Assembly, Student Government Association, and representatives from other groups where appropriate. The university commissions formulate and recommend policies to the University Council, which in turn makes recommendations to the president. Final authority rests with the president and the Board of Visitors.

The constitutions and bylaws of the University Council, Faculty Senate, Staff Senate, and Graduate Student Assembly are published on their respective Virginia Tech websites:

- University Council
- Faculty Senate
- Staff Senate
- Graduate Student Assembly
- Student Government Association

Persons concerned with the governance of the university are encouraged to consult the constitutions and bylaws of these organizations. The constitution and bylaws of the University Council contain the membership lists for the council, commissions, and committees. Also available are lists of the specific persons who hold membership on the various bodies. The Office of the Vice President for Policy and Governance maintains membership lists available on the governance website (www.governance.vt.edu).

1.1.4 University Advisory Council on Strategic Budgeting and Planning

The university Advisory Council on Strategic Budgeting and Planning serves a primary advisory role for the university budgeting and planning processes. It reports jointly to the president and the University Council. Areas for consideration include: monitoring the university’s planning and budgeting processes; participating in and advising on the development of biennial budgets, formulation of the university plan, development of university capital and facilities plans, and available resources; consulting on other budget and planning matters; addressing matters of policy relative to budget and planning appropriate for governance consideration and, in such instances, making recommendations to the University Council.

1.1.5 University Council

The function of the University Council is to advise the president on matters of university governance; to accept functions and authority delegated to it by the president; and to review and make recommendations on matters of concern to university faculty, staff, students, and administration. Any council member, in accordance with its constitution and bylaws, may place such matters on the University Council agenda. The University Council refers appropriate matters to the commissions, advisory councils, Faculty Senate, Staff Senate, groups, or individuals for consideration and recommendation.

1.1.6 University Commissions

University commissions are responsible for fulfilling their charge as outlined in the University Council constitution and bylaws. The University Council secretary maintains an accessible record of university operational committee chairs, members, and approved minutes of meetings. Each university operational committee maintains approved meeting minutes for publishing by the University Council secretary. The commissions are:

- Commission on Administrative and Professional Faculty Affairs
- Commission on Equal Opportunity and Diversity
1.1.7 University Committees

On recommendation of the University Council, the president constitutes on a continuing basis the university standing committees to address matters of a university-wide interest. Each standing committee reports directly to at least one commission. The university standing committees are:

- Academic Support Committee
- Athletics Committee
- Campus Development Committee
- Commencement Committee
- Employee Benefits Committee
- Energy and Sustainability Committee
- Faculty Honorifics Committee
- Graduate and Professional Curriculum Committee
- Honor Council
- Information Technology Services and Systems Committee
- Intellectual Property Committee
- Library Committee
- Pathways General Education Curriculum Review Committee
- Transportation and Parking Committee
- Undergraduate Curriculum Committee
- University Curriculum Committee for General Education

The president constitutes ad hoc and special committees as needed. In addition, university operational committees are constituted on a continuing basis and appointed by the president, provost, or vice president. These committees deal with matters of university-wide interest that fall primarily within the responsibilities of the appointing officer. Unless made the subject of specific legislation to the contrary, each university operational committee is constituted, charged, and staffed as the appointing administrative officer deems appropriate. The secretary of the University Council maintains a record of university operational committee chairs, members, and approved minutes of meetings so that the information is accessible. Each university operational committee maintains approved minutes of its meetings and provides a copy to the secretary of the University Council.

1.1.8 University Policies, Administrative Policies, and Presidential Policy Memoranda

University Policies

In addition to policies outlined in the Faculty Handbook, university policies are generally applicable to more than one office or department of the university. University Council and the university commissions constitute the main resident bodies for university policy formation. The university commissions formulate and recommend policies to the University Council, which in turn, makes recommendations to the university president. Final authority rests with the university president and the Board of Visitors.
Presidential policy memoranda provide information regarding policies and procedures that apply to specific situations, groups, or individuals. Presidential policy memoranda are issued by the university president and are available on the university’s policy website (www.policies.vt.edu).

Administrative Policies

Administrative policies are issued by the vice presidents who are responsible for the accuracy and timeliness of policies and procedures relating to their areas. This responsibility includes conducting a review of policies at least every four years and issuing proper notification of changes and updates to policies and procedures.

Presidential Policy Memoranda

Presidential policy memoranda provide information regarding policies and procedures that apply to specific situations, groups, or individuals. Presidential policy memoranda are issued by the university president and are available on the university’s policy website (www.policies.vt.edu).

The president may approve exceptions to any policy excluding matters prescribed by state or federal law or those policies that require approval by the Board of Visitors.

The Office of the Vice President for Policy and Governance (OVPPG) serves as the policy manager for the university and administers the policy review process, coordinates communication of new and revised policies to the university community, and maintains the official university policy archive including the university’s official list of policies and policy numbers. The OVPPG maintains the university policies website, which is the official repository of record for university policies.

1.2 Additional Governance Organizations

1.2.1 College Faculty Associations

The general faculty is formally organized by faculty associations in the colleges of Agriculture and Life Sciences, Architecture and Urban Studies, Engineering, Liberal Arts and Human Sciences, Natural Resources and Environment, Science, and Veterinary Medicine, as well as in the University Libraries and Virginia Cooperative Extension (“Extension”). These associations have constitutions that designate the purposes of the association, membership, officers, election procedures, standing committees and their duties, and other organizational and procedural matters. The Pamplin College of Business vests similar rights and responsibilities on its faculty members through a less formal structure.

The Virginia Tech Carilion School of Medicine (VTCSOM) faculty are formally organized in a faculty assembly composed of faculty with a primary appointment to the VTCSOM of any rank on the tenure-to-title track and non-tenure-to-title track and faculty with a secondary appointment to VTCSOM of any rank. Further information regarding the VTCSOM faculty assembly is available in the VTCSOM Faculty Guidelines.

1.2.2 Staff Senate

The purpose of the Staff Senate is to create an effective staff organization that fosters collaborative and cooperative shared responsibility among staff, faculty, administration, and students to promote the general welfare of the university.

The functions of the Staff Senate are to serve as the representative body for staff employees of Virginia Tech; to act in an advisory capacity to the university administration and governance system; to appoint or recommend staff representatives to University Council, commissions, advisory councils, and committees; to facilitate the exchange of information between staff and the administration; to foster a spirit of unity and cooperation; to provide referral for individual concerns and problems to appropriate organizations or
personnel, and to accept and share responsibility with the administration, faculty, and students in all efforts to attain the stated goals of the university.

1.2.3 Student Government Association

The Student Government Association (SGA) is the official representative body for undergraduate students. Popular elections for officers and senators of SGA are held annually each spring. Senators are elected within academic colleges to represent proportionate enrollment in each respective college. The student senate and house make up the legislative branch of the SGA. The representatives to the house are elected or appointed by student organizations across the university.

The functions of the Student Government Association are to express opinion on university affairs as the legislative branch of the SGA deems appropriate and necessary; to establish an effective means for advising and responding to the University Council, university commissions, the university administration, the Faculty Senate, the Board of Visitors, and the public on university affairs; to participate in the formulation of academic and educational policies that concern more than one college, division, or center at the university; to consider policies, programs, and other matters as the administration, college faculties, student organizations, and individuals of the university may propose; to afford avenues and procedures whereby communications within the university may flow freely, fully, and systemically; to help create, maintain, and protect a university environment conducive to the richest growth of scholarship, learning, teaching, research, and respect or dignity and rights, and to accept and share responsibility with the administration and faculty in all efforts to improve the stature and value of the university.

1.2.4 Graduate Student Assembly

The Graduate Student Assembly (GSA) is the governing and representative body of on-and off-campus graduate (and professional) students. The graduate students in each degree-granting department elect two members to the assembly. Every year the GSA governing board and delegates work to improve campus life, scholarly development, and the graduate community by creating and implementing goals based on the issues and concerns of graduate and professional students at Virginia Tech.

The functions of the Graduate Student Assembly are to represent the interests of graduate and professional students in all university activities and to facilitate the exchange of information between the university and graduate and professional students; to solicit, compile, and promote graduate and professional student opinions and concerns and to develop and recommend policies concerning graduate and professional students to the university; to cooperate and communicate with the graduate school and other university administrative bodies to improve the quality of graduate and professional educational programs, graduate and professional academic activities including research and graduate teaching programs, and to provide and develop relevant programs for the augmentation of graduate and professional student life and welfare.

1.2.5 Faculty Senate

The purpose of the Faculty Senate is to create an effective faculty organization that can enter into partnership for shared responsibility and cooperative action between the faculty, staff, administration, and students to promote the general welfare of the university.

The membership of the Faculty Senate consists of elected faculty members. A faculty member is eligible to be elected to the Faculty Senate and to vote in the election of faculty senators if the faculty member holds: (1) the rank of professor, associate professor, assistant professor, or instructor [this includes faculty in the clinical professor series, professor of practice series, collegiate professor series, and all ranks of instructor]; (2) a full-time and continuing appointment to the university; (3) an appointment or tenure in an academic department, University Libraries, or Extension.
Although otherwise qualified, those faculty members in administrative positions at the college level, the university level, or University Libraries, and those faculty members studying for a degree at the university are ineligible.

Faculty Senate members, though uninstructed representatives of their constituents, have the responsibility to seek the opinions of their electorate. Having done so, they make decisions and vote on matters brought before the Faculty Senate according to their own reasoned judgment.

The functions of the Faculty Senate are to establish within the laws applicable to the university an effective means for advising and responding to the university commissions, the University Council, the administration, and the Board of Visitors on university affairs; to express opinion on university affairs as the Faculty Senate deems appropriate and necessary; to participate in the formulation of academic and educational policies that concern more than one college, division, or center; to consider policies, programs, and other matters that the administration, college faculties, student organizations, and individuals of the faculty may propose; to afford avenues and procedures whereby communications within the university may flow freely, fully, and systematically; to help create, maintain, and protect a university environment conducive to the richest growth of scholarship, learning, teaching, research, service, and respect for human dignity and rights; to accept and share responsibility with the administration, staff, and students in all efforts to improve the stature and usefulness of the university, and to provide university faculty with a voice in matters of broader concern.

The standing committees of the Faculty Senate are the Committee on Reconciliation, the Faculty Review Committee, and the Committee on Faculty Ethics. The Faculty Senate cabinet is comprised of the officers and representatives of each of the colleges and the University Libraries. It is concerned primarily with the general business of the Faculty Senate. The president of the Faculty Senate may create additional work groups and ad hoc committees as necessary to address specific issues or concerns of the faculty.

1.2.5.1 Committee on Reconciliation

The Committee on Reconciliation is composed of eight tenured faculty members eligible for membership in the Faculty Senate. Faculty appointed to administrative positions with responsibility for recommending promotions, salary adjustments, and distribution of teaching, research, and Extension assignments are ineligible for membership. The function of this committee is to offer advice and counsel to faculty members who seek it, particularly in relation to disputes with immediate supervisors or university administrators.

The committee has a designated role within the grievance process to assist in resolving disputes that are eligible for consideration as a grievance if so requested by the faculty member. The Committee on Reconciliation can help facilitate conversations between faculty members and their supervisors with the goal of reaching mutually agreeable solutions. See the relevant grievance procedure for guidance on valid and ineligible issues for grievance that define the committee’s purview in relation to the grievance process. Faculty members who wish to engage the assistance of the committee in the context of a potential grievance submit their request concurrently to the Office of the Executive Vice President and Provost and the chair of the Committee on Reconciliation within 30 calendar days of the time when the faculty member knew, or should have known, of the event or action that is the basis for the potential grievance. The Executive Vice President and Provost automatically grants a 60-day postponement of grievance timelines for the Committee on Reconciliation to attempt to resolve the complaint between the parties.

In addition, faculty members may consult the Faculty Senate Committee on Reconciliation concerning serious disagreements with immediate supervisors or other university administrators regarding issues that are not eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution
of the dispute. The Office of the Executive Vice President and Provost need not be notified to initiate discussions with the committee in such instances.

Cooperation and candor from all members of the university community are prerequisite to the successful functioning of the Committee on Reconciliation in investigating serious and delicate circumstances. Confidential information concerning personnel and academic issues may be shared with the committee. The committee keeps no written records and treats all matters with utmost sensitivity.

In conducting its work, the Committee on Reconciliation takes special measures to assure that participating members have no conflict of interest in the matter. In contrast to the Faculty Review Committee, which has responsibility for formally investigating a grievance through hearings, calling witnesses, and collecting and assessing evidence prior to rendering its judgment, the Committee on Reconciliation operates informally as a facilitator. It meets with the respective parties to determine if there is common ground for resolution of the matter, facilitating a solution that is agreeable to the principal parties and consistent with university policy and practice.

Generally, the faculty member initiates the request for assistance of the committee; however, an administrator may seek the committee’s involvement in resolving a dispute with a faculty member. Both parties to the dispute must agree to be participants in the reconciliation process. If no resolution is reached, the matter reverts to formal review as part of the grievance process if the matter is eligible for such consideration.

1.2.5.2 Faculty Review Committee

The Faculty Review Committee (FRC) includes a minimum of two faculty members from each college and two each from the University Libraries and Extension faculty. Additional members from colleges are appointed in direct proportion to a college’s representation in the Faculty Senate. The president of the Faculty Senate, in consultation with the cabinet, appoints the chair. The chair is either a member of the senate or a member of the FRC. FRC members appointed by the Faculty Senate president in consultation with the senate cabinet, must, at the time of their initial appointment, have served on their college or equivalent promotion and tenure committee or in the Faculty Senate. Members cannot serve on a university or college promotion and tenure committee and serve simultaneously on the Faculty Review Committee. In the event that no eligible faculty members from a particular college or the University Libraries or Extension are identified as willing and able to fill a vacant position on the FRC, the Faculty Senate president, in consultation with the senate cabinet, appoints the appropriate number of tenured faculty members to complete the membership of the FRC.

The functions of the Faculty Review Committee are: to provide faculty review of faculty grievances and to consider appeals in the promotion and tenure or continued appointment process when the provost does not concur with a positive recommendation from the University Committee on Promotion and Tenure (see chapter three, “Appeals of Decisions on Reappointment, Tenure, or Promotion”) or the University Committee on Promotion and Continued Appointment (see chapter four, “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion”).

The Faculty Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

The Faculty Review Committee reports annually to the Faculty Senate cabinet on the number of cases handled, the disposition of the case, and on the effectiveness of the review process.

Separate grievance procedures exist for administrative and professional faculty and for research faculty. See the relevant sections of this handbook for a description of those appeal processes.
1.2.5.3 Committee on Faculty Ethics

The Committee on Faculty Ethics (CFE) receives and considers charges of violations of faculty ethics that abrogate the principles of ethical behavior set forward in chapter two of the *Faculty Handbook*, “Professional Responsibilities and Conduct.” The CFE also acts to promote knowledge of and adherence to the principles of ethical behavior.

The Committee on Faculty Ethics is not used to seek remedies such as monetary damages. The CFE does not act when legal, mediation, or other proceedings are initiated or are ongoing by complainants that render the CFE's pursuit of an investigation redundant or disruptive. The CFE does not act on matters that are referred or should be referred for investigation and action to an administrative officer, supervisor, or another appropriately charged committee in accordance with university policies and procedures. Complaints concerning personnel actions taken by a supervisor are handled by the applicable grievance procedure. If ethical issues arise from, or remain unresolved following such proceedings, the CFE is available to receive or consider charges of violations of the principles in chapter two of the *Faculty Handbook*, “Professional Responsibilities and Conduct.”

The Committee on Faculty Ethics is composed of one faculty member from each college, one from the University Libraries faculty and one from the Extension faculty with continued appointment. The president of the Faculty Senate, with the advice of the senate cabinet, appoints committee members. All CFE members hold tenure or continued appointment. The senate president designates one committee member to serve as chair. Voting members of the CFE serve a two-year appointment and are limited to serving two consecutive terms. A quorum of the CFE consists of two-thirds of the appointed members.

While the Committee on Faculty Ethics is not a legal body, conflicts of interest may affect members’ judgment on a given case. All members of the CFE are required to disclose any potential conflicts of interest with regard to cases that come before the CFE. Decisions concerning recusal are made by the individual member in consultation with the committee as a whole. In the event of a conflict of interest concerning the chair of the CFE, the chair steps down from that position during the course of any discussion or investigation of that case. In such a situation, the president of the Faculty Senate appoints an interim chair from within the current CFE membership. Decisions with regard to the chair’s recusal from the committee itself are made in consultation with the committee and the Faculty Senate president.

Anyone may bring incidents to the Committee on Faculty Ethics by writing to the chair of the CFE. The CFE decides if a violation may have occurred and may conduct investigations, as it deems appropriate. The CFE informs those involved of its findings and the processes and rationale by which the findings were formulated as described in the CFE operating procedures. When it is determined that a breach of faculty ethics has occurred, the CFE’s findings along with its recommendations are reported to appropriate administrative personnel including, when appropriate, the Faculty Senate president. Strict confidentiality is maintained. The CFE operating procedures are available on the Faculty Senate website.

The Committee on Faculty Ethics chair annually provides a summary of the committee’s activities to the Faculty Senate.

1.3 Central Administration

The university’s central administration includes the president, executive vice president and provost, senior vice president and chief business officer, vice presidents, and deans.

1.3.1 President

Virginia Tech’s president is appointed by the Board of Visitors to initiate proposed policies, to execute approved policies, and to administer the university. The president serves as the authorized officer through whom communication takes place between the board and the other officers of administration or instruction.
employed by the university. The board, as the governing authority of the university, delegates authority to
the president to oversee and to administer the policies of the board and manage the administrative,
instructional, research, and public service programs of the university.

Positions reporting directly to the president include the following: the executive vice president and
provost; senior vice president and chief business officer; vice president for advancement; vice president
and executive director of the Innovation Campus, vice president for strategic affairs and diversity;
executive director of the office of the president; director of athletics; executive director of audit, risk, and
compliance; executive director of government relations; university legal counsel; and the university
ombuds. The director of audit, risk, and compliance has a dual reporting line to the president and Board of
Visitors. The vice president for strategic affairs and diversity has a dual reporting line to the president and
effective vice president and provost.

The president’s executive staff reports directly to the president and includes the following: the executive
vice president and provost, senior vice president and chief business officer, vice president for advancement,
vice president for strategic affairs and diversity, inclusion, and strategic affairs, and the executive director
of the office of the president. Other diversity. Other direct reports to the president include the vice
president and executive director of the Innovation Campus, director of athletics; executive director of audit, risk,
and compliance; the executive director of governmental relations; university legal counsel; the vice
president for information technology and chief information officer, and the university ombuds. The
director of audit, risk, and compliance has a dual reporting line to the president and Board of Visitors. The
vice president for strategic affairs and diversity has a dual reporting line to the president and
effective vice president and provost.

The directors and executive officers of individual agencies, services, and regulatory activities report directly
to the vice president under whom the president has placed each organization.

The President’s Cabinet includes senior university leaders and serves in an advisory capacity to the
president. Periodic evaluations of their effectiveness in this capacity occur every five years. Members of the cabinet also serve on the President’s Council, which is focused on continuous
strategic planning and priorities that support the university’s strategic plan.

President’s Executive Staff | Cabinet membership includes:
- executive vice president and provost
- senior vice president and chief business officer
- vice president for advancement
- vice president for strategic affairs and diversity, inclusion, and strategic affairs
- executive director of the office of the president

President’s Council membership includes: President’s Leadership Team:
- President’s Cabinet members
- members of the president’s executive staff, and vice president for business affairs, special assistant
to the president, athletics director
- chief executive officer, Virginia Tech foundation
- executive director of audit, risk, and compliance
- vice president for finance
- executive director of government relations
- vice president for health sciences and technology
- senior associate vice president for university relations
- university legal counsel
- vice president for human resources
- vice president for information technology, and chief information officer
- vice president for operations
- vice president for outreach and international affairs
- vice president for policy and governance
- vice president for research and innovation
- vice president and executive director of the Innovation Campus
- vice president for student affairs
- vice president and dean for graduate education
- council of college deans representative
1.3.2 Executive Vice President and Provost

The executive vice president and provost (provost) serves as the university's chief executive officer in the president's absence, and assists the president in the administration, coordination, and development of the university's learning, discovery, and engagement programs. The provost is responsible for maintaining the university's relations with the academic program function of the State Council of Higher Education for Virginia (SCHEV). Reporting to this officer are:

- college deans (nine)
- dean of University Libraries, dean of the Honors College
- vice provosts (five)
  - vice provost for academic resource management
  - vice provost for enrollment management
  - vice provost for faculty affairs
  - vice provost for learning systems innovation and effectiveness
  - vice provost for undergraduate academic affairs
- associate provost for the arts and executive director of the Moss Arts Center
- director of the Institute for Creativity, Arts, and Technology
- associate provost/executive director technology-enhanced learning and on-line strategies (TLOS)
- academic vice presidents (seven)
  - vice president and dean for graduate education
  - vice president of health sciences and technology
  - vice president of national capital region for strategic alliances
  - vice president for outreach and international affairs
  - vice president for research and innovation
  - vice president for student affairs
  - vice president for strategic affairs and diversity, inclusion and strategic affairs (dual reporting to president and provost)

1.3.3 Senior Vice President and Chief Business Officer

The senior vice president and chief business officer (SVP&CBO) is the university's chief financial, administrative, and operations officer. The SVP&CBO is responsible for the financial, administrative, physical, technological, and operational infrastructure of the university and leads these areas in support of its teaching, research, and outreach missions. The SVP&CBO partners with the president, executive vice president and provost, the President's Cabinet, and other university leaders to advance the university's priorities. Reporting to the senior vice president and chief business officer are:

- vice president for business affairs
- vice president for campus planning, infrastructure, and facilities
- vice president for finance
- vice president for human resources
- vice president for information technology and chief information officer
- vice president for operations
- vice president for policy and governance
- associate vice president for safety and security
- assistant vice president of the Office for Equity and Accessibility
1.4 University Academic Administration

1.4.1 College Deans

The deans are responsible for the academic activities of their respective college. These responsibilities include the allocation and administration of resources, appointment and evaluation of faculty and support staff, and curriculum development. The department heads or chairs report directly to their respective dean for all matters related to the programs of the college.

For purposes of accreditation, the academic deans, or their designees, are responsible for ensuring compliance with college-level “substantive change” as defined by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The deans are responsible and accountable for monitoring and timely reporting of all actions that may require a substantive change notification and/or approval. Examples of substantive changes are outlined in Policy 6500, “Academic Programs: Creation, Discontinuance and Delivery Site”.

The deans of the colleges are appointed by the provost and may be reappointed indefinitely. Periodic evaluations of their effectiveness in this capacity occur every five years.

- College of Agriculture and Life Sciences
- College of Architecture and Urban Studies
- Pamplin College of Business
- College of Engineering
- College of Liberal Arts and Human Sciences
- College of Natural Resources and Environment
- College of Science
- Virginia-Maryland Regional College of Veterinary Medicine
- Virginia Tech Carilion School of Medicine

1.4.2 Academic Department Administration

The colleges are comprised of academic departments and/or schools. Departments are under the supervision of department heads, chairs, or school directors, who report to the dean of the college.

Department heads or chairs are responsible for the growth and vigor of academic programs, recruitment and retention of faculty, administration of the curriculum, and the budget of their department. In certain cases, some of these responsibilities may be delegated.

Department heads or chairs serve for fixed-length terms, specified by the dean. The dean, in consultation with department faculty, analyzes the results of reviews conducted prior to reappointment and decides the length of term and procedures for renewal. The president or the provost authorizes the appointment.

Faculty committees are integral to departmental and college governance and are formed in departments to make recommendations and otherwise assist the head or chair in curricular modification, in the selection of new faculty, and in the determination and application of policies.

1.4.3 Dean of University Libraries

The dean of University Libraries directs the University Libraries in providing the university with information collections and services necessary to support the learning, discovery, and engagement programs of the university. The dean allocates and administers resources, and appoints and evaluates faculty and staff in support of University Libraries goals. The dean reports to the provost.

The provost appoints the dean of University Libraries who may be reappointed indefinitely. An evaluation of the dean’s effectiveness in this capacity occurs every five years.
1.4.4 Dean of Honors College

The dean of the Honors College directs the college in its mission to provide extraordinary educational opportunities for students of exceptional motivation and ability. The dean allocates and administers resources in support of the goals of the Honors College. The provost appoints the dean of the Honors College, who may be reappointed indefinitely. A periodic evaluation of the dean’s effectiveness in this capacity occurs every five years.

1.4.5 Director of Virginia Cooperative Extension

The director of Virginia Cooperative Extension (VCE) reports to the dean of the College of Agriculture and Life Sciences and is responsible for the administration of VCE programs in cooperation with the U.S. Department of Agriculture and state and local governments, as well as the Cooperative Extension Service Program at Virginia State University. The director is responsible for VCE programs in agriculture, community and leadership, family, food and health, lawn and garden, natural resources, and 4-H/youth. VCE programs are offered in three of the university colleges and the director administers these programs under the guidance of a committee chaired by the provost. The committee includes the vice president for finance and chief financial officer, vice president for outreach and international affairs, vice president for research and innovation, director of VCE, director of the Agricultural Experiment Station, and deans of the colleges of agriculture and life sciences, natural resources and environment, and veterinary medicine.
CHAPTER TWO

2.0 Employment Policies and Resources for All Faculty

Faculty employment and policies are under the purview of the Board of Visitors.

The Board of Visitors holds the authority to approve all faculty appointments. This authority has been delegated to university officials for certain types of new appointments, generally including non-tenure positions and restricted appointments.

Final approval by the Board of Visitors is required for new appointments of instructional and research faculty members on the tenure-track or continued appointment-track, including those appointed with tenure or continued appointment; faculty ranked athletic personnel; senior administrators (such as deans and vice presidents) and their direct reports; and administrative and professional faculty members reporting directly to the president and their direct reports.

The Board of Visitors annually approves a faculty compensation plan, which is prepared using parameters provided by the commonwealth’s secretary of education in the Consolidated Salary Authorization for Faculty Positions in Institutions of Higher Education. In accordance with the Consolidated Salary Authorization, the faculty compensation plan provides information about the promotion and tenure process; the annual evaluation and salary adjustment process for teaching and research (T&R) faculty, administrative and professional (A/P) faculty, and research faculty; salary adjustments within the evaluation period, and the pay structure.

All faculty are required to report annually on their research and scholarship, creative works, teaching, extension, outreach, and service activities, as applicable. Guidance on annual faculty reports is provided by department, college, or administrative unit, as appropriate.

2.1 General Faculty and Faculty Categories

The general faculty is composed of those faculty members outside the classified and university staff personnel system who are appointed to carry out the learning, discovery, and engagement programs of the university; carry out general university administration; or provide academic support to those programs.

Appointments to the general faculty may be made for which there is no presumption or consideration of renewal. Such appointments are called “restricted” and should be so designated.

The General Faculty is comprised of five categories for the purposes of applying faculty policies especially those related to promotion and tenure or continued appointment.

- College Faculty: tenure-track and tenured faculty and instructional faculty not on the tenure track
- University Libraries Faculty
- Extension Faculty
- Administrative and Professional (A/P) Faculty
- Research Faculty

2.2 College Faculty, Tenure-Track and Instructional Faculty not on the Tenure Track

The college faculties are composed of tenured and tenure-track faculty (sometimes referred to as Teaching and Research or T&R faculty) and instructional faculty not on the tenure track, with full- or part-time positions in academic departments or schools in the colleges. (Subsequent references to departments or schools within a college are subsumed in this handbook under the term “department.”)
Members of the college faculty who relinquish full-time responsibilities in a college department to assume responsibilities elsewhere at the university may choose to continue to have their professional development evaluated by that department and college. The same is true for someone who accepts a position in the University Libraries faculty, Extension faculty, or in the administrative and professional faculty. The evaluation for promotion in rank or the awarding of tenure is done according to the criteria and procedures of promotion and tenure for college faculty. Tenure already granted need not be relinquished. Annual evaluation for merit salary adjustment is based on the responsibilities of the current position.

2.2.1 Tenure Track: (T&R) Faculty, terminal degree usually required, regular appointment

**Track:** tenure-track

**Ranks:** assistant, associate, and professor

Tenured and tenure track faculty typically require a terminal degree are labeled Teaching and Research (T&R) and are appointed to regular positions. Employment policies and procedures for tenured and tenure-track faculty are in chapter three of this handbook. Research and Extension faculty are also T&R faculty, although their duties may have a relatively small instructional component.

2.2.2 Instructional Faculty not on the Tenure Track

College faculty may also be instructional faculty not on the tenure track appointed to regular or restricted positions. Non-tenure-track instructional faculty employment policies and procedures are described in chapter five of this handbook.

<table>
<thead>
<tr>
<th>Track</th>
<th>Ranks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instructor</td>
<td>Instructor, Advanced Instructor, or Senior Instructor</td>
</tr>
<tr>
<td>Visiting or Adjunct Professor</td>
<td>Assistant, Associate, or Professor</td>
</tr>
<tr>
<td>Professor of Practice</td>
<td>Assistant, Associate, or Professor</td>
</tr>
<tr>
<td>Clinical Faculty</td>
<td>Clinical Instructor, Clinical Assistant, Clinical Associate, or Clinical Professor</td>
</tr>
<tr>
<td>Collegiate Professor</td>
<td>Collegiate Assistant Professor, Collegiate Associate Professor, or Collegiate Professor</td>
</tr>
<tr>
<td>Lecturer</td>
<td>Administrative and Professional Faculty</td>
</tr>
</tbody>
</table>

2.3 University Libraries Faculty including those on the Continued Appointment-Track Ranks: Assistant, Associate, and Professor

Employment policies and procedures for University Libraries faculty with continued appointment or on the continued appointment-track are in chapter four of this handbook. University Libraries faculty may or may not hold appointment in a college. They perform a unique and indispensable function in the educational process and share many of the professional concerns of their college colleagues. The university recognizes the need to protect the academic freedom of librarians in their responsibility to ensure the availability of
information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn.

The rank held by a faculty member in the University Libraries Faculty does not imply a particular rank in any college department. University Libraries faculty may hold concurrent adjunct status in a college department to formally recognize their contributions to the undergraduate or graduate program. College guidelines for University Libraries faculty can be found at https://vtechworks.lib.vt.edu/bitstream/handle/10919/8187/Faculty_appointment_guidelines.pdf?sequence=1&isAllowed=y.

2.4 Extension faculty including those on the Continued Appointment Track

<table>
<thead>
<tr>
<th>Track</th>
<th>Ranks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continued Appointment</td>
<td>Assistant, Associate, or Professor (Continued Appointment only)</td>
</tr>
<tr>
<td>Extension Agent</td>
<td>Associate Extension Agent, Extension Agent, or Senior Extension Agent</td>
</tr>
<tr>
<td>Extension Specialist</td>
<td>Associate Extension Specialist, Extension Specialist, or Senior Extension Specialist</td>
</tr>
<tr>
<td>4-H Center Program Director</td>
<td>Associate 4-H Center Program Director, Program Director, or Senior Program Director</td>
</tr>
</tbody>
</table>

Employment policies and procedures for Extension faculty with Continued Appointment or on the Continued Appointment-Track are in chapter fourteen of this handbook. Extension faculty not on the Continued Appointment Track are Administrative and Professional (A/P) faculty and covered by polices in chapter seven.

Extension faculty may or may not hold appointment as college faculty members. They are, nonetheless, subject to high professional standards in the dissemination of knowledge through the Virginia Cooperative Extension programs and in the planning and delivery of educational programs and programs of assistance to industries and local governmental agencies. In these functions, Extension faculty share many of the professional concerns of their college colleagues, including the need for the protection of academic freedom in these responsibilities.

The rank held by a faculty member in Extension does not imply a particular rank in any college department. Extension faculty may hold concurrent adjunct status in a college department to formally recognize their contributions to the undergraduate or graduate program.

2.5 Administrative and Professional Faculty Rank: Lecturer, Instructor

Administrative and professional (A/P) faculty employment policies and procedures are described in chapter seven of this handbook. A/P faculty may or may not hold appointment as college faculty members. Policies regarding the assignment of a faculty rank in a college department for an administrative or professional faculty member are in chapter seven.

2.5.1 Administrative faculty

Administrative faculty, also referred to as senior administrators, typically serve in executive level leadership roles such as vice president, dean, assistant or associate vice president or dean, or director of a major unit. They perform work directly related to management of the institution, college, or an administrative
department. Administrative faculty usually have a rank other than lecturer, may hold an academic rank in a college department, and may be tenured or have a continued appointment.

2.5.2 Professional faculty

Professional faculty, also referred to as managers and professionals, may direct or provide support for academic, administrative, Extension, outreach, athletic, or other programs. They may also provide vital university functions such as information technology, budget or finance, human resources, public relations, development, and architectural or engineering functions. Advancement is recognized by salary adjustment and/or a change in functional title rather than promotion in faculty rank.

2.6 Research Faculty

<table>
<thead>
<tr>
<th>Track</th>
<th>Ranks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research Professor</td>
<td>Research Assistant Professor, Research Associate Professor, or Research Professor</td>
</tr>
<tr>
<td>Research Associate</td>
<td>Research Associate or Senior Research Associate</td>
</tr>
<tr>
<td>Research Scientist</td>
<td>Research Scientist, or Senior Research Scientist</td>
</tr>
<tr>
<td>Postdoctoral Associate*</td>
<td>Postdoctoral Associate</td>
</tr>
<tr>
<td>Project Associate**</td>
<td>Project Associate, Senior Project Associate, and Project Director</td>
</tr>
</tbody>
</table>

Research faculty employment policies and procedures are described in chapter six of this handbook. Faculty designated to promote and expedite university research activities and who have responsibilities primarily in the research area are considered research faculty. Research faculty are typically employed on sponsored grants and contracts for a restricted period to carry out research or outreach projects.

*Postdoctoral Associate positions are administered and supported by the Office of the Vice President for Research and Innovation

**Effective August 2020, no new positions will be hired in this track and ranks. 2.6.1 Affiliated Research Faculty

Occasionally, individuals outside of university employment are identified to team with university faculty to enhance research opportunities through departments. To support these associations, the university has developed the affiliated research faculty program. Affiliated research appointments may be made for individuals connected to specific academic departments or may be made through research institutes or centers. Affiliated research appointments may also be established to facilitate research partnerships. This program may address occasions where a university faculty member has a spouse or partner who also has professional academic credentials, but who has not found appropriate employment opportunities. The vice president for research and innovation reviews nominations from departments, colleges, or the provost, and approves appropriate applications. See chapter six, “Affiliated Research Faculty,” for more information.
2.7 The Faculty of Health Sciences

The Faculty of Health Sciences (FHS) promotes continued growth, improvement, and integration in biomedical and health sciences research and educational programs at Virginia Tech. The FHS serves as an organizational home for (a) faculty members who are appointed to it due to their research, teaching, outreach, and/or administrative accomplishments and responsibilities, and (b) interdisciplinary graduate programs in biomedical and health sciences. Faculty appointed to the FHS must have a graduate or professional degree in a relevant discipline.

Faculty appointments to the FHS are term appointments, ranging from one to five years, and are renewable without limit with the agreement of all appropriate parties. The FHS does not award tenure. A faculty member employed by Virginia Tech must have a primary appointment in a senior management unit—a college or school, an institute, or a vice presidential unit. Faculty members employed at other institutions who wish to be appointed to the FHS must have an adjunct or affiliated appointment in a Virginia Tech senior management unit—a college or school, an institute, or a vice presidential unit.

2.7.1 Leadership of the Faculty of Health Sciences

The provost appoints the vice president of health sciences and technology to lead the Faculty of Health Sciences. The vice president reports directly to the provost. The vice president enhances health science-related work across the university; leads efforts to develop curriculum, research, and engagement at the intersection of health sciences and technology; expands interdisciplinary graduate programs in biomedical and health sciences; leads an internal advisory group that advises the senior leadership on new strategic directions and promising funding opportunities; and leads and facilitates coordination of clinical, research, and educational relationships internally and with external institutions.

2.7.2 Types of Appointments to the Faculty of Health Sciences

The vice president of health sciences and technology establishes a selection process for faculty appointments to the FHS, which is based on research, teaching, outreach, and/or administrative contributions to Virginia Tech’s biomedical and/or health sciences initiatives. The selection process involves an evaluation of the individual’s application and a recommendation to the provost. The provost makes the final decision and informs the individual of the outcome of the application by letter.

Appointments to the FHS may be made in any faculty category, with rank determined by qualifications. The usual title is [rank] of health sciences. Appointment to the FHS is a secondary title at the existing rank for current Virginia Tech Faculty members. Qualifications for appointment within each rank are described in the appropriate chapter of the Faculty Handbook. Faculty members with adjunct or affiliated appointments may be appointed using an unqualified title (assistant professor, associate professor, professor) followed by “of health sciences,” as the FHS does not award tenure and service in this role is not tenure-earning.

2.8 The Faculty of the Virginia Tech Carilion School of Medicine (VTCSOM)

VTCSOM faculty members are of two types: faculty employed by the university or faculty employed by other entities (in most cases Carilion Clinic). At all times, regardless of employer, faculty members providing instruction, academic support, or performing academic duties or roles as a VTCSOM faculty member are governed by the university’s policies and procedures.

The VTCSOM initiates, defines, and contracts for professional services requested from a Virginia Tech faculty member. The contract may be for a buyout of the faculty member’s time through a sponsored project, or the faculty member may be paid directly through overload (wage) compensation. The payment mechanism reflects the level of time commitment, the ability of the department to release the faculty member from current assignments, and the needs of both Virginia Tech Carilion School of Medicine and the faculty member’s department at Virginia Tech.
As part of its commitment to partnership, Virginia Tech provides faculty mentorship of medical student research projects without additional compensation or buyout.

Faculty members employed by the university and whose appointment is in a college other than the VTCSOM are eligible for appointment in the VTCSOM. The dean of the VTCSOM administers a process for the selection and appointment of faculty members. The process includes coordination and agreement with the faculty member, the appropriate department heads or chairs, and the dean of the faculty member’s college. A recommendation is made to the provost who makes the final decision and communicates the decision to all parties. Appointments may be made in any faculty category with rank determined by qualifications. The usual title is (rank) of (discipline), for faculty members employed by the university this is a secondary title at the existing rank. Faculty members with adjunct or affiliated appointments may be appointed using an unqualified title (assistant professor, associate professor, professor) followed by the appropriate disciplinary designation (e.g. pediatrics). Faculty members employed by the university and with tenure-track or tenured appointments external to the VTCSOM earn or retain tenure in their primary department and college. Faculty members employed by the university are not eligible for tenure-to-title in the VTCSOM.

Payments made to Virginia Tech faculty members are made through an approved Virginia Tech payroll mechanism. Virginia Tech faculty members may not hold a private consulting contract with Virginia Tech Carilion School of Medicine since this would violate the Virginia Conflict of Interests Act.

2.8.1 Faculty Buyout Agreements with Virginia Tech Carilion School of Medicine

A buyout of the faculty member’s time is appropriate when the professional services requested are of longer duration and/or exceed 20 percent of the faculty member’s time (more than one day per week, for example). A buyout may also be used in the context of shorter duration commitments if determined to be in the best interest of Virginia Tech Carilion School of Medicine, the Virginia Tech department, and the faculty member. Buyouts work as any other sponsored project buyout, releasing salary savings to the department and/or college to hire behind as needed, and requiring approval by the department head or chair and dean.

2.8.2 Faculty Overload Payment Agreements with Virginia Tech Carilion School of Medicine

Overload or wage payments that are made directly to the faculty member are appropriate for short duration and/or occasional professional services rendered to Virginia Tech Carilion School of Medicine (usually up to 20 percent time or one day per week). The rate of payment is established by the Virginia Tech Carilion School of Medicine as a general rate of compensation or in individual negotiation with the faculty member.

Faculty members may earn up to 33 1/3 percent of their current salary through all overload wage payments, including the Virginia Tech Carilion School of Medicine, continuing education, or other authorized special wage payments during the period of their Virginia Tech contract. Faculty on 10-, 11-, or 12-month research extended appointments may also earn up to this limit as overload compensation during their contract period.

Summer pay from all Virginia Tech sources (e.g., summer school, funded research paid as wages, Virginia Tech Carilion School of Medicine, etc.) for nine-month faculty members may not exceed 33 1/3 percent of the prior academic year salary.

Contracts for professional service to the Virginia Tech Carilion School of Medicine paid as overload compensation may not exceed the current time limitations defined in the consulting policy, which is one day per week or five days in a five-week period. Time limitations also include the accumulation of other types of authorized special or external activity, including continuing education and consulting. University policies on conflict of commitment (described in chapter two, “Faculty Commitment to the University”) set the expectation that a faculty member’s primary professional responsibility is to the university.
Overload agreements and payments require approval of the department head or chair and dean. In lieu of salary compensation, a faculty member may choose to receive an equivalent contribution to an operating allocation in support of professional activities.

Please see chapter 12, “Employment Policies and Procedures for Virginia Tech Carilion School of Medicine Faculty.”

2.9 Faculty Search Processes

Detailed information regarding faculty search resources are available on the Human Resources website. Please refer to that website for detailed information on the search process. These procedures found there apply to all types of full-time, regular faculty positions. Search exemptions may be approved under specified circumstances. Search procedures for research faculty are available on the Office of the Vice President for Research and Innovation Human Resources website. [HD1][HD2]

Upon position approval by In general, once approval for the position is granted the dean or appropriate vice president or their designee, search processes include

- the establishment of a representative search committee
- the development of a tailored, aggressive search strategy that usually includes national advertising in appropriate journals in the discipline
- personal contacts with colleagues
- follow up with female and underrepresented colleagues and doctoral students listed in relevant directories;
- other targeted efforts to identify a strong and diversified pool of candidates.

Prior to selecting candidates for interview, the search committee head reviews the diversity and strength of the candidate pool with the dean, vice president, or designee,[HD3], who makes a judgment as to whether additional recruitment efforts should be made. The committee reviews applications once a representative pool is established or recruitment strategies are exhausted. A limited number of candidates are usually invited for on-campus interviews. Prior to making an offer, the department head or chair reviews the search and interview process with the dean, vice president, or designee.

For appointments with tenure, review and recommendation by the applicable departmental promotion and tenure committee or continued appointment committee is sought before a decision is made to extend to a candidate a firm offer that includes the granting of tenure or continued appointment, or the award of a rank higher than assistant professor. An offer of faculty appointment with tenure may be made with the review and approval of the department head or chair, the department promotion and tenure committee, the dean, a university promotion and tenure subcommittee, the provost, and the president.

2.9.1 Equitable Searches

It is the policy of Virginia Tech to provide equal opportunity for all qualified individuals while rejecting all forms of prejudice and discrimination. Virginia Tech does not discriminate against employees, students, or applicants on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status; or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants; or any other basis protected by law. For inquiries regarding non-discrimination policies, contact the Office for Equity and Accessibility at 540-231-2010 or Virginia Tech, North End Center, Suite 2300 (0318), 300 Turner Street, NW, Blacksburg, VA 24061.

Virginia Tech is committed to ensuring that all qualified individuals with disabilities have the opportunity to take part in educational and employment programs and services on an equal basis. The aim is to provide
this opportunity in an integrated setting that fosters independence and meets the guidelines of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973.

Reasonable accommodations are made on an individual and flexible basis. Appropriate services include: (a) support, counseling, and information, (b) academic assistance services, (c) referral services, or (d) environmental modifications. However, it is the responsibility of individuals with disabilities to make their needs known and to provide documentation of a disability. It is the responsibility of the supervisor to comply with accommodation requests made by appropriate university offices. Appeals of requests are made through procedures stated in Policy 4075, “University Accommodations of Employees with Disabilities.”

Virginia Tech is committed to increasing the number of women and underrepresented faculty and administrators. This commitment is stated and elaborated in the affirmative action program, Executive Order 11246, and other documents filed with federal and state officials. The guidelines below are designed to ensure that searches are conducted affirmatively, resulting in greater faculty diversity.

2.9.2 Appointment and Reappointment Terms of Faculty Offer (TOFO) and Final Approval

All new appointments and reappointments are documented in the terms of faculty offer (often referred to as a “TOFO”) prepared by the department head or chair, approved according to procedures established by the dean or senior manager, signed by the candidate, and forwarded to Human Resources within the document tracking system (PageUp). The terms of offer (and the reappointment contract) for research faculty require prior review and approval by the Office of the Vice President for Research and Innovation. Approval for postdoctoral associate appointments is required by the office of the vice president for research and innovation. See the Human Resources website for the terms of faculty offer templates for each type of faculty appointment. The terms of faculty offer is intended to document the tenure or continued appointment status (tenured, tenure-track, non-tenure-track, continued appointment, or continued appointment-track), appointment status (regular or restricted, effective date and, if restricted, an end date), the appointment period (academic or calendar year) and length of the appointment, assigned faculty rank, and other conditions relevant to the employment offer. If the appointment is tenure-track or continued appointment-track, reference to prior service credit should be addressed, if relevant. All terms of faculty offer shall refer to further terms and conditions of employment contained in the Faculty Handbook.

The terms of faculty offer for a restricted appointment must state the length of the appointment. In cases where there is no expected opportunity for continuation, the terms of faculty offer document also serves as a notice of termination. Continuation of a restricted appointment, even during the specified appointment period, is subject to the availability of funds, the need for services, and satisfactory performance. This information is included in the terms of faculty offer. Related letters of offer or reappointment should not contain promises that the hiring unit is unable to keep; the university looks to the department to make good on defaults. The department head, chair's, or school director's approval is required before an offer is extended. Appointments to postdoctoral associate positions require approval from the office of the vice president for research and innovation.

2.10 Search and Appointment of Academic Leaders

2.10.1 Search and Appointment of Department Heads or Chairs or School Directors

When a vacancy occurs, the college dean requests that the department nominate members of its faculty for service on a search committee. The dean appoints the committee from among those nominated and may appoint additional members who shall constitute a minority of the committee.
The committee elects its chairperson and meets with the college dean to determine appropriate conditions of the position, such as rank and available resources. The dean should share with the search committee a realistic assessment of the college’s and university’s commitment to the department and its programs.

The position is nationally advertised unless the dean and the committee agree that the position should be considered a promotional opportunity restricted to candidates from faculty of the department without national advertisement. Such a decision should be reached only in a department having a quality of program and a maturity of development to afford several well-qualified candidates from within its own ranks. The decision may be influenced by the lack of a vacant faculty position in the department.

After professional credentials of candidates are reviewed, references and colleagues of the best-qualified candidates are consulted. A limited number of candidates (ordinarily three) are invited, on approval of the college dean, to visit the campus. The search committee, the college dean, and university officials, as available and appropriate, interview the candidates. Candidates also meet with selected students and faculty members in the department. The committee takes care to provide internal candidates with fair opportunities to make their qualifications equally well known.

The search committee seeks advice from those who meet with the candidates and makes its recommendations on the preferred candidate(s) to the college dean. The dean recommends the appointment of the department head or chair to the provost, but only after extensive consultation with the department faculty. It should, in effect, be a joint process.

2.10.2 Search and Appointment of Academic Deans

When a vacancy occurs, the provost determines the procedures that will be used for identifying qualified candidates. In addition, the provost requests nominations for membership on a search committee from the appropriate faculty members or faculty association. The provost appoints a search committee from the list of nominees and may appoint additional members who shall constitute a minority of the committee. When a vacancy occurs in an academic deanship that has university responsibility spanning colleges and other academic units, the search committee shall include faculty representatives from all appropriate colleges. The provost or designee serves as chairperson of the search committee. Ordinarily a national search is conducted.

After professional credentials of candidates are reviewed, references and colleagues of the best-qualified candidates are consulted. A limited number of candidates are invited to visit the campus. The search committee, representative department heads or chairs, academic deans, the vice presidents, and the president interview the candidates. Candidates also meet with selected students and faculty members of the college. The committee should take care to provide internal candidates with fair opportunities to make their qualifications equally well known.

The provost seeks advice from those who meet with the candidates and seeks agreement with the search committee on the candidate(s) to be recommended. The provost’s recommendation is made to the president, who then authorizes the extension of an offer.

2.10.3 Search and Appointment of Associate and Assistant Deans

When a vacancy occurs in the position of associate dean, assistant dean, or assistant to the dean, and the position does not involve responsibility for assignment of faculty activities or recommendations on salaries and promotions, it is filled on recommendation by the dean to the provost and the president. Department heads, chairs, or school directors and representative faculty should be consulted; a formal search committee is formed if the appointment is not limited to an internal promotional opportunity. If the position involves responsibility for assignment of faculty activities or recommendations on salaries and promotions, the search and selection procedures are similar to those used for deans, but the dean serves as chairperson of the search committee.
2.10.4 Search and Appointment of Executive Vice President and Provost, Senior Vice President and Chief Business Officer, and Vice Presidents

When a vacancy occurs, the president determines the procedures that will be used for identifying qualified candidates, including the decision to engage a search firm and/or to appoint a university search or screening committee. Where the position involves considerable interaction with college faculty, significant engagement of faculty members in the search and/or interview process is desirable and expected.

2.10.5 Search and Appointment of the President

The Board of Visitors establishes the procedures for the selection of a president when the vacancy is announced.

2.11 Appointment Types

2.11.1 Academic Year (AY)

The department head, chair, school director, or dean extends, in writing new faculty appointments and renewals of term appointments using the terms of faculty offer (TOFO) document. Most faculty appointments in the academic units of the university are for the nine-month academic year; these are called academic year (AY) appointments. While the payroll dates for the academic year are August 10 through May 9, faculty are expected to be available two weeks prior to the first day of classes and two weeks following commencement. No annual leave is awarded within the academic year, but the discretion of the department head or chair is recognized in assigning duties during periods when the university is not in session. Faculty members are expected to be available for work during such periods.

Although the annual salary assigned for an academic year appointment covers only the academic year, the salary is paid in 24 semi-monthly installments over the calendar year, with payment occurring on the first and sixteenth day of each month. (If that day of the month falls on a Saturday, the payment is made on the preceding Friday; if Sunday, the payment is made on the following Monday.) Payment is deposited directly to the faculty member’s bank or financial establishment.

Faculty members whose appointments are for only part of the academic year receive a pro rata portion of the annual salary. Details of the faculty compensation plan are available from Human Resources.

Faculty members on academic year appointments whose employment with the university ceases at the end of the academic year, or any academic term, may request (with proper notice) that all remaining installments of their earned salary be paid on the next available payroll after Human Resources has been notified and employment has ceased.

2.11.1.1 Research Extended Appointments for Faculty on Academic Year Appointments

Under certain conditions, faculty members on academic year appointments have the opportunity to extend their base nine-month appointment to a 10-, 11-, or 12-month appointment reflecting the faculty member’s sponsored research responsibilities.

Academic year faculty members with approved research extended appointments may earn and accrue annual leave proportional to their appointments. Faculty members with one, two, or three months of sponsored funding are strongly urged to convert their nine-month appointment to a 10-, 11-, or 12-month research extended appointment, which entitles them to earn and use annual leave and to have the summer pay included as creditable compensation for retirement purposes in accordance with university policies. Unused annual leave will not be compensated at the time of reconversion or separation.

Faculty members requesting a research extended appointment complete the request form available on the provost’s website. The requesting faculty member must provide documentation for the additional months of funding. Requests for research extended appointments require approval of the department head or chair,
dean (or appropriate administrator), and provost or senior vice president and chief business officer (or their designees).

Research extended appointments are renewed annually with verification of sponsored funding by the department head or chair to support the continuation. The continuation request form is also available on the provost’s website.

Information regarding employment policies and practices for research faculty is available in chapter six of this handbook.

2.11.2 Calendar Year Appointments

Some faculty members have assigned responsibilities that extend throughout the calendar year, largely independent of the academic calendar. Such faculty members are on calendar year (CY) appointments with work assignments covering the full 12 months except for periods of annual leave. The kinds of positions that may call for calendar year appointments include department heads or chairs, administrative and professional faculty, and research faculty.

Faculty who assume calendar year appointments while serving in department head or other administrative roles retain the calendar year appointment only for the duration of the assignment. Upon returning to an instructional faculty position in a department characterized by academic year appointments, the faculty member resumes an academic year appointment with a corresponding adjustment in salary. (Instructional faculty who were on calendar year appointments prior to assuming the administrative assignment usually resume their prior calendar year appointment and salary upon completion of the administrative assignment.)

Conversions of appointment from academic year to calendar year or the reverse (or to any other appointment period acceptable under university policy) are done in accordance with standard formulas approved by the provost or senior vice president and chief business officer. Any exception requires approval by the provost or senior vice president and chief business officer, depending upon the reporting structure.

2.11.3 Restricted Appointments

Appointments to the general faculty may be made for which there is no presumption or consideration of renewal. Such appointments are called “restricted” and should be so designated, with a specified term (start and end dates) in the terms of faculty offer (TOFO). Restricted appointments are commonly made in the cases of research faculty employed to work on projects with external funding, visiting professorships, and other temporarily available faculty positions. See chapter two, “Terms of Faculty Offer and Final Approval of Appointment.” Restricted appointments are in contrast to renewable term appointments (often called “probationary,” “tenure-track,” or “continued appointment-track” appointments), tenured appointments, continued appointments, and year-by-year appointments of administrative and professional faculty, all of which are categorized as “regular” appointments (the use of the term “regular” has unique meaning in the Virginia Tech Carilion School of Medicine. See chapter 12.)

When a person on a restricted appointment is to be continued, a formal reappointment is required and should be issued prior to the end of the existing contract. The reappointment contract restates the conditions of the appointment. Any changes should be made explicit. If a salary increase is approved, it should be part of the reappointment contract. The reappointment contract requires the prior approval of the department head or chair, dean, and the Office for the Vice President for Research and Innovation office of the provost. Appointments to postdoctoral associate positions require approval from the office of the vice president for research and innovation.

Faculty members on restricted appointments earn sick leave at the rate of five hours per pay period under the policy that was standard for all faculty members before September 1, 1981. Sick leave does not extend beyond the date of termination of appointment. Faculty members on calendar year restricted appointments
earn annual leave at the same rate as faculty on regular appointments but earned annual leave must be
taken during the term of appointment; accrued annual leave will not be paid on termination of appointment.
Restricted faculty who are eligible to earn annual and sick leave may carry over their unused balances to
the next leave year; however, the unused leave is not paid out upon separation.

2.11.4 Summer and Winter Session Appointments

2.11.4.1 Summer Session Appointments

Faculty on academic year appointments may be invited by the department head or chair to teach one or
more courses in summer session for special compensation.

No summer appointments are made without the consent of the faculty member involved.

Faculty members on academic year appointments may also receive special compensation for engaging in
approved sponsored research, Extension activities, or non-credit instructional activity conducted by
Continuing and Professional Education. The total of special compensation earned through all university
programs in the summer by any faculty member on academic year appointment shall not exceed 33⅓
percent of the annual salary for the preceding academic year.

For purposes of sponsored grant and contract activity and for limitations on compensation, May 10 to
August 9 designates the summer work period. Faculty members who receive summer salary from
sponsored projects must certify the effort expended on those projects during the summer period. Work on
a sponsored project during the academic year for which compensation is then provided during the summer
is specifically prohibited by federal regulations. Summer pay for sponsored projects is only justified by
appropriate effort expended on the project during the summerperiod.

Only academic year faculty members who have approved research extended appointments earn and
accrue annual leave proportional to their appointments. Faculty members with one, two, or three months of
sponsored funding are strongly urged to convert their nine-month appointment to a 10-, 11-, or 12-month
research extended appointment, which entitles them to earn and use annual leave and to have the summer
pay included as creditable compensation for retirement purposes in accordance with university policies.
Alternatively, the faculty member can charge less than one, two, or three months of full-time salary to the
sponsored project (or other sources as appropriate) and take uncompensated leave for the remainder of
the summer in order to have vacation.

2.11.4.2 Winter Session Appointments

Faculty members on academic or calendar year appointments may be invited by the department head or
chair to teach in Winter Session. The faculty member receives overload payment for teaching a Winter
Session credit course, as it is not considered part of the usual expectation for the instructional year.
Compensation for teaching in the session is negotiated by the faculty member and the department.
Maximum compensation is set at 3.75 percent of the faculty member’s annual salary for each one-credit
semester course taught. An additional incentive grant may be negotiated up to a maximum of one month’s
salary. The overload payment including any incentive grant is considered in the total allowable additional
aggregate compensation of no more than 33⅓ percent of annual salary.

Appropriately credentialed administrative and professional (A/P) faculty may also teach during the summer
and winter session with approval of their department head. Guidelines set forth in Policy 4071, “Policy for
Staff Employed to Teach For-Credit Courses,” and Policy 4072, “Teaching Credit Classes and Overload
Compensation for Administrative and Professional Faculty Members,” apply.
2.12 Conviction and Driving Record Investigation for Employment

The university conducts a conviction and/or driving record investigation once a contingent offer is made to the selected candidate, according to the provisions in Policy 4060, “Conviction and Driving Record Investigation for Employment.” Human Resources coordinates the conviction and driving record investigation process.

A preliminary offer may be made to the selected candidate, contingent upon the results of the investigation. However, at no time should the selected candidate be allowed to begin work before the investigation process is complete.

2.13 University-Sponsored Applications for Permanent Residency

Virginia Tech welcomes the contributions of scholars from all over the world in carrying out its learning, discovery, and engagement missions. Employer-sponsored applications for permanent residency assure the international scholar’s ongoing involvement in the life of the university and the work for which the employee was hired. To receive Virginia Tech sponsorship, all of the following conditions must be met:

The position must have the potential to be ongoing with successive renewals over a period of several years. For positions funded from sponsored grants or contracts, the supporting unit must demonstrate a record of sustained external funding.

The individual’s appointment must be full-time and salaried, and in compliance with federal regulations, such as prevailing wage rate. The appointment may be restricted or regular, either academic or calendar year, as long as it is salaried, full-time, and there is an expectation of successive renewals over a period of several years. Wage employment does not meet this test.

The position is significant and meets institutional needs as documented by the department and approved by the relevant senior manager. Significance may be signaled, in part, by rank and title, as well as documented in the job description and supported by the individual’s credentials. These include: instructional faculty (ranks of instructor and assistant professor or above, including clinical faculty and collegiate professor ranks, but excluding adjunct, wage, or visiting faculty members); research faculty (all ranks except postdoctoral associates, whose appointments are limited, by definition, to four years); administrative/professional faculty with significant expertise critical to the university; and staff members with significant expertise critical to the university.

The department verifies that they wish to retain the employee in the position indefinitely subject to availability of funding, need for services, and satisfactory performance.

2.14 Dual Career Program

Prospective candidates for faculty positions at Virginia Tech may have spouses or partners who are also seeking employment. The ability of a spouse or partner to find suitable employment is a crucial element in the recruiting process, and may be a determining factor in the couple’s decision.

The spouse or partner of a faculty candidate or administrator who is being recruited to Virginia Tech is eligible for participation in the dual career program. The spouse or partner of a current faculty member who has been recently hired or is negotiating a retention package is also eligible for participation in the dual career program.

The dual career program offers job search assistance for up to one year; advice regarding a résumé, curriculum vitae, and cover letter; assistance with interview preparation; and networking assistance. These services do not mean entitlement to employment or a guarantee of job placement. Guidelines that describe procedures for Virginia Tech’s hiring of dual career partners are available on the Human Resources and provost’s websites.
2.15 Faculty Credentialing Guidelines

In accordance with federal law, on the first day of their employment, new employees must provide documentation of U.S. citizenship or lawful authorization to work in the United States.

For regional accreditation purposes, Virginia Tech must justify and document the qualifications of all instructors of record as outlined by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). SACSCOC provides a set of faculty credentialing guidelines based on the level and discipline of the degree held by the instructor and the level and subject of the course being taught. However, they also allow for special qualifications that fall outside of these guidelines. Ultimately, all faculty members, including part-time and adjunct faculty, must hold credentials appropriate to the level and subject matter they are teaching. Employment is contingent upon presentation of satisfactory documentation of credentials prior to employment.

Documenting the credentials of teaching faculty is the responsibility of the department where the course originates or is listed. This may be different than the employing department in some cases. A completed transcript cover sheet signed by the department head or chair and an original transcript from the institution awarding the highest degree are required of all new teaching faculty members upon employment. An original transcript has an official raised seal from the institutional source. In rare instances, an electronic copy may be acceptable with appropriate verification.

SACSCOC recommends the following as credential guidelines for instructors of record by course level:

**Baccalaureate/undergraduate courses (taught by graduate teaching assistants):** a master’s degree in the teaching discipline, or a minimum of 18 graduate hours in the teaching discipline and direct supervision by a faculty member experienced in the teaching discipline, regular in-service training, and planned periodic evaluations.

**Baccalaureate/undergraduate courses (taught by instructors, adjunct faculty, or faculty):** a doctorate, terminal degree, or master’s degree in the teaching discipline, or a master’s degree with at least 18 graduate hours in the teaching discipline.

**Graduate/post-baccalaureate courses (taught by instructors, adjunct faculty, or faculty):** an earned doctorate/terminal degree in the teaching discipline or a related discipline.

The university’s processes for collecting and storing the documentation of a faculty member’s credentials are as follows:

**Salaried faculty members:** a transcript cover sheet and the original transcript must be submitted to Human Resources (mail code 0318). The faculty member’s home department retains copies of these documents prior to submitting them to Human Resources. Degree information is entered and stored electronically in the Banner document management system. Human Resources completes this data entry. After the transcript and cover sheet are processed and entered into the Banner system, the transcript is returned to the faculty member.

**Adjunct and wage faculty appointments:** official transcripts and cover sheets for all adjunct faculty and graduate teaching assistants are sent to the Office of Institutional Research and Effectiveness (mail code 0433). The faculty member’s home department retains copies of these documents prior to submitting them to the Office of Institutional Research and Effectiveness. Degree information is entered and stored electronically in the Banner document management system. The Office of Institutional Research and Effectiveness completes this data entry. After the transcript and cover sheet are processed and entered into the Banner system, the transcript is returned to the faculty member.

If the instructor of record is not a faculty member in the course origination department, that department head or chair is responsible for verifying that the faculty member’s teaching credentials are appropriate for
the course content and level. It is the responsibility of the course origination department to verify the
credentials of the primary instructor, regardless of whether the course is cross-listed with other
departments. The instructor of record is not credentialed de facto for other courses outside the origination
department by virtue of the course being cross-listed. A copy of the original transcript for the course
origination departmental file is acceptable if the faculty member or graduate assistant has an official
transcript documented elsewhere at Virginia Tech.

Faculty credentialing guidelines and the transcript cover sheet are available on the provost’s website.
Faculty credentialing guidelines for administrative and professional faculty are found in chapter seven of
this handbook.

2.16 Advanced Study at Virginia Tech

Virginia Tech encourages and supports the continuing and advanced education of its faculty and staff.
Educational leave to pursue a degree elsewhere is one option available to faculty. In addition, faculty may
enroll for credit courses or degree programs at Virginia Tech. The program is administered under the
provisions of the general appropriations act and operates under certain constraints imposed by the state
policy on educational aid to state employees.

The following provisions apply to full-time salaried faculty (including administrative and professional faculty
and research faculty) who wish to take courses at Virginia Tech. Part-time salaried faculty are eligible for a
partial tuition benefit. Only courses of degree programs approved in advance by the faculty member’s
department head/chair or supervisor are eligible for tuition waiver or reimbursement. Enrollment should not
impede the usual work schedule of the department. Time spent attending class during usual work hours
must be made up under a plan approved by the head or supervisor, unless the course is a work-related
course required by the university.

Faculty who take courses must meet all admissions requirements, registration, and payment deadlines, just
as any other student. Application for admission must be made and approval granted by the graduate school
prior to the waiver of tuition for classes. If approved by the department head, a faculty member may register
for credit or audit a total of 12 credit hours per calendar year, with no more than six credit hours taken in
any enrollment period—fall, winter, spring, summer I, or summer II. (The year begins with fall term and ends
with summer II.) Additional hours may be taken outside the normal work schedule with the employee paying
all applicable fees in excess of those allowable for tuition waiver or reimbursement.

Instructional faculty members of the rank of assistant professor or above are not eligible to become
candidates for a degree or to earn an additional degree at this institution. The policy is designed to avoid
the awkwardness of faculty members evaluating their colleagues in the fulfillment of degree requirements.
This policy may be waived on a case-by-case basis through appeal to the Commission on Faculty Affairs
(CFA). CFA may find and recommend to the provost that in a specific case the purpose of the policy is not
contradicted. This policy does not apply to degree-seeking administrative and professional faculty, or non-
instructional research faculty.

2.17 Types of Leave and Leave Reporting

Several types of approved leave, with or without salary, are available to faculty members. Unapproved
absence from assigned duties, which is not covered by an approved or earned leave, is subject to a
subsequent adjustment in pay.

2.17.1 Leave Reporting

Salaried faculty and staff use the university leave and time worked reporting system to record all types of
leave. A summary of leave policies and detailed procedures to complete the report is available on the
Human Resources website.
Calendar year faculty are required to submit leave reports in a timely manner during any leave period in which leave is used and are to submit leave periods six and 12 for financial reporting purposes. A department head may require that all faculty in the department submit monthly leave reports.

Regular calendar year faculty members are eligible to donate annual leave hours to the leave sharing program. Only full-time and part-time salaried staff employees may be recipients of leave sharing.

When college faculty members are absent during the academic year to attend meetings or consult about research funding, etc., and when these absences take fewer than five days, the department head or chair is the principal approving officer and is responsible for ensuring the adequate coverage of the duties of the absent colleague. An absence of up to two weeks is managed entirely within the college and requires the approval of the department head or chair and the dean. But, absences beyond two weeks must be forwarded through the department head or chair and dean to the provost for review and approval. A determination is made about the necessity of a leave of absence without pay or a change of duty station with pay for university approved activities away from the home location. (See chapter two, “Change of Duty Station and Special Leave.”)

2.17.2 Educational Leave

Leaves of absence on partial salary (not to exceed one-half salary) may be granted to faculty members for educational purposes. Such leaves are granted for formal educational advancement ordinarily leading to an advanced degree from another institution, which is of demonstrable benefit to the university and to the faculty member.

The leave is granted only if satisfactory arrangements can be made for effective continuation of the relevant program. Only that fraction of a position not supported by the partial salary of the leave is available for the appointment of a replacement faculty member during the period of the leave. Educational leaves ordinarily are granted for periods of one year or less. If the program of study is completed, or if the faculty member ceases active participation in that program before the ending date of the approved leave, the faculty member immediately returns to full employment or resigns employment. With the recommendation of the department head or chair and dean (or appropriate administrator) application is made to the provost or senior vice president and chief business officer, depending upon the reporting structure.

On approval of educational leave with partial pay, the faculty member must sign a memorandum of agreement, which obligates the faculty member to return to full employment in the university for a period twice the time of the approved leave or to repay the university the salary received plus interest. If a leave recipient returns to the university, but resigns before completing that obligation, the salary repayment is prorated.

Policies governing advanced study at Virginia Tech without leave are covered in chapter two, “Advanced Study at Virginia Tech.”

2.17.3 Military Leave

Military leave is available to all faculty members, including those on restricted, wage, or adjunct appointments. Faculty members are eligible for leave with pay for 15 days including an additional day for a physical in a federal fiscal year (October 1 through September 30) for military duty, including training, if they are members of any reserve component of the Armed Forces or the National Guard. Fifteen days of paid military leave plus an additional day for a physical is the maximum allowable for one tour of duty, even when that tour encompasses more than one federal fiscal year. Employees may use accrued annual leave to continue their pay while on military leave. Employees are granted unconditional leave without pay for the duty indicated in their military orders that is not covered by military leave with pay. To qualify for military leave, faculty members must furnish their department head or chair and Human Resources with copies of their orders.
Employees are reinstated to their previous positions or to positions comparable to their previous positions provided that certain conditions are met. Requests for reinstatement must be made to Human Resources and should state that the individual is seeking reinstatement to employment upon return from military service. If the military leave was for a period of 31 to 180 days, the employee must apply for reinstatement within 14 days of discharge. If the military leave was for a period of 181 days or more, the employee must apply for reinstatement within 90 days of discharge. Contact Human Resources for a full description of military leave benefits and conditions, and guidance on all requests for military leave and/or reinstatement.

2.17.4 Administrative Leave

If a faculty member is called for jury duty, subpoenaed, or summoned to appear in court, this absence may be charged to administrative leave, except when a defendant in a criminal or civil case. This leave should be requested before it is taken. Any time spent in court as a defendant in a criminal or civil case must be charged to annual leave, compensatory leave, or leave without pay. Faculty members receive full pay for administrative leave, provided a copy of the subpoena or other supporting document accompanies the leave report.

Administrative leave with pay is not granted for more time than actually required for the purpose for which it is taken. Any additional administrative leave time taken on the same day must be charged to leave without pay or appropriate leave balances and reported on the monthly leave report.

Faculty members are granted administrative leave to attend work-related hearings as a witness under subpoena or regarding a personal claim. Administrative leave may be used when called to serve on councils, commissions, boards, or committees of the commonwealth. If a faculty member is serving as an official representative of the university, then administrative leave is not used. The service time is treated as part of the faculty member’s regular work hours.

2.17.5 Annual Leave and Holidays

Instructional and research faculty members on academic year appointments do not earn or accrue annual leave. Regular administrative and professional (A/P) faculty members on academic year appointment earn annual leave only during the period of their appointment at the same rate as regular A/P faculty members on calendar year appointment. Faculty members on calendar year appointments earn two days (16 hours) of annual leave credit per month in accordance with leave policies; after 20 years of continuous employment by the commonwealth, 18 hours of annual leave are earned per month. Faculty members on research extended appointments earn annual leave proportional to their appointments. However, unused annual leave will not be compensated at the time of reconversion or separation for faculty on research extended appointments or restricted appointments.

All faculty members who earn annual leave are expected to record the appropriate leave type on the monthly leave report if they do not work during the academic breaks. Approval of the department head or chair or supervisor is required in advance of using annual leave.

Faculty members on calendar year regular appointments, may carry forward accrued annual leave to a maximum of 36 days (288 hours) at the beginning of each calendar year or may be paid up to the maximum on termination of employment. After 20 years of service, the maximum accrued leave carried forward or paid upon separation becomes 42 days (336 hours).

Annual leave must be earned before it is used. Holidays observed by university faculty members are New Year’s Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following, Christmas Day, and other holidays that the governor may designate. If faculty members are required to work on these days due to extenuating circumstances as determined by the supervisor, or if they are designated as emergency personnel, they may use compensatory leave at a later date, but compensatory days do not accrue as earned annual leave.
The university closes between December 25 and January 1 each year. Twelve-month faculty (and those on research extended appointments earning leave), research faculty, and administrative and professional faculty must use annual or other appropriate leave balances to cover the days not worked, with the exception of the official faculty holidays or other holidays that the governor may designate.

Faculty members with accrued annual leave who temporarily change their status (for example, going on leave without pay or changing to a part-time appointment for a short period of time) should contact Human Resources to discuss their options and indicate their preference for either payout of their leave balance or retention of their leave balance until they resume full-time status. Calendar year faculty on study-research assignment earn annual leave at a rate that is half their usual annual leave earnings.

Regular calendar year faculty members are eligible to donate annual leave hours to the leave sharing program. Under state policy, only full-time and part-time salaried staff employees may be recipients of leave sharing.

2.17.6 Sick Leave

Faculty members in regular salaried positions are ordinarily eligible for limited sick leave at full pay under a policy approved by the Board of Visitors in July 1981. Under this policy, eligible faculty members have BOV Approved August 26, 2019 immediate protection of 26 weeks of sick leave. On return from sick leave, re-accrual to a maximum of 26 weeks takes place at the rate of one week of sick leave for each two weeks of full-time work. Isolated minor illnesses extending over a maximum of 10 days are handled at the department level with the cooperation of faculty colleagues for the covering of necessary duties. Sick leave must be recorded for absences exceeding 10 days in duration. Faculty members are strongly encouraged to record use of sick leave, even when the occurrence is less than 10 days. Ability to document the onset of illness can provide critical financial protection for faculty members who ultimately need long-term disability. Provision is made for prorated sick leave usage when partial resumption of duties can be undertaken. However, re-accrual does not begin until full-time service resumes. Faculty members whose appointments began on or after September 1, 1981, are subject to this policy.

Faculty members whose appointments began before September 1, 1981, had the option of selecting the above policy or continuing coverage under the previously existing sick leave policy. Under that policy, sick leave is accrued at the rate of 15 days (120 hours) per calendar year with no maximum accrued limitation. Sick leave credit is not given for service of less than one-half month; leave cannot be granted before it is earned. All faculty members on restricted appointment have coverage under this previously existing sick leave policy.

Faculty members in full-time restricted salary positions receive 10 hours per month of sick leave. Faculty on part-time restricted appointments earn sick leave based on their percentage of employment.

In 1999, state employees in regular or restricted positions, who were participants under the Virginia Retirement System (VRS), could choose to enroll in the Virginia Sickness and Disability Program (VSDP). VSDP provides employees with a minimum of 64 hours of sick leave and 32 hours of family/personal leave annually. These hours are replenished each year, but do not carry over. In addition, VSDP provides salary continuation during periods of short-term disability up to six months and long-term disability to age 65 or later depending on age at the time of disability.

Beginning September 1, 2017, per VRS directive, the election for coverage under VSDP is irrevocable. Therefore, if faculty members on restricted appointments had previously elected coverage under VSDP then later convert to regular faculty appointments, on or after September 1, 2017, the applicable VRS directive disallows VSDP opt-out election.

The sick leave plans do not provide for compensation for unused sick leave upon termination.
Under all policies, sick leave may be used for illness, accidents, and pregnancy-related conditions. Faculty under the first two plans may use family sick leave for family emergencies. (For more information on leave for family emergencies and pregnancy-related conditions, see chapter two, “Family Medical Leave Act” and “Family Leave.”) The university may require certification of the medical necessity of the period of absence from work due to illness, accident, or pregnancy-related condition. Certification, when required, is requested from the attending health care provider and/or a health care provider designated by the university.

Faculty on academic year appointments are not covered during the period of a summer appointment under any sick leave policy. Faculty positions are not released for replacement purposes because of sick leave. The dean’s authorization is required when replacement becomes necessary.

Full details of all sick leave policies and procedures, including eligibility, are available from Human Resources.

2.17.7 Family Leave

The university recognizes that faculty members have family responsibilities that may make extraordinary claims on their time, making it difficult to fully carry out their responsibilities. Department heads or chairs, deans, and other supervisory personnel are urged to be as flexible as possible within existing university policy in responding to the need for leave or temporary adjustment of duties for family-related reasons.

Paid sick leave is available for pregnancy-related medical conditions, childbirth, and recovery. The length of time charged to sick leave varies and is based on the recommendation of a physician. Sick leave may also be used for family emergencies. Leave for this purpose is restricted to a total of 10 days (80 hours) during a calendar year for absence necessitated by the serious illness or death of a family member or any individual residing in the same household. Use of such leave must be recorded through the regular leave reporting system so that total usage during the period can be monitored. Restricted faculty may use 80 hours of their earned sick leave or annual leave for these purposes.

2.17.8 Family Medical Leave Act (FMLA)

Federal law (Family Medical Leave Act) guarantees employees a minimum period of 12 workweeks of leave during a year for family care if they have been employed at Virginia Tech for at least 12 months and if they have worked at least 1,250 hours during the previous 12 months. The time frame for calculating a year is measured forward from the date the employee is approved for FMLA. Accrued sick and annual leave may be used, as appropriate; the use of paid leave should be concurrent with the approved FMLA period (i.e., run concurrently). The remainder of the 12-workweek leave period is leave without pay. The faculty member may request a longer period of leave without pay as suggested in the following section, which requires approval of the department head or chair, dean or vice president, and senior administrator. Adjunct faculty are eligible for unpaid leave under FMLA if they meet the minimum employment requirements.

Eligible faculty are granted unpaid family or medical leave for one or more of the following: birth of a child; placement of a child with the faculty member for adoption or foster care; the care of an immediate family member (child, spouse, parent) who has a serious health condition; or a serious health condition that makes the faculty member unable to perform the position’s function. Prior to leave approval, the department head or chair may require documentation of the health condition necessitating care of a family member by the employee or the employee’s own health condition.

The period of up to 12 workweeks of family leave for purposes of birth or adoption may be taken intermittently or on a reduced schedule if the faculty member and department head or chair agree and it does not create an undue hardship on the program or project. In the case of medical leave because of a faculty illness or illness of a family member, leave may be taken intermittently or on a reduced schedule when medically necessary. The department head or chair may require documentation of such medical
necessity. The department head or chair may reassign responsibilities or transfer the faculty member to another position with the same salary in order to accommodate the intermittent or reduced leave schedule.

On return from leave, the faculty member returns to the same position or an equivalent position with the same benefits and salary at the time leave was taken. There is no accrual of additional sick or annual leave during the leave without pay period taken, or service toward the minimum six-year requirement for consideration for research-study leave. However, if the requested amount of leave extends beyond the term of appointment of a restricted faculty member or wage/adjunct employee and reappointment is not anticipated, the department head or chair is not required to maintain the position of the faculty member on leave beyond the original termination date. The request for family or medical leave shall not constitute sufficient reason for non-reappointment, termination, or other retaliatory action.

Eligibility for family leave for the purpose of birth or adoption expires at the end of the 12-month period beginning on the date of birth or placement. The faculty member gives the department head or chair at least 30 days' notice regardless of reason, whenever practicable. If leave is requested for care of a family member, documentation of the serious health condition necessitating care by the faculty member may be required.

Benefits are continued for full-time employees in accordance with state personnel policies and the federal Family and Medical Leave Act of 1993. Contact Human Resources for detailed information on which benefits are continued and for what period. The procedures for requesting FMLA are available at Human Resources. Unlike some other leave types, the employee and medical professionals must complete specific forms.

2.17.9 Additional Leave Benefits for Faculty on Regular, Salaried Appointments

The Governor of Virginia’s Executive Order Number 12 provides eight (8) weeks (320 hours) of paid parental leave to employees who have been employed by the Commonwealth for a minimum of twelve (12) consecutive months. Eligible employees will receive paid parental leave following the birth, adoption, or foster placement of a child younger than 18 years of age. The paid parental leave policy is in addition to other leave benefits available to Commonwealth employees, such as Virginia Sickness and Disability Program leave (VSDP), sick leave, annual leave, and leave under the federal Family Medical Leave Act (29 U.S.C. §§ 2601-2654). If both parents are eligible employees, each shall receive parental leave which may be taken concurrently, consecutively, or at different time within six (6) months following the birth, adoption, or foster placement of the child. Further information about this program is available from the Division of Human Resources.

In addition, faculty members on regular, salaried appointments wishing or requiring an extended period of time for child or family care may be granted leave without pay for up to one year (academic year or calendar year depending on type of appointment) thereby guaranteeing their job during the period of leave. A second year of leave without pay may be requested and approved in unusual cases. (See chapter two, “Leave Without Pay,” for terms and conditions.) Sick leave and accrued annual leave, if appropriate and applicable, may be used prior to leave without pay.

It is in the university’s interest to help employees combine new parenthood (or other temporary extraordinary family obligations) and employment when possible and preferred by the faculty member over a full leave from the university. Regular faculty members who find that they cannot carry on their usual university duties in the usual manner and fulfill their family obligations at the same time may request consideration for part-time employment at proportional pay. Assigned responsibilities for a part-time load vary depending on the needs of both the individual and department. Expectations for learning, discovery, engagement, and committee assignments should be discussed in advance with the head or supervisor. The department head or chair may require the faculty member to be assigned different responsibilities or
transferred to another position at the same salary in order to accommodate the intermittent leave or reduced schedule.

Probationary faculty on the tenure or continued appointment track who are moving to part-time status for the purposes of child or family care receive an extension of the mandatory tenure or continued appointment review date, consistent with sections in chapter three, “Extending the Tenure Clock,” and chapters four and fourteen, “Extending the Continued Appointment Clock.”

Department heads/chairs and supervisors should be sensitive and responsive where possible in establishing work hours, course and committee scheduling, and other aspects of employment for faculty members who are new parents or who are experiencing temporary extraordinary family obligations.

A one-year probationary period extension is automatically granted to either parent (or both, if both parents are tenure-track or continued appointment-track faculty members) in recognition of the demands of caring for a newborn child or a child under five newly placed for adoption or foster care. The request should be made within a year of the child’s arrival in the family.

An extension of the probationary period may also be approved on a discretionary basis for other extenuating non-professional circumstances that have had a significant impact on the faculty member’s productivity, such as a serious personal illness or major illness of a member of the immediate family. (See chapter three, “Extending the Tenure Clock,” and chapter four and fourteen, “Extending the Continued Appointment Clock.”)

2.17.10 Leave Without Pay

Faculty members wishing to take leave from their duties without salary may request such leave from the provost or senior vice president and chief business officer, depending upon the reporting structure, on the recommendation of the department head or chair and the dean (or appropriate administrator). The period of requested leave cannot exceed two years. The request must be made with sufficient notice to allow time to secure a qualified replacement. The request should include the reason for the leave, whether for personal reasons or because of opportunity for further professional development.

When leave approval is granted, a date is specified by which any request for extension of the leave or notification of intent not to return to the university at the conclusion of the leave is required. The granting of the leave or of any extension is dependent on the interests of the university and those of the faculty member. Consult with Human Resources to determine what benefits may be purchased.

2.17.11 Disaster Relief Leave

Department heads or chairs may grant release time to faculty when they are formally called to provide disaster relief services because of their specialized skill or training. Release time for faculty is not recorded in the leave system. For audit purposes, record of time off should be noted in the faculty member’s departmental file, along with the written request.

2.17.12 Change of Duty Station or Special Leave

Absence from campus or the home work location for a period of more than two weeks while carrying out university-approved activities is called a change of duty station or special leave. A change of duty station may be approved in instances such as grant responsibilities, opportunity of a prestigious fellowship in residence at another institution, or similar activities of benefit to the individual faculty member and the university. Approval of the provost or senior vice president and chief business officer, depending upon the reporting structure, on recommendation of the department head or chair and dean (or appropriate administrator) is required when such absences involve salary payment by university general funds, either in full or in part. Such authorization is usually not granted for longer than one semester. The host institution, agency, or sponsored project is expected to make a significant contribution toward the cost of the faculty
member’s salary and/or benefits. The provost or the senior vice president and chief business officer determines whether a change of duty station involving institutional salary support or leave without pay is appropriate to the circumstances.

2.17.13 Geographical Transfer Policy

Reassignment of a faculty member at the initiative of the university to a primary workstation located more than 50 miles from the current workstation is considered a geographical transfer. A department head or chair may request the geographical transfer of a faculty member to implement a programmatic mission of the university. The affected faculty member shall be involved in planning for the transfer prior to the submission of a formal request for transfer. The request for geographical transfer shall be transmitted in writing to a second-level administrator for approval with accompanying documentation justifying the need for the transfer of the selected individual. The justification shall describe the university program and the position to which the faculty member is being transferred. This description shall list the unique skills and knowledge required to fulfill the program’s mission. The alternatives for meeting the requirements shall be outlined, along with the reasons for selecting the alternative of geographical transfer of the particular faculty member. A faculty member must be notified in writing at least six months in advance of the geographical transfer. The transferred faculty member shall be reimbursed for all allowable expenses as defined by the university and state policy. A cost of living adjustment will be added to the faculty member’s base salary during the period of employment in a high-cost area.

2.18 Continuing and Professional Education Activities

2.18.1 Required Use of and Participation in Continuing and Professional Education Program Services and Facilities

Policy 6362, “Policy on Continuing and Professional Education,” requires that academic colleges, centers, and administrative units designing and delivering continuing and professional education activities, both on- and off-campus, under the auspices of the Virginia Tech brand must work through Continuing and Professional Education. This includes work conducted by faculty in Blacksburg, as well as faculty delivering continuing education programs at university locations outside Blacksburg. Alternate arrangements may be made in the case of lack of availability of appropriate space or mutual agreement between the sponsoring university entity and Continuing and Professional Education. Contact Continuing and Professional Education for further information.

2.18.2 Non-Credit Continuing and Professional Education Activities Overload Payment and Compensation

Faculty members may be eligible for direct payment for non-credit instructional activity in Continuing and Professional Education programs.

All faculty members not supported by educational and general funds of the Virginia Cooperative Extension Service, Continuing and Professional Education, or outreach programs are eligible for such payments.

Faculty members supported by such funding whose job descriptions do not include activity in non-credit instruction may request approval of their dean or director (or appropriate administrator) and the provost or senior vice president and chief business officer, depending upon the reporting structure, for participation for payment.

Non-credit teaching for direct pay is subject to the provisions of the university consulting policy, i.e., the total of non-credit teaching and other approved consulting does not ordinarily involve more than one day per week and does not exceed five days in any five-week period. For purposes of limitation of consulting, each day in which non-credit instruction is undertaken is counted as one day, unless the participation does not exceed one-half day (as defined below), in which case it is counted as one-half day. Because of the
scheduling requirements of certain Continuing and Professional Education programs, exceptions to the limitation of five days of consultation in any five-week period may be approved as long as the maximum of 39 days in the academic year is not exceeded.

For direct payment purposes, a day is defined as six contact hours of non-credit instruction; pro rata payments are made for portions of days, usually in units of 1½ hours. For teleconferences involving televised delivery, a day is defined as three contact hours.

To encourage faculty to develop academically innovative programs with significant market potential, faculty may request preparation time as part of the program and budget development process. This additional faculty compensation for research and development may not exceed three days for each day of instruction.

Research and development time is associated with two types of programs. The first type is research and project development undertaken for a specific organization. As such, the payment of the research and project development is assured with the other program services under contract. The second type of program involves those programs offered on a solicitation basis to members of a specific audience. The generation of revenues for faculty research and development are included in participant fees. The actual amount and timing of the faculty payment depends on program success. The agreement is subject to approval by the department head or chair and director of program development.

If research and development initiatives are perceived by a contracting agency or department to be more extensive, the college has the option of providing additional compensation to faculty through college surplus funds or of buying their time in the summer. Such additional compensation beyond three days for each day of delivery requires the approval of the vice president for outreach and international affairs and the director of continuing education. Approval for such payment is required through the P14 payment process initiated by Continuing and Professional Education.

For a particular program, a daily payment rate is determined by agreement of program faculty in Continuing and Professional Education, the participating faculty member, and the faculty member’s department head or chair, subject to the approval of the director of continuing and professional education. Such a negotiated rate may depend on the anticipated enrollment and the budgetary constraints of the program.

The provost may set a maximum applicable daily payment rate. The provost advises the Commission on Faculty Affairs of any changes in the maximum applicable daily payment rate if set.

Continuing and Professional Education is responsible for seeking approval for direct pay (P14) through the university and authorizing final payment. Such payments are made after teaching services are provided.

In addition to the constraints imposed by the consulting policy, there is a limitation on the aggregate amount of such direct payments that may be earned in a faculty member’s appointment year. Faculty members on calendar year appointments may earn no more than 33⅓ percent of their annual salary during the July 1 - June 30 appointment year. Faculty members on academic year appointments may earn no more than 33⅓ percent of their annual salary during the academic year. Payments made to academic year faculty members in the summer period will be included in the 33⅓ percent limitation of the previous academic year’s salary that is currently imposed on summer payment from all university sources combined.

Costs of producing materials for Continuing and Professional Education programs are borne by the program budget, not by the operating budgets of any unit except where provided for that specific purpose.

2.18.3 For-Credit Continuing and Professional Education Activities Overload Payment and Compensation

The university's mission and goals include increasing outreach, continuing and professional education, and distance learning activities to serve the workforce and professional development needs of business and industry, government, organizations, and individuals. Some professional audiences seek credit course work
to meet their educational needs—not just a short term, non-credit experience such as workshops or seminars. In some cases, these audiences look to some of the university's most visible and distinguished faculty members to deliver this programming. Often such programming involves a contract with businesses or organizations, which covers the cost of course delivery, including faculty compensation. The programs are generally delivered off-campus, perhaps at the organization/business site or elsewhere, or via distance learning.

The following policy guidelines provide information regarding compensation for faculty members involved in delivering credit continuing and professional education. Credit programming designed for executive/professional audiences is included among programs eligible for additional faculty compensation; even if such programs are offered for individual enrollment rather than for employees of a specific corporation or agency; and even if course work is delivered at the faculty member’s home base.

Overload responsibilities undertaken for supplemental compensation may be assumed only when the intended task is clearly outside usual responsibilities of the individual, as determined by the appropriate department head or chair and academic dean; the conduct of the task is clearly in the best interest of the university; the individual is eminently qualified to undertake the task; and such an overload is included within the overall time limitations of the consulting policy.

Continuing projects, or projects occupying an identifiable amount of time longer than a semester or more, are arranged on a released-time basis. Prior approval by the department or chair and academic dean are required for all overload commitments undertaken for supplemental compensation.

Overload compensation may be approved in cases involving credit continuing and professional education where: the faculty member is required to travel away from home base to an off-campus location; or, the faculty member is delivering a program to students at one or more off-campus locations through distance learning technology, whether the instruction is delivered in a synchronous or asynchronous mode; or, the faculty member is delivering credit course work as part of an executive/professional program approved for overload compensation, even if the course is being delivered at the faculty member’s home base.

There should be no expectation that course work currently taught on-load, which requires a faculty member to travel to another location to teach, or for which the faculty member is delivering the program via distance learning technology, would automatically be considered for overload compensation. Determination of the faculty member’s assignment is the responsibility of the department head or chair and dean. Distance learning instruction and teaching at off-campus sites are appropriate on-load assignments which faculty members are expected to fulfill without additional compensation.

Faculty members are not required to accept overload assignments for credit continuing and professional education instructional activities.

Faculty compensation is determined as part of the budget development and contract negotiation process and may vary based on discipline, level of expertise, effort required, group size, number of credits, and other factors usually considered in setting compensation for continuing education instruction. P14 payments for credit continuing and professional education course work also require the approval of the vice provost for faculty affairs. Contracts with businesses, organizations, or other approved revenue sources are expected to cover the full cost of such faculty compensation.

The department head or chair is responsible for the fair and appropriate assignment of overload credit course work to faculty members in the department. To assure equity and appropriateness, the department heads/chairs and deans monitor the responsibilities and assignments of faculty earning additional compensation.

Faculty members on calendar year appointments may earn up to an additional 33⅓ percent during the fiscal year, by teaching non-credit programs administered through the university; teaching an eligible credit
continuing and professional education course on overload; and/or participation in a technical assistance agreement.

Similarly, faculty members on academic year appointments may earn up to an additional 33⅓ percent of their academic year salaries during the academic year through these approved activities. Earnings during the summer from all university sources, including those cited above, summer or winter session teaching, and sponsored research are capped at 33⅓ percent of the prior academic year salary.

The consulting policy sets the institutional maximum on the number of days that a faculty member can spend in approved, paid professional activity while on salary. All approved activity—consulting, technical assistance agreements, credit continuing and professional education course work, and non-credit continuing and professional education—must stay within the consulting policy guidelines of one day per week or no more than five days in a five-week period. Six contact hours constitute the equivalent of one consulting day.

Exceptions require the approval of the department head or chair, dean (or appropriate administrator), and provost or senior vice president and chief business officer, depending upon the reporting structure.

2.19 Retirement, Resignation, and Non-Reappointment

2.19.1 Retirement

State law prohibits mandatory retirement on the basis of age alone. There is no mandatory retirement age for university faculty and staff.

2.19.1.1 Voluntary Transitional Retirement Program for Faculty with Tenure or Continued Appointment

Tenured faculty members (or those with a continued appointment in University Libraries or Extension) who are at least 60 years of age and have at least 10-20 years of full-time service at Virginia Tech may be eligible for the university’s voluntary transitional retirement program. The program allows long-term faculty to remain actively involved in the life of the institution while reducing their professorial responsibilities as they transition towards full retirement. Further details of the program and eligibility requirements are provided in Policy 4410, “Voluntary Transitional Retirement Program for Tenured Faculty.”

2.19.2 Resignation

Faculty members who wish to resign should give notice as far in advance as possible. Faculty members with instructional responsibilities are expected to provide notice of at least one full academic semester. The minimum acceptable notice for tenured, tenure-track, or non-tenure-track instructional faculty members is three months.

2.19.3 Non-Reappointment

In the cases of faculty members on temporary or restricted appointments for which there is no indicated opportunity for reappointment, the letter of appointment also serves as notice of the termination of employment. The appointment is discontinued unless notified otherwise.

Research faculty members are ordinarily on restricted appointments for a fixed period because of limitations of external funding. Reappointments may be possible if such funding is renewed, but should not be assumed.

The decision not to reappoint a faculty member on a regular appointment may stem from many factors beyond unsatisfactory service, such as modification of programmatic emphasis, enrollment trends, a change in the nature of the position, or simply the intention to seek an appointee with superior qualifications.
or stronger potential for professional development. Non-reappointment does not require establishment or documentation of just cause.

2.19.3.1 Non-Reappointment for Faculty on Tenure-Track or Continued Appointment-Track

Faculty members on probationary term appointments should make no presumption of reappointment, including reappointment with tenure. Non-reappointment may be determined by the department head or chair in consultation with the dean and with the advice of a departmental personnel committee or faculty development committee.

Faculty members on probationary term appointments that will not be renewed are given notice of non-reappointment in writing within the following time limits:

First year of employment (one-year term appointment): February 9 of academic year or three months before end of employment year;

Second year of employment: November 9 of the academic year or six months before end of employment year;

Subsequent years: 12 months before end of employment year (May 9 for academic year appointments).

2.19.3.2 Non-Reappointment for Non-Tenure-Track Instructional Faculty on Regular Appointments

Notice of non-reappointment for non-tenure-track faculty members on regular appointments is:

- At least three months before the end of the current contract for those who have been in regular appointments for less than two years;
- At least one semester before the end of the current contract for those on academic year appointments (or six months for those on a calendar year appointment) for those who have been in regular appointments for two years up to five years;
- At least one year before the end of the current contract for those on regular appointments for five years or more (May 9 for academic year appointments).

2.19.3.3 Non-Reappointment for Research Faculty on Regular Appointments

Notice of non-reappointment for research faculty on regular appointments is:

- At least three months for those who have been in regular appointments for less than two years;
- At least six months for those who have been in regular appointments for two years or more;
- For those research faculty appointed to regular positions before March 2001, the notice of reappointment is 12 months.

2.19.3.4 Non-Reappointment for Administrative and Professional Faculty on Regular Appointments

Notice of non-reappointment for administrative and professional faculty on regular appointments is:

- At least three months before the expiration of an initial one-year appointment (for example, if the effective date of an initial one-year appointment was July 1, then written notice of non-reappointment must be made by March 31 for termination effective June 30);
- At least six months for administrative and professional faculty members who have been employed by the university for more than one year, but less than two years;
- At least 12 months for administrative and professional faculty members who have been at the university two years or more.
2.20 Unclaimed Personal Property

All personal property—tangible, intangible, electronic, or other personal property—is removed by close of business on the faculty member’s final day of employment at Virginia Tech. Unless prior approval is granted, the university is not responsible for keeping or maintaining personal property left by the faculty member. The university accepts no liability for lost, damaged, or destroyed personal property.

A departing faculty member may request permission to store personal property beyond the last day of employment. The following stipulations apply: the request to store personal property must be submitted prior to the last day of employment; such a request must be submitted to the department head or authorized supervisor, and the department head or authorized supervisor has absolute discretion in approving or denying the request.

2.21 Reduction in Force

Termination refers to the involuntary cessation of employment of a tenured or continued appointment faculty member or of a faculty member on a fixed-term appointment before the end of the term. Termination takes place only as dismissal for adequate cause or in the case of a reduction in force.

Furlough refers to the involuntary interruption of employment of a tenured or continued appointment faculty member or of a faculty member on a fixed-term appointment before the end of the term. This differs from termination in that it conveys an intention of the university to reappoint affected faculty members within some reasonable period if circumstances permit.

A reduction in force is the termination or interruption of employment of a member of the general faculty under conditions of financial exigency or program reduction. Reduction in personnel by attrition, freezes on new hiring, across-the-board reductions of salaries and/or teaching schedules, and the offering of incentives for early retirement, whether at the program level or institution-wide, are not considered reductions in force. Rather, they are lesser remedies that may be implemented before any reduction in force.

Denial of tenure to an untenured faculty member or non-renewal of appointment of an untenured faculty member on probationary appointment, or non-renewal of appointment of an untenured member of the administrative and professional faculty, where usual procedures have been affected in each instance, is not considered a termination within the meaning of this policy.

For the purpose of the procedures outlined below, seniority refers to the number of years served at this university by a member of the general faculty in tenured, tenure-track, or functionally equivalent positions. Service need not be continuous to contribute to an individual’s seniority. Years of service include those during which a faculty member is employed at least half-time. Years during which a faculty member is employed less than half-time will not count toward years of service for purposes of this section.

2.21.1 Reduction in Force Under Conditions of Financial Exigency

Reductions in force (RIF) may occur when financial conditions disallow the usual operation of programs. While the university has a right to initiate reductions in force, including those affecting tenured faculty, it is the policy of the university (to the extent consistent with the degree of financial exigency) to ensure that the rights of tenure or continued appointment are preserved; to ensure that the integrity of the university and its programs is preserved; to protect the contractual expectations of untenured faculty; to provide that the burden of corrective action is shared by the various categories of personnel of the university, including all members of the general faculty; and to ensure that any reductions that do occur follow an orderly and predictable process.

A financial exigency is an imminent financial crisis that threatens the survival of the university and that cannot be alleviated by ordinary budgeting practices. Reductions in force in response to conditions of financial exigency are determined and implemented as follows:
Declaration of a state of financial exigency: Should the president determine that so extraordinary a circumstance has arisen or is anticipated that it might be necessary to terminate or interrupt the appointments of faculty members, the president may declare a state of exigency. Upon such declaration, the president forms an ad hoc committee to review the budgetary situation and the president’s plan for addressing it.

Committee review: The ad hoc committee is comprised of no fewer than nine members, a majority of whom are faculty members nominated by the Faculty Senate. This includes at least one representative from each college. Where a RIF may affect the University Libraries or Extension faculty, at least one representative from that faculty should also be selected to serve on the committee. Any person who resigns from or otherwise discontinues service on the committee is replaced by a new member chosen in the same manner as was the individual being replaced, and such replacement members are so selected that each college and, where appropriate, the University Libraries or Extension faculty retain at least one representative. Within the constraints of time and circumstance, the committee reviews the proposal submitted by the president and any alternative remedies that are available, and recommends to the president a plan of action that may incorporate reductions in force of the administrative and support staff as well as the general faculty. The committee is charged with protecting both academic freedom and, insofar as circumstances permit, the presumption of continuous employment that tenure or continued appointment bestows, and considers as well the curricular needs and goals of the university and the effects of any anticipated actions on the future financial well-being of the institution.

Determination of policy: After receiving the recommendations of the ad hoc committee, the president determines the response of the university to the declared state of exigency. If the president’s decision is substantially at variance with the recommendations of the committee with specific regard to the implementation of RIFs, the committee may, by majority vote, appeal the president’s actions to the Board of Visitors. In all other matters, and in cases where the president’s decision to carry out a reduction in force accords with the recommendations of the ad hoc committee, no such appeal is available. The ad hoc committee consults with the president and receives periodic reports until the state of exigency ends and the committee determines that the obligations of the university to furloughed or terminated faculty are met.

Implementation: Reductions in force are implemented either within specified programs or across the institution. Whenever a RIF is undertaken, it is guided by the following considerations. Insofar as circumstances permit, all temporary or part-time faculty members and those not holding tenured or tenure-track appointments or their functional equivalent are retained through the then-existing term of appointment. Insofar as circumstances permit, untenured faculty holding tenure-track appointments and University Libraries and other faculty holding probationary appointments are retained through the then-existing term of appointment. No tenure-track or functionally equivalent appointment is terminated or interrupted unless and until all appropriate temporary appointments are terminated. Where reductions in force of these personnel are required, they are implemented in ascending order of rank and of seniority within rank. Whenever possible, the university provides notice of furlough or termination equivalent to that for non-reappointment schedule as set forth in chapter two, “Non-Reappointment.” Except in the most extraordinary circumstances, all tenured faculty and those on continued appointment retain their positions. Where reductions in force of tenured or continued appointment personnel are required, they are implemented in ascending order of rank and of seniority within rank. Whenever possible, the university provides at least one year’s notice of furlough or termination.

Notification: The university provides written notification to all faculty affected by a RIF including: (a) a statement of the basis for its action, (b) a description of the manner in which the decision in question was reached, (c) a disclosure of the information and data on which the decision makers relied, (d) information regarding reappointment rights and process, and (e) information regarding procedures available for appealing the decision.
Appeals: The decision to furlough or terminate a member of the general faculty because of a reduction in force may be appealed in two ways. The affected individual may appeal through the grievance procedure specified in the relevant section of the Faculty Handbook. After consulting with the appropriate dean and an elected committee of faculty members from the affected program, the principal administrative officer of a program may appeal individual RIF decisions to the provost on programmatic grounds. Reductions in force of no more than one-quarter of the affected faculty in any program may be appealed in this manner.

Replacement and reappointment: The university recognizes its obligation to reappoint personnel furloughed or terminated through a RIF insofar as circumstances permit within a reasonable period following such action. Accordingly, temporary personnel cannot replace a probationary term faculty member who has been furloughed or terminated through a reduction in force for a period of three years following that action. Similarly, temporary or probationary term personnel cannot replace a tenured or continued appointment faculty member who has been furloughed or terminated through a reduction in force for a period of five years following that action.

Rather, affected members of the general faculty are granted first refusal of re-established positions for which they are qualified, with positions offered in descending order of rank and seniority within rank whenever the number of qualified personnel exceeds the number of available positions. The university attempts to identify funds to enable the university to extend to affected faculty during these periods of three and five years, respectively, all health insurance benefits for which they would otherwise have qualified. On reaching age 70, or on declining at least one offer of employment in a position equivalent in tenure status, salary, and teaching load (as adjusted to reflect post-RIF department changes) to that which was terminated, each faculty member affected by a reduction in force forfeits all protections afforded by this paragraph.

For purposes of providing insurance benefits and implementing these reappointment procedures, the provost keeps the curriculum vitae and current address of each terminated or furloughed faculty member. Terminated or furloughed faculty have an obligation to maintain the accuracy and timeliness of these records; the failure to do so results in forfeiture of the protections afforded by this paragraph.

2.21.2 Reduction in Force for Academic Program Restructuring or Discontinuance

Ordinarily, change to academic programs within the university is planned so that the appointments of faculty members are not compromised. Such changes are considered part of the ongoing evolution of academic programs and are subject to the usual procedures established by the colleges, relevant commissions, and the State Council of Higher Education for Virginia.

However, when extraordinary circumstances require more rapid change, it may be necessary to restructure or discontinue programs or departments in a way that leads to involuntary terminations or other alterations of appointments of faculty members with tenure or continued appointment. In such circumstances, the policy in this section applies.

Any decision to restructure or discontinue academic programs in a way that alters faculty appointments is a university-wide responsibility and should be made to support the educational mission of the university as a whole. In all such circumstances, early and meaningful faculty participation is essential and fundamental to the process outlined in this policy.

The restructuring or discontinuing of one or more academic programs with the potential to invoke this policy may be initiated by the provost or president, by the college deans, by the college faculties, or by an appropriately charged commission. If the provost determines that such restructuring or discontinuing of academic programs should be considered, a Steering Committee for Academic Restructuring, hereinafter referred to as the steering committee, is appointed as described below. The purpose of the steering
committee is to evaluate and coordinate the proposed restructuring effort, and to ensure that the procedures in this section are followed.

The steering committee is composed of nine members determined jointly by the provost and the president of the Faculty Senate: two faculty members selected from the membership of the Commission on Faculty Affairs; two faculty members selected from the membership of the Commission on Undergraduate Studies and Policies; two faculty members selected from the membership of the Commission on Graduate Studies and Policies; one faculty member selected from the University Advisory Council on Strategic Budgeting and Planning; one member selected from nominations by the Faculty Senate; and the provost, or an administrative designee.

The steering committee elects a chair by vote of all members of the committee. The steering committee composition is intended to ensure that the expertise and perspectives of the relevant commissions are incorporated in the deliberations.

The provost initiates discussion of a proposed program restructuring or discontinuance with the steering committee, describing the need for the change, the proposed type and scope of restructuring effort, the educational rationale for the change, and an explanation of how it is consistent with the long-term goals of the university. If after these preliminary discussions and upon considering the advice of the steering committee, the provost decides to proceed, the provost prepares a more detailed proposal including identification of programs to be restructured or discontinued (or how they will be identified); timelines for development of specific plans by the affected programs and for the restructuring effort as a whole; and the estimated impact on the affected faculty, staff, and students, and on the university as a whole. If a budget reduction is involved, then reduction targets for any affected unit(s) must be included in the draft proposal.

The steering committee reviews the draft proposal and makes recommendations to the provost either to proceed with the proposal as written or with modifications, or to return it as insufficiently justified. The steering committee shares its recommendations with the university community.

The provost considers the steering committee’s recommendations and makes every effort to develop a plan acceptable to the steering committee. If the provost decides to proceed, direction is given to the relevant dean(s) to prepare specific plans for the affected programs, based on guidelines in the following section. These plans identify which specific programs are to be reduced or eliminated; how the faculty, staff, and students will be affected; and how the rights, interests, and privileges of the faculty and staff members will be protected. If a budget reduction is involved, the specific plan must describe how the reduction targets will be met.

Under specific circumstances approved in advance by the provost and president, the Alternative Severance Option may be available to deans for meeting reduction targets.

The deans submit specific plans to the provost, who reconvenes the steering committee to oversee the review and comment process. All specific plans are made available to the university community for comment for a period of not less than three weeks. The relevant commissions (including the commissions on Staff Policies and Affairs and Administrative and Professional Faculty Affairs if such employees are affected) are also asked to review and comment on the plans. The steering committee receives all comments and makes recommendations to the provost; these recommendations are also shared with the university community at large. The president and Board of Visitors have final authority to approve and implement all plans. Notification to affected faculty does not proceed until final approval is given.

Guidelines for development of college plans: The relevant deans should develop specific plans by involving the faculty at all levels of decision-making. Staff members should be involved as appropriate.

College-level planning for programmatic reductions follows the guidance and intent of the plan reviewed by the steering committee and approved by the provost. For the purpose of developing the specific plans, an
academic program should meet one or more of the following criteria: (a) “program” as part of its title, (b) grants a degree or a credential, (c) has a sequence of courses with a common prefix, or, (d) is identified as an academic program in official university documents. A program is generally smaller than a department and must be larger than the activities of a single faculty member.

If restructuring requires the termination of faculty members, then the following guidelines must be followed. When programs are identified for restructuring or discontinuance, all faculty assigned to the program, both tenured and untenured, are potentially subject to reassignment or termination. Within programs identified for restructuring or discontinuance, tenured faculty must not ordinarily be terminated before untenured faculty. Termination decisions within the tenured faculty as a group or within the untenured faculty as a group should be based on rank and merit. Faculty members on restricted or temporary appointments should be terminated before faculty members on regular appointments. The number of involuntary terminations of tenured faculty members should be minimized by providing incentives for resignation, retirement, or reassignment.

Minimum responsibilities to individual faculty members: The university recognizes its responsibility to faculty members if this policy is implemented. All plans to restructure academic programs guarantee the following to individual faculty members:

Notice of termination: Faculty members with tenure or continued appointment whose positions are eliminated as part of restructuring are given notice of not less than three years. Administrative and professional faculty members shall be given at least 90 days’ notice. (See chapter seven, “Non-Reappointment of Administrative and Professional Faculty on Restricted Appointments.”) All other faculty members shall complete their current contracts or be given a one-year notice whichever is less. In particular, notice of termination longer than the minimum specified above may be given to particular faculty members whose expertise is essential to closing out an academic program in which students are enrolled.

Written notification: After final approval has been given for specific plans, written notification is provided to all faculty members whose appointments will be terminated or altered. The notification shall include a statement of the basis for its action, a description of the manner in which the decision was reached, a disclosure of the information and data on which the decision was based, and information regarding procedures available for appealing the decision.

Transition assistance: Every effort is made to place affected faculty members with tenure or continued appointment in available openings in the university or to reassign them to continuing programs. Transition assistance may include training to qualify for placement in a related field if desired and appropriate. Where placement in another position is not possible, the university provides appropriate and reasonable career transition assistance such as clerical support, communications, office space, and outplacement services.

Reappointment: In all cases of termination of appointment because of program reduction or discontinuance, the position of a faculty member with tenure or continued appointment cannot be filled by a replacement within a period of three years following separation unless the released faculty member was first offered reinstatement and a reasonable time in which to accept or decline.

Appeals: A faculty member whose appointment is terminated or altered due to program reduction or discontinuance may file a grievance as outlined in the relevant section of the Faculty Handbook. Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section. Because faculty members, through the steering committee, are involved in the review and development of recommendations guiding the restructuring or discontinuance, the determination of which programs or departments are affected cannot be a basis for appeal.
2.22 Severance Benefits

The university provides severance benefits for eligible faculty who are involuntarily separated due to budget reduction, agency reorganizations, or workforce downsizings for reasons unrelated to performance or conduct. Faculty hired on restricted appointments funded from sponsored contracts or grants, or term appointments with a specified ending date, regardless of funding source, are not eligible to receive severance benefits. In cases where employees are non-reappointed or voluntarily resign, these actions are not deemed “involuntary separation” for purposes of the severance policy.

2.22.1 Alternative Severance Option

Under specific circumstances approved in advance by the provost and president, an Alternative Severance Option (ASO) may be available to eligible faculty. Severance of faculty members with tenure or continued appointment must be voluntary; no tenured faculty member can be required to participate. Tenure-track and continued appointment-track faculty members are not eligible, nor are restricted employees.

The premise for any severance payment rests on the rationale of business necessity to reduce personnel expenses. When such a situation occurs, deans and senior managers will be asked to define the business operations, academic programs, departments, or units where personnel reductions will occur. An approved business plan for each participating college or vice presidential area will describe the specific units and eligibility criteria for participation in the ASO or layoff substitution process. These plans will necessarily differ. Some college and senior management do not offer the ASO as a means to reach their budget reduction targets. Not all employees who are eligible will be selected to participate if more apply than are needed to address the reductions or if an individual employee serves a critical function. Eligible employees in units with approved business plans are notified if the option is available to them.

2.23 Professional Responsibilities and Conduct

2.23.1 Statement of Principles of Ethical Behavior

The faculty of Virginia Tech believe that academic freedom is essential to attain our missions as scholars and teachers. We also recognize and accept the responsibilities attendant to academic freedom as fundamental to a scholarly community. We believe we must exercise our rights with due regard to the rights of others and we must meet our obligations fully as faculty members. We hold ourselves accountable to ensure that the faculty of Virginia Tech is recognized for its commitment and leadership to pursue knowledge, to promote the free expression of ideas, to teach our students, and to serve the citizens of Virginia.

Scholarship: Guided by a deep conviction of the worth and dignity of the advancement of knowledge, we recognize our primary responsibility to our disciplines is to seek and to state the truth. To this end, we devote our energies to developing and improving our scholarly competence. We accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. We practice intellectual honesty and do not compromise our freedom of inquiry. At Virginia Tech, self-plagiarism is considered unethical behavior. Self-plagiarism occurs when authors reuse substantial parts of their own published work as new without providing appropriate references to the previous work if this reuse deviates materially from standard practice in the field.

Students: We encourage the free pursuit of learning in our students and exemplify the best scholarly and ethical standards of our disciplines. We value and promote differences among students and respect students as individuals and serve as their intellectual guides and counselors. We make every reasonable effort to foster honest academic conduct and to assure that our evaluations of students reflect each student's true merit. We respect the confidential nature of the relationship between professors and students. We avoid any exploitation, harassment, or discriminatory treatment of students and acknowledge significant academic or scholarly assistance from students. We do not engage in any romantic or sexual relationships.
with students whom we are in a position to evaluate by virtue of our teaching, research, or administrative responsibilities.

**Instruction:** We strive to be fair, compassionate, and effective teachers. We prepare classes adequately, present materials fairly, and make ourselves available to students for consultation and advice. We avoid bias and we respect diverse points of view.

**Colleagues:** We accept our obligations that derive from common membership in the faculty of Virginia Tech. We relate to colleagues and other university personnel in a responsible, professional, and civil manner, avoiding behaviors and actions that purposefully, consistently, and unnecessarily tend to disrupt, impede, harass, or abuse them in the performance of their assigned tasks and professional duties. We do not discriminate against colleagues, nor do we engage in romantic or sexual relationships with employees whom we are in a position to supervise or evaluate. We respect and defend free inquiry by all. In the exchange of criticisms and ideas, we show respect for the opinions of others, acknowledge significant academic or scholarly assistance, and strive to be open-minded and fair in our professional judgments. We accept our share of faculty responsibilities for the governance of Virginia Tech and take due care in the discharge of those responsibilities.

**University:** We seek above all to be effective in our assigned responsibilities. We give paramount importance to these responsibilities in determining the amount and character of work done outside of Virginia Tech. Although we observe the *Faculty Handbook*, we maintain our right to criticize and seek revision of university policy.

**Community:** As members of the larger community, we have the same rights and obligations as other citizens. We measure the importance of these rights and obligations in light of our responsibilities to our disciplines, to our professions, to our students, and to Virginia Tech. When we speak or act as private persons, we avoid creating the impression of speaking or acting for Virginia Tech. As citizens engaged in a profession that depends upon freedom for its welfare and integrity, we have a particular obligation to promote conditions of free inquiry and of further public understanding of academic freedom.

### 2.23.2 Allegations of Unprofessional or Unethical Conduct

The Committee on Faculty Ethics (CFE) receives, investigates, and considers allegations of unprofessional or unethical conduct for all types of faculty members, except administrative and professional faculty members. See chapter one, “Committee on Faculty Ethics,” for further information on the committee charge, membership, and procedures. If the committee finds a serious breach of ethical conduct that leads to a recommendation for a severe sanction or dismissal for cause, the procedures in chapters three, four, and fourteen “Imposition of a Severe Sanction or Dismissal for Cause,” are followed in implementing such sanctions.

When the allegation is against an administrative or professional (A/P) faculty member without tenure or continued appointment, a special panel of five administrative or professional faculty members is selected to review the charges and hear the case, if appropriate. The chair of the Commission on Administrative and Professional Faculty Affairs (CAPFA) chooses panel members from among the A/P faculty at large. The CAPFA chair may invite an experienced member of the CFE to serve as a non-voting member of the panel. All potential members must disclose possible conflicts of interest concerning their participation in the case.

### 2.23.3 Virginia Tech Principles of Community

The Virginia Tech Principles of Community state: Virginia Tech is a public land-grant university, committed to teaching and learning, research, and outreach to the Commonwealth of Virginia, the nation, and the world community. Learning from the experiences that shape Virginia Tech as an institution, we acknowledge those aspects of our legacy that reflected bias and exclusion. Therefore, we adopt and
practice the following principles as fundamental to our ongoing efforts to increase access and inclusion and
to create a community that nurtures learning and growth for all of its members:

We affirm the inherent dignity and value of every person and strive to maintain a climate for work and
learning based on mutual respect and understanding.

We affirm the right of each person to express thoughts and opinions freely. We encourage open expression
within a climate of civility, sensitivity, and mutual respect.

We affirm the value of human diversity because it enriches our lives and the university. We acknowledge
and respect our differences while affirming our common humanity.

We reject all forms of prejudice and discrimination, including those based on age, color, disability, gender,
gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, and
veteran status.

We take individual and collective responsibility for helping to eliminate bias and discrimination and for
increasing our own understanding of these issues through education, training, and interaction with others.

We pledge our collective commitment to these principles in the spirit of the Virginia Tech motto of *Ut Prosim*
(That I May Serve).

2.23.4 Statement of Business Conduct Standards

Each employee makes an important contribution to the overall success of Virginia Tech by performing job
responsibilities in accordance with university policies and procedures. The university’s business standards
provide a strong foundation of business practices to support the core missions of learning, discovery, and
engagement. These standards are described in the statement of business conduct standards available on

All employees are expected to ensure that business activities are conducted properly and in compliance
with various federal and state laws. Many important procedures are located on the websites of the
Controller’s Office, Procurement Department, Human Resources, and in university policies. The websites
are updated as policies change.

2.23.5 Safe Academic and Work Environment

The university is committed to ensuring the safety and security of employees, students, visitors, and
volunteers. Employees are responsible for compliance with environmental, health and safety laws and
regulations and should make every effort to maintain a safe and healthy working environment. In the interest
of promoting a safe and secure working, learning, and living environment for employees, students, and
visitors, the university developed, “University Safety and Security.” As part of a larger and institution-wide
commitment to a safe and secure campus, the university established offices specifically charged with
security and safety responsibilities, created a committee structure, the University Safety and Security Policy
Committee, to provide general oversight and leadership for the university’s security, safety, and violence
prevention efforts, and lists responsibilities for department heads and individuals in supervisory roles.

2.23.6 Campus and Workplace Violence Prevention

The university’s commitment to preventing campus and workplace violence is specified in Policy 5616,
“Campus and Workplace Violence Prevention Policy.” The policy lists prohibited conduct and sanctions for
any policy violations, and prohibits carrying, maintaining, or storing a firearm, ammunition, or weapon on
any university facility and for all events on campus where people congregate in any public or outdoor areas,
even if the owner has a valid permit, when it is not required by the individual’s job or in accordance with the
relevant university policies for student life.
The policy also describes prevention, risk assessment, and response practices implemented, such as establishment of a Campus and Workplace Violence Prevention Committee, and a Threat Assessment Team, and appropriate procedures for incident reporting.

2.23.7 Health and Safety

Policy 1005, “Health and Safety Policy,” describes the university’s commitment to a healthy and safe campus and documents roles and responsibilities to help prevent accidents, illnesses and injuries; increase safety awareness; meet requirements of environmental, occupational health, and safety laws and regulations; reduce institutional liability; and establish safety responsibilities for members of the university community and visitors to university-owned or occupied property.

2.23.8 Non-Discrimination, Sexual Assault, and Harassment Prevention

The university strives to provide a workplace where all employees, students, visitors, and volunteers are treated with dignity and respect. Policy 1025, “Policy on Harassment, Discrimination, and Sexual Assault” affirms the university’s commitment of prohibition against discrimination and harassment at all levels and areas of university operations and programs. Policy 1025 outlines specific definitions of sexual assault.

As an academic community, Virginia Tech values the rights guaranteed by the First Amendment of the United States Constitution and does not intend to restrict the exercise of these rights. However, all members of the university community are responsible for respecting conditions that preserve the freedom to learn. Protected activities do not violate university policy unless they interfere with university functions, violate the rights of others, or otherwise break the law. The appropriate supervisor or administrator is responsible for addressing offensive behavior that does not violate the non-discrimination/harassment prevention policy.

It is also a violation of this policy to retaliate against any party for participating in a discrimination/harassment investigation (“protected activity”). Retaliation includes any adverse treatment that is reasonably likely to deter the complainant or others from filing a charge of discrimination/harassment or participating in a discrimination/harassment investigation. Retaliation can be verbal, written, graphic, electronic, or physical.

It should be understood by all members of the university community that consensual amorous or sexual relationships (hereinafter referred to as consensual relationships) that occur in the context of educational or employment supervision and evaluation present serious ethical concerns. Consensual relationships between faculty and students enrolled in their classes or students for whom they have professional responsibility as advisor or supervisor violate the policy on professional ethics and responsibilities and may be a violation of this non-discrimination/harassment prevention policy. Similarly, consensual relationships between supervisors and employees they directly supervise violate university policy. Faculty members or others performing instructional or academic advising duties and supervisors involved in consensual relationships must remove themselves from any activity or evaluation that may reward or penalize the affected student or employee.

Consensual relationships between faculty and students are particularly susceptible to exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and future employment, make voluntary consent by the student suspect, given the fundamentally asymmetric nature of the relationship.

Faculty and supervisors should be aware that engaging in consensual relationships with students or employees they supervise could make them liable for formal action. Even when both parties have consented to the development of such a relationship, it is the faculty member or supervisor who, by virtue of one’s special responsibility, may be held accountable for unprofessional behavior. Complaints alleging discrimination/harassment, as defined above, may be filed by either party to the consensual relationship or by an aggrieved party outside the relationship.
University administrators, supervisors, and those performing instructional or academic advising duties have an added responsibility to create and maintain a work and learning environment free of discrimination/harassment.

If an administrator, supervisor, or individual with instructional responsibility becomes aware of an incident that might reasonably be construed as constituting discrimination/harassment, he or she must take immediate steps to address the matter. In such cases, the administrator, supervisor, or individual with instructional responsibility should promptly contact the Office for Equity and Accessibility in Human Resources to coordinate any further action that may be necessary.

Administrators, supervisors, and those with instructional responsibility should act whenever they learn—directly or indirectly—about discrimination/harassment. This obligation exists even if the complainant requests that no action be taken. It is not the responsibility of the complainant to correct the situation.

Administrators, supervisors, and those with instructional responsibility (for their respective teaching obligation) have the legal responsibility to protect a complainant from continued discrimination, harassment, or retaliation. They must also protect persons accused of discrimination/harassment from potential damage by false allegations. Administrators and supervisors will be held accountable for dealing with and taking necessary steps to prevent discrimination/harassment.

Administrators and supervisors are responsible for informing employees and students under their supervision of this policy and providing the name and contact information of the person responsible for addressing harassment/discrimination complaints covered under Policy 1025.

For additional information, including procedures to follow when concerns or questions about discrimination/harassment arise, contact the Assistant Vice President of Equity and Accessibility and Title IX Coordinator.

An individual can file a discrimination or harassment complaint, including Title IX, by contacting the Assistant Vice President of Equity and Accessibility and Title IX Coordinator, Virginia Tech, North End Center, 300 Turner St., Blacksburg, VA 24061, Phone: (540) 231-2010.

We encourage victims of sexual violence, including rape, sexual assault, sexual battery, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech’s property, regardless of the status of the complainant. For crimes occurring away from Virginia Tech’s property, victims may contact the local law enforcement in the appropriate jurisdiction.

2.24 Consulting and Outside Employment

2.24.1 Consulting Activities

The university recognizes that consulting work for external entities enhances the professional development of faculty members and provides channels for communication and outreach not otherwise available. For complete and updated information and forms consult the Conflict of Interest website maintained by the Office of the Vice President for Research and Innovation.

This policy differentiates between external consulting and professional service activities as follows:

**External consulting** is professional activity related to an individual’s area of expertise, where that individual generally receives compensation from a third party and is not acting as an agent of the university. Consulting may take many forms, but the guiding principle is that, in consulting, a person agrees to use his or her professional capabilities to further the agenda of a third party in return for an immediate or prospective gain. Even in cases without compensation, advance approval is required to document the proposed external activities and to ensure they do not constitute a conflict of commitment, or a conflict of interest where gifts...
of equipment or donations to the faculty member’s laboratory may substitute for direct compensation. Provisions of the consulting policy also apply to external activities where the faculty member has a direct relationship to the external entity, such as personal or family ownership of the company. Consulting does not involve becoming an employee of the external entity.

**Professional service** includes service on national commissions, on boards of governmental agencies, on granting agency peer review panels, on visiting committees or advisory groups to other universities, on professional associations, and on analogous bodies. Professional service activities may involve a token honorarium and/or expense reimbursement. These activities are considered part of the faculty member’s institutional responsibilities for participation in the larger scholarly academic community. Participation in external professional service activities may require supervisor approval depending on departmental practice and expectations of the position. Annual leave is not required.

Consulting arrangements may be entered into by faculty members during periods of university employment provided that: such advice is not part of their usual responsibility to the university and is not usually provided through Virginia Cooperative Extension, outreach programs, or other component of the university; the work undertaken contributes to their professional development; the work can be accomplished without interference with their assigned duties and does not ordinarily involve more than one day per week and does not exceed five days in any five-week period; university resources and facilities are not involved (except as described in Policy 5000, “University Facilities Usage and Events,” Approval and in chapter two, “Use of University Facilities”); all consulting activities, including those that do not exceed five days in any five-week period must be documented with and written approval in advance is obtained from the faculty member’s department head or chair, and dean or senior manager.

Faculty members must disclose and receive approval for all consulting activities including activities that occur with the one-day per week through five-days per five-week period. Approval is sought using the Disclosure and Management System available at (add url here) and on the website of the Office of the Vice President for Research and Innovation.

Faculty members whose appointments are funded in whole or in part by sponsored projects may participate in consulting when consistent with their responsibilities and in compliance with federal contract compliance and state regulations. University time available for consulting is in proportion to base salary funding from non-sponsored sources. With supervisor approval, additional consulting days may be charged to annual leave.

Consulting work should involve advisory services based on a faculty member’s store of knowledge and experience in contrast to programs of research, development, or testing, which may interfere with the performance of the faculty member’s duties or conflict with university interests.

In any faculty consulting arrangement, the name of the university must not be used in connection with any product or service developed as a result of such consulting nor in any connection arising out of the arrangement.

Paid consulting by faculty members is not permitted for work done for a group within the university. For example, if a faculty member advises or assists the principal investigator on a grant, there shall be no pay for the services. Such consulting is considered part of the usual duties of faculty members. Faculty members may be paid for participation in non-credit instruction offered through appropriate university units, such as Continuing and Professional Education or University Organizational and Professional Development, in accordance with overload payment policies in chapter two of the *Faculty Handbook*.

When a faculty member testifies as an expert witness, the following conditions apply: a disclaimer is given in court indicating that the faculty member is speaking as a professional and not as a representative of the
Faculty members intending to do consulting work should also read Policy 5000, “University Facilities Usage and Event Approval.” Except under the provisions specified in that policy, faculty members are not allowed to use university resources in conjunction with consulting or otherwise for private gain. This includes the parallel use of university facilities associated with consulting activities; i.e., when a faculty member is engaged in authorized consulting activities, the consulting employer may not enter into an agreement to use university resources for any purpose related to the consulting activity. Instead, when significant resources of the university are required, the employer may request that an agreement, grant, or contract be drawn with the university that provides the necessary services, including Human Resources. The faculty members then carry out duties attendant on the agreement as part of their assigned university duties. Because University Libraries facilities are made available to the public, their use in consulting is not regarded as being in contravention of this policy.

Because of the university’s land-grant mission, it may be in the best interest of the university to impose some additional restrictions on the consulting activity of the faculty of one or more of the colleges. Therefore, an academic dean, after consulting with his or her faculty, may recommend to the provost that the faculty of that college need to satisfy additional requirements for consulting approval. The provost, after consulting with the Commission on Faculty Affairs, and with the approval of the president and the Board of Visitors, may require that the faculty of the affected college satisfy such additional requirements.

Oversight of faculty consulting is a responsibility of the department heads or chairs and other relevant administrative officers of the university so that a reasonable and appropriate level of external activities is maintained and usual duties are not neglected.

A consulting request must be approved by the department head or chair and dean and submitted through the Disclosure and Management System. Notice of approval is accomplished by returning a copy of the signed approved consulting request form to the faculty member. (See related reporting forms available on the Conflict of Interest website maintained by the Office of the Vice President for Research and Innovation.) Further information on the conflict of interest policy appears below and on that website.

Approval of consulting or other external activities for faculty members holding nine-month appointments is not necessary during the summer unless there is concern about conflict of interest, or the university employs the faculty member during the consulting period. When the university employs the faculty member in the summer months, university and college consulting policies apply.

Setting the consulting fee is the prerogative of the faculty member. The actual or estimated consulting income is reported on the request form to allow reviewers a full assessment of potential financial conflict of interest. Income received for consulting work is not considered when faculty members are evaluated for annual merit salary increases.

### 2.24.2 Technical Assistance Program

Consulting agreements may be negotiated by the individual faculty member and the sponsoring organization, not involving university participation in any way, or they may be negotiated as part of a technical assistance agreement through the university. The technical assistance program was created as part of the university’s outreach mission to respond to requests from business and industry for the application of knowledge to a specific process-related or technical situation.
Proposals for technical assistance are small scale (generally less than $25,000), short-term, require a rapid response, and do not involve the generation of new knowledge or the development of intellectual property. (Projects involving the generation of knowledge and/or faculty buyouts must be handled as sponsored projects.) Continuing and Professional Education negotiates and administers contracts for technical assistance.

Technical assistance contracts typically identify the faculty member who will provide the needed expertise, the amount of time to be devoted to the project, the scope and estimated cost of the work, timelines for the consulting or project, and any required deliverables.

Payment to the faculty member for such consulting is negotiable and provided through university payroll. Faculty earnings for technical assistance agreements must be within the overall limitation of 33⅓ percent of annual income during the academic year for nine-month faculty members; summer earnings from all university sources are also capped at an additional 33⅓ percent for academic year faculty members. Faculty members on calendar year appointments may earn 33⅓ percent of annual income during the fiscal year. The earnings limitation is for payments from all university sources, including approved non-credit continuing education activities. Similarly, total time involved in technical assistance, other approved consulting, and non-credit teaching must be within the constraints of this policy.

For further information on technical assistance agreements, please contact Continuing and Professional Education. A technical assistance agreement, completed and approved by the department head or chair and dean, substitutes for approval of a Request to Engage in External Activity Form 13010 usually required for approval of consulting.

2.24.3 Outside Employment and External Activities Other Than Consulting

Prior approval of the supervisor and relevant university official is required for outside employment that does not meet the definition or intent of the consulting policy. Approval is contingent on assurance that the primary commitment to Virginia Tech will be fulfilled and that the proposed employment does not constitute a conflict of interest. Release time from university work is not usually available for paid activities that are primarily personal in nature, do not enhance the faculty member’s professional skills, or that are not a potential benefit to the university. The faculty member must use pre-approved leave (or leave without pay) in cases where outside personal work creates a potential conflict with university responsibilities.

2.25 Conflict of Commitment

A conflict of commitment arises when the external activities of a faculty member are so demanding of time, attention, or focus that they interfere with the individual’s responsibilities to the university.

Faculty members have traditionally been allowed wide latitude in defining their professional agendas and their degree of involvement in external activities when those activities advance the mission or prestige of the university. The university encourages active participation by faculty members in external activities that are integral to and/or enhance their professional skills and standing or that constitute substantive outreach and public service activities.

Such activities are usually expected of faculty members to promote academic development, and to enrich their contributions to the institution, their profession, the state, and the national and world societies. Additionally, Virginia Tech encourages entrepreneurial activities by faculty, recognizing that such activities are critical to promoting economic development and meeting society’s needs, provided that participation in those activities is in compliance with federal and state laws and policies, the Virginia Tech conflict of interest policy, and these guidelines.

Faculty members should make the fulfillment of their responsibilities to the university the focal point of their professional effort. They are expected to arrange their external activities so that they do not impede or
compromise their university duties and responsibilities. Responsibility for ensuring commitment to the university and for reporting activities that might be perceived as compromising that commitment rests with each faculty member in consultation with his or her unit administrator (typically the department head or chair, or school or center director) and dean.

The university recognizes that the balance of external activities varies among individuals, from discipline to discipline, and from one type of proposed activity to another. That balance is affected by unit goals and changing needs for teaching, research, creative/artistic activities, Extension, service, and outreach. Primary duties and responsibilities may vary from year to year for individual faculty members. Undergraduate and graduate enrollment demands, faculty-staffing levels, and changes in the nature and scope of outreach, teaching, and research within the unit may affect the primary duties and responsibilities of individual faculty. The primary judgment as to whether a faculty member is meeting his or her professional responsibilities to the unit rests with the department head and dean (or relevant senior manager).

If a faculty member is committed to engaging in an external activity that compromises his or her ability to meet university responsibilities, a leave of absence or a reduction in percent employment may be appropriate or necessary. Approval of a leave request or change in appointment depends on the needs of the college and unit and protection of university interests.

If a unit administrator, or dean, observes that a faculty member appears not to be fulfilling his or her primary responsibilities to the university, the administrator shall immediately address these concerns with the faculty member to ensure that these responsibilities are adequately met. Failure to meet primary departmental and university obligations is handled through established university procedures appropriate to the situation (for example, formal reprimand, non-reappointment, post-tenure review, or dismissal for cause).

Nothing in this policy statement shall be interpreted as interfering with the academic freedom of faculty members, nor with their primary responsibility to direct their own research.

2.26 Conflicts of Interest

Please consult Policy 13010, “Individual Conflicts of Interest and Commitment.” Virginia Tech recognizes that external activities congruent with the professional expertise of faculty and staff consistent with the mission of the affiliated department can enhance professional development of the employee and enrich the academic experiences of students. Activities such as licensing of technology, consulting, or business start-ups can be critical to promoting economic development and meeting society's needs. Given these potential benefits, Virginia Tech encourages innovation and entrepreneurial activity in support of the broad missions of the institution. However, the primary professional allegiance of the employee must be, both in fact and in perception, to the university, and the primary commitment of the employee’s time and intellectual energies must be devoted to the education, research/scholarship, administration, and outreach programs of Virginia Tech. While external activities are encouraged, the integrity of the institution and of the research conducted by individual faculty, staff, and students depends on a high degree of transparency and appropriate oversight of relationships with outside entities. Elimination or careful management of disclosed potential conflicts of interest provides assurance to research sponsors, subjects, and the broader public that possible personal gain has not influenced the design, conduct, or outcomes of the research, nor inappropriately biased decision making in other university activities. Policy 13010 provides the basic framework for assessing potential conflicts of interest or commitment and outlines related procedures for the management and monitoring of external activities in a manner that promotes and safeguards the interests and reputation of Virginia Tech, its faculty, staff, and students, and their research and other university activities.

All faculty members must be committed to conducting themselves in accordance with the highest standards of integrity and ethics, described in “Professional Responsibilities and Conduct” in the Faculty Handbook.
as well as in other university policies, including Policy 13010. These standards also include identification and disclosure of the potential for conflicts of interest and commitment, and the assurance that participation in external activities does not improperly affect the faculty member’s teaching and research, relationships with students or colleagues, or otherwise jeopardize the reputation of the university. While this policy refers to “faculty,” its provisions apply to all employees, including all types of faculty, staff, or employed students, whether full- or part-time. Issues of conflict of interest and commitment are also addressed in the university’s Statement of Business Conduct Standards. All employees must acknowledge receipt of the statement and agree to abide by the standards. For examples of potential conflicts of interest visit the Conflict of Interest website.

An individual conflict of interest occurs when an employee is in a position to advance one’s own interests or that of one’s family or others to the detriment of the university. Conflict of interest can arise in various situations including, but not limited to: research and development contracts or commercialization of intellectual property; spouses and immediate family members; students and post-doctoral or other trainees; other university employees; faculty authored instructional materials; and procurement-related conflicts and gifts to employees.

2.26.1 Disclosure Requirement

State law and federal law require that faculty members fully disclose personal financial interests that present a potential conflict of interest with one’s university responsibilities. Involvement with external activities, such as consulting or outside employment, or financial relationships with external entities related to one’s professional responsibilities must be approved in advance. All employees (or their immediate family members) who have a private company (or personal ownership interest meeting or exceeding state limitations) that wishes to do business with Virginia Tech must disclose this financial interest annually. All investigators (or their immediate family members) who own or have ownership interest in a private business that would reasonably appear to be related to their institutional responsibilities must disclose that financial interest and have it evaluated for potential conflicts of interest or commitment, whether or not that company intends to do business with Virginia Tech. A renewal application must be filed annually for those approved activities that extend beyond one year. When a conflict management plan is required by the circumstances, full and immediate compliance is essential to assure the integrity of university-sponsored research, teaching, outreach, and administrative activities. University officials, not the faculty member, ultimately determine whether a reported financial interest constitutes a conflict and whether an award can be accepted or must be declined given the possible unresolved issues.

2.26.2 Training Requirement

The complexity and importance of managing potential conflicts of interest warrant the full attention of members of the university community. Initial and periodic training concerning applicable university policies and state and federal law and the investigator’s responsibilities for disclosure is required for all faculty engaged in sponsored research. Federal regulations require all Public Health Service investigators to complete training prior to the award of a grant or contract. Initial training for other investigators must be completed in conformance with procedures issued by the vice president for research and innovation. Retraining related to conflict of interest is required every four years and/or whenever there is significant change in university policy related to investigator responsibilities. Any investigator found to be in non-compliance with disclosure requirements will also be required to complete immediate training.

2.26.3 Related Policies

This policy must be read in conjunction with related university policies and procedures, such as intellectual property, use of facilities and university resources, procurement, Policy 4070, “Additional/Outside Employment Policy for Salaried Classified and University Staff,” Faculty Handbook sections on consulting,
outside employment, and conflict of interest and conflict of commitment. Policy guidance is provided on the Conflict of Interest website maintained by the Office of the Vice President for Research and Innovation and the standards of conduct and ethics website maintained by the Procurement Department.

2.26.4 Conflicts of Interests Procedures

The sections below outline procedures for disclosing external activities, potential conflicts of interest, economic interest, managing potential conflicts, and participation and payment of students.

2.26.4.1 Disclosure of External Activities

University policy requires reporting of a wide variety of external activities, whether or not they generate additional income for the faculty member, or an immediate family member. Certain traditional scholarly-related activities do not require reporting, such as serving on a peer-review panel, guest lecturing at another institution, serving as a speaker or panelist at a professional society meeting or conference, or editing a scholarly journal, even when the faculty member receives an honorarium for such service. A list of common activities that do not need to be reported is available on the Conflict of Interest website.

Advance approval is required for consulting or outside employment. Use form 13010 for disclosure and approval of such activities on an annual basis each fall, or as needed for new activities. Include sufficient information for department and college officials to review and evaluate the proposed activities for conflict of interest or commitment. A single form may be submitted for on-going consulting activity with a single entity during the fiscal year. Continuation of that same consulting activity beyond the current fiscal year must be reported and approved annually. Separate disclosures are required for each consulting client so that potential conflicts of interest or commitment can be properly evaluated. A single disclosure denoting ownership of a consulting company with multiple unidentified clients does not allow an adequate assessment and is considered insufficient and unacceptable. Proposed external activities must be reported sufficiently in advance to allow a meaningful evaluation and approval process, including development of a management plan in the case of a conflict of interest or other legal issues posed by the proposed activity.

External activities with no anticipated impact on related sponsored research, other sponsored activities, or employment or funding of students or trainees, and within stated limitations of university policies on consulting and/or outside employment may be approved by the department head and relevant dean or senior administrator. Approval of the provost, or the relevant vice president, is required for exceptions to the time limitations on consulting and outside or additional Virginia Tech employment. The original approved form is kept in the employee’s departmental personnel file. University departments and the relevant dean or vice president’s office are responsible for ensuring that copies are sent to the employee and the university conflict of interest officer. The relevant dean or vice president’s office also retains copies of the individual disclosures.

Staff members may request approval for outside employment and/or additional employment at Virginia Tech in accordance with Policy 4070, “Additional/Outside Employment Policy for Salaried Classified and University Staff.”

2.26.4.2 Disclosure of Potential Conflict of Interests

Form 13010 is also used annually to disclose external activities, or relationships with external entities, that may involve a potential conflict of interest. Examples of activities that generally require disclosure are available on the Conflict of Interest website, such as employee (or immediate family) ownership of a private business seeking to sponsor research at Virginia Tech, or utilizing students, trainees, or other university employees in the faculty member’s private business or consulting. A newly acquired significant financial interest, such as might occur through marriage, inheritance, or establishment of a new company, must be disclosed within 30 days. Disclosures must be filed and approved prior to submission of a related proposal for sponsored research.
For faculty members with Public Health Service (PHS) funding, reimbursed or sponsored travel paid for by an external entity must also be disclosed if it exceeds an aggregated amount of $5,000 annually. Disclosure includes at a minimum the purpose of the trip, identity of the sponsor/organizer, the destination, and duration. Disclosure is not required for travel reimbursed by the university from any source of university funds (e.g., departmental, foundation, sponsored project), or travel paid for (or reimbursed) by a federal, state, or local government agency, a U.S. institution of higher education, an affiliated research institute, or academic teaching hospital. Special rules concerning reporting of travel apply to those employees who must complete the annual Commonwealth Statement of Economic Interest forms.

It is essential that the employee describe in detail the totality of the relationship with the external entity, including but not limited to the extent of individual or family financial interest, any involvement of students or other employees, and any project-specific considerations. Disclosures will be reviewed initially by the department head or the designated administrator for employees in non-academic units. Guidance on how to assess reported activities or relationships for potential conflicts of interest is available on the Conflict of Interest website. A management plan must be drafted if the faculty member expects related future research involvement with the entity.

Once approved by the department or unit head, the form is routed for review and approval by the relevant dean or vice president’s office. Additional review and approval by the university conflict of interest officer is required for disclosures involving business ownership interests of investigators (or their family members), significant financial interests related to sponsored research, or other sponsored activities, employment or funding of students/trainees/staff, and any proposed management plan.

When the Office of Sponsored Programs receives a proposal involving an employee-owned business either as a research sponsor or subcontractor, relevant disclosures (completed form 13010, management plan, Virginia Statement of Economic Interest) are collected and reviewed by the designated conflict of interest officer for sufficiency. The conflict of interest officer prepares a summary of the proposed award and nature of the financial interest for further review by university legal counsel, the Office of the Vice President for Research and Innovation, the provost, and president. Contracts approved by the president are subsequently reported to the Board of Visitors.

Prior to executing a related sponsored award, the approved disclosure form, management plan, and presidential approval, if relevant, must be in place. When appropriate, the university conflict of interest officer reports an investigator’s significant financial interest and key elements of the management plan to the federal agency sponsor in accordance with agency requirements.

If a significant financial interest is identified subsequent to project initiation, the conflict of interest officer promptly reviews (within 60 days) the financial interest and its relationship to the project. The conflict of interests officer implements an interim management plan to mitigate the potential conflict, including, if deemed necessary, suspending further project expenditures pending a more complete review and determination of appropriate action.

2.26.4.3 Virginia Statement of Economic Interest

The Commonwealth of Virginia requires reporting of economic interests by members of boards of visitors, senior administrators, select others with financial decision-making authority, and employee business owners whose companies seek to contract with the university for research and development or commercialization of intellectual property. The Statement of Economic Interest disclosure is completed twice a year in December and January or as needed in the case of a new research contract.

University Human Resources notifies individual employees of any state disclosure requirements and provides instructions on how to access the state-maintained online reporting system. These individuals are
required to complete state conflict of interest training on a two-year cycle. University Human Resources maintains and tracks the associated training as required by state law.

2.26.4.4 Management of Potential Conflicts

A management plan is used to document the proposed strategies for eliminating, mitigating, or managing a potential conflict of interest. Approved strategies must reflect the commitment of the faculty member to university principles and values of transparency; strict adherence to the highest standards of professional ethics and conduct of research; appropriate and timely dissemination of research results; and protection of students, employees, and human subjects involved in the research. The management plan can call for implementation of several strategies designed to protect these values and the integrity of the research, research sponsors, the employee, and the university. Examples of frequently adopted strategies and sample management plans are available on the Conflict of Interest website. Management plans are typically project specific, reflecting the conditions of the proposed research. Management plans must fully describe the situation giving rise to the potential conflict, the proposed strategy to eliminate, mitigate, or manage the potential conflict, and the process by which the activities and the management plan will be monitored. Appropriate monitoring should include an oversight function to evaluate the effectiveness of and ensure compliance with the strategies specified in the management plan. In accordance with Public Health Service (PHS) regulations. Disclosure of an investigator’s significant financial interest must be made directly to the human subjects involved in all research activities.

A faculty-owner may not serve as sole principal investigator on a university project that is funded wholly, or partially, by the external organization with which the faculty-owner is associated. The co-principal investigator must be a faculty member who is not in a subordinate position to the faculty-owner, nor associated with the faculty-owner’s company, or in any way susceptible to potentially inappropriate influence by the faculty-owner. Any exception to this must be approved by the vice president for research and innovation. The faculty-owner may not have financial responsibility for the contract. Oversight arrangements must be carefully crafted for those cases where the faculty-owner remains involved in the sponsored research. Faculty consulting with an external entity which then sponsors research at the university involving that faculty member also presents a potentially serious conflict of interest which must be eliminated or carefully mitigated.

All management plans are reviewed and approved by the university conflict of interest officer to assure consistency and compliance with applicable sponsor regulations and university policy.

Awards will be contingent upon acceptance and implementation of the plan by the faculty member. While the faculty member bears primary responsibility for carrying out the plan, department heads and deans are expected to monitor compliance and assure that protections are provided for employees and students. A review of active management plans will be performed periodically throughout the performance period of the sponsored project. Employees, department heads, or others involved in the execution of a specific management plan will be contacted and requested to provide any updates or revisions that may have been made during the review period. Once the management plan review has been completed and approved, any required sponsor reporting will be filed.

2.26.4.5 Participation of and Payment to Students

The participation of students in projects involving faculty-owners should be given particularly careful consideration. Work for faculty-owned companies or in faculty consulting provides valuable experience for undergraduate and graduate students. Nevertheless, such opportunities come with some risk that the student may be diverted from his or her educational goals or the perception that students are being used primarily for the benefit of those companies. For example, a faculty member who pressures a student to complete work related to the faculty member’s company could easily affect the student’s completion of
graduate studies in a timely and appropriate way, thereby putting the faculty member’s interest in obtaining proprietary results ahead of the student’s academic or scholarly research activities. The concern is similar for the involvement of students in faculty consulting or other external activities. The risks and benefits of such involvement must be carefully weighted by departmental administrators responsible for evaluating the disclosure and approving the request, particularly where the involvement may be longer term and/or more time consuming. See additional sections in this chapter for further discussion of issues related to student involvement in faculty members’ external activities or outside businesses.

Where approved, students may be paid for involvement in faculty-owner activities in either of two ways. Remuneration may be in the form of an assistantship and tuition, or wages funded by a sponsored project contracted to the university from the business or organization with which the faculty-owner is associated. The assistantship or wages are remuneration for work only within the agreed scope of that funded project and for no other tasks undertaken for the benefit of the external organization. This is no different from any other sponsored project that involves graduate research assistants or wage-earning students. In these circumstances, assistantships are constrained to payments within the scales published by the university. Alternatively, the company or agency might engage students directly as employees. This is the situation experienced by most off-campus and part-time graduate students. However, it is envisaged that in the case of faculty-owned businesses, students will spend time in university facilities when not engaged in direct work for the company at the company site or in an off-campus location. (Students may not do work on behalf of the company in university facilities.) Remuneration is not limited to university scales when students are employed directly by the company and may include the cost of tuition.

Students who will be employed by either of the two methods of payment and have their research supervised by the faculty-owner must sign an agreement acknowledging that they have been informed by their graduate program director or department head and associate dean about the source of their funding, the potential concerns associated with conflict of interest, and their channels for redress if needed.

Any work done on behalf of the faculty-owner’s company in university facilities must done in accordance with sponsored program guidelines and/or Policy 5000, “University Facilities Usage and Events Approval.”

### 2.26.5 Compliance

Virginia Tech expects its employees to comply fully and promptly with the policy. The Office of the Vice President for Research and Innovation is responsible for overseeing the implementation of the policy and associated procedures. The university conflict of interest officer works cooperatively with investigators and others to resolve any minor issues of noncompliance.

Breaches of the disclosure process, including (a) failures to comply with such process, whether by virtue of an employee’s refusal to respond or by his or her responding with incomplete or knowingly inaccurate information, (b) failures to remedy conflicts, and (c) failures to comply with a prescribed management plan, will be forwarded to the appropriate university unit for investigation and appropriate action. Concerns about potential bias in the research will be reviewed in accordance with procedures established by the Office of the Vice President for Research and Innovation and posted on the Conflict of Interest website.

Instances of deliberate breach of policy—including failure to file a required disclosure form, knowingly filing an incomplete, erroneous, or misleading disclosure form, or failure to comply with prescribed monitoring procedures will be adjudicated in accordance with applicable university disciplinary policies and procedures as described in the faculty and staff handbooks. University procedures for imposition of a severe sanction or dismissal for cause described in chapter three of the Faculty Handbook provide appeal mechanisms for faculty members charged with a serious breach of university policies. Staff employees may appeal through the staff grievance process.
2.26.6 Record Retention

All original signed disclosure forms and management plans related to conflicts of interest and commitment will be retained in the employee's departmental personnel file in accordance with university record retention guidelines. Copies of disclosure forms and management plans related to research will be maintained in the Office of the Vice President for Research and Innovation in accordance with state and federal requirements.

2.26.7 Definitions

**Business** means any corporation, partnership, sole proprietorship, firm, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit. The definition excludes the university, or any other entity controlled by, controlling, or under common control with the university.

**Disclosure** is the full recording or specification of the employee's relationship with an external organization or involvement in external activities.

**Employee** includes all types of Virginia Tech faculty, staff, or employed students, whether full- or part-time.

**Faculty member** is anyone who has faculty status at Virginia Tech, regardless of rank and including research faculty and administrative and professional faculty. The complete categories of faculty are defined in chapter two of the *Faculty Handbook*. This policy also applies to staff employees and employed students where relevant.

**Family member** or **immediate family member** means an employee’s spouse or child who resides in the same household and who is a dependent of the employee. A potential conflict of interest may arise when the party holding the "financial interest" as defined below is related to the employee in ways other than spouse and dependent children. Financial interests held by this party should be disclosed by the employee to the best of their knowledge.

**Institutional responsibilities** are defined broadly and include but are not limited to teaching, advising, research and scholarly activities, outreach, administrative and institutional committee service, and service to professional associations or on panels such as peer, institutional, or accreditation review boards.

**Investigator** means the project director or principal investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research. Collaborators, consultants, or subcontractors are considered investigators for the purposes of this policy, as is anyone identified as key personnel in the contract proposal and contract. Investigator disclosures must include the financial interests of their spouse and dependents.

**Organizational conflict of interest** exists when multiple university relationships with sponsors create an actual or perceived conflict of interest. Virginia Tech is treated as a single contractual entity in the federal contracting context. Separate sponsored projects and their principal investigators are considered part of the overall Virginia Tech contracting entity. Hence, the involvement of one faculty member in a consulting or advisory services contract with the agency may preclude a subsequent related contract from that agency based on potential concerns that there may have been access to source selection criteria or confidential information not in the public domain in advance of request for proposal (RFP) or procurement, or that the organization might be evaluating its own work products and hence open to charges of biased judgment, or that the preparation of specifications or statements of work might have favored the institution. Organizational conflict of interest applies to more than one project and may affect all current or even future sponsored research with a particular federal sponsor.

The Public Health Service comprises all agency divisions of the Department of Health and Human Services and the commissioned corporations, agencies, and operating divisions including: Office of the Assistant Secretary for Preparedness and Response; Office of Global Affairs; Agency for Healthcare Research and
Quality; Agency for Toxic Substances and Disease Registry; Centers for Disease Control and Prevention; Food and Drug Administration; Health Resources and Services Administration; Indian Health Service; National Institutes of Health; and Substance Abuse and Mental Health Services Administration.

**Significant financial interest** is defined differently by state law and federal regulation. The Virginia State and Local Government Conflict of Interests Act uses the term “personal interest” and the defined thresholds for disclosure apply to all employees not engaged in sponsored research. The definition for “significant financial interest” below applies to all investigators involved in sponsored research, regardless of the source of funds for that research.

**Personal interest** as defined by the Virginia State and Local Governments Conflict of Interests Act: A financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, $5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, $5,000 annually; (iv) ownership of real or personal property if the interest exceeds $5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of (i) or (iv) above.

**Significant financial interest:** A financial interest consisting of one or more of the following interests of the investigator (and those of the investigator’s spouse and dependent children) that reasonably appears to be related to the investigator’s institutional responsibilities:

With regard to any publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the 12 months preceding the disclosure and the value of the equity interest in the entity as of the date of disclosure, when aggregated, exceeds $5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.

With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the 12 months preceding the disclosure, when aggregated, exceeds $5,000, or when the investigator (or the investigator’s spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest).

Or, intellectual property rights and interest (e.g., patents, copyrights), upon receipt of income related to such rights and interest.

Public Health Service funded investigators must also disclose the occurrence of any reimbursed or sponsored travel if it exceeds an aggregated amount of $5,000 annually and is related to their institutional responsibilities. Sponsored travel is defined as that which is paid on behalf of the investigator and not reimbursed to the investigator so that the exact monetary value may not be readily available. However, this disclosure requirement does not apply to travel that is reimbursed or sponsored by a federal, state, or local government agency, a U.S. institution of higher education, an academic teaching hospital, a medical center, or a research institute affiliated with an institution of higher education.

The term significant financial interest does not include the following types of financial interests: salary, royalties, or remuneration paid by Virginia Tech to the investigator, including intellectual property rights.
assigned to the institution and agreements to share in royalties related to such rights; income from investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles; income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, and U.S. institutions of higher education; or income from service on advisory committees or review panels for a federal, state, or local government agency, a U.S. institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

2.27 Policy on Misconduct in Research

The university endorses high ethical standards in conducting research to ensure public trust in the integrity of research results. The university recognizes that deception in research erodes the credibility of an institution and the confidence of those who might benefit from the research. The university takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research and research training (and activities related to that research or research training), discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct. The Research Integrity Office offers additional information. Chapter 10 of this handbook includes additional information and procedures regarding misconduct in research.

2.28 Political Activities

Candidacy for political office, service on county and state commissions, and active participation in political campaigns are recognized as individual freedoms of each faculty member. The only restriction placed upon such activities is that they not interfere with the faculty member's academic responsibilities. Faculty members must take care to assure that their positions in the university are kept separate from their political activities; it must be clear that they act as citizens in such activities, not as representatives of the university.

The university encourages interest in civic affairs. However, neither political nor community activities are considered in the annual merit evaluation of a faculty member. If income is obtained for such activities, approval must be first obtained under consulting policies.

2.29 Stewardship of Resources and Internal Controls

It is the university's policy to maintain a robust system of internal controls in order to safeguard assets, identify and correct errors and irregularities in the financial records on a timely basis, and to enhance compliance with university policies and procedures and applicable laws and regulations. The establishment, maintenance, and evaluation of an organization's system of internal controls is the responsibility of management and creates the foundation for sound business practices within an ethical environment. It is also university policy to assess the effectiveness of the system of internal controls through periodic reviews by management and the services of external and internal auditors.

Policy 3010, “Internal Controls” applies to all university faculty, staff and wage employees, hereafter referred to as “employees.” All university employees play a key role in ensuring that the high standards of business and ethical practices and the good stewardship of university resources are adopted in the performance of their duties at Virginia Tech. The establishment of strong internal controls echoes the principles of professional and personal integrity found in the university’s Statement of Business Conduct Standards which requires all employees to be fair, ethical, and honest in all internal and external business dealings and to comply with university policies and procedures and applicable laws and regulations.

2.29.1 Use of University Facilities

The facilities of the university are intended for the use of its faculty, staff, students, and invited guests participating in university-approved programs and activities, sponsored by or under the direction of the university or one of its related agencies or approved organizations, or by other organizations outside the
university. Refer to Policy 5000, “University Facilities Usage and Events Approval”, for further guidance regarding approved uses of university facilities. Policy 6362, “Policy on Continuing and Professional Education”, required that academic colleges, centers, and administrative units designing and delivering continuing and professional educational activities, both on- and off-campus, under the auspices of the Virginia Tech brand must work through Continuing and Professional Education. This includes work conducted by faculty in Blacksburg, as well as faculty delivering continuing education programs at university locations outside Blacksburg. Alternate arrangements may be made in the case of lack of availability of appropriate space or mutual agreement between the sponsoring university entity and Continuing and Professional Education.

University facilities are to be used in a manner consistent with their intended purpose. Priority of use is given to those activities related to the mission of the university. The facilities must be used in a safe, professional manner so as not to endanger the university community or the general public. The university may restrict access to land and buildings to protect individuals, property, and equipment.

The vice president for operations is responsible for implementing policies and procedures about university facilities, including academic buildings.

Requests for use of rooms in The Inn at Virginia Tech and Skelton Conference Center are submitted to The Inn’s space reservationist. Requests for use of the residence halls follow procedures outlined in, “Residential Camps, Conferences, and Workshops.”

Faculty and staff are not allowed to use university resources for private gain. However, under the following conditions, the compensated use of specialized facilities or equipment is allowed in support of approved consulting activities:

The facility or equipment must have a charge rate, established by the Controller’s Office, which reflects all direct and indirect costs associated with the use of the facility or equipment and applies to use by parties outside the university. The charge rate is applied to the actual use.

A Request to Engage in External Activity must be filed with the Online Disclosure Management System, specifying the facility or equipment to be used and estimating, in time or charges, the extent of the proposed use. The director, head, or chair of the department responsible for the facility or equipment verifies, on the Request to Engage in External Activity Form 13010A, that the proposed use does not interfere with, or have priority over, anticipated university use of the facility or equipment.

In approving the Request to Engage in External Activity, the faculty member’s department head/chair and dean or vice president (and provost, when appropriate) determine that the consultation is of substantial professional merit and presents no conflict of interest in the use of the facilities or equipment. Particular care is given to the relationship of the consultation with current or potential grants or contracts and to the possibility of unfair competition with local firms and businesses.

If an employee uses equipment of a specialized service center, the employee is charged the “commercial” or “consulting” rate, as determined by the Controller’s Office. The employee is billed based on actual use. The deposit is credited to the appropriate service center account established by the Controller’s Office.

If the faculty member uses facilities such as those of the Virginia Tech athletic department, Moss Arts Center, or Student Engagement and Campus Life venues, the employee is charged at a rate established by the Controller’s Office for such use. The deposit is made to the appropriate department’s account.

For facilities other than specialized service centers, or other facilities for which a charge rate has been determined, the use of the facilities must be authorized and reimbursed at a rate determined by the joint collaboration of the employee’s department head/chair and the Controller’s Office.
The use of University Libraries facilities in connection with consulting is exempt from the above regulations, since those facilities are available to the public.

2.29.2 University Space Management

Policy 5400, “University Space Management”, describes the formal decision-making and allocation approach to university space management, including all space and land owned or leased by the university. Through this formalized process, the university has the authority and responsibility to allocate space to specific users through organizational hierarchies for certain periods of time, to review those allocations periodically, to assess their utilization, and to reallocate as needed to support the university’s strategic goals. The policy provides principles that govern the distribution of classroom and lab space scheduling and applicable roles and responsibilities.

2.29.3 Operation of Unmanned Aircraft

Proper operation of unmanned aircraft systems (UAS) on campus and procedures for reporting any incidents is regulated in Policy 5820, “Operation of Unmanned Aircraft Systems (UAS)”. The Policy governs (i) the operation of UAS on or over University Facilities, which include the university campus and property owned, rented, leased, and controlled by the university, (ii) the operation of university-owned UAS, and (iii) the operation of UAS by university personnel for university-related purposes (each, a “University UAS Operation”; collectively, “University UAS Operations”).

2.29.4 Standards for Acceptable Use of Information Systems and Digital Media Communications Tools

Access to computer systems and networks owned or operated by Virginia Tech imposes certain responsibilities and obligations and is granted subject to university policies, and local, state, and federal laws. Acceptable use is always ethical, reflects academic honesty, and shows restraint in the consumption of shared resources. It demonstrates respect for intellectual property, ownership of data, system security mechanisms, and individuals’ rights to privacy and to freedom from intimidation, harassment, and unwarranted annoyance. Please consult Policy 7000, “Acceptable Use and Administration of Computer and Communication Systems.” Policy 7000 applies to the use of any computing or communications device, regardless of ownership, while connected to the university network, and the use of any information technology services provided by or through the university. Every user of these systems and services is expected to know and follow this policy. Refer to Acceptable Use of Information Systems at Virginia Tech that details what are acceptable and not acceptable use of university resources.

University entities or individuals may, as needed, use digital communication tools to communicate with groups of university constituents on matters of official university business that require immediate notification or that are of a sufficient level of importance to warrant special attention. Any such group communications to employees, students, or others must be compliant with all regulations and university policies and should be limited to those matters that affect the majority of the defined group. Text messaging may be used but must not be the sole means of communicating an essential message or announcement. The text message must be supplemented by some other means of communication, e.g. an email or paper notice to ensure that all intended recipients, including those without a mobile phone, receive the message.

2.30 Privacy of Electronic Communications

Human Resource Policy 1.75 of the Commonwealth of Virginia states, “no user should have any expectation of privacy in any message, file, image, or data created, sent, retrieved, received, or posted in the use of the commonwealth’s equipment and/or access. Policy 7035, “Privacy Policy for Employee’s Electronic Communications,” defines the balance between the university’s business needs and respect for employees’
freedom of inquiry. The policy guides the actions of managers in certain situations and clarifies expectations for all employees about when and how the university may access employees’ communications.

Virginia Tech requires all employees to obey applicable policies and laws in the use of any computing device, regardless of ownership, while connected to the university network. (See Policy 7010, Policy for Securing Technology Resources and Services”.)

The university does not routinely monitor or access the content of electronic communications, computer files, or voicemail of its employees, whether stored on university equipment or in transit on the university network. Content of employees’ electronic communications or files are not accessed during the execution of routine systems support, network performance, and related security functions.

However, monitoring or access may be necessary under certain circumstances. Legal or administrative circumstances where monitoring and/or access may occur without further authorization are communications or files required to be released by law, by orders of a court, or requested in accordance with the Virginia Freedom of Information Act; approved internal audit reviews; resolution of technical problems, emergency situations involving an imminent threat of irreparable harm to persons or property; and resources assigned to a group or publicly available to any user.

2.31 Social Media

Virginia Tech recognizes the value of social media platforms for a range of goals and must balance its support of social media with the preservation of Virginia Tech’s brand identity, integrity, and reputation. The university authorizes the creation and use of university social media accounts, provided their use is professional, protects the reputation and brand of the university, aligns with university priorities, and complies with other Virginia Tech policies and applicable state and federal laws and regulations, and is guided by the Virginia Tech Principles of Community.

Policy 1030, “Social Media Policy”, outlines the obligations, processes, and procedures for the use of social media.

2.32 Crowdfunding

Generally, crowdfunding is the practice of funding a project or campaign by soliciting relatively small donations of money from a large number of people, typically via the Internet. The university’s crowdfunding website provides crowdfunding guidelines, including the application process, best practices, and team roles and responsibilities.

2.33 Domestic and International Travel

The university encourages faculty to pursue endeavors that will enhance their professional development and benefit university programs. For details on travel-related business expenses and travel reporting procedures, refer to Controller’s Office Procedures 20335A: Travel Overview.

The university strongly encourages all members of the university community who are contemplating travel abroad for education, research, or other purposes to plan well in advance and to take precautions to ensure a safe trip. For details on global travel procedures, refer to Policy 1070, “Global Travel Policy.”

2.34 Use of University Letterhead

As the primary identifier of the university, letterhead should only be used for appropriate university business. As such, university letterhead is not to be used for personal business or where personal gain results. Avoid endorsements of political personages, businesses, or products when using university letterhead. Discretion is advised if correspondence on university letterhead could be construed as a university endorsement.
2.35 Indemnity

All university employees, while acting within the course and scope of their employment, are covered by the commonwealth’s insurance plan and will be defended by the Office of the Attorney General in actions brought against them. Questions concerning any specific situation should be addressed to the Office of the University Legal Counsel.
CHAPTER THREE

3.0 Employment Policies and Procedures for Tenured and Tenure-Track Faculty

3.1 Faculty Ranks

3.1.1 Assistant Professor

An assistant professor may be assigned responsibility for teaching graduate courses, supervising master’s theses and dissertations, and serve on graduate student committees. The terminal degree appropriate to the field is expected for appointment to this rank. (Further information regarding appropriate credentials for teaching faculty is found in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.)

3.1.2 Associate Professor

In addition to the requirements for assistant professor, a person appointed as an associate professor must have demonstrated substantial professional achievements by evidence of an appropriate combination of outstanding teaching, creative scholarship, and recognized performance in Extension, outreach, University Libraries, or related academic and professional service.

3.1.3 Professor

In addition to the requirements for associate professor, appointment to the rank of professor is contingent upon national or international recognition as an outstanding scholar and educator.

3.2 Honored Faculty Appointments

3.2.1 Endowed Chairs, Professorships, and Fellowships

Each college has formal procedures for the nomination and appointment to endowed chairs, professorships, and fellowships that include review by a college honorifics committee or promotion and tenure committee.

After review by the appropriate college committee the college dean makes recommendations for approval by the provost and the Board of Visitors. Such an appointment may continue through the active career of the professor at the university, unless it is relinquished in favor of some other honored or administrative appointment or unless the appointment has specific term limitations that may be renewable.

The university Faculty Honorifics Committee reviews nominations of Extension and Libraries faculty to endowed chairs, professorships, and fellowships.

A donor may establish an endowed chair, professorship, or fellowship, by providing an endowment to support the salary and/or operating funds of the professor. Funding levels determine whether the endowed position is a chair, professorship, or fellowship. See the Virginia Tech Foundation website for further information regarding the establishment of an endowment.

3.2.1.1 Eminent Scholar Program

The state General Assembly may appropriate funds each year for the purpose of attracting eminent scholars to Virginia’s colleges and universities. Institutions of higher education can request funds from this appropriation item if gifts from private donors have been specifically designated for purposes of the Eminent Scholars Program. The earnings from these endowments are intended to match state funds appropriated for this purpose. However, state appropriations may not be sufficient in some years to fully match the available private support.
3.2.2 Alumni Distinguished Professor

**General conditions and definitions:** The Alumni Distinguished Professorship (ADP) is a preeminent faculty appointment, reserved by the Board of Visitors for recognition of faculty members who demonstrate extraordinary accomplishments and academic citizenship through substantive scholarly contributions across all three of Virginia Tech’s mission areas of teaching, research or creative activity, and engagement. The provost, in consultation with the president and the Alumni Association, determines the number of Alumni Distinguished Professorships. There is no quota by college or department.

**Eligibility and criteria for selection:** While no minimum number of years of service is required for eligibility, the selection committee places strong emphasis on the magnitude, character, and quality of each nominee’s scholarly accomplishments as they contribute to the global land-grant mission of the university. Nominees must have well-established outstanding records of substantive scholarly accomplishment in teaching, research or creative activities, and engagement at Virginia Tech.

**Responsibilities and perquisites:** Each Alumni Distinguished Professor shall continue making scholarly contributions in teaching, research or creative activities, and engagement at the same high level evident at the time of appointment. This includes continued contributions to the department and college, and may include contributions to other departments, colleges, and units, subject to the professor’s interests and the ability of the department head or chair and college dean to accommodate such latitude.

Alumni Distinguished Professors may also elect, in a given term, to divert energies from the usual activities or responsibilities to other valued scholarly pursuits appropriate to this university-level appointment. Alumni Distinguished Professors embody the university’s land-grant mission in their scholarly work and are crucial faculty ambassadors within and beyond the university community. As such, they may be called upon from time to time, individually and also as a group, to share their scholarship with university alumni or other interested groups, as well as to render special service or to offer particular advice to the university at large.

Each Alumni Distinguished Professor receives a base salary supplement from the endowment established by the Alumni Association and operating funds for scholarly support, as available from the Eminent Scholars Program.

Given the high level of performance expected of this select group of faculty members, university and college administrators are cognizant of the particular needs of each individual Alumni Distinguished Professor for appropriate support personnel and sufficient space, within acknowledged fiscal and physical constraints.

**Nomination and selection procedures:** Each academic year the provost, in consultation with the president and the Alumni Association, determines if there will be one or more appointments to the Alumni Distinguished Professor rank and, if so, issues a call to the academic deans for nominations. The deans, in turn, invite nominations from academic departments. Screening procedures at departmental and collegiate levels involve appropriate personnel or executive committees. Nomination dossiers include a current curriculum vitae, letters of nomination, from both the departmental and collegiate screening committees, letters of support, and other evidence attesting to the quality of the nominee’s scholarly contributions.

The provost appoints an Alumni Distinguished Professor selection committee that includes two current Alumni Distinguished Professors, one current University Distinguished Professor, and one faculty member recommended by the Commission on Faculty Affairs. The committee reviews the nominations and makes a recommendation to the provost. The provost’s subsequent recommendation is sent through the president to the executive committee of the Virginia Tech Alumni Association’s Board of Directors for its review and recommendation. The president makes the final recommendation to the Board of Visitors for its approval.

The Board of Visitors confers upon an individual the rank of Alumni Distinguished Professor for a period of 10 years; the appointment may be renewed.
Procedures for renewal of appointments: An Alumni Distinguished Professor may request an appointment renewal at the end of the initial, or any subsequent, 10-year appointment period. A current curriculum vitae and five-page personal statement of accomplishments during the appointment term is requested by the Office of the Executive Vice President and Provost and reviewed by two current ADPs. The reviewing ADPs each make a recommendation regarding reappointment to the provost, who then forwards a recommendation to the president and Alumni Association for consideration. Final reappointment recommendations are made to the Board of Visitors for its approval. Renewed appointments are also for a period of 10 years.

The president and/or provost establish the guidelines and procedures for the annual review of Alumni Distinguished Professors. They are responsible for the ADP annual evaluations.

3.2.3 University Distinguished Professor

General conditions and definitions: The University Distinguished Professorship (UDP) is a pre-eminent faculty rank bestowed by the university’s Board of Visitors upon members of the university faculty whose scholarly attainments have attracted national and/or international recognition. There is no quota by college or department.

Nomination and selection procedures: Each academic year the president and provost determine if there will be one or more appointments to the rank of University Distinguished Professor and, if appropriate, issue a call to the academic deans for nominations. The deans, in turn, invite nominations from academic departments.

Screening procedures at departmental and collegiate levels involve personnel or executive committees in place. Nominations are accompanied by a full dossier of relevant materials including a current curriculum vitae, letters of nomination from both the department and collegiate screening committees, and letters of support and other evidence attesting to the scholarly reputation of the nominee(s).

The provost appoints a University Distinguished Professor selection committee that includes one current Alumni Distinguished Professor, two current University Distinguished Professors, and one faculty member recommended by the Commission on Faculty Affairs. The committee reviews the nominations and makes a recommendation to the president. The president makes the final judgment at the university level and, if that judgment so determines, takes the recommendation to the Board of Visitors for approval.

Perquisites and responsibilities: The rank of University Distinguished Professor is conferred by the university and is considered a university appointment (as distinct from a collegiate or departmental appointment). While the successful nominee is nominated by departmental and collegiate colleagues, while continuing to serve in the discipline and department of origin, nonetheless the perquisites and responsibilities of each University Distinguished Professor are fixed by the university.

The president annually adjusts the salary of University Distinguished Professors after consultation with the provost and dean of the relevant college.

The sole responsibility of the University Distinguished Professors is to continue their professional development at the same high level evident at the time of appointment. They are free to define the exact nature of their work after consultation with the dean of the college and the head or chair of the department. They are expected to engage fully with their colleagues in the governance of their departments.

At the same time, they are encouraged to teach, when invited, in other departments of the university or in collegiate or university courses (e.g., honors colloquia). They may also elect, in a given term, to devote all of their energies to research, scholarship, or Extension activities. In shaping their plans of work, the University Distinguished Professors take full cognizance of departmental and collegiate needs and expectations. But their principal responsibility is to serve the university well by giving their talents to the...
development and sharing of their competencies where, in their judgments, they are most effectively employed.

It is the university’s responsibility to provide such support as seems necessary to sustain the high level of performance expected of University Distinguished Professors.

**Tenure:** Incumbents carry the rank of University Distinguished Professor until resignation or retirement from the university, subject to the usual standard of continuous high performance. The rank is conferred only by the university Board of Visitors and is altered by that body alone, on the recommendation of the president of the university.

**3.2.4 Emeritus or Emerita Designation**

The title of emeritus or emerita is conferred on retired full professors, associate professors, administrative officers, Extension or libraries faculty with continued appointment, and senior Extension agents who have given exemplary service to the university and who the president specifically recommends to the Board of Visitors for approval. Their names are listed on the appropriate university website(s). Policy 4405 “Emeritus/Emerita Faculty” provides further guidance to department heads or chairs and retiring faculty members concerning emeritus or emerita status and continued involvement in the life of the university.

**3.3 Procedures for Faculty Appointments with Tenure**

A faculty appointment with tenure may be made with the review and approval of the department head or chair, the department promotion and tenure committee, a subcommittee of the college promotion and tenure committee appointed by the dean, the dean, a subcommittee of the university promotion and tenure committee, the provost, and the president. Ultimately, final approval rests with the Board of Visitors.

The dean forwards to the provost and president for their consideration and decision: the candidate’s application package, including cover letter, curriculum vita, and at least two letters of reference which address the appointment of rank and tenure; documentation of the department promotion and tenure committee’s approval of rank and tenure, documentation of the college promotion and tenure subcommittee’s approval or rank and tenure, and concurrence of the department head or chair and dean with as much supporting evidence as deemed appropriate; and a brief overview of the search itself—how many candidates applied, were interviewed, and what is the compelling case for the candidate. With approvals by the department committee and the department chair/head, and approvals by the college subcommittee and/or dean, the provost will forward the candidate’s package to the university promotion and tenure subcommittee, which will include three faculty members who previously served on the university committee. The provost will invite faculty members who are rotating off the university committee to serve on the subcommittee and will appoint others with prior experience as necessary. The provost will receive the recommendation of the university promotion and tenure subcommittee and will make a recommendation to the president. The president makes the decision to approve and takes the final approval to the Board of Visitors.

In general, faculty recruited from a comparable university should be recommended for a position at Virginia Tech at a similar level with tenure. If the recommended appointment involves a promotion or the initial awarding of tenure, the case must be strongly justified. If an individual is coming from a university with a less extensive research mission the case must also be strongly justified.

**3.3.1 Part-Time Tenure-Track and Tenured Appointments**

While tenure-track and tenured appointments are usually full-time, Virginia Tech recognizes the importance of allowing flexibility in the percent of employment so that faculty members can better manage the balance between their professional work and family or personal obligations over a defined period of time, or perhaps
permanently. This policy is intended to encourage departments to accommodate reasonable requests for part-time appointments; however, part-time appointments are not an entitlement, and requests may be turned down when the faculty member and the department cannot agree upon a workable plan.

When conducting a search for a tenure-track appointment, departments continue to advertise for full-time tenure-track or tenured positions and must have funding for a full-time hire. Advertisements include information about university policies for flexible appointments. If desired, the faculty member requests and negotiates a part-time appointment at or after the point of hire if acceptable to the department.

Tenure-track faculty members may request a part-time appointment only for reasons of balancing work and family such as the arrival or care of a child, the care of a family member, or for personal circumstances related to the health of the faculty member. In addition, they may request a term part-time appointment only (with specific starting and ending dates), allowing the issue to be revisited on a defined cycle. While such term appointments can be renewed throughout the probationary period, a permanent part-time appointment may not be granted until tenure is awarded.

Tenured faculty members may request either term or permanent part-time appointments for reasons stated above, or to balance work at Virginia Tech with professional practice or significant community or public service, for example, a professor who wishes to serve as a consultant in addition to an appointment at Virginia Tech; a professor who wishes to engage in entrepreneurial activity outside of university responsibilities; or a professor who runs for public office for a limited term and wishes to reduce the workload at Virginia Tech for that period. If approved by the department head or chair, dean, and provost.

3.3.1.1 Part-Time Term Tenure-Track and Tenured Appointments

Part-time tenure-track and tenured appointments are either term or permanent. Term part-time appointments are in increments from one semester up to two years. During the duration of a part-time term appointment, terms of the appointment are only changed via the agreement of all parties. A term agreement must specify the date on which the faculty member is expected to return to full-time status. Renewal of a term appointment should be negotiated no less than three months before the end of the current term so that the department can plan accordingly. For term part-time appointments, departments are able to use the salary savings to replace the work of the faculty member on part-time appointment.

Only the faculty member may initiate a request for conversion from full-time to part-time appointment. The reasons for the request for a change in the percentage of appointment should be clearly stated. The department head or chair should make a careful assessment of the needs of the department, and works with the faculty member requesting the part-time appointment to facilitate the request whenever possible. The period for which this part-time appointment is granted shall be clearly stated (renewable terms from one semester up to two years, or permanent).

The written agreement should include a careful and thorough statement of work expectations for the part-time appointment. Generally, faculty members continue to contribute to all areas of responsibility, but with reduced expectations for accomplishment proportional to the fractional appointment. Service responsibilities for faculty members on part-time appointments are generally proportional to their appointments. Faculty members on part-time appointments are not excused from regular departmental, college, or university service because of the part-time appointments.

The written agreement for either an initial appointment or a conversion of a full-time appointment to part-time status and any subsequent renewal requires the approval of the faculty member, department head or chair, dean, and provost.

An initial term part-time appointment, either tenured or tenure-track, may be approved to accommodate a dual career hire if funding is not immediately available to support a full-time position, or if the faculty member seeks a part-time appointment consistent with the intent of this policy. The expectation is that the
subsequent reappointment, if recommended, is for a full-time position, unless the faculty member requests a renewal of the term part-time appointment in accordance with these guidelines. A part-time appointment created for a dual career hire is approved through the usual approval processes for dual career hires. (See chapter two, “Dual Career Program.”)

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a tenure-track or tenured faculty member.

3.3.1.2 Permanent Part-Time Tenured Appointments

For permanent part-time tenured appointments with no end date, a return to a full-time appointment is not guaranteed. If tenured, the faculty member remains entitled to the tenured appointment on the part-time basis only. However, an increase in the percent of the appointment up to full-time may be renegotiated between the faculty member and department head or chair if mutually agreeable and funds are available. The department and the college determine the best way to cover the costs of the academic work in the case of conversion to a permanent part-time appointment.

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a tenure-track or tenured faculty member.

Part-time appointments are made for any fraction 50 percent or greater of a full appointment; faculty members receive proportional salary. Faculty members considering such appointments are strongly encouraged to meet with representatives in the benefits office in Human Resources to gain a clear understanding of the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.

3.4 Promotion and Tenure


3.4.1 Tenure Eligibility

Tenure is an institution developed for the protection of the academic freedom of the teaching faculty in institutions of higher education. Eligibility for tenure consideration is limited to faculty members holding regular faculty appointments of 50 percent to 100 percent in academic departments. Tenure is not granted to faculty members with temporary appointments or to administrative and professional faculty. Individuals holding tenure in academic departments who are appointed to administrative positions, however, continue to hold tenure in those departments.

Full-time administrators who also hold appointments in academic departments and engage in teaching and research may be recommended for tenure in such departments.

3.4.2 Pre-Tenure Probationary Period and Progress Reviews

The term “probationary period” (“pre-tenure”) is applied to the succession of term appointments that an individual undertakes on a full-or part-time regular faculty appointment during which continued evaluation for reappointment and for an eventual tenured appointment takes place. The beginning of the probationary period for faculty members on term appointments is taken as July 1 or August 10 of the calendar year in which their initial full-time appointment begins, depending on whether they are on a calendar year or academic year appointment, regardless of the month in which their services are initiated. (The probationary period for new faculty appointed for spring semester begins the following fall even though the spring contract period officially begins December 25.)
Under usual circumstances, departmental promotion and tenure committees review the professional progress and performance of pre-tenure faculty members twice during the probationary period, usually in their second and fourth, or third and fifth, years. The timing of the reviews depends upon the nature of the faculty member’s discipline and must be clearly indicated in written departmental policies. The terms of offer identifies the initial appointment period. Pre-tenure reviews may be delayed if there is an approved extension as described below. Changes or variations in the standard review cycle must be documented in writing.

The initial review for a part-time faculty member should be no later than the third year of service (regardless of percent of employment) to give early feedback on their progress. At least two reviews should be conducted for part-time faculty members during their probationary period; more are recommended. The anticipated schedule for reappointment reviews and for the mandatory review for tenure should be documented in writing as part of the agreement for the part-time appointment. Any changes to the agreement should be agreed upon and documented by the faculty member and department.

Reviews are substantive and thorough. At a minimum, departmental promotion and tenure committees must review the faculty member’s relevant annual activity reports, peer evaluations of teaching, and authored materials. It is strongly suggested that promotion and tenure committees and pre-tenure faculty use the promotion and tenure dossier format available on the provost’s website in organizing and presenting information for review.

The pre-tenure reviews should analyze the faculty member’s progress toward promotion and tenure and offer guidance regarding future activities and plans. All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for departmental file. In addition, the promotion and tenure committee and the department head or chair meet with the faculty member to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues and the department head or chair. Pre-tenure faculty members bear responsibility for understanding departmental expectations for promotion and tenure and for meeting those expectations.

The initial appointment for assistant professors, and for associate professors and professors employed without tenure, is ordinarily for a period of not less than two years. Multiple-year reappointment may be subsequently recommended.

The maximum total period for full-time probationary appointments is six years, unless an approved extension is granted. Decision about tenure, if not made earlier, is made in the sixth year of the probationary appointment. If the tenure decision made in the sixth year is negative, a one-year terminal appointment is offered.

Pre-tenure faculty members may request a term part-time appointment as described in chapter three, “Part-Time Tenure-Track and Tenured Appointments,” for reasons of balancing work and family or personal health issues. In such cases, the probationary period is extended proportionately. For example, two years of service at 50 percent count as one year of full-time service. The term appointment may be renewed. (A permanent part-time appointment may be requested and granted following award of tenure.)

In determining the mandatory tenure review year for those with partial appointments, general equivalency to full-time appointments is expected, so that approximately five years of full-time equivalent service is expected prior to the mandatory tenure review year if no tenure clock extensions are granted; six years if one year of extension is granted, and seven years if two extensions are granted. (In summing partial years of service, a total resulting in a fraction equal to or less than .5 is rounded down, and a fraction greater than .5 is rounded up.) However, review for tenure must occur no later than the tenth year of service, resulting in somewhat less full-time equivalent service (4.5 years) for a faculty member with 50 percent appointment
throughout all nine probationary years prior to review. If denied tenure following a mandatory review, a one-year terminal appointment is offered.

Faculty members on part-time appointments may request a tenure clock extension in accordance with chapter three, “Extending the Tenure Clock.” (Extensions are granted in one-year increments, not prorated by the part-time appointment percentage.) However, the extension is not approved if it results in a mandatory review date beyond the tenth year.

Up to three years of appropriate service at other accredited American four-year colleges and universities may be credited toward the six-year probationary period, as specified in chapter three, “Guidelines for the Calculation of Prior Service.”

A faculty member on probationary appointment who wishes to request a leave of absence consults with the department head or chair about the effect of the leave on the probationary period, taking into account the professional development that the leave promises. The request for leave should address this matter and the provost’s approval of the leave request specifies whether the leave is to be included in the probationary period.

3.4.2.1 Extending the Tenure Clock

A one-year probationary period extension is automatically granted to either parent (or both, if both parents are tenure-track faculty members) in recognition of the demands of caring for a newborn child or a child under five newly placed for adoption or foster care. The request should be made within a year of the child’s arrival in the family.

An extension of the probationary period may also be approved on a discretionary basis for other extenuating non-professional circumstances that have a significant impact on the faculty member’s productivity, such as a serious personal illness or major illness of a member of the immediate family. In rare cases, extraordinary professional circumstances not of the faculty member’s own making may be acceptable justification for a probationary period extension, for example exceptional delays in providing critical equipment, laboratory renovations, or other elements of the committed start-up package essential to establishing a viable research program.

Faculty members who benefit from this policy are expected to fulfill their usual responsibilities during the probationary period extension unless they are also granted a period of modified duties or unless other arrangements are made. (See chapter three, “Modified Duties.”)

Probationary period extensions are granted in one-year increments. A cumulative total of two years is usually the maximum probationary period extension for any combination of reasons. Requests should be made within a year of the qualifying event or extenuating circumstance. The provost may approve exceptions to these limitations.

Requests for a probationary period extension are submitted in writing to the department head or chair. (A form is available on the provost’s website.) Approval is automatic for new parents. Documentation of medical reasons (other than childbirth or adoption) is required prior to approval; documentation of other extenuating circumstances may also be required. Approvals by the department head or chair, dean, and provost are required for probationary period extensions. The faculty member may appeal denial of the request to the next higher level in their organizational reporting structure.

It is very important that all individuals and committees participating in tenure reviews understand that any individual who receives a probationary period extension must be held to the same standard—not a higher or more stringent one—to which other candidates without such an extension are held. This is also true in the case where the candidate’s dossier is considered on the original schedule for review. However, in this instance where an approved extension was granted but not utilized, the tenure review is not considered
mandatory and can be conducted again in the subsequent year without penalty. A probationary extension usually extends the time frame for each subsequent review and reappointment during the probationary period. For example, an extension granted prior to the fourth year review and reappointment typically delays that review by one year.

3.4.3 Guidelines for the Calculation of Prior Service

At the time of a faculty member’s initial appointment, the department head or chair notifies the new faculty member’s standing regarding tenure system. Excepting temporary appointments with limited terms, the faculty appointees are given clear notice of when their appointments will be considered for renewal and when consideration for tenure will be given.

In this latter calculation, appropriate full-time service in another accredited four-year American college or university is credited toward probationary service at Virginia Tech only if the appointed faculty member requests such credit.

In such a request, all prior service is presented if undertaken after the faculty member completes the terminal degree appropriate to the field. A maximum of three years may be credited toward probationary service at Virginia Tech. The request must be made in writing within one year of the initial appointment. The specification of credit for prior service toward the probationary period is subject to the approval of the provost on the recommendation of the department head or chair and dean.

3.4.4 Evaluation Procedures for Promotion and Tenure

Promotion to a higher rank and appointment with tenure may be granted to faculty members on a regular faculty appointment who demonstrate outstanding accomplishments in an appropriate combination of learning, discovery, engagement, and other professional activities. Every faculty member should maintain a current curriculum vitae, with copies filed in the department and college (or equivalent academic units, as appropriate). The curriculum vitae together with annual faculty activity reports, student evaluations, reprints of publications, reference letters, and other similar documents comprise a dossier that furnishes the principal basis for promotion and tenure decisions.

Faculty members being considered for either promotion or the awarding of tenure have their dossiers reviewed at as many as three levels: by a departmental committee and the head or chair; by a college committee and the dean; and by a university committee and the provost.

Although some participants in the review process may serve at more than one level—for example a departmental committee member may also serve on the college committee—participants may only vote once on a case. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship. (See chapter two, “Potential Conflicts Involving Spouses and Immediate Family Members.”)

Each candidate for tenure and/or promotion to associate professor is evaluated in the light of the triple mission of the university: learning, discovery, and engagement. Although not all candidates are expected to have equal levels of commitment or equal responsibilities in each of these missions, a high level of general competence is expected in recognition of the need for flexibility in the future establishment of priorities in academic programs. Beyond that basic foundation of competence, decisions related to tenure or promotion to associate professor require evidence of excellence in at least one area.

The award of tenure is based on the achievement of distinction in an area of learning and the prediction of eminence throughout the individual’s professional career. The documentation and evaluation should recognize some significant impact of the candidate’s contributions beyond the borders of the university. If the primary strength is in instruction, there should be recognition that the candidate’s pedagogical contributions have influence beyond the immediate classroom; if in research, that there is significant
impression on colleagues nationally; if in outreach that the influence of the contributions reaches beyond the immediate clientele.

The criteria by which faculty with part-time appointments are evaluated for tenure is the same as the criteria by which full-time faculty are evaluated. Promotion and tenure committees consider years of full-time equivalent service when reaching decisions, excluding any approved probationary period extensions granted under the extending the tenure clock policy.

Each candidate for the rank of professor must demonstrate a high level of competence in an appropriate combination of instruction, outreach, and professional activities relevant to the assignment. Because of the university’s mission and commitment as a major research institution, successful candidates for the rank of professor must demonstrate excellence in research, scholarship, or creative achievement, as appropriate for the candidate’s discipline and assignment. Promotion to the rank of professor is contingent upon national or international recognition as an outstanding scholar and educator.

The university recognizes and encourages appropriate international involvement of its faculty as a mission of the university that cuts across the three traditional missions of learning, discovery, and engagement. Occasionally faculty members are placed on international assignments at full salary away from the university’s domestic locations. Under such circumstances, faculty members should be given the usual consideration for tenure, promotion, and salary advancement.

In cases of tenure recommendation—in addition to evaluation of the candidate’s professional abilities—consideration should be given, at all stages of evaluation and review, to future departmental program directions and concern for maintaining currency and flexibility by preserving opportunities to appoint new faculty members in the various sub-fields of the department.

Levels of expectation vary, of course, with the level of the decision. Where probationary reappointments recognize, in part, perceived potential instead of accomplishment, recommendations for tenure should suggest that the potential is being achieved and should imply few, if any, lingering doubts about the value of the candidate to the department’s program for a “lifetime.” And promotion to professor, which leaves limited opportunity for further university recognition of professional development, should be reserved for those whose achievements are broad and noteworthy.

Besides consideration of specific professional criteria, evaluation for promotion or tenure should consider the candidate’s integrity, professional conduct, and ethics. To the extent that such considerations are significant factors in reaching a negative recommendation, they should be documented as part of the formal review process.

3.4.4.1 Departmental Evaluation for Promotion and Tenure

Each department has one or more committees with appropriate faculty representation to evaluate candidates for promotion and/or tenure and make recommendation to the department head or chair. The department head or chair may chair the committee or may remain separate from the committee’s deliberations and subsequently receive its recommendations. (See guidelines at the end of this section.)

The committee reviews the cases of all faculty members who the head or chair of the committee believes deserve consideration for promotion or tenure, including those faculty members in the sixth year of probationary service. The department head or chair furnishes the committee with a dossier for each candidate.

Guidelines for compiling the dossier are recommended by the University Promotion and Tenure Committee and are available on the provost’s website.

The committee makes a recommendation on each candidate to the department head or chair, including a written evaluation that assesses the quality of the candidate’s performance in each relevant area. The
division of the vote is conveyed to the college-level committee and administrator, but must otherwise remain confidential outside the committee. In the absence of a unanimous recommendation, a minority report may be included. Whenever the department head or chair does not concur with the committee’s recommendation, the committee is so notified.

In all cases of mandatory (sixth year) tenure decision, the head or chair passes on to the dean the dossier of every candidate, which includes the committee’s evaluation and recommendation and the head’s or chair’s own recommendation, whether concurring or not. If not concurring, the head or chair includes a letter specifying the reasons. If concurring, the head or chair may submit a letter that combines the committee’s and the head’s or chair’s evaluation and recommendation. Should the committee and the head or chair agree on a negative recommendation, the dean may declare that to be the final decision or may choose to have the recommendation reviewed by the college committee. In all other cases (promotion or tenure before the sixth year of probationary service), the head or chair follows the same procedures except that, when the committee’s recommendation is negative and the head or chair concurs, the head or chair declares a final decision and no further review is carried out. The head or chair informs the faculty member of a negative decision if no further review is scheduled. In that case, the faculty member is notified, in writing, of appeal options.

In sending dossiers to the college level, the head or chair may hold back supplementary materials not deemed central to the review but indicates their nature and their availability. Accompanying the set of dossiers is a statement from the head or chair describing the formation and procedures of the departmental committee and summarizing the number of candidates considered in each category (mandatory tenure, pre-sixth-year tenure, promotion at each rank).

On recommendation of the Commission on Faculty Affairs, University Council approved guidelines for the careful consideration by colleges and departments in the composition and method of selection of departmental promotion and tenure committees. They are presented as guidelines in the recognition that some flexibility is necessary to accommodate the diversity in size, structure, and composition of departments and in the desire to preserve some degree of department and college autonomy in such matters.

**Composition and size:** Individual departments must develop and publish written policies to guide their promotion and tenure review processes, including the rules governing eligibility and selection of committee members. Individual departments determine who is eligible to serve on committees from among tenured faculty members. A balance between adequate representation and effectiveness of operation as a committee suggests that a size between four to seven members is most appropriate.

**Method of selection:** Some significant elements of faculty choice must be a part of the selection procedure. Some possibilities are: a combination of elected and appointed representatives; an elected slate significantly larger than the committee size, allowing the department head or chair to appoint the committee from the slate; or a committee elected by the faculty.

**Role of the department head or chair:** Given their responsibility to make a separate and independent recommendation on each case, department heads or chairs may not vote as members of committees. Department heads or chairs may convene committees and may discuss each candidate with committees as appropriate. However, it is recommended that committees discuss the merits of the candidates and frame their recommendations without department heads or chairs in attendance.

**3.4.4.2 College Evaluation for Promotion and Tenure**

Each college shall have a committee with appropriate faculty representation to review the recommendations on promotion and tenure sent by the department head or chair. The committee reviews the cases of any candidates recommended by the departmental committee and/or the head or chair and, if requested by the
dean, reviews cases of mandatory tenure receiving negative recommendations by both the departmental committee and the head or chair.

The purposes of the review are to verify that the recommendations are consistent with the evidence, reflect college-wide standards, and consider the goals, objectives, and programmatic priorities of the college as components of the university mission.

The committee makes a recommendation on each candidate to the dean. The division of the vote at both the departmental and college level is conveyed to the university-level committee and provost, but must otherwise remain confidential. If the recommendation is at variance with that received from the department head or chair, reasons for that variance should be specified in the recommendation.

Whenever the dean does not concur with the committee’s recommendation, the committee is so notified. The dean sends to the provost the full dossier of every candidate for whom the dean makes positive recommendation and also the dossiers of those cases where the dean does not concur with the college committee’s positive recommendation. The dean includes a letter specifying the reasons for any reversal of the committee’s recommendation and, in cases of concurrence, may include a letter to bring out additional points not raised in earlier evaluations.

In the case of any candidate for promotion or tenure whose dossier is not being sent to the provost, the dean informs the department head or chair of the rejection and the department head or chair so notifies the departmental committee and the faculty member. In that case, the faculty member is notified, in writing, of appeal options.

On recommendation of the Commission on Faculty Affairs, University Council approved the following further guidelines on formation and procedures of the college-level evaluation:

**Committee composition:** Rules governing eligibility and selection of college committee members and the committee chair, and operating guidelines for the committee’s deliberations must be documented in written college policies, formally approved by the faculty.

Individual colleges determine who is eligible to serve on committees from among tenured faculty members.

The college committee may include department heads, chairs, or department-level promotion and tenure committee members. However, none of these members may vote on cases from their departments since each has already had an opportunity to vote or make a recommendation on those candidates.

As far as possible, each department within the college should be represented on the committee.

A significant element of faculty choice must be part of the committee selection procedure. Some possibilities are: election by the college faculty, appointment by an elected college executive committee, a combination of elected and appointed (by the dean or college executive committee) representatives, or an elected slate significantly larger than the required committee size, thus allowing the dean or college executive committee to appoint the committee from the elected slate.

The dean may appoint up to three tenured faculty members to serve on the college committee in order to assure appropriate representation of disciplines or very large departments, participation by members of underrepresented groups, or other critical considerations to help assure fairness of the process in both fact and perception. Appointments by the dean may not constitute more than a third of the committee’s total membership.

If department heads or chairs serve on college committees, their total number must be less than that of other faculty members.

Committee appointments should be staggered to assure continuity from one year’s deliberation to the next. If possible, members should not serve more than two successive terms.
Selection of the committee chair is determined in accordance with college policies, approved by the faculty. The dean may be present at college committee deliberations and serve in an advisory capacity to the committee to assure compliance with college and university procedures and fairness and equity of treatment of candidates. The dean does not vote on committee recommendations, but provides a separate recommendation to the provost.

Faculty members appointed to serve on the university-level promotion and tenure committee are encouraged to observe college-level deliberations to better prepare for their roles, but should not participate or attempt to influence college-level recommendations.

**Committee procedures and recommendations:** The college committee may ask the department head or chair, the candidate, and/or a representative(s) of the department committee to appear before the college committee to present additional information or clarification of recommendations.

The committee makes a recommendation on each candidate to the dean and prepares a letter summarizing its evaluation to forward with the dossier. A record of the committee’s vote is documented and forwarded to the dean.

**Review and recommendations by the dean:** The dean sends forward to the provost the full dossier of every candidate for whom there is a positive recommendation from either the college committee or the dean, or both. The dean prepares a separate letter of recommendation to be forwarded with the dossier. Whenever the dean does not concur with the committee’s recommendation, the committee is so notified.

The dossiers that the dean sends to the provost are accompanied by a statement describing the formation and procedures of the college committee and a summary of the number of candidates considered by the committee in each category. The division of the vote at both the departmental and college levels is conveyed to the university-level committee and provost, but must otherwise remain confidential.

If both the college committee and the dean of the college reject a positive department recommendation, the usual process of review is concluded and the dossier is not sent forward to the provost. The dean informs the department head or chair of the rejection and the department head or chair notifies the departmental committee and the faculty member. In that case, the dean informs the faculty member, in writing, of the specific reasons for the decision and provides notification of appeal options outlined in chapter three, “Appeals of Decisions on Reappointment, Tenure, or Promotion.”

**3.4.4.3 University Evaluation for Promotion and Tenure**

The University Promotion and Tenure Committee is appointed and chaired by the provost. The committee reviews the qualifications of the candidates recommended for promotion or tenure by each college dean. It also reviews those cases in which the dean does not concur with the college committee’s positive recommendation. The purpose of the reviews is to verify that the recommendations are consistent with the evidence, reflect university standards, and that they are consistent with university objectives, programmatic plans, and budgetary constraints.

Guidelines for submission of candidates’ dossiers are available on the provost’s website.

The committee makes a recommendation on each candidate to the provost. The provost makes recommendations to the president, informing the committee of those recommendations, including the basis for any non-concurrence with committee recommendations. The provost informs the president of any variation between the provost’s recommendations and those of the committee.

The president makes recommendation to the Board of Visitors from among those candidates reported by the provost, with the Board of Visitors being responsible for the final decision.
The provost notifies the appropriate dean of any negative decision reached by the provost, the president, or the Board of Visitors. The dean, when notifying the faculty member in writing, notes appeal options.

On recommendation of the Commission on Faculty Affairs, the University Council approved the following further guidelines on formation and procedures of the university committee:

The university committee consists of the college deans and tenured faculty members of the rank of associate professor or higher, one from each college and one faculty member-at-large. The selection of the faculty members should be based on demonstrated professional excellence.

All members of the committee hold voting privileges. Regardless of the size of the committee, the faculty must always have at least a majority of the potential votes. Consistent with the principle that participants at all levels of the promotion and tenure review process vote only once on an individual case, deans do not vote on cases from their own college. Similarly, faculty members serving on the university committee do not vote on any case they previously voted on, should this circumstance occur.

Some significant element of faculty choice should be part of the selection procedure; therefore, each college faculty, by means deemed suitable by them, nominates two faculty members for each vacancy, from which the provost selects one. The Faculty Senate nominates two faculty members for the at-large appointment, from which the provost selects one.

The faculty members of the committee hold rotating terms of three years.

The provost chairs the committee, but does not hold voting privileges.

All voting within the committee should be by written secret ballot; the division of any ballot must remain confidential.

**3.4.4.4 Promotion and Tenure Guidelines**

The promotion and tenure guidelines and a standard dossier cover page are available on the provost’s website. All candidate dossiers must be submitted to the University Promotion and Tenure Committee according to the guidelines on the provost’s website.

**3.4.5 Appeals of Decisions on Reappointment, Tenure, or Promotion**

A faculty member who is notified of a negative decision following evaluation for a term reappointment during the probationary period, for a tenured appointment, or for promotion may appeal for review of the decision under conditions and procedures specified in this section. The appellant has a right to an explanation of the reasons contributing to the denial.

Such an appeal must be filed, in writing, within 14 calendar days of formal notification of the decision, which shall make reference to appeal procedures. The appeal can only be based on grounds that certain relevant information was not provided or considered in the decision, or that the decision was influenced by improper consideration.

In their recommendations, administrators and committees hearing an appeal should address the standards outlined in the previous paragraph. In particular, they shall not substitute their own judgment on the merits for that of the body or individual that made the decision under appeal. The recommendations should address the allegations in the appeal with specificity, and cite appropriate evidence.

Appeals should be resolved as quickly as possible without compromising fairness or thoroughness of review. Whenever possible, the goal should be to achieve final resolution in time to accommodate the first meeting of the Board of Visitors in the fall semester.

A faculty member who believes that the appeal procedures described in this section have been improperly followed may, at any point, seek advice from the Faculty Senate Committee on Reconciliation and/or file a
grievance in accordance with the grievance procedure in chapter three, “Faculty Grievance Policy and Procedures.”

3.4.5.1 Probationary Reappointment

Faculty members on probationary term appointments should make no presumption of reappointment. The department head or chair with the advice of the departmental personnel committee or the faculty development committee determines non-reappointment. Notice of non-reappointment is furnished according to the schedule in chapter two, “Retirement, Resignation, and Non-Reappointment.” The specific reasons for the decision are provided to the faculty member in writing, if requested.

If the decision is based primarily on evaluation of the faculty member’s performance, including perceived lack of potential for further professional development, then the faculty member may request a review of the decision by the dean of the college. If the dean sustains the departmental decision, the faculty member may request, through the dean, the further and independent review of the decision by the properly constituted college committee on promotion and tenure.

The faculty member presents the appeal in writing as specified in chapter three, “Appeals of Decisions on Reappointment, Tenure, or Promotion.” The faculty member may elect to present oral arguments to the committee. The college committee makes recommendation to the dean, who informs the faculty member of the committee’s recommendation and the dean’s subsequent decision. The dean’s decision closes the appeal process, unless it is at variance with the college committee’s recommendation, in which case the faculty member may appeal to the provost for a final decision.

3.4.5.2 Tenure Decision

Occasionally faculty members are evaluated for a tenured appointment during the probationary period but before the final probationary year. In such a case, there is no recourse to appeal or review of a negative decision, at whatever level it is reached, because of the certainty that the evaluation will be undertaken again within a limited time.

Evaluation for a tenured appointment is mandatory in the sixth year of probationary service unless the faculty member has given written notice of resignation from the faculty. If both the departmental committee and the department head or chair agree that the faculty member’s record does not warrant a tenured appointment, there is an automatic review of the candidate’s dossier by the dean. If the dean concurs, the faculty member is notified by the dean, in writing, of the decision and the specific reasons for it.

The faculty member may then request, through the dean, that the college committee on promotion and tenure independently review the decision. The faculty member presents the appeal in writing as specified in chapter three “Appeals of Decisions on Reappointment, Tenure, or Promotion.” The faculty member may elect to present oral arguments to the committee as well. If the committee concurs with the decision, the decision is final. The dean so notifies the faculty member, in writing, and no further appeal is provided.

During the automatic review of the candidate’s dossier, the dean may wish to reserve judgment. In such a case, the dean notifies the faculty member of the departmental decision and tells the faculty member that the dean is requesting the college committee on promotion and tenure to undertake an independent review, as specified in the previous paragraph, and to make a recommendation. Should the college committee and the dean concur with the departmental decision, the decision is declared final, the faculty member is so notified, and no further appeal is provided. The specific reason for the decision is provided to the faculty member in writing.

In any case of college-level review of a negative departmental decision, a positive recommendation by either the college committee or the dean is sent with the dossier to the University Promotion and Tenure Committee in the same way as in the usual review process.
If the college committee and the dean undertake the review based on a positive recommendation of either
or both the departmental committee and the department head or chair and if the college committee
recommends that tenure not be awarded and the dean concurs, the faculty member is notified of the
negative decision with reference to appeal procedures. The specific reasons for the decision are furnished
to the faculty member in writing. The faculty member may then appeal to the provost for review of the
decision by the university committee, which makes a recommendation to the provost for a final decision.
The faculty member presents the appeal in writing as specified in chapter three, “Appeals of Decisions on
Reappointment, Tenure, or Promotion.” No further appeal is provided. The university committee may
choose to hear oral arguments.

Should the provost not concur with a positive recommendation from the University Promotion and Tenure
Committee, whether that recommendation culminates a usual review or an appeal, the faculty member is
so notified in writing of the specific reason for the decision. The faculty member may appeal to the Faculty
Review Committee. That committee investigates the case and, if the differences cannot be reconciled,
makes a recommendation to the president on the matter. The president’s decision is final.

During review following an appeal, the college committee may find reason to believe that the departmental
evaluation was biased or was significantly influenced by improper considerations. In that case, the
reviewing committee may request that the college dean form an ad hoc committee to re-initiate the
evaluation. The ad hoc committee is composed, as feasible, of faculty members in the candidate’s
department or in closely allied fields and does not contain any members of the original committee.

Should the university committee make such a finding in the review of an appeal relative to the college
evaluation, it requests the dean to form a new ad hoc committee at the college level. The ad hoc committee
makes a recommendation to the committee that requested its formation.

3.4.5.3 Review of Progress Toward Promotion to Professor

At least one review of progress toward promotion to professor should be conducted three to five years after
promotion and tenure is awarded (or after tenure is awarded at the current rank of associate professor).
The review is required for faculty promoted and tenured during 2012-13 and thereafter. The review is to be
substantive and thorough. At a minimum, an appropriate departmental committee (e.g., promotion and
tenure committee, personnel committee, annual review committee) must review the faculty member’s
relevant annual activity reports, peer evaluations of teaching, and authored materials since the last
promotion. The committee may also wish to review an updated curriculum vitae. The faculty member may
wish to complete a draft promotion dossier (using the format available on the provost’s website) to organize
and present information for review.

The review should be developmental and focus on the faculty member’s progress toward promotion to
professor. The developmental guidance should focus on recommended future activities and plans that will
position the faculty member for promotion. All reviews must be in writing, with the faculty member
acknowledging receipt by signing and returning a copy for departmental file. In addition, the faculty member
may request a meeting with the department committee chair and the department head or chair to discuss
the review and recommendations. Individual faculty members are also encouraged to seek guidance and
mentoring from senior colleagues and the department head or chair.

3.4.5.4 Promotion Consideration and Decision

There is no specification for minimum or maximum time of service in the rank of associate professor with
tenure. Consideration for promotion to professor may be requested of the department head or chair by a
faculty member at any time if the department head or chair or committee has not chosen to undertake such
an evaluation. However, appeal of a negative promotion decision is provided only if the faculty member has
been in rank for at least six years and if the faculty member has formally requested, in writing, consideration
for promotion in a previous year. In such a case, for a member of the college faculty, or a member of the administrative and professional faculty seeking promotion in rank through an academic department, an appeal follows the same procedures as in chapter three, “Appeals of Decisions on Reappointment, Tenure, or Promotion.”

3.5 Annual Evaluation, Post-Tenure Review, and Periodic Review of College and Departmental Administrators

3.5.1 Annual Evaluation and Salary Adjustments

All departments are required to have written guidelines outlining the process and criteria used in faculty evaluations. The adoption of such guidelines promotes consistency and transparency in this important aspect of faculty life.

The president annually adjusts the salary of University Distinguished Professors after consultation with the provost and dean of the relevant college.

The guidelines and procedures for the annual review of Alumni Distinguished Professors are established by the president and/or provost who are responsible for their annual evaluations.

Every faculty member’s professional performance is evaluated annually and written feedback is provided separately from confirmation of any merit adjustments. The process begins with submission of a faculty activity report (FAR). All non-temporary faculty members must submit a FAR annually. These reports form part of the basis for performance evaluations, awarding merit adjustments, and promotion, tenure, and post-tenure reviews.

Department heads or chairs are responsible for conducting annual faculty evaluations, either independently or in consultation with an appropriately charged committee in accordance with departmental procedures. All evaluations must be in writing and include a discussion of contributions and accomplishments in all areas of the faculty member’s responsibilities (e.g., teaching, research and scholarship, service, outreach, diversity and advising, as appropriate), comments on the faculty member’s plans and goals, and any recommendations for improvement or change. Faculty members should receive their written evaluations within 90 days of submission of required materials, and they acknowledge receipt by signing and returning a copy for their departmental file, or the electronic equivalent. Acknowledging receipt of the evaluation does not imply agreement. If a faculty member substantially disagrees with the evaluation, a written response may be submitted to the department head or chair for inclusion in the personnel file.

In addition to their annual evaluation letters, all pre-tenure faculty members receive at least two thorough reviews during the six-year probationary period and written feedback on their progress toward tenure by their departmental promotion and tenure committee prior to reappointment in accordance with guidance included in chapter three, “Probationary Period.”

Faculty members with part-time appointments are reviewed on the annual review cycle used for all faculty members in the department. For purposes of annual review, the fraction of the appointment must be taken into account when considering the appropriate level of achievement in that year.

Salary adjustments are based on merit; they are not automatic. Recommendations for salary adjustments originate with the department head or chair and are reviewed by the dean, the provost, and the president. Because salary adjustments are determined administratively on an annual basis and based significantly on the quality of the faculty member’s response to assigned responsibility, they do not necessarily reflect an accurate measure of the full scope of the faculty member’s professional development as evaluated by relevant committees in the tenure and promotion process.
The salary adjustments of continuing faculty members are approved by the Board of Visitors, and each faculty member is informed in writing of the board's action as soon as possible. (See chapter two, “Faculty Compensation Plan.”)

3.5.2 Unsatisfactory Performance

For tenured and pre-tenure faculty members, failure to meet the minimal obligations and standards the department has stipulated for its faculty results in an "unsatisfactory" rating. Written notification of an unsatisfactory rating and the considerations upon which it was based is given to the faculty member, with copies to the dean and provost. A single unsatisfactory evaluation indicates a serious problem, which should prompt remedial action. Faculty members may respond in writing with a letter to the head or chair for inclusion in their personnel file, or they may seek redress through either the reconciliation or grievance procedures. Two successive annual ratings of unsatisfactory performance for a tenured faculty member results in a post-tenure review.

3.5.3 Departmental Minimal Standards

Each academic department shall develop, maintain, and publish a statement of minimal standards for satisfactory faculty performance using the following process. Standards should be written with the participation of faculty in the department and approved by a vote of the tenured and tenure-track faculty in the department. Standards developed and approved by departments and the head or chair are then reviewed by the college-level promotion and tenure committee and the dean, and reviewed and approved by the provost. Once approved, the department's standards are published and made available to all faculty in the department. Revisions of departmental standards also follow these procedures. The following guidance is provided for the development of departmental minimal standards:

Departments should carefully assess and state the overall standards of professional performance and contribution they consider minimally acceptable for tenured faculty. Each department's evaluation mechanism should allow a distinction between performance that is deficient in one or more areas requiring improvement, and performance that is so seriously deficient as to merit the formal designation "unsatisfactory."

Departmental standards should embrace the entire scope of faculty contributions. Expectations should recognize differences in faculty assignments within the same department. Departmental standards should typically address the individual's skill, effort, and effectiveness in contributing to all aspects of the instructional mission; the individual's activity in and contributions to the academic discipline; the individual's contributions to the collective life of the department, college, and university; and the individual's activity in and contributions to the university's outreach mission.

Departmental statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative actions.

Departmental statements should include the expectation that tenured faculty will adhere to the standards of conduct and ethical behavior as stated in the Faculty Handbook and/or promulgated through other official channels.

3.5.4 Post-Tenure Review

Nothing in this section should be interpreted as abridging the university's right to proceed directly to dismissal for cause as defined in chapter three, “Dismissal for Cause,” or the right of individual faculty members to pursue existing mechanisms of reconciliation and redress.

A post-tenure review is mandatory whenever a faculty member with tenure receives two consecutive annual evaluations of unsatisfactory performance. Annual reviews for years spent on leave without pay are
disregarded for the purpose of this calculation. The departmental promotion and tenure committee conducts
the review, unless the same committee was involved in the original unsatisfactory annual evaluations. In
this case, the department elects a committee to carry out the review function.

Upon recommendation of the head or chair and with the approval of the dean, a post-tenure review may be
waived or postponed if there are extenuating circumstances (such as health problems).

The purpose of a post-tenure review is to focus the perspective of faculty peers on the full scope of a faculty
member’s professional competence, performance, and contributions to the department, college, and
university missions and priorities.

The faculty member has both the right and the obligation to provide a dossier with all documents, materials,
and statements deemed relevant and necessary for the review. Ordinarily, such a dossier includes at least
the following: an updated curriculum vitae, the past two or more faculty activity reports, teaching
assessments, and a description of activities and accomplishments since the last faculty activity report. The
faculty member is given a period of no less than four weeks to assemble the dossier for the committee. The
head or chair supplies the review committee with the last two annual evaluations, all materials that were
considered in those evaluations, any further materials deemed relevant, and other materials the committee
requests. Copies of all materials supplied to the committee are given to the faculty member. The faculty
member has the right to provide a written rebuttal of evidence provided by the head or chair.

The committee weighs the faculty member's contributions to the discipline, the department, and the
university through learning, discovery, and engagement. The burden of proving unsatisfactory performance
is on the university. The committee prepares a summary of its findings and makes a recommendation to
the head or chair, with copies to the dean and provost. Final action and notification of the faculty member
is the responsibility of the head or chair and dean, with the concurrence of the provost.

The review may result in one of the following outcomes:

Certification of satisfactory performance: The committee may conclude that the faculty member's
competence and professional contributions are satisfactory to meet the department's minimal expectations,
thus failing to sustain the assessment of the head or chair. The review is then complete. An unsatisfactory
rating in any subsequent year is counted as the first in any future sequence.

Certification of deficiencies: The committee may concur that the faculty member's competence and/or
professional contributions are unsatisfactory to meet the department's minimal expectations. The
committee may recommend dismissal for cause, a sanction other than dismissal for cause, or a single
period of remediation not to exceed two years.

Remediation: If a period of remediation is recommended, the committee specifies in detail the deficiencies
it noted, defines specific goals and measurable outcomes the faculty member should achieve, and
establishes a timeline for meeting the goals. The head or chair meets with the faculty member at least twice
annually to review the individual's progress. The head or chair prepares a summary report for the committee
following each meeting and at the end of the specified remediation period, at which time the committee
either certifies satisfactory performance or recommends dismissal for cause or a sanction other than
dismissal for cause following the procedures described below.

Sanction other than dismissal for cause: A departmental recommendation to impose a severe sanction,
as defined in chapter three, “Imposition of a Severe Sanction” shall be referred to the college-level
promotion and tenure committee, which reviews the case as presented to the departmental committee,
provides an opportunity for the faculty member to be heard, and determines whether the recommendation
is consistent with the evidence. The college-level committee may reject, uphold, or modify the specific
sanction recommended by the departmental committee. If the college-level committee also recommends
imposition of a severe sanction, then the same procedures used for dismissal for cause guides the process.
The reviews conducted by the department-and college-level committees satisfy the requirement in step two in chapter three, “Dismissal for Cause,” for an informal inquiry by an ad hoc or standing personnel committee. Thus, in the case of a post-tenure review, this step is not repeated. If a severe sanction is imposed or ultimately rejected, then the post-tenure review cycle is considered complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Dismissal for cause:** If dismissal for cause is recommended, the case shall be referred to the college-level promotion and tenure committee as described in chapter three, “College Evaluation,” which reviews the case as presented to the departmental committee and determines whether the recommendation is consistent with the evidence. If the college-level committee upholds the recommendation for dismissal, then the procedures specified in chapter three, “Dismissal for Cause,” begin immediately. The committee review satisfies the requirement in chapter three for an informal inquiry by a standing personnel committee.

**3.5.5 Periodic Review of Academic Deans, Dean of University Libraries, Dean of the Honors College, Department Heads, Senior Administrators, and Academic Vice Presidents**

In addition to an annual performance evaluation, and in accordance with Policy 6105, “Periodic Evaluation of Academic Deans and Vice Presidents,” academic deans, the dean of University Libraries, the dean of the Honors College, and academic vice presidents are subject to reviews every five years. If the review of a dean cannot be conducted in the fifth year as would usually be the case, the provost informs the officers of the relevant college or University Libraries faculty association as to the reason for delay. A review may also be initiated at any time by the provost and/or at the request of at least one-third of the tenure-track faculty in the college, or in the case of University Libraries, one-third of the continued appointment faculty. If the review of a vice president who reports to the provost cannot be conducted in the fifth year, the provost notifies the deans and the chairs of the college and University Libraries faculty associations as to the reason for the delay. In the semester prior to a periodic review, the faculty association will be notified of the review and the association may schedule a meeting with the provost to discuss the upcoming review.

Policy 6100, “Department Head or Chair Appointments,” outlines the review process for academic department heads or chairs. In addition, colleges should have adopt more detailed procedures in accordance with the broad guidelines below so that reviews may be conducted consistently and appropriately across the college for those serving in academic leadership roles.

The purpose of the periodic review is to support the success of the university's academic units by providing developmental feedback to promote fair and effective academic leadership. Reappointment of an individual to academic department head, chair, academic dean, or academic vice president must be preceded by a periodic review conducted in accordance with guidelines outlined in Policy 6105 or in Policy 6100.

**3.6 Imposition of a Severe Sanction or Dismissal for Cause**

**3.6.1 Adequate Cause**

Adequate cause for imposition of a severe sanction or dismissal is related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

Adequate cause includes: violation of professional ethics (see chapter two, “Professional Responsibilities and Conduct”); incompetence as determined through post-tenure review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government regulations.

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1 The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the American Association of University Professors (AAUP).
2 Ibid.
policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-tenure review) or by the relevant administrator (for example, the department head or chair, compliance officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include a recommendation for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

3.6.2 Imposition of a Severe Sanction

Definition and examples: A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of university policy.

Routine personnel actions such as a recommendation for no or a below-average merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in the Faculty Handbook.

Process for imposing a severe sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or ad hoc faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by an appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct policies) and, having determined that in its opinion there is adequate cause for imposing a severe sanction, refers the matter to the administration.

3.6.3 Dismissal for Cause

The following procedures apply to faculty members with tenure or for dismissal of a tenure-track faculty member before the end of their current contract.

Dismissal is preceded by:

Step one: Discussions between the faculty member, department head or chair, dean, and/or provost, looking toward a mutual settlement.

Step two: Informal inquiry by a standing (or, if necessary, ad hoc) faculty committee having concern for personnel matters. This committee attempts to affect an adjustment and, failing to do so, determines whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president’s decision whether to proceed.

Step three: The furnishing by the president (in what follows, the president may delegate the provost to serve instead) of a statement of particular charges, in consultation with the department head or chair and dean. The statement of charges is included in a letter to the faculty member indicating the intention to dismiss, with notification of the right to a formal hearing. The faculty member is given a specified reasonable time limit to request a hearing; that time limit is no less than 10 days.
Procedures for conducting a formal hearing, if requested: If a hearing committee is to be established, the president asks the Faculty Senate, through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members should be nominated on the basis of their objectivity, competence, and regard. They must have no bias or untoward interest in the case and be available at the anticipated time of hearing. The faculty member and the president each have a maximum of two challenges from among the nominees without stated cause. The president then names a five-member hearing committee from the remaining names on the nominated slate. The hearing committee elects its chair.

Pending a final decision on the dismissal, the faculty member is suspended only if immediate harm to him or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation takes place with the Committee on Reconciliation of the Faculty Senate concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary continues during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.

Notice of hearing of at least 20 days is made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case, the hearing committee evaluates all available evidence and rests its recommendation on the evidence in the record.

The committee, in consultation with the president and the faculty member, exercises its judgment as to whether the hearing is public or private. During the proceedings, the faculty member is permitted to have an academic advisor and legal counsel. At the request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association is permitted to attend the hearing as an observer.

A verbatim record of the hearing is taken.

The burden of proof that adequate cause exists rests with the university.

The hearing committee grants adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. The faculty member is afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration cooperates with the hearing committee in securing witnesses and evidence. The faculty member and administration have the right to confront and cross-examine all witnesses. The committee determines the admissibility of statements of unavailable witnesses and, if possible, provides for interrogatories.

The hearing committee is not bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issues involved. Every possible effort is made to obtain the most reliable evidence available.

The findings of fact and the recommendation are based solely on the hearing record. The president and the faculty member are notified of the recommendation in writing and are given a written copy of the record of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it so reports to the president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the president rejects the recommendation, the hearing committee and the faculty member are so informed in writing, with reasons, and each is given an opportunity for response.

Appeal to the Board of Visitors: If the president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full
record of the case be submitted to the Board of Visitors (or a duly constituted committee of the board). The board's review is based on the record of the committee hearing, and it provides opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding returns to the committee with specific objections. The committee then reconvenes, taking into account the stated objections and receiving new evidence if necessary. The board makes a final decision only after study of the committee’s reconsideration.

**Notice of termination/dismissal:** In cases where gross misconduct is decided, termination is usually immediate. The standard for gross misconduct is behavior so egregious that it evokes condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay. The first faculty committee that considers the case determines gross misconduct. In cases not involving gross misconduct: (a) a faculty member with tenure receives up to one year of salary or notice, and (b) a probationary faculty member receives up to three months’ salary or notice. These terms of dismissal begin on the date of final notification of dismissal.

### 3.7 Faculty Grievance Policy and Procedures

The following procedures are provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by tenured or tenure-track faculty members.

#### 3.7.1 Ombuds, Mediation Services, and Faculty Reconciliation

**Informal dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

**University Ombuds:** Any member of the university community may visit the university Ombuds Office. The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university’s existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the president. The Ombuds Office does not keep permanent records of confidential communications.

**Reconciliation:** At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the Faculty Senate Committee on Reconciliation in fashioning an equitable solution. Contacting the Faculty Senate Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether the concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant must contact the chair of the Faculty Senate Committee on Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant
requests assistance from the Faculty Senate Committee on Reconciliation, that committee requests a postponement of the time limits involved in the formal grievance procedure while it deals with the case. The request is submitted in writing to the vice provost for faculty affairs by the chair of the Faculty Senate Committee on Reconciliation. Also, the grievant should reach an understanding with the Faculty Senate Committee on Reconciliation of the time frame planned for that committee’s work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Executive Vice President and Provost.

Mediation: Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

Role of mediators: Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

Requesting mediation: Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

3.7.2 The Formal Grievance Procedure

If the assistance of the Faculty Senate Committee on Reconciliation is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case.

Step one: The grievant must meet with the immediate supervisor (usually the department head or chair) within 30 calendar days of the date that grievant knew or should have known of the event or action that is basis for the grievance and orally identifies the grievance and the grievant’s concerns. The supervisor provides an oral response to the grievant within five weekdays following the meeting. If the supervisor’s response is satisfactory to the grievant, that ends the matter.

Step two: If a satisfactory resolution of the grievance is not achieved by the immediate supervisor’s oral response, the grievant may submit a written statement of the grievance and the relief requested to the
immediate supervisor. This statement must be on the faculty grievance form, must define the grievance and the relief requested specifically and precisely, and must be submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor’s oral response to the first step meeting. Faculty grievance forms are available on the provost’s website. Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form, citing reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

**Step three:** If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for college faculty is usually the college dean. The administrator involved at this next level is hereafter referred to as the second-level administrator. Following receipt of the faculty grievance form, the second-level administrator, or designated representative, meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a representative chosen from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for the decision. If the second-level administrator’s written response to the grievance is satisfactory to the grievant it ends the matter.

**Step four:** If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Review Committee. A description of the charge and membership of the Faculty Review Committee is included in chapter one, “Faculty Review Committee.”

Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the Procedures of the Faculty Review Committee to parties in the grievance process. The provost immediately forwards a copy of the grievance to the president of the Faculty Senate, who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost’s decision, however, may be appealed to the president, as described in step five. If the provost does not accept the petition, the Faculty Review Committee hears the grievance as outlined in these procedures.

The Faculty Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

**Hearing panel:** A hearing panel consists of five faculty members appointed by the chair of the Faculty Review Committee from among the members of the Faculty Review Committee. The chair of the Faculty Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Review Committee rules on issues of cause.
To ensure uniformity in practice, the chair of the Faculty Review Committee or designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

**Hearings:** After a hearing panel is appointed, the chair of the Faculty Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel. Detailed procedures followed in hearings are specified in the “Procedures of the Faculty Review Committee” as approved by the Faculty Senate.

**Findings and recommendations:** The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Review Committee.

**Provost’s action:** The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant the decision in writing concerning the disposition of the grievance. If the provost’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel that ends the matter.

**Step five:** If the provost’s decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president’s decision is final.

**3.7.3 Timeliness of Grievance and Procedural Compliance**

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when the event or action should have been known and is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.
If the grievant does not follow the time limits specified in the grievance procedure it is assumed that the last proposed resolution was accepted as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Review Committee in writing, and the chair of the Faculty Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee (or the vice president of the senate if the president is also chair of the Faculty Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

3.7.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion and tenure procedures (see appeal process in chapter three, “Appeals of Decisions on Reappointment, Tenure, or Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance: While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion and/or tenure decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures: If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.
3.7.5 Particular Concerns and Definitions

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from the assigned work location at the time the event or action is discovered and is the basis for a grievance, the 30-day period during which the grievant must meet with the immediate supervisor to initiate the grievance process begins when the faculty member returns to the assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to the assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers there is a grievance about actions by an administrator above the level of immediate supervisor that directly involve the faculty member, or with actions by an administrator not in the department that directly involve the faculty member, the grievant initiates the grievance process by seeking the intervention of the immediate supervisor within 30 calendar days of the discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting the immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in the usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the chair of the Faculty Review Committee and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the president for ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and university policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations, or by the
ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

### 3.7.6 Overview of the Formal Grievance Process for Tenured and Tenure-Track Faculty

Below is an *abbreviated* overview of the grievance process and deadlines. Refer to chapter three, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

| Step one   |  
|------------|----------------------------------------------------------|
| Within 30 days of event | 1a. Grievant meets with immediate supervisor (usually department head). |
| Within 5 weekdays | 1b. Department head provides verbal response. |
| 1c. | If department head’s response is satisfactory to grievant, that ends the matter. |
| 1d. | If department head’s response is not satisfactory to grievant, move to step two within 5 weekdays. |

| Step two |  
|----------|----------------------------------------------------------|
| Within 5 weekdays | 2a. Grievant submits written grievance to department head. |
| Within 5 weekdays | 2b. Department head responds in writing on grievance form. |
| 2c. | If department head’s response is satisfactory to grievant, that ends the matter. |
| 2d. | If department head’s response is not satisfactory to grievant, move to step three within 5 weekdays. |

| Step three |  
|------------|----------------------------------------------------------|
| Within 5 weekdays | 3a. Grievant advances grievance form to the second-level administrator (usually dean). |
| Within 5 weekdays | 3b. Dean meets with grievant; dean may request department head to be present. |
| Within 5 weekdays | 3c. Dean responds in writing on grievance form. |
| 3d. | If dean’s written response is satisfactory to grievant, that ends the matter. |
3e. If dean’s written response is not satisfactory to grievant, move to step four within 5 weekdays.

**Step four**

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<thead>
<tr>
<th>Within 5 weekdays</th>
<th>4a. Grievant advances grievance form to the provost.</th>
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<tbody>
<tr>
<td>Within 5 weekdays</td>
<td>4b. Provost acknowledges receipt of grievance and forwards copy to Faculty Senate president to receive recommendation of an impartial hearing panel of the Faculty Review Committee.</td>
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<tr>
<td>Within 5 weekdays</td>
<td>4c. Faculty Senate president acknowledges in writing to grievant that copy of grievance has been received from provost.</td>
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<tr>
<td>Within 15 weekdays</td>
<td>4d. Faculty Review Committee chair appoints hearing panel from among Faculty Review Committee members; panel holds its initial meeting with both principals.</td>
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<tr>
<td>Within 45 weekdays</td>
<td>4e. Hearing panel concludes its work and make recommendations to provost and grievant.</td>
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<tr>
<td>Within 10 weekdays</td>
<td>4f. Provost meets with grievant.</td>
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<tr>
<td>Within 10 weekdays</td>
<td>4g. Provost notifies grievant in writing of the decision.</td>
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<tr>
<td></td>
<td>4h. If the provost’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendation of the hearing panel that ends the matter.</td>
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<tr>
<td></td>
<td>4i. If the provost’s decision is not acceptable to the grievant and not consonant with the recommendation of the hearing panel, move to step five within 20 calendar days.</td>
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**Step five**

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<tr>
<th>Within 20 calendar days</th>
<th>5a. Grievant appeals in writing to president.</th>
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<td>5b. President’s decision is final.</td>
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**3.8 Study-Research Leave**

Study-research leave may be granted to faculty members for research and/or advanced study necessary to enhance the competencies of those faculty members to carry out their obligations to the university. (At other universities this program is often called “sabbatical.”)

Full-time tenured faculty members with the rank of associate professor or higher, having accrued a minimum of six years of service, are eligible for study-research leave. Requests may be submitted prior to completion of six years of service, but faculty members must have tenure and have completed the sixth year before the leave period begins.
Following a period of study-research leave, an additional six years of full-time service are necessary before a faculty member is eligible for another leave.

Time spent on study-research leave, educational leave, or leave without pay is not considered in compiling minimum service requirements for further leaves.

As part of the commonwealth’s educational leave program, recipients of study-research leaves are provided with partial salary (not to exceed one-half salary). Full employee benefits remain in force while faculty members are on study-research leaves. Calendar year faculty on study-research leave earn annual leave at a rate of half their usual annual leave earnings.

Instead of a proposal for leave of a full academic or calendar year, faculty members may propose a sequence of semester leave periods at half-salary over several years, not to exceed in total one academic year (for a faculty member on academic year appointment) or 12 months (for a faculty member on calendar year appointment). If such a sequence of leaves is undertaken, all intervening periods of full-time appointment at Virginia Tech accrue toward the six-year minimum service required before eligibility for another study-research leave or sequence of leaves.

Alternatively, following completion of any study-research leave, faculty members may propose a single semester of study-research leave at half-salary following three years of full-time service to the university.

Recipients of a study-research leave may receive additional compensation from other approved sources up to a total equal to their annual salary from the university. Faculty members may receive the additional half salary from sponsored grants or contracts, resulting in a one-year period at full salary from university sources; the appropriate level of effort must be expended on grant-related activities. They may also obtain additional funds from external sources to cover expenses for travel, research, administrative assistance, and the purchase of relevant materials. Documentation of all external earnings and expected payments is required and must be reviewed and approved by the department head and provost. Engagement in consulting activities must be consonant with existing university policy.

The request for study-research leave is made in the fall and, if approved, is taken the following academic year. Requests for study-research leave should be submitted to the department head or chair by November 1 for processing through the college, provost, and consideration by the Board of Visitors at the March (or spring) meeting of the board. Requests are forwarded to the board, subject to recommendation of the department head or chair, dean, and the provost, with consideration of the need for effective continuation of the department’s program. Specific leave request due dates are established annually and made available in the Calendar of Important Dates found on the provost’s website.

Changes to an approved research leave that can be approved without additional BOV review include:

- a postponement of leave for up to 1 year;
- a change from a full year leave to a half-year leave (or vice versa);
- a change in the location of your research leave;
- a cancellation of leave.

These changes still require approval by the department, college, and provost.

The faculty member must return to full-time service with the university for a minimum of at least one academic year at the end of the approved leave or repay the university the salary received plus interest. If less than this required period of service is met, repayment is required of the pro rata portion of the compensation provided by the university during the leave period. The faculty member, before undertaking the leave, must sign a memorandum of agreement to this effect.
Within 60 days of returning to full-time status, the faculty member must send a letter to the provost, dean, and department head summarizing accomplishments.

3.9 Research Assignment

Research assignment is a special category of study-research leave that is awarded to a tenured academic faculty member for one semester of intensive study or research that increases the quality of the individual’s professional stature and future contributions to the university. It may be taken in lieu of an ordinary yearlong study-research leave.

Full-time tenured faculty members with the rank of associate professor or higher, having accrued a minimum of six years of service, are eligible for research assignment leave. Following such a leave, an additional six years of full-time service is necessary before a faculty member may be considered for another research assignment. Requests may be submitted prior to completion of six years of service, but faculty members must have completed the sixth year before the leave period begins. Faculty members on calendar year appointments may take research assignment leave for up to six months.

Approval for research assignment provides the faculty member with full salary and related benefits for the period of the leave; faculty members may not take on additional responsibilities for outside income except as allowed by the university’s consulting policy. Modest stipends associated with competitive visiting scholar programs at other institutions, competitive national or international fellowships, the Fulbright Scholar Program, and similar prestigious opportunities to support study and/or scholarly research may be approved where there is clear benefit to the faculty member and the university. Similarly, externally funded reimbursements or allotments for travel, temporary relocation, and other expenses associated with the proposed research assignment may be approved. Documentation of all external earnings and expected payments is required and must be reviewed and approved by the department head and provost. When a faculty member proposes a period of paid employment greater than 50 percent of the annual salary in a corporate or governmental setting, leave without pay or a contract through the Intergovernmental Personnel Act may be more appropriate than a research assignment.

The primary privilege of a research assignment is entire relief from teaching and administrative duties for one semester. A secondary privilege is that the assignment may be carried out at any location approved by the dean, although research programs that require facilities, University Libraries resources, or collaborations not available at the university are given special consideration.

An application for research assignment should be submitted to the appropriate department head or chair by November 1 of the academic year preceding that in which the research assignment will be made. Application forms are available from the provost’s website. The application should be in the form of a letter, which includes a detailed description of the proposed research or other scholarly project, the location of that activity, and the relevance of the proposed activity in contributing to the faculty member’s own scholarly research program. The department head or chair reviews the application and forwards it with a recommendation to the college dean by mid-November indicating the provisions that will be made to accommodate the faculty member’s teaching and advising responsibilities. The dean is expected to weigh fiscal and academic load considerations to assure an equitable distribution of the awards. The dean forwards research assignment requests to the provost by mid-December. The provost reviews the recommendations, communicates with the deans, and announces the results to each candidate, following approval by the Board of Visitors. Specific leave request due dates are established annually and made available in the Calendar of Important Dates found on the provost’s website.

Specific leave request due dates are established annually and made available in the Calendar of Important Dates found on the provost’s website. Changes to an approved research leave that can be approved without additional BOV review include:
- a postponement of leave for up to 1 year;
- a change from a full year leave to a half-year leave (or vice versa);
- a change in the location of your research leave;
- a cancellation of leave.

These changes still require approval by the department, college, and provost.

The faculty member must return to full-time service with the university for a minimum of at least one academic year at the end of the approved leave. If less than this required period of service is met, repayment is required of the pro rata portion of the compensation provided by the university during the leave period. The faculty member, before undertaking the leave, must sign a memorandum of agreement to this effect.

Within 60 days of returning to full-time status, the faculty member must send a letter to the provost, dean, and department head summarizing accomplishments.

3.10 Modified Duties

The university recognizes the need for all tenured and tenure-track faculty members to balance the commitments of family and work. Special family circumstances, for example, birth or adoption of a child, severe illness of an immediate family member, or even issues of personal health, can cause substantial alterations to one’s daily routine, thus creating a need to construct a modified workload and flexible schedule for a period of time.

Since the circumstances may vary widely for faculty members at different stages of their careers and with different family and workload situations, this policy does not prescribe the exact nature of the accommodation. In many cases, it may be a reduction or elimination of a teaching assignment while the faculty member continues to meet ongoing, but more flexible research and graduate student supervision obligations. In general, the university’s commitment is to work with a faculty member to devise a modified workload and schedule that enables the faculty member to remain an active and productive member of the department. Because there is no reduction in salary, the faculty member is expected to have a set of full-time responsibilities.

An eligible faculty member is encouraged to speak with the department head or chair as soon as possible about the need for modified duties to ensure the maximum amount of time for planning. A department chair, in conjunction with the dean, is responsible for working with a faculty member to ensure a fair plan for modified duties is implemented if possible, budgetary constraints are considered, and student or other needs are met. The policy does not create an entitlement if there are legitimate business-related reasons for denying the request. Final decisions about the nature of the modified duties are the responsibility of the department head or chair in consultation with the dean.

Provisions of this policy cannot adequately address all individual circumstances. Sick leave (including disability), leave without pay, or permanent reduction in appointment to part-time status may be options to consider for longer-term or more demanding needs. This policy is not intended to provide release time from teaching for the purpose of allowing additional time for research. Reduction in teaching assignment for research purposes is the prerogative of the department and a function of the university’s program of study-research leaves.

Extension of the probationary period (see chapter three, “Extending the Tenure Clock”) is available to faculty members on tenure-track appointments who are confronted with extenuating personal or family circumstances, or birth or adoption of a child. The extension may be requested as a complement to a request for modified duties. However, the semester of modified duties does not automatically affect the tenure probationary period.
Eligibility: Modified duties may be requested by any faculty member in a full-time tenured or tenure-track appointment for the purpose of managing family responsibilities or, in exceptional cases, personal health issues not addressed by sick leave. The policy applies to eligible faculty upon employment.

Guidelines: The period of modified duties is one semester, or an equivalent amount of time for those faculty members whose responsibilities are not tied directly to teaching on the academic calendar.

Modification of duties should not result in additional duties during the subsequent semester, e.g., the faculty member should not be asked to make up the released teaching before or after the semester of modified duties. The faculty member cannot be employed by another institution during the period of modified duties, nor can the release time be used for extensive professional travel or other increased professional activities (including consulting) that do not meet the goals of the policy.

Medical documentation is required if the period of modified duties is requested related to a health issue not addressed by sick leave.

A semester of modified duties should be considered in addition to, not as a substitute for, sick leave, family leave and paid parental leave available to those giving birth or adopting during the period of the appointment (i.e., during the academic year for those on academic year appointments, or any time for those on calendar year appointments). There are no work expectations for individuals on approved sick or family leave.

Requests for outside consulting during the period of modified duties are not usually approved.

A faculty member should submit a request for modified duties as early as possible so the department can plan appropriately. The request form is available on the provost’s website. The plan of proposed activities is developed in consultation with the department head or chair and the dean. The duties can be department-based, college-based, or a combination thereof.

Subject to available funding, the Office of the Executive Vice President and Provost provides an allotment to the faculty member’s unit to replace teaching (or to use in other ways relevant to the duties) that is lost through the granting of a term of modified duties. Additional support from departments and colleges is strongly encouraged, and should be noted in the request.

Approval of the department head or chair, dean, and provost are necessary. If the department head or chair does not support the request, the reasons for denial are provided in writing, and the request is automatically forwarded to the dean for further review.
CHAPTER FOUR

4.0 Employment Policies and Procedures for University Libraries Faculty with Continued Appointment or on the Continued Appointment-Track

4.1 University Libraries Faculty with Continued Appointment or on the Continued Appointment Track

As the primary means through which students and faculty gain access to the storehouse of organized knowledge, the University Libraries perform a unique and indispensable function in the educational process. In this function, faculty members of the University Libraries share many of the professional concerns of their colleagues in all colleges. The university recognizes the need to protect the academic freedom of librarians in their responsibility to ensure the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn.

Continued appointment is the equivalent of tenure in the university’s colleges. Faculty members in the University Libraries may hold continued appointment or may be on the continued appointment-track; just as college faculty may be tenured or on the tenure-track (see chapter three). Provisions for term appointments during a probationary period are parallel to those for members of the college faculty. Evaluation for continued appointment (in contrast to term appointment) is made no later than the sixth year of such a probationary period.

A University Libraries faculty member with continued appointment will have continued employment until retirement with termination of employment based only on unsatisfactory performance, proof of misconduct, discontinuance or reduction in a segment of the university’s research or educational program, or University Libraries reorganization because of changing patterns of University Libraries service or technological advances.

If a position held by a University Libraries faculty member with continued appointment is eliminated or changes to such a degree that the incumbent can no longer fulfill the requirements, every effort will be made to reassign the faculty member to another position. If the position of a University Libraries faculty member with continued appointment is terminated, it will not be re-established and refilled within a period of two years unless the appointment has been offered to and declined by the faculty member who was originally displaced.

Tenure awarded to faculty of the University Libraries before July 1, 1983 continues to be recognized.

The Library Faculty Association and the dean of University Libraries have developed procedures for probationary appointment, continued appointment, and promotion for faculty of the University Libraries, including evaluative criteria, to instill the highest professional standards in the University Libraries faculty. These procedures are contained in Procedures on Promotion and Continued Appointment: University Libraries.

The University Promotion and Continued Appointment Committee reviews recommendations for continued appointment and for promotion in rank above the level of assistant professor and makes recommendations to the provost.

The University Promotion and Continued Appointment Committee is comprised of representatives from the libraries and colleges who serve in staggered terms. The schedule of these appointments can be found on the Provost’s website.
4.2 University Libraries Faculty Ranks

Specification of faculty rank in the University Libraries does not imply a particular rank in any college department. University Libraries faculty may be invited to hold concurrent adjunct status in a college department in order to formally recognize their contributions to the undergraduate or graduate program.

4.2.1 Instructor

Rank of instructor is for University Libraries faculty whose positions have been designated for continued appointment-track and who have not completed the terminal degree. Annual appointments may be renewed within the limits of a probationary period. Ordinarily, continued appointment would not be awarded at the instructor rank, although time spent at this rank counts in the probationary period leading to continued appointment. A master’s degree or significant professional experience is the minimum expectation for appointment at this rank. Specification of faculty rank in the University Libraries does not imply a particular rank in any college department. University Libraries faculty may be invited to hold concurrent adjunct status in a college department in order to formally recognize their contributions to the undergraduate or graduate program.

The dean of University Libraries with approval of the provost and president may recommend instructors in University Libraries for promotion to assistant professor. Final approval rests with the Board of Visitors.

Promotion of University Libraries faculty to the ranks of associate or professor is conducted in accordance with procedures in chapter four, “Evaluation Procedures for Promotion and Continued Appointment.”

4.2.2 Assistant Professor

The rank of assistant professor is the usual rank of initial appointment for faculty on the continued appointment-track. Appointment to the rank of assistant professor carries with it professional responsibilities in learning, discovery, and engagement. An assistant professor may be assigned responsibility for teaching graduate courses and for supervising master’s theses and dissertations, as well as serving on graduate student committees. The terminal degree appropriate to the field is expected for appointment to this rank. (Further information regarding appropriate credentials for teaching faculty is in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.)

4.2.3 Associate Professor

In addition to the requirements for assistant professor, a person appointed as associate professor must have demonstrated substantial professional achievements by evidence of an appropriate combination of outstanding teaching, creative scholarship, and recognized performance in University Libraries, or related academic and professional service.

4.2.4 Professor

In addition to the requirements for associate professor, appointment to the rank of professor is contingent upon national recognition as an outstanding scholar and educator.

4.2.5 Emeritus or Emerita Designation

The title of emeritus or emerita is conferred on retired professors, associate professors, administrative officers, and faculty with continued appointment who have given exemplary service to the university, and who the president specifically recommends to the Board of Visitors for approval. Their names are listed on the appropriate university website(s). Policy 4405, “Emeritus/Emerita Faculty,” provides further guidance to department heads or chairs and retiring faculty members concerning emeriti status and continued involvement in the life of the university.
4.3 Procedures for Appointments with Continued Appointment

An offer of faculty appointment with continued appointment may be made with the review and approval of the department head or chair, the library promotion and continued appointment committee, the University Libraries dean, a subcommittee of the university promotion and continued appointment committee, the provost, and the president. Ultimately, final approval rests with the Board of Visitors.

The dean forwards to the provost and president for their consideration and decision: the candidate’s application package, including cover letter, curriculum vitae, and at least two letters of reference which address the appointment of rank and continued appointment; documentation of the library promotion and continued appointment committee’s approval of rank and continued appointment, and concurrence of the dean with as much supporting evidence as deemed appropriate; and a brief overview of the search itself—how many candidates applied, were interviewed, and what is the compelling case for the candidate.

In general, faculty recruited from a comparable university should be recommended for a position at Virginia Tech at a similar level with continued appointment. If the recommended appointment involves a promotion or the initial awarding of continued appointment, the case must be strongly justified. If an individual is coming from a university with a less extensive research mission, the case must be strongly justified.

4.3.1 Part-Time Continued Appointment and Continued Appointment-Track Appointments

While continued appointment and continued appointment-track appointments are usually full-time, Virginia Tech recognizes the importance of allowing flexibility in the percent of employment so that faculty members can better manage the balance between their professional work and family or personal obligations over a defined period of time, or perhaps permanently. This policy is intended to encourage departments to accommodate reasonable requests for part-time appointments; however, part-time appointments are not an entitlement, and requests may be turned down when the faculty member and the department cannot agree upon a workable plan.

When conducting a search for a continued appointment-track position, departments continue to advertise for full-time continued appointment or continued appointment-track positions and must have funding for a full-time hire. Advertisements include information about university policies for flexible appointments. If desired, the faculty member requests and negotiates a part-time appointment at or after the point of hire if acceptable to the department.

Continued appointment-track faculty members may request a part-time appointment only for reasons of balancing work and family such as the arrival or care of a child, the care of a family member, or for personal circumstances related to the health of the faculty member. In addition, they may request a term part-time appointment only (with specific starting and ending dates) allowing the issue to be revisited on a defined cycle. While such term appointments can be renewed throughout the probationary period, a permanent part-time appointment may not be granted until continued appointment is awarded.

Faculty members with continued appointment may request either term or permanent part-time appointments for reasons stated above, or to balance work at Virginia Tech with professional practice or significant community or public service, for example, a faculty member who wishes to serve as a consultant in addition to an appointment at Virginia Tech; a faculty member who wishes to engage in entrepreneurial activity outside of university responsibilities; or a faculty member who runs for public office for a limited term and wishes to reduce the workload at Virginia Tech for that period. Other reasonable justifications may be considered if approved by the department heard or chair, University Libraries dean, and provost.

4.3.1.1 Part-Time Term Continued Appointment and Continued Appointment-Track Appointments

Part-time continued appointment and continued appointment-track appointments are either term or permanent. Term part-time appointments are in increments from one semester up to two years. During the
duration of a part-time term appointment, terms of the appointment are only changed via the agreement of all parties. A term agreement must specify the date on which the faculty member is expected to return to full-time status. Renewal of a term appointment should be negotiated no less than three months before the end of the current term so that the department can plan accordingly. For term part-time appointments, departments are able to use the salary savings to replace the work of the faculty member on part-time appointment.

Only the faculty member may initiate a request for conversion from full-time to part-time appointment. The reasons for the request for a change in the percentage of appointment should be clearly stated. The department head or chair should make a careful assessment of the needs of the department, and works with the faculty member requesting the part-time appointment to facilitate the request whenever possible. The period for which this part-time appointment is granted shall be clearly stated (renewable terms from one semester up to two years, or permanent). The written agreement should include a careful and thorough statement of work expectations for the part-time appointment. Generally, faculty members continue to contribute to all areas of responsibility, but with reduced expectations for accomplishment proportional to the fractional appointment. Service responsibilities for faculty members on part-time appointments are generally proportional to their appointments. Faculty members on part-time appointments are not excused from regular departmental, division, or university service because of the part-time appointments.

The written agreement for either an initial appointment or a conversion of a full-time appointment to part-time status and any subsequent renewal requires the approval of the faculty member, department head or chair, University Libraries dean and provost.

An initial term part-time appointment, either continued appointment or continued appointment-track, may be approved to accommodate a dual career hire if funding is not immediately available to support a full-time position, or if the faculty member seeks a part-time appointment consistent with the intent of this policy. The expectation is that the subsequent reappointment, if recommended, is for a full-time position, unless the faculty member requests a renewal of the term part-time appointment in accordance with these guidelines. A part-time appointment created for a dual career hire is approved through the usual approval processes for dual career hires. (See chapter two, “Dual Career Program.”)

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a continued appointment and continued appointment-track faculty member.

4.3.1.2 **Permanent Part-Time Continued Appointments**

For permanent part-time continued appointments with no end date, a return to a full-time appointment is not guaranteed. If holding continued appointment, the faculty member remains entitled to the continued appointment on the part-time basis only. However, an increase in the percent of the appointment up to full-time may be renegotiated between the faculty member and department head or chair if mutually agreeable and funds are available. The department and the dean determine the best way to cover the costs of the work in the case of conversion to a permanent part-time appointment.

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a continued appointment and continued appointment-track faculty member.

Part-time appointments are made for any fraction 50 percent or greater of a full-time appointment; faculty members receive proportional salary. Faculty members considering such appointments are strongly encouraged to meet with representatives in the benefits office in Human Resources to gain a clear understanding of the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.
4.4 Continued Appointment and Promotion


Members of the University Libraries faculty not holding appointments in a college department may be considered for continued appointment or for promotion in faculty rank in recognition of appropriate professional accomplishments as noted in the sections above.

4.4.1 Continued Appointment Eligibility

Like tenure, continued appointment is for the protection of the academic freedom of University Libraries faculty who are engaged in creating new programs and scholarship. Eligibility for continued appointment consideration is limited to faculty members holding regular faculty appointments of 50 percent to 100 percent in the University Libraries. Continued appointment is not granted to faculty members with temporary appointments. Individuals holding continued appointment who are appointed to administrative positions however, retain the status and privileges of continued appointment.

4.4.2 Pre-Continued Appointment Probationary Period and Progress Reviews

The term “probationary period” (“pre-continued appointment”) is applied to the succession of term appointments, which an individual undertakes on a full-or part-time regular faculty appointment, and during which evaluation for reappointment and for an eventual continued appointment takes place. The beginning of the probationary period for faculty members on term appointments is taken as July 1 or August 10 of the calendar year in which their initial full-time appointment begins, depending on whether they are on a calendar year or academic year appointment, regardless of the month in which their services are initiated. (The probationary period for new faculty appointed for spring semester begins the following fall even though the spring contract period officially begins December 25.)

Under usual circumstances, library promotion and continued appointment committees review the professional progress and performance of pre-continued appointment faculty members twice during the probationary period, usually in their second and fourth or third and fifth years. The timing of the reviews depends upon the nature of the faculty member’s discipline and must be clearly indicated in written departmental policies. The terms of offer identifies the initial appointment period. Pre-continued appointment reviews may be delayed if there is an approved extension as described below. Changes or variations in the standard review cycle must be documented in writing.

The initial review for a part-time faculty member should be no later than the third year of service (regardless of percent of employment) to give early feedback on their progress. At least two reviews should be conducted for part-time faculty members during their probationary period; more are recommended. The anticipated schedule for such reviews for appointment and for the mandatory review for continued appointment should be documented in writing as part of the agreement for the part-time appointment. Changes should be agreed upon and documented by the faculty member and the department.

Reviews are substantive and thorough. At a minimum, library promotion and continued appointment committees must review the faculty member’s relevant annual faculty activity reports, peer evaluations, and authored materials.

The pre-continued appointment reviews should analyze the faculty member’s progress toward promotion and continued appointment and offer guidance regarding future activities and plans. Pre-continued appointment faculty should be encouraged to develop a narrative about their scholarship goals with special emphasis on the place of their research and creative activity. Although this narrative may change across time, creating the context for their work can assist candidates in understanding how to continue to develop
professionally in a national and international context in preparation for promotion and continued appointment. The dean or director, the mentor(s), and the library promotion and continued appointment committee should engage in discussions with instructors and assistant professors across the probationary period to encourage professional growth and development of the candidate’s scholarly work.

All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for the faculty member’s division-level file. In addition, the Library Promotion and Continued Appointment Committee and the dean meet with the faculty member to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues. Pre-continued appointment faculty members bear responsibility for understanding expectations for promotion and continued appointment and for meeting those expectations.

The initial appointment for instructors and assistant professors (or those appointed to higher ranks) without continued appointment is ordinarily for a period of not less than two years. Multiple-year reappointments may be subsequently recommended.

The maximum total period for full-time probationary appointments is six years, unless an approved extension is granted. Decision about continued appointment, if not made earlier, is made in the sixth year of the probationary appointment. If the continued appointment decision made in the sixth year is negative, a one-year terminal appointment is offered.

Pre-continued appointment faculty members may request a term part-time appointment as described in chapter four, “Part-Time Continued Appointment and Continued Appointment-Track Appointments,” for reasons of balancing work and family or personal health issues. In such cases, the probationary period is extended proportionately. For example, two years of service at 50 percent counts as one year of full-time service. The term appointment may be renewed. (A permanent part-time appointment may be requested and granted following award of continued appointment.)

In determining the mandatory continued appointment review year for those with partial appointments, general equivalency to full-time appointments is expected, so that approximately five years of full-time equivalent service is expected prior to the mandatory continued appointment review year if no continued appointment clock extensions have been granted; six years if one year of extension is granted, and seven years if two extensions are granted. (In summing partial years of service, a total resulting in a fraction equal to or less than .5 is rounded down, and a fraction greater than .5 is rounded up.) However, review for continued appointment must occur no later than the tenth year of service, resulting in somewhat less full-time equivalent service (4.5 years) for a faculty member with 50 percent appointment throughout all nine probationary years prior to review. If denied continued appointment following a mandatory review, a one-year terminal appointment is offered.

Faculty members on part-time appointments may request a continued appointment clock extension in accordance with procedures described in chapter four, “Extending the Continued Appointment Clock.” (Extensions are granted in one-year increments, not prorated by the part-time appointment percentage.) However, the extension is not approved if it results in a mandatory review date beyond the tenth year.

Up to three years of appropriate service at other accredited American four-year colleges and universities may be credited toward the six-year probationary period, as specified in chapter four, “Guidelines for the Calculation of Prior Service.”

A faculty member on probationary appointment who wishes to request a leave of absence consults with the dean about the effect of the leave on the probationary period, taking into account the professional development that the leave promises. The request for leave addresses this matter and the provost’s approval of the leave request specifies whether the leave is to be included in the probationary period.
4.4.2.1 Extending the Continued Appointment Clock

A one-year probationary period extension is automatically granted to either parent (or both, if both parents are continued appointment-track faculty members) in recognition of the demands of caring for a newborn child or a child under five newly placed for adoption or foster care. The request should be made within a year of the child's arrival in the family.

An extension of the probationary period may also be approved on a discretionary basis for other extenuating non-professional circumstances that have a significant impact on the faculty member's productivity, such as a serious personal illness or major illness of a member of the immediate family. In rare cases, extraordinary professional circumstances not of the faculty member's own making may be acceptable justification for a probationary period extension, for example exceptional delays in providing critical equipment, laboratory renovations, or other elements of the committed start-up package essential to establishing a viable research program.

Faculty members who benefit from this policy are expected to fulfill their usual responsibilities during the probationary period extension unless they are also granted a period of modified duties or unless other arrangements are made. (See chapter four, "Modified Duties.")

Probationary period extensions are granted in one-year increments. A cumulative total of two years is usually the maximum probationary period extension for any combination of reasons. Requests should be made within a year of the qualifying event or extenuating circumstance. The provost may approve exceptions to these limitations.

Requests for a probationary period extension are submitted in writing to the department head or chair. (A form is available on the provost's website.) Approval is automatic for new parents. Documentation of medical reasons (other than childbirth or adoption) is required prior to approval; documentation of other extenuating circumstances may also be required. Approvals by the department head or chair, dean, and provost are required for probationary period extensions. The faculty member may appeal denial of the request to the next higher level in their organizational reporting structure.

It is very important that all individuals and committees participating in continued appointment reviews understand that any individual who receives a probationary period extension must be held to the same standard—not a higher or more stringent one—to which other candidates without such an extension are held. This is also true in the case where the candidate’s dossier is considered on the original schedule for review. However, in this instance where an approved extension was granted but not utilized, the continued appointment review is not considered mandatory and can be conducted again in the subsequent year without penalty. A probationary extension also usually extends the time frame for each subsequent review and reappointment during the probationary period. For example, an extension granted prior to the fourth-year review and reappointment typically delays that review by one year.

4.4.3 Guidelines for the Calculation of Prior Service

At the time of a faculty member's initial appointment to the University Libraries, the dean notifies the new faculty member of the faculty member's standing the continued appointment system. Excepting temporary appointments with limited terms, the faculty appointees are given clear notice of when their appointments will be considered for renewal and, if on the continued appointment-track, when consideration for continued appointment will be given.

In this latter calculation, appropriate full-time service in another accredited four-year American college or university is credited toward probationary service at Virginia Tech only if the appointed faculty member requests such credit.
In such a request, all prior service is presented if undertaken after the faculty member completes the terminal degree appropriate to the field. A maximum of three years may be credited toward probationary service at Virginia Tech. The request must be made in writing within one year of the initial appointment. The specification of credit for prior service toward the probationary period is subject to the approval of the provost on the recommendation of the dean of University Libraries.

4.4.4 Evaluation Procedures for Promotion and Continued Appointment

Promotion to a higher rank or an award of continued appointment may be granted to faculty members on a regular faculty appointment who demonstrate outstanding accomplishments in an appropriate combination of learning, discovery, engagement, and other professional activities. Every faculty member is expected to maintain a current curriculum vitae, with copies filed with the University Libraries. The curriculum vitae together with annual faculty activity reports, student or client evaluations, copies of publications, reference letters, and other similar documents comprise a dossier, which furnishes the principal basis for promotion and continued appointment decisions.

The evaluation of candidates for continued appointment closely parallels the process for tenure consideration for college faculty, and incorporates the same, or similar, elements of procedure whenever relevant or reasonable. Given the small number of faculty members on the continued appointment-track, their dossiers are reviewed at two levels (rather than three as required for college faculty): first by the University Libraries promotion and continued appointment committee and dean of University Libraries, and second by the University Promotion and Continued Appointment Committee and the provost.

Although some participants in the review process may serve at more than one level—for example a departmental committee member may also serve on the library promotion and continued appointment committee—participants may only vote once on a case. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship. (See chapter two, “Potential Conflicts Involving Spouses and Immediate Family Members.”)

Because the job descriptions and responsibilities of the candidates being considered do not conform to a single pattern or norm, it is not possible to set forth a statement of criteria with reference to which all recommendations for promotion or continued appointment must be made. Nevertheless, members of the general faculty seeking continued appointment or promotion in faculty rank are generally expected to have records of outstanding accomplishment in an appropriate combination of the following categories:

**Professional responsibilities:** Carrying out the responsibilities of the position within the organizational unit by effective staff work, display of leadership, and a high degree of initiative.

**Research and scholarly activities:** Publishing in journals, presenting papers at professional meetings, developing other works of creative scholarship, organizing or chairing sessions at professional meetings, and carrying out instructional responsibilities or graduate student advising.

**University activities:** Participating in the conduct of the activities of the administrative unit and the university. Such service takes innumerable forms, including serving on committees or in faculty governance positions, or participating in seminars or conferences.

**External activities:** Participating in local, state, regional, and national professional associations. Such participation includes activities such as holding office, serving on committees, conducting workshops, serving on panels, and attending conferences, conventions, or meetings.

**Awards and honors:** Receiving awards, grants, and honorary titles or being selected for membership in honorary societies.
Activities and accomplishments in other appropriate areas, beyond these five, may be included in dossiers and are considered.

University Libraries faculty are expected to develop within this framework the performance criteria that are most relevant to the responsibilities of those units. These criteria serve both as an aid to faculty development and as a set of measures that the University Promotion and Continued Appointment Committee may apply.

The criteria by which faculty with part-time appointments are evaluated for continued appointment is the same as the criteria by which full-time faculty are evaluated. Promotion and continued appointment committees consider years of full-time equivalent service when reaching decisions, excluding any approved probationary period extensions granted under the extending the tenure or continued appointment clock policy.

Besides consideration of specific professional criteria, evaluation for promotion or continued appointment should consider the candidate’s integrity, professional conduct, and ethics. To the extent that such considerations are significant factors in reaching a negative recommendation, they should be documented as part of the formal review process.

4.4.4.1 Libraries Evaluation for Promotion and Continued Appointment

The University Libraries has a committee with appropriate faculty representation to evaluate candidates for promotion and/or continued appointment. The library promotion and continued appointment committee makes recommendations to the dean of University Libraries. The dean may chair the committee or remain separate from the committee’s deliberations and subsequently receive its recommendations. (See guidelines in chapter four, “Composition of University Libraries Committees.”) The library promotion and continued appointment committee reviews the cases of candidates for promotion and/or continued appointment, including those faculty members in the final probationary year. The dean furnishes the committee with a dossier for each candidate.

4.4.4.2 Composition of Library Promotion and Continued Appointment Committee (Review Committee)

Rules governing eligibility and selection of members to serve on the library promotion and continued appointment committee (review committee), and operating guidelines for the review committee’s deliberations must be documented in written University Libraries-level policies, formally approved by the faculty.

The University Libraries faculty determine who is eligible to serve on the review committee from among faculty members with continued appointment.

The review committee may include department heads; however, these members may not vote on cases from their departments since each has already had an opportunity to vote or make a recommendation on those candidates.

If possible, some significant element of faculty choice should be a part of the review committee selection procedure. Where small numbers make an election process impractical, the dean appoints the representative.

If University Libraries department heads serve on the review committees, their total number is less than that of other faculty members.

Review committee appointments should be staggered to assure continuity from one year’s deliberation to the next. If possible, members should not serve more than two successive terms.
Selection of the review committee chair is determined in accordance with policies approved by the libraries faculty.

The dean may be present at the review committee’s deliberations. The dean serves in an advisory capacity to the review committee to assure compliance with university procedures and fairness and equity of treatment of candidates. The dean does not vote on review committee recommendations, but provides a separate recommendation to the provost.

Faculty members appointed to serve on the university-level promotion and continued appointment committee are encouraged to observe the deliberations of the University Libraries review committee to better prepare for their roles, but should not participate or attempt to influence the review committee’s recommendations.

4.4.4.3 Procedures and Recommendations of the University Promotion and Continued Appointment Committee

The library promotion and continued appointment committee (review committee) makes a recommendation on each candidate to the dean of University Libraries, including a written evaluation that assesses the quality of the candidate’s performance in each relevant area. The division of the vote is conveyed to the University Promotion and Continued Appointment Committee and the provost, but must otherwise remain confidential outside the review committee. In the absence of a unanimous recommendation, a minority report may be included. Whenever the dean does not concur with the committee’s recommendation, the committee is so notified.

Evaluation for continued appointment is mandated in the sixth year of probationary service unless the faculty member has given written notice of resignation from the faculty. If the review committee feels that the faculty member’s record does not warrant a continued appointment, there is an automatic review of the candidate’s dossier by the dean of University Libraries. If the dean concurs, the faculty member is notified by the dean, in writing, of the decision and the specific reasons for it.

The review committee may ask the candidate to appear before the committee to present additional information or clarification of recommendations.

4.4.4.4 Review and Recommendations by the Dean of University Libraries

The dean of University Libraries will send forward to the provost the complete dossier of every candidate for whom there is a positive recommendation from either the library promotion and continued appointment committee (review committee) or the dean, or both. The dean prepares separate letters of recommendation to be forwarded with the dossiers from their department. Whenever the dean does not concur with the review committee’s the library promotion and continued appointment committee’s recommendation, the review committee is so notified.

The dossiers that the dean sends to the provost are accompanied by a statement describing the formation and procedures of the review committee and a summary of the number of candidates considered by the University Libraries in each category. The division of the vote is conveyed to the university-level committee and provost, but must otherwise remain confidential.

4.4.4.5 The University-level Committee Evaluation for Promotion and Continued Appointment

The University Promotion and Continued Appointment Committee (university-level committee) is appointed and chaired by the provost or the provost’s designee. The university-level committee reviews the qualifications of the candidates recommended for promotion and/or continued appointment by the dean of University Libraries. It also reviews those cases in which the dean does not concur with positive recommendations of the library promotion and continued appointment (review committee’s). (A university-level committee review of a case with differing recommendations by the library dean and their view
The purpose of the review is to verify that the recommendations are consistent with the evidence, reflecting university standards, and that they are consistent with university objectives, programmatic plans, and budgetary constraints.

The university-level committee makes a recommendation on each candidate to the provost. The provost makes recommendations to the president, informing the university-level committee of those recommendations, including the basis for any non-concurrence with the university-level committee’s recommendations. The provost informs the president of any variation between the provost’s recommendations and those of the university-level committee.

The president makes recommendations to the Board of Visitors. The Board of Visitors makes the final decision.

The provost notifies the dean of any negative decision reached by the provost, the president, or the Board of Visitors. The dean notifies the faculty member, in writing, and notes appeal options.

The University Promotion and Continued Appointments committee (university-level committee) consists of the dean of the University Libraries; three University Library faculty members with continued appointment; and two faculty members at the associate or professor level with tenure in one of the colleges. The provost asks for nominations to the university-level committee from the University Libraries faculty. Where possible, some significant element of faculty choice should be part of the selection procedure.

All members of the university-level committee hold voting privileges. Regardless of the size of the committee, the faculty must always have at least a majority of the potential votes. Consistent with the principle that participants at all levels of the promotion and continued appointment review process vote only once on an individual case, the dean does not vote on cases from the University Libraries. Similarly, faculty members serving on the university-level committee do not vote on any case they previously voted on, should this circumstance occur.

Members of the university-level committee with continued appointment in the University Libraries hold staggered terms of three years; university-level committee members with tenure in a college hold staggered terms of two years; the provost makes the committee appointments. The provost or designee chairs the committee but does not vote.

All voting within the committee should be by written secret ballot; the division of any ballot must remain confidential.

4.4.5 Appeals of Decisions on Reappointment, Continued Appointment, or Promotion

A faculty member who is notified of a negative decision following evaluation for a term reappointment during the probationary period, for continued appointment, or for promotion may appeal for review of the decision under conditions and procedures specified in this section. The appellant has a right to an explanation of the reasons contributing to the denial.

Such an appeal must be filed, in writing, within 14 calendar days of formal notification of the decision, which shall make reference to appeal procedures. The appeal can only be based on grounds that certain relevant information was not provided or considered in the decision, or that the decision was influenced by improper consideration.

In their recommendations, administrators and committees hearing an appeal should address the standards outlined in the previous paragraph. In particular, they shall not substitute their own judgment on the merits for that of the body or individual that made the decision under appeal. The recommendations should address the allegations in the appeal with specificity, and cite appropriate evidence.
Appeals should be resolved as quickly as possible without compromising fairness or thoroughness of review. Whenever possible, the goal should be to achieve final resolution in time to accommodate the first meeting of the Board of Visitors in the fall semester.

A faculty member who believes that the appeal procedures described in this section have been improperly followed may, at any point, seek advice from the Faculty Senate Committee on Reconciliation and/or file a grievance in accordance with the grievance procedure in chapter four, “Faculty Grievance Policy and Procedures.”

4.4.5.1 Probationary Reappointment

Faculty members on probationary term appointments should make no presumption of reappointment. Procedures for term reappointment or the granting of continued appointment for members of the University Libraries faculty are developed in the University Libraries. A decision for non-reappointment to a term appointment, based primarily on performance evaluation, is final if reached by the library promotion and continued appointment committee (review committee) and is sustained by the dean of University Libraries, as appropriate. Notice of non-reappointment is furnished according to the schedule in chapter two, “Retirement, Resignation, and Non-Reappointment.” The specific reasons for the decision are provided to the faculty member in writing, if requested.

If the non-reappointment decision is reached by the dean in contradiction to the recommendation of the view committee library promotion and continued appointment committee, the faculty member may request that the non-reappointment decision be reviewed by the provost for a final decision.

The faculty member presents the appeal in writing as specified in chapter four, “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion.” The provost may ask the University-level Promotion and Continued Appointment Committee to review the case and make recommendation as an aid to that decision.

4.4.5.2 Continued Appointment Decision

Occasionally faculty members are evaluated for continued appointment during the probationary period, but before the final probationary year. In such a case, there is no recourse to appeal or review of a negative decision, at whatever level it is reached, because of the certainty that the evaluation will be undertaken again within a limited time.

If a faculty member is denied continued appointment in a mandatory review by both the library promotion and continued appointment committee (review committee) and the dean of University Libraries, the faculty member may appeal the negative decision in writing in accordance with provisions of this section. The appeal is submitted to the provost for review by the University-level Committee for Promotion and Continued Appointment, which shall make a recommendation to the provost for a final decision. No further appeal is provided. The University-level Committee for Promotion and Continued Appointment may choose to hear oral arguments. Substantive procedural violations may be addressed through the grievance process described in chapter four, “Faculty Grievance Policy and Procedures.”

Should the University-level Promotion and Continued Appointment Committee find reason to believe that the review committee’s evaluation was biased or was significantly influenced by improper considerations, the University-level Promotion and Continued Appointment Committee may request that the dean form a new ad hoc review committee. The ad hoc committee makes a recommendation to the University-level Committee for Promotion and Continued Appointment that requested its formation. The University-level Promotion and Continued Appointment Committee then makes a recommendation to the provost.

Should the provost not concur with a positive recommendation from the University-level Committee for Promotion and Continued Appointment, whether that recommendation culminates a usual review or an
appeal, the faculty member is so notified in writing of the specific reason for the decision. The faculty member may appeal to the Faculty Senate’s Faculty Review Committee. That committee investigates the case and, if the differences cannot be reconciled, makes a recommendation to the president on the matter. The president’s decision is final.

4.4.5.3 Review of Progress Toward Promotion to Professor

Faculty awarded continued appointment at the rank of assistant or associate professor are required to go through at least one review of progress toward promotion. The review is required for faculty members promoted and awarded continued appointment during 2019-2020 and thereafter. This review will take place by the fifth year after continued appointment or the last promotion was awarded. The faculty member can elect to submit a review prior to the fifth-year deadline; otherwise by the fifth year the faculty member will receive a notice to submit a review. All reviews of progress towards promotion will be conducted by the Library Promotion & Continued Appointment Committee (review committee). The review committee will provide a recommendation letter to the candidate prior to the next promotion and continued appointment review cycle. Candidates undergoing a review of progress towards promotion will submit to the Library Promotion & Continued Appointment Committee (review committee) documentation based on University Libraries policies highlighting the contributions and service since continued appointment or the last promotion was awarded. Their view committee will provide feedback focusing on the faculty member’s progress toward promotion. The developmental guidance should focus on recommended future activities and plans that will position the faculty member for promotion. Review committee recommendation letters will be in writing; the faculty member will acknowledge receipt by signing and returning a copy of the letter to the personnel officer for departmental file. In addition, the faculty member may request a meeting with the review committee to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues and/or supervisor(s).

4.4.5.4 Promotion Consideration and Decision

There is no specification for minimum or maximum time of service in any rank. A faculty member may request at any time a consideration for promotion in rank if the Library Promotion & Continued Appointment Committee (review committee) has not chosen to undertake such an evaluation. However, appeal of a negative promotion decision is provided only if the faculty member has been in rank for at least six years and if the faculty member has formally requested, in writing, consideration for promotion in a previous year. Candidates for promotion who have been denied by both the review committee and the dean of University Libraries may appeal to the provost, who asks the University-level Promotion and Continued Appointment Committee to consider the appeal. The faculty member presents the appeal in writing as specified in chapter four, “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion.”

The university-level committee makes recommendation to the provost. If the university-level committee and the provost concur with the negative decision, the decision is final; if not, the president makes a final decision.

4.5 Annual Evaluation and Post-Continued Appointment Review

4.5.1 Annual Evaluation and Salary Adjustments

All departments are required to have written guidelines outlining the process and criteria used in faculty evaluations. The adoption of such guidelines promotes consistency and transparency in this important aspect of faculty life.

Every faculty member’s professional performance is evaluated annually and written feedback is provided separately from confirmation of any merit adjustments. The process begins with submission of a faculty activity report (FAR). All non-temporary faculty members must submit a FAR annually. These reports form
part of the basis for performance evaluations, awarding merit adjustments, and promotion, continued appointment, and post-continued appointment reviews.

The dean is responsible for conducting annual faculty evaluations, either independently or in consultation with an appropriately charged committee in accordance with University Libraries procedures. All evaluations must be in writing and include a discussion of contributions and accomplishments in all areas of the faculty member’s responsibilities, comments on the faculty member’s plans and goals, and any recommendations for improvement or change. Faculty members should receive their written evaluations within 90 days of submission of required materials, and they acknowledge receipt by signing and returning a copy for their University Libraries file, or the electronic equivalent. Acknowledging receipt of the evaluation does not imply agreement. If a faculty member substantially disagrees with the evaluation, he or she may submit a written response to the dean for inclusion in the personnel file.

In addition to their annual evaluation letters, all pre-continued appointment faculty members receive at least two thorough reviews during the six-year probationary period and written feedback on their progress toward continued appointment by the library promotion and continued appointment committee (review committee) prior to reappointment in accordance with guidance included in chapter four, “Probationary Period.”

Faculty members with part-time appointments are reviewed on the annual review cycle used for all faculty members in the department. For purposes of annual review, the fraction of the appointment must be taken into account when considering the appropriate level of achievement in that year.

Salary adjustments are based on merit; they are not automatic. Recommendations for salary adjustments originate with the dean and are reviewed by the provost and the president. Because salary adjustments are determined administratively on an annual basis and based significantly on the quality of the faculty member’s response to assigned responsibility, they do not necessarily reflect an accurate measure of the full scope of the faculty member’s professional development as evaluated by relevant committees in the continued appointment and promotion process.

The salary adjustments of continuing faculty members are approved by the Board of Visitors and each faculty member is informed in writing of the board's action as soon as possible. (See chapter two, “Faculty Compensation Plan.”)

4.5.2 Unsatisfactory Performance

For continued appointment and pre-continued appointment faculty members, failure to meet the minimal obligations and standards the department has stipulated for its faculty results in an “unsatisfactory” rating. Written notification of an unsatisfactory rating and the considerations upon which it was based is given to the faculty member, with a copy to the dean and provost. A single unsatisfactory evaluation indicates a serious problem, which prompts remedial action. Faculty members may respond in writing with a letter to the department head for inclusion in their personnel file, or they may seek redress through either the reconciliation or grievance procedures. Two successive annual ratings of unsatisfactory performance for a faculty member with continued appointment results in a post-continued appointment review.

4.5.3 University Libraries Minimal Standards

The University Libraries shall develop, maintain, and publish a statement of minimal standards for satisfactory faculty performance using the following process. University Libraries standards should be written with the participation of faculty and approved by a vote of the continued appointment-track faculty. Standards developed and approved by the library promotion and continued appointment committee and the dean are then reviewed and approved by the provost. Once approved, the standards are published and available to all faculty members in University Libraries. Revisions of University Libraries also follow these procedures.
The following guidance is provided for the development of University Libraries minimal standards:

The University Libraries should carefully assess and state the overall standards of professional performance and contribution considered minimally acceptable for continued appointment faculty. The University Libraries’ evaluation mechanism should allow a distinction between performance that is deficient in one or more areas requiring improvement, and performance that is so seriously deficient as to merit the formal designation "unsatisfactory."

University Libraries’ standards should embrace the entire scope of faculty contributions. Expectations recognize differences in faculty assignments within the same department or unit. University Libraries’ standards should typically address the individual's skill, effort, and effectiveness in contributing to all aspects of the instructional mission; the individual's activity in and contributions to the discipline; the individual's contributions to the collective life of the University Libraries and university; and the individual's activity in and contributions to the university's outreach mission.

The University Libraries' statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative actions.

Departmental statements should include the expectation that faculty with continued appointment will adhere to the standards of conduct and ethical behavior as stated in the Faculty Handbook and/or promulgated through other official channels.

4.5.4 Post-Continued Appointment Review

Nothing in this section should be interpreted as abridging the university's right to proceed directly to dismissal for cause as defined in chapter four, “Dismissal for Cause,” or the right of individual faculty members to pursue existing mechanisms of reconciliation and redress.

A post-continued appointment review is mandatory whenever a faculty member with continued appointment receives two consecutive annual evaluations of unsatisfactory performance. Annual reviews for years spent on leave without pay are disregarded for the purpose of this calculation. The library promotion and continued appointment committee (review committee) conducts the review, unless the same committee was involved in the original unsatisfactory annual evaluations. In this case, the University Libraries faculty elect a committee to carry out the review function.

Upon recommendation of the dean, a post-continued appointment review may be waived or postponed if there are extenuating circumstances (such as health problems). The purpose of a post-continued appointment review is to focus the perspective of faculty peers on the full scope of a faculty member's professional competence, performance, and contributions to the University Libraries and university missions and priorities.

The faculty member has both the right and the obligation to provide a dossier with all documents, materials, and statements as the faculty member believes are relevant and necessary for the review. Ordinarily, such a dossier includes at least the following: an updated curriculum vitae, the past two or more faculty activity reports, teaching or client assessments, if any, and a description of activities and accomplishments since the last faculty activity report. The faculty member is given a period of no less than four weeks to assemble the dossier for the committee. The dean supplies the review committee with the last two annual evaluations, all materials that were considered in those evaluations, any further materials deemed relevant, and other materials the committee requests. Copies of all materials supplied to the review committee are given to the faculty member. The faculty member has the right to provide a written rebuttal of evidence provided by the dean.
The review committee weighs the faculty member's contributions to the discipline, the University Libraries, and the university through learning, discovery, and engagement. The burden of proving unsatisfactory performance is on the university. The review committee prepares a summary of its findings and makes a recommendation to the dean and provost. Final action and notification of the faculty member is the responsibility of the dean, with the concurrence of the provost.

The review may result in one of the following outcomes:

**Certification of satisfactory performance:** The library promotion and continued appointment committee (review committee) may conclude that the faculty member's competence and professional contributions are satisfactory to meet the minimal expectations of the University Libraries, thus failing to sustain the assessment of the dean. The review is then complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Certification of deficiencies:** The review committee may concur that the faculty member's competence and/or professional contributions are unsatisfactory to meet the minimal expectations of the University Libraries. The review committee may recommend dismissal for cause, a sanction other than dismissal for cause, or a single period of remediation not to exceed two years.

**Remediation:** If a period of remediation is recommended, the review committee specifies in detail the deficiencies it noted, defines specific goals and measurable outcomes the faculty member should achieve, and establishes a timeline for meeting the goals. The dean meets with the faculty member at least twice annually to review the individual's progress. The dean prepares a summary report for the review committee following each meeting and at the end of the specified remediation period, at which time the review committee either certifies satisfactory performance or recommends dismissal for cause or a sanction other than dismissal for cause following the procedures described below.

**Sanction other than dismissal for cause:** A recommendation by the library review committee to impose a severe sanction, as defined in chapter four, “Imposition of a Severe Sanction,” is referred to the University-level Promotion and Continued Appointment Committee. The university-level committee reviews the case presented by the libraries review committee. The university-level committee provides an opportunity for the faculty member to be heard and determines whether the recommendation is consistent with the evidence. The university-level committee may reject, uphold, or modify the specific sanction recommended by the library Review committee. If the library review committee also recommends imposition of a severe sanction, then the same procedures used for dismissal for cause guide the process. The review conducted by the library review committee satisfies the requirement in step two for an informal inquiry by an ad hoc or standing personnel committee. Thus, in the case of a post-continued appointment review, this step is not repeated.

If a severe sanction is imposed or ultimately rejected, then the post-continued appointment review cycle is considered complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Dismissal for cause:** If dismissal for cause is recommended, the case shall be referred to a properly constituted committee within the Libraries which reviews the case and determines whether the recommendation is consistent with the evidence. If the University Promotion and Continued Appointment Committee upholds the recommendation for dismissal, then the procedures specified in chapter four, “Dismissal for Cause,” begin immediately.

4.5.5 Periodic Review of Dean of University Libraries, Department Heads, Senior Administrators

In addition to an annual performance evaluation, and in accordance with Policy 6105, “Periodic Evaluation of Academic Deans and Vice Presidents,” academic deans, the dean of University Libraries, the dean of the Honors College, and academic vice presidents are subject to reviews every five years. If the review of
a dean cannot be conducted in the fifth year as would usually be the case, the provost informs the officers of the relevant college or University Libraries faculty association as to the reason for delay. A review may also be initiated at any time by the provost and/or at the request of at least one-third of the tenure-track faculty in the college, or in the case of University Libraries, one-third of the continued appointment faculty. If the review of a vice president who reports to the provost cannot be conducted in the fifth year, the provost notifies the deans and the chairs of the college and University Libraries faculty associations as to the reason for the delay. In the semester prior to a periodic review, the faculty association will be notified of the review and the association may schedule a meeting with the provost to discuss the upcoming review.

Policy 6100, “Department Head or Chair Appointments,” outlines the review process for academic department heads or chairs. In addition, colleges should adopt detailed procedures in accordance with the broad guidelines below so that reviews may be conducted consistently and appropriately across the college for those serving in academic leadership roles.

The purpose of the periodic review is to support the success of the university's academic units by providing developmental feedback to promote fair and effective academic leadership. Reappointment of an individual to academic department head, chair, academic dean, or academic vice president must be preceded by a periodic review conducted in accordance with guidelines outlined in Policy 6105 or in Policy 6100.

4.6 Imposition of a Severe Sanction or Dismissal for Cause

4.6.1 Adequate Cause

Adequate cause for imposition of a severe sanction or dismissal is related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

Adequate cause includes: violation of professional ethics (see chapter two, “Professional Responsibilities and Conduct”); incompetence as determined through post-continued appointment review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-continued appointment review) or by the relevant administrator (for example, the dean, compliance and conflict resolution officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include a recommendation for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

4.6.2 Imposition of a Severe Sanction

Definition and examples: A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of university policy.

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1 The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the AAUP.
2 Ibid.
Routine personnel actions such as a recommendation for a below average or no merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in the Faculty Handbook.

Process for Imposing a Severe Sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or ad hoc faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by an appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct policies) and, having determined that in its opinion there is adequate cause for imposing a severe sanction, refers the matter to the administration.

4.6.3 Dismissal for Cause

The following procedures apply to faculty members with continued appointment, or for dismissal of a continued appointment-track faculty member before the end of the current appointment.

Dismissal is preceded by:

**Step one:** Discussions between the faculty member, dean, and/or provost, looking toward a mutual settlement.

**Step two:** Informal inquiry by a standing (or, if necessary, ad hoc) faculty committee having concern for personnel matters. This committee attempts to affect an adjustment and, failing to do so, determines whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president’s decision whether to proceed.

**Step three:** The furnishing by the president (in what follows, the president may delegate the provost to serve instead) of a statement of particular charges, in consultation with the dean. The statement of charges is included in a letter to the faculty member indicating the intention to dismiss, with notification of the right to a formal hearing. The faculty member is given a specified reasonable time limit to request a hearing, that time limit is no less than 10 days.

Procedures for conducting a formal hearing, if requested: If a hearing committee is to be established, the president asks the Faculty Senate, through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members should be nominated on the basis of their objectivity, competence, and regard in which they are held in the academic community. They must have no bias or untoward interest in the case and are available at the anticipated time of hearing. The faculty member and the president each have a maximum of two challenges from among the nominees without stated cause. The president then names a five-member hearing committee from the remaining names on the nominated slate. The hearing committee elects its chair.

Pending a final decision on the dismissal, the faculty member is suspended only if immediate harm to him or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation takes place with the Committee on Reconciliation of the Faculty Senate concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary continues during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.
Notice of hearing of at least 20 days is made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case, the hearing committee evaluates all available evidence and rests its recommendation on the evidence in the record.

The committee, in consultation with the president and the faculty member, exercises its judgment as to whether the hearing is public or private. During the proceedings, the faculty member is permitted to have an academic advisor and legal counsel. At the request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association is permitted to attend the hearing as an observer.

A verbatim record of the hearing is taken.

The burden of proof that adequate cause exists rests with the university.

The hearing committee grants adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. The faculty member is afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration cooperates with the hearing committee in securing witnesses and evidence. The faculty member and administration have the right to confront and cross-examine all witnesses. The committee determines the admissibility of statements of unavailable witnesses and, if possible, provides for interrogatories.

The hearing committee is not bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issues involved. Every possible effort is made to obtain the most reliable evidence available.

The findings of fact and the recommendation are based solely on the hearing record. The university president and the faculty member are notified of the recommendation in writing and are given a written copy of the record of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it so reports to the university president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the university president rejects the recommendation, the hearing committee and the faculty member are so informed in writing, with reasons, and each is given an opportunity for response.

Appeal to the Board of Visitors: If the university president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full record of the case be submitted to the Board of Visitors (or a duly constituted committee of the board). The board’s review is based on the record of the committee hearing, and it provides opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding returns to the hearing committee with specific objections. The hearing committee then reconsiders, taking into account the stated objections and receiving new evidence if necessary. The board makes a final decision only after study of the hearing committee’s reconsideration.

Notice of Dismissal: In cases where gross misconduct is decided, dismissal is usually immediate. The standard for gross misconduct is behavior so egregious that it evokes condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay. The first faculty committee that considers the case determines gross misconduct. In cases not involving gross misconduct: (a) a faculty member with continued appointment receives up to one year of salary or notice, and (b) a probationary faculty member receives up to three months’ salary or notice. These terms of dismissal begin at the date of final notification of dismissal.
4.7 Faculty Grievance Policy and Procedures

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the University Libraries faculty with continued appointment or on the continued appointment-track. The Faculty Review Committee of the Faculty Senate conducts the step four hearing if requested.

4.7.1 Ombuds, Mediation Services, and Faculty Reconciliation

Informal Dialogue: It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels he or she has a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

University Ombuds: Any member of the university community may visit the university Ombuds Office. The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the president. The Ombuds Office does not keep permanent records of confidential communications.

Reconciliation: At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the Faculty Senate Committee on Reconciliation in fashioning an equitable solution. Contacting the Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether the concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant contacts the chair of the Faculty Senate Committee on Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the Faculty Senate Committee on Reconciliation, that committee must request a postponement of the time limits involved in the grievance procedure while it deals with the case. The chair of the Faculty Senate Committee on Reconciliation submits the request in writing to the vice provost for faculty affairs. Also, the grievant reaches an understanding with the Committee on Reconciliation of the time frame planned for that committee’s work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Executive Vice President and Provost.
Mediation: Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

Role of Mediators: Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

Requesting Mediation: Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

4.7.2 The Formal Grievance Procedure

If the assistance of the Faculty Senate Committee on Reconciliation is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case.

Step one: The grievant must meet with the immediate supervisor (usually the department head) within 30 calendar days of the date that grievant knew or should have known of the event or action that is basis for the grievance and orally identifies the grievance and the grievant's concerns. The supervisor provides an oral response to the grievant within five weekdays following the meeting. If the supervisor's response is satisfactory to the grievant, that ends the matter.

Step two: If a satisfactory resolution of the grievance is not achieved by the immediate supervisor's oral response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be on the faculty grievance form, must define the grievance and the relief requested specifically and precisely, and must be submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor's oral response to the first step meeting. Faculty grievance forms are available on the provost's website.

Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form, citing reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

Step three: If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level
administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for faculty in the University Libraries is usually the University Libraries dean. The administrator involved at this next level is hereafter referred to as the second-level administrator.

Following receipt of the faculty grievance form, the second-level administrator or designated representative meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a chosen representative from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for the decision. If the second-level administrator’s written response to the grievance is satisfactory to the grievant it ends the matter.

**Step four:** If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Review Committee of the Faculty Senate. A description of the charge and membership of the Faculty Review Committee is included in chapter one, “Faculty Review Committee.”

Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the Procedures of the Faculty Review Committee to parties in the grievance process. The provost immediately forwards a copy of the grievance to the president of the Faculty Senate, who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost’s decision, however, may be appealed to the university president, as described in step five. If the provost does not accept the petition, the Faculty Review Committee hears the grievance as outlined in these procedures.

The Faculty Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

**Hearing Panel:** A hearing panel consists of five members appointed by the chair of the Faculty Review Committee from among the members of the Faculty Review Committee. The chair of the Faculty Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Review Committee or designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

**Hearings:** After a hearing panel is appointed, the chair of the Faculty Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or
requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes
the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which
testimony is presented. The representative may speak on their behalf if so requested. Representatives may
be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel
at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal
counsel is present they must understand that the proceedings do not follow courtroom or trial procedures
and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to
the rulings of the chair of the hearing panel. Detailed procedures followed in hearings are specified in the
Procedures of the Faculty Review Committee as approved by the Faculty Senate.

Findings and Recommendations: The hearing panel concludes its work and makes its recommendations
within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for
consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance
and forwards copies to the provost, the grievant, and the chair of the Faculty Review Committee.

Provost’s Action: The provost meets with the grievant within 10 weekdays after receiving the findings and
recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for
disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant the decision
in writing concerning the disposition of the grievance. If the provost’s decision is fully consonant with (or
exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs
from the recommendations of the hearing panel, that ends the matter.

Step five: If the provost’s decision is not acceptable to the grievant and not consonant with the
recommendations of the hearing panel, the grievant may appeal in writing to the university president within
20 calendar days. The president acts as he or she sees fit. The president’s decision is final.

4.7.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the
grievance process within 30 calendar days of the time when he or she knew or should have known of the
event or action that is the basis for the grievance. The university administration is not required to accept a
grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated
good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action
by either of the parties to the grievance automatically extend time limits for their duration unless this would
be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the
grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance
process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or
she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance
after the appropriate specified time limits have lapsed, the administrator who receives the late submission
notifies the chair of the Faculty Review Committee in writing, and the chair of the Faculty Review Committee
determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends
with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty
Review Committee is communicated to both parties in writing.
If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Committee on Reconciliation, and the chair of the Faculty Review Committee (or the vice president of the senate if the president is also chair of the Faculty Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

4.7.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion and continued appointment procedures (see appeal process in chapter four, “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance: While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion and/or continued appointment decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures: If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

4.7.5 Particular Concerns and Definitions

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the
stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from the assigned work location at the time of discovery the event or action is the basis for a grievance, the 30-day period during which the grievant must meet with the immediate supervisor to initiate the grievance process begins when the faculty member returns to the assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to the assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and he or she is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers he or she has a grievance about actions by an administrator above the level of the immediate supervisor that directly involve the faculty member, or with actions by an administrator not in the department that directly involve the faculty member, the grievant initiates the grievance process by seeking the intervention of the immediate supervisor within 30 calendar days of the discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting the immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in the usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the chair of the Faculty Review Committee and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the university president for ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the university president is addressed by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and university policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations, or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

4.7.6 Overview of the Formal Grievance Process for Faculty with Continued Appointment or on the Continued Appointment-Track

Below is an abbreviated overview of the grievance process and deadlines. Refer to chapter four, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.
Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

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<th>Step one</th>
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<td><strong>Within 30 days of event</strong></td>
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**Step four**

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<tr>
<td>Within 5 weekdays</td>
<td>4a. Grievant advances grievance form to the provost.</td>
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<td>Within 5 weekdays</td>
<td>4b. Provost acknowledges receipt of grievance and forwards copy to Faculty Senate president to receive recommendation of an impartial hearing panel of the Faculty Review Committee.</td>
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<td>Within 5 weekdays</td>
<td>4c. Faculty Senate president acknowledges in writing to grievant that copy of grievance has been received from provost.</td>
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<td>Within 15 weekdays</td>
<td>4d. Faculty Review Committee chair appoints hearing panel from among Faculty Review Committee members; panel holds its initial meeting with both principals.</td>
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<td>Within 45 weekdays</td>
<td>4e. Hearing panel concludes its work and make recommendations to provost and grievant.</td>
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<td>Within 10 weekdays</td>
<td>4f. Provost meets with grievant.</td>
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<td>Within 10 weekdays</td>
<td>4g. Provost notifies grievant in writing of the decision.</td>
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<td>4h. If the provost’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendation of the hearing panel that ends the matter.</td>
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<td>4i. If the provost’s decision is not acceptable to the grievant and not consonant with the recommendation of the hearing panel, move to step five within 20 calendar days.</td>
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**Step five**

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<td>Within 20 calendar days</td>
<td>5a. Grievant appeals in writing to university president.</td>
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<td>5b. University president’s decision is final.</td>
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4.8 Study-Research Leave

Study-research leave may be granted to faculty members for research and/or advanced study necessary to enhance the competencies of those faculty members to carry out their obligations to the university. (At other universities this program is often called “sabbatical.”)

Full-time faculty members holding continued appointment with significant responsibility for instruction and scholarly productivity, with the rank of assistant professor or higher, having accrued a minimum of six years of service, are eligible for study-research leaves. Following such a leave, an additional six years of full-time service are necessary before a faculty member is eligible for another study-research leave. Requests may be submitted prior to completion of six years of service, but faculty members must have completed the sixth year before the leave period begins.

Time spent on study-research leave, educational leave, or leave without pay is not considered in compiling minimum service requirements for further leaves.

As part of the commonwealth’s educational leave program, recipients of study-research leaves are provided with partial salary (not to exceed one-half salary). All employee benefits remain in force while faculty members are on study-research leaves. Calendar year faculty on study-research leave earn annual leave at a rate of half their usual annual leave earnings.

Instead of a proposal for leave of an entire academic or calendar year, faculty members may propose a sequence of semester leave periods at half-salary over several years, not to exceed in total one academic year (for a faculty member on academic year appointment) or 12 months (for a faculty member on calendar year appointment). If such a sequence of leaves is undertaken, all intervening periods of full-time appointment at Virginia Tech accrue toward the six-year minimum service required before eligibility for another study-research leave or sequence of leaves.

Alternatively, following completion of any study-research leave, faculty members may propose a single semester of study-research leave at half-salary following three years of full-time service to the university.

Recipients of a study-research leave may receive additional compensation from other approved sources up to a total equal to their annual salary from the university. Faculty members may receive the additional half salary from sponsored grants or contracts, resulting in a one-year period at full salary from university sources; the appropriate level of effort must be expended on grant-related activities. They may also obtain additional funds from external sources to cover expenses for travel, research, administrative assistance, and the purchase of relevant materials. The department head and provost review and approve required documentation of all external earnings and expected payments. Engagement in consulting activities must be consonant with existing university policy.

The request for study-research leave is made in the fall and, if approved, is taken the following academic year. Requests for study-research leave are submitted to the department head or chair by November 1 for processing through the college, provost, and consideration by the Board of Visitors at the March (or spring) meeting of the board. Requests are forwarded to the board, subject to recommendation of the department head or chair, dean, and the provost, with consideration of the need for effective continuation of the University Libraries’ program. Specific leave request due dates are established annually and are available in the Calendar of Important Dates found on the provost’s website.

The faculty member returns to full-time service with the university for a minimum of at least one academic year at the end of the approved leave or repays the university the salary received plus interest. If less than this required period of service is met, repayment is required of the pro rata portion of the compensation provided by the university during the leave period. Before undertaking the leave, the faculty member signs a memorandum of agreement to this effect.
Within 60 days of returning to full-time status, the faculty member must send a letter to the provost, dean, and department head summarizing accomplishments.

### 4.9 Research Assignment

Research assignment is a special category of study-research leave that is awarded to a faculty member with continued appointment for one semester of intensive study or research that increases the quality of the individual’s professional stature and future contribution to the university. It may be taken in lieu of an ordinary year-long study-research leave. Continued appointment-track faculty members are not eligible to apply for research assignment leave until after continued appointment has been awarded.

Full-time faculty members holding continued appointment with the rank of assistant professor or higher, and having accrued a minimum of six years of service, are eligible for research assignment or study-research leave. Following such a leave, an additional six years of full-time service are necessary before a faculty member may be considered for another research assignment. Requests may be submitted prior to completion of six years of service, but faculty members must have completed the sixth year before the leave period begins. Faculty members on calendar year appointments may take research assignment leave for up to six months.

Approval for research assignment provides the faculty member with full salary and related benefits for the period of the leave; faculty members may not take on additional responsibilities for outside income except as allowed by the university’s consulting policy. Modest stipends associated with competitive visiting scholar programs at other institutions, competitive national or international fellowships, the Fulbright Scholar Program, and similar prestigious opportunities to support study and/or scholarly research may be approved where there is clear benefit to the faculty member and the university. Similarly, externally funded reimbursements or allotments for travel, temporary relocation, and other expenses associated with the proposed research assignment may be approved. The department head, dean, and provost review and approve required documentation of all external earnings and expected payments. When a faculty member proposes a period of paid employment greater than 50 percent of the annual salary in a corporate or governmental setting, leave without pay or a contract through the Intergovernmental Personnel Act may be more appropriate than a research assignment.

The primary privilege of a research assignment is entire relief from teaching, administrative duties, and other faculty duties for one semester. A secondary privilege is that the assignment may be carried out at any location approved by the dean, although research programs that require facilities, resources from the University Libraries, or collaborations not available at the university are given special consideration.

An application for research assignment is submitted to the appropriate department head or chair by November 1 of the academic year preceding that in which the assignment will be made. Application forms are available from the provost’s website. The application is in the form of a letter, which includes a detailed description of the proposed research or other scholarly project, the location of that activity, and the relevance of the proposed activity in contributing to the faculty member’s own scholarly research program. The dean reviews the application and forwards it with a recommendation to the provost by mid-December, indicating the provisions that will be made to accommodate the faculty member’s responsibilities. The dean is expected to weigh fiscal and academic load considerations to assure an equitable distribution of the awards. The provost reviews the recommendations, communicates with the dean, and announces the results to each candidate, following approval by the Board of Visitors. Specific leave request due dates are established annually and are available in the Calendar of Important Dates on the provost’s website.

The faculty member must return to full-time service with the university for a minimum of at least one academic year at the end of the approved leave. If less than this required period of service is met, repayment is required of the pro rata portion of the compensation provided by the university during the
leave period. Before undertaking the leave, the faculty member must sign a memorandum of agreement to this effect.

Within 60 days of returning to full-time status, the faculty member must send a letter to the provost, dean, and department head summarizing accomplishments.

4.10 Modified Duties

The university recognizes the need for all continued appointment and continued appointment-track faculty members to balance the commitments of family and work. Special family circumstances, for example, birth or adoption of a child, severe illness of an immediate family member, or even issues of personal health, can cause substantial alterations to one’s daily routine, thus creating a need to construct a modified workload and flexible schedule for a period of time.

Since the circumstances may vary widely for faculty members at different stages of their careers and with different family and workload situations, this policy does not prescribe the exact nature of the accommodation. In many cases, it may be a reduction or elimination of a teaching assignment while the faculty member continues to meet ongoing, but more flexible research and graduate student supervision obligations. In general, the university’s commitment is to work with a faculty member to devise a modified workload and schedule that enables the faculty member to remain an active and productive member of the department. Because there is no reduction in salary, the faculty member is expected to have a set of full-time responsibilities.

An eligible faculty member is encouraged to speak with the department head or chair as soon as possible about the need for modified duties to ensure the maximum amount of time for planning. A department chair, in conjunction with the University Libraries dean, is responsible for working with a faculty member to ensure a fair plan for modified duties is implemented if possible, budgetary constraints are considered, and student or other needs are met. The policy does not create an entitlement if there are legitimate business-related reasons for denying the request. The department head or chair, in consultation with the dean or director, makes final decisions about the nature of the modified duties.

Provisions of this policy cannot adequately address all individual circumstances. Sick leave (including disability), leave without pay, or permanent reduction in appointment to part-time status may be options to consider for longer-term or more demanding needs. This policy is not intended to provide release time from teaching for the purpose of allowing additional time for research. Reduction in teaching assignment for research purposes is the prerogative of the University Libraries and a function of the university’s program of study-research leaves.

Extension of the probationary period (see chapter four, “Extending the Continued Appointment Clock”) is available to faculty members on continued appointment-track appointments who are confronted with extenuating personal or family circumstances, or birth or adoption of a child. The extension may be requested as a complement to a request for modified duties. However, the semester of modified duties does not automatically affect the continued appointment probationary period.

Eligibility: Modified duties may be requested by any faculty member in a full-time continued appointment or continued appointment-track appointment for the purpose of managing family responsibilities or, in exceptional cases, personal health issues not addressed by sick leave. The policy applies to eligible faculty upon employment.

Guidelines: The period of modified duties is one semester, or an equivalent amount of time for those faculty members whose responsibilities are not tied directly to teaching on the academic calendar.

Modification of duties should not result in additional duties during the subsequent semester, e.g., the faculty member should not be asked to make up the released teaching before or after the semester of modified
duties. The faculty member cannot be employed by another institution during the period of modified duties, nor can the release time be used for extensive professional travel or other increased professional activities (including consulting) that do not meet the goals of the policy.

Medical documentation is required if the period of modified duties is requested related to a health issue not addressed by sick leave.

A semester of modified duties should be considered in addition to, not as a substitute for, sick leave and family leave available to those giving birth or adopting during the period of the appointment (i.e., during the academic year for those on academic year appointments, or any time for those on calendar year appointments). There are no work expectations for individuals on approved sick or family leave.

Requests for outside consulting during the period of modified duties are not usually approved.

A faculty member should submit a request for modified duties as early as possible so the department can plan appropriately. The request form is available on the provost's website. The plan of proposed activities is developed in consultation with the department head or chair and the University Libraries dean. The modified duties can include assignments from the department and/or libraries, as appropriate.

Subject to available funding, the Office of the Executive Vice President and Provost provides an allotment to the faculty member's unit to replace teaching (or to use in other ways relevant to the duties) that is lost through the granting of a term of modified duties. Additional support from departments is strongly encouraged, and should be noted in the request.

Approval of the department head or chair, University Libraries dean, and provost are necessary. If the department head or chair does not support the request, the reasons for denial are provided in writing, and the request is automatically forwarded to the dean for further review.
5.0 Employment Policies and Procedures for Non-Tenure-Track Instructional Faculty

Non-tenure-track faculty members fill critical roles in the learning, discovery, and engagement missions at Virginia Tech. They complement the efforts and qualifications of tenure-track faculty, provide access to specialized faculty resources, and allow flexibility to address programmatic needs. As valuable contributors to departmental and institutional missions, they are entitled to fair treatment and compensation, access to professional development opportunities, recognition for their accomplishments, and participation in the life of the university community. The following policies address specific aspects of non-tenure-track instructional faculty appointments. In a few cases, faculty members with regular academic rank (assistant, associate, or professor) hold non-tenure-track appointments because of unusual job responsibilities and historical lack of appropriate alternative ranks. Policies in this section also apply to those individuals.

Ordinarily a graduate or professional degree is required for appointment to one of these ranks. Appointments are made using established university search procedures. (See chapter two, “Faculty Search Procedures,” and the Human Resources website.) Academic departments retain the authority and responsibility to decide whether to employ non-tenure-track faculty members to deliver aspects of their instructional program. An appropriate departmental committee approves the departmental policies and practices related to the use of non-tenure-track rank.

5.1 Non-Tenure-Track Instructional Faculty Ranks

5.1.1 Visiting Professor

Appointment to the rank of visiting assistant, associate, or professor is for a restricted period to carry out learning, discovery, and engagement responsibilities within an academic department. Professional credentials required for the standard professorial ranks are required for appointment as a visiting assistant, associate, or professor. A visiting faculty member may not serve in such a position beyond six years. Tenure cannot be awarded to individuals in the visiting ranks.

Full-time service at this rank may not be counted as part of the pre-tenure probationary period if the faculty member is subsequently appointed to a tenure-track position. As with prior service credit from another institution, the decision to include all or some of the years of service from a visiting appointment is at the discretion of the faculty member. However, this decision must be made at the time of appointment to the tenure-track position and documented as part of that initial contract.

5.1.2 Adjunct Professor

Appointment to the rank of adjunct assistant, associate, or professor is reserved for persons whose primary employment is with another agency, organization, educational institution, or with a non-instructional unit of the university. Adjunct professors are usually compensated as wage employees using the university’s P14 form. Procedures for processing P14 actions are available on the Human Resources website.

Appropriate professional credentials are required for appointment as an adjunct assistant, associate, or professor. Appointments may be renewed annually, but tenure cannot be awarded at this rank. The professor of practice series titles may be used for wage adjunct faculty appointments in lieu of the adjunct assistant professor, associate professor, or professor titles, if appropriate for the assignment and credentials of the individuals. (See “Professor of Practice Ranks.”)
Adjunct faculty must present credentials appropriate to the level of the course they are teaching. It is the responsibility of the department to verify documentation of appropriate credentials for adjunct faculty members prior to the start of the course. (See chapter two, “Faculty Credentialing Guidelines,” or the provost’s website.)

If deemed qualified and appropriate by the host department, authorization for an adjunct faculty member to serve as principal investigator on a sponsored project may be requested. The department, with the approval of the dean, submits a written request for such authorization to the Office of the Vice President for Research and Innovation.

Wage adjunct faculty members do not typically submit an annual faculty activity report or have an annual evaluation because their employment is temporary. Although wage adjunct faculty may be hired repeatedly to teach a course or courses, they are not considered to be continuing faculty for the purposes of evaluation. Per course stipends paid to wage adjunct faculty are not fixed university-wide, but rather are determined on a departmental basis. Payments typically reflect the experience and credentials of the wage adjunct faculty member, the level of demand (market) for the necessary expertise, and general salary levels in the discipline.

5.1.3 Professor of Practice Ranks

Academic departments retain the authority and responsibility to make decisions about whether to employ professors of practice. An appropriate standing departmental committee, such as a promotion and tenure or executive/personnel committee, establishes the departmental policies and practices related to the use of non-tenure-track ranks. The department head or chair and dean review and approve the policies and practices.

For disciplines where professional preparation of students is a major goal, the involvement of experienced practitioners in teaching the skills and values of the profession, overseeing internships and project experiences, and career advising, for example, are a vital aspect of a successful program. Professional programs often have a deep commitment to the ongoing continuing education of practitioners in the field, resulting in a greater commitment to delivery of outreach programs than is typical of a tenure-track appointment outside of Extension. Programs in the arts may wish to attract resident artists or performers for a period of time to contribute to the program. The professor of practice rank series may be appropriate in these and other roles that typically do not reflect the same range of responsibilities required for tenure-track faculty members.

The professor of practice series provides for short-or long-term, full-or part-time, non-tenure-track faculty appointments for individuals who bring specialized expertise to the instructional programs of the university, thereby complementing the qualifications and contributions of tenure-track faculty. (These rank titles may also be used for wage [P14] appointments in lieu of adjunct assistant, associate, or professor, if appropriate for the assignment and credentials of the individual.) Individuals appointed to these ranks are expected to be successful and effective professionals in a given field. They must be effective teachers of the profession or discipline and they are expected to be able to understand and evaluate the research that applies to their field and teach it to students. While professor of practice faculty members may conduct research and present their findings in professional venues, there are no expectations for an extensive research program as is typical of tenure-track faculty appointments.

Professor of practice faculty members are expected to remain active in their professions in ways that contribute to their assignment—teaching, consulting, or outreach, serving in technical and professional societies and associations, and similar activities. Where appropriate to their assignment, they may interact with graduate or professional students and intern and serve on graduate committees. To chair a graduate committee, professors of practice must have a terminal degree, active involvement in research, and the
approval of the academic unit and the graduate school. They may also be expected to serve on departmental, college, or university committees as contributing members of their departments and the broader university community.

Individuals appointed to a professor of practice rank must have a graduate or professional degree in the discipline (or a related discipline), professional certification(s) if relevant, and/or significant professional experience. Any appointment without the relevant terminal degree in the field must be certified by the department as appropriately credentialed for the faculty member’s particular instructional assignment in accordance with guidelines for regional accreditation and university policy and procedures. Documentation supporting alternative credentials certification is required. Further information regarding appropriate credentials for the teaching faculty is found in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.

A record of significant professional achievement is expected for appointment at the associate professor or professor level; initial appointments at such ranks require approval of the appropriate departmental committee and head or chair. Appointment to one of these ranks may be from one to five years and is renewable without limit.

Promotion within these ranks may be pursued through procedures outlined in this section. Tenure will not be awarded at any of these ranks and service at these ranks is excluded from the pre-tenure probationary period if the faculty member is subsequently appointed to a tenure-track position.

**Assistant Professor of Practice:** Persons appointed at this rank have a graduate or professional degree in the discipline (or a related discipline), professional certification(s) if relevant, and/or significant professional experience. Experience and a demonstrated competence in practice of the profession are expected. Credential must be relevant to the field and type of assignment.

**Associate Professor of Practice:** Persons appointed at the associate professor of practice rank have a graduate or professional degree in the discipline (or a related discipline), professional certification(s) if relevant, and/or significant professional experience. Credentials for appointment or promotion to this rank must document a record of significant professional experience and accomplishments relevant to the field and type of assignment.

**Professor of Practice:** Professor of practice is the capstone rank in the series. Appointment to this rank denotes distinguished professional achievement, and regional, national, or international prominence in the field. Credentials for appointment or promotion to this rank must document a record of significant professional experience and accomplishments relevant to the field and type of assignment. External validation of such accomplishments and leadership in the field is expected at the time of appointment or promotion.

**5.1.4 Clinical Faculty Ranks**

General college faculty members with responsibilities primarily in instruction and/or service in a clinical setting, such as veterinary medicine are considered clinical faculty. The following clinical faculty appointments are intended to promote and retain clinical educators and to complement the clinical activities of the university. The clinical faculty track provides for long-term, full-time or part-time faculty appointments to individuals whose primary responsibilities are in clinical settings and in the instructional programs. While clinical faculty may conduct clinical research and present their findings in professional venues, there are no expectations for an extensive research program as is typical of tenure-track faculty appointments. Tenure cannot be earned in these ranks and time spent in one of these ranks is not applicable toward pre-tenure probationary tenure-track faculty service. The clinical faculty ranks include:
Clinical Instructor: Persons appointed to this rank must have the appropriate professional degree. Preference is given to individuals eligible for, or certified by, the most appropriate specialty college or organization recognized by the profession. Appointments at this rank are typically for one year and are renewable.

The clinical professor series is designed for clinical faculty members who have extended appointments and who are expected to interact with graduate or professional students/residents and interns, serving on committees or supervising their training. Appointment to one of these ranks may be from one to five years and is renewable without limit. Usually a national search is conducted for appointment at one of these ranks (or an approved exemption sought for exceptional skills or similar justification).

Clinical Assistant Professor: Persons appointed to this rank must have the appropriate professional degree and eligibility for, or certification by, the most appropriate specialty college recognized by the professional organization. Credentials shall be consistent with those for appointment to assistant professor, with an expectation for primary commitment to the instructional and clinical teaching setting.

Clinical Associate Professor: Persons appointed to this rank must have the appropriate professional degree and be a diplomate in the appropriate specialty college recognized by their professional organization. Credentials shall be consistent with those for appointment to associate professor, with an emphasis on clinical accomplishments.

Clinical Professor: Persons appointed to this rank must have the appropriate professional degree and be a diplomate in the most appropriate specialty college recognized by their professional organization. Credentials shall be consistent with those for appointment to professor, with an emphasis on clinical accomplishments.

Further detail on the duties and responsibilities of these ranks, criteria and the process for promotion, and the terms and conditions of employment for clinical faculty are established by the respective academic departments and approved by an appropriate college-level committee and the dean.

5.1.5 Collegiate Professor Ranks

Academic departments retain the authority and responsibility to make decisions about whether to employ collegiate professors. Departmental policies and practices related to the use of non-tenure-track ranks must be approved by an appropriate standing committee in the department, such as a promotion and tenure or executive/personnel committee, the department head or chair, and dean.

Collegiate professors must have a major commitment to the instructional missions of the department. The involvement of collegiate professors can include classroom and online teaching, curricular updates, course transformations, and the adoption/integration of innovative and inclusive pedagogy. Working in collaboration with the department’s other faculty, collegiate faculty may take a lead role in enhancing the curricula and promoting teaching excellence.

The collegiate professor series provides for short-or long-term, full-or part-time, non-tenure-track faculty appointments for individuals who bring specialized expertise to the instructional programs of the university, thereby complementing the qualifications and contributions of tenure-track faculty. (These rank titles may be used for wage [P14] appointments in lieu of adjunct assistant, associate, or professor, if appropriate for the assignment and credentials of the individual.) Individuals appointed to these ranks are expected to be successful and effective professionals in a given field. They must be effective teachers of the discipline and they are expected to be able to understand and evaluate the research that applies to their field and to teach it to students. Collegiate professor faculty members may conduct research on the scholarship of teaching and learning related to their field and/or on disciplinary topics in their field and present their findings in
professional venues, but there are no expectations for an extensive research program as is typical of tenure-track faculty appointments.

Collegiate professor faculty members are expected to remain active in their disciplines/professions in ways that contribute to their assignment—teaching, consulting, or outreach, serving in technical and professional societies and associations, and similar activities. Where appropriate to their assignment, they may interact with graduate or professional students and interns, serve on graduate committees, and chair graduate advisory committees with the approval of the academic unit and the graduate school. They may also be expected to serve on departmental, college, or university committees as contributing members of their departments and the broader university community.

Collegiate professors are appointed to 3-, 5-, or 7-year contracts. Contractual details outlined in the Terms of Faculty Offer (TOFO) may be complemented with a statement of work negotiated between the faculty member and the department head.

Individuals appointed to a collegiate professor rank must have a terminal or professional degree in the discipline (or a related discipline) and professional certification(s), if relevant, and must be certified by the department as appropriately credentialed for the faculty member’s particular instructional assignment in accordance with guidelines for regional accreditation and university policy and procedures. Further information regarding appropriate credentials for the teaching faculty is found in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.

A record of significant scholarly and/or professional achievement is expected for appointment at the associate or professor level; initial appointments at such ranks require approval of the appropriate departmental committee and head or chair. Appointment to one of these ranks is for a specified number of years (see below) and is renewable without limit. Performance and promotion evaluations of collegiate professors is performed by department and college standing committees where faculty form the majority, such as a promotion and tenure committee or executive/personnel committee.

A collegiate professor in a regular position who receives notice of non-reappointment may request a review of the decision by the college dean. If the dean sustains the non-reappointment decision, the faculty member may request, through the dean, a further and independent review of the decision by the properly constituted college committee on promotion and tenure in accordance with appropriate procedures.

Promotion within these ranks may be pursued through procedures outlined in this section. Tenure will not be awarded at any of these ranks and service at these ranks is excluded from the pre-tenure probationary period if the faculty member is subsequently appointed to a tenure-track position.

**Collegiate Assistant Professor:** Persons appointed at this rank have a terminal graduate or professional degree in the discipline (or a related discipline) and professional certification(s), if relevant. Experience and demonstrated competence in teaching are expected. Appointment to this rank is for three years and is renewable without limit.

**Collegiate Associate Professor:** Persons appointed at the collegiate associate professor rank have a terminal graduate or professional degree in the discipline (or a related discipline) and professional certification(s), if relevant. Credentials for appointment or promotion to this rank must document a record of significant instructional experience and accomplishments relevant to the field and type of assignment. Appointment to this rank is for five years and is renewable without limit.

**Collegiate Professor:** Collegiate professor is the capstone rank in the series. Appointment to this rank denotes distinguished professional achievement, and regional, national, or international prominence in the field. Credentials for appointment or promotion to this rank must document a record of significant instructional experience and scholarly accomplishments relevant to the field and type of assignment.
External evaluation of such accomplishments and leadership in the field is expected at the time of appointment or promotion. Appointment to this rank is for seven years and is renewable without limit.

5.1.6 Instructor Ranks

The responsibilities of a person appointed to one of the instructor ranks in an academic department are focused on undergraduate education, with minimal or no expectation for development of an independent program of research or scholarship. A master’s degree is the usual minimum educational credential for an appointment to the instructor ranks, and generally a minimum of 18 graduate credits teaching in the discipline is required to meet accreditation standards. Further information regarding appropriate credentials for the teaching faculty is found in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.

Instructors with distinctive assignments and work schedules will have these responsibilities conveyed in the terms of faculty offer letter at the time of appointment.

While initial appointment is typically at the entry rank, prior experience may be considered for a recommendation of appointment at a higher rank with the approval of the appropriate departmental committee and head or chair. Up to three years of similar instructional service at another accredited American four-year college or university may be counted toward the designated period required prior to review for promotion in rank.

Tenure is not awarded at any of these ranks and all service at any instructor rank is excluded from the pre-tenure probationary period if the faculty member is subsequently appointed to a tenure-track position. Faculty members within the instructor ranks may not chair a graduate committee.

**Instructor:** The instructor rank is the initial rank for appointment of a full- or part-time faculty member. Primary responsibilities are usually to the instructional program, but assignments vary depending on the faculty member’s expertise and experience and departmental needs. Typically, they include teaching undergraduate courses, advising students, developing or revising courses and curricula, and fulfilling other instructional, administrative, or service responsibilities. Appointment at this rank consists of a series of one- or two-year renewable appointments with a minimum of five years of completed service before consideration for promotion.

**Advanced Instructor:** Consideration for promotion to the rank of advanced instructor may be requested by the instructor or recommended by the department based on excellence in instructional responsibilities and significant evidence of related professional growth and development. Mentoring colleagues or graduate teaching assistants, student advising, course or curriculum development, or exemplary service or outreach are examples of ways in which instructors can make valuable contributions to the instructional programs in a department. Advanced instructors are expected to demonstrate mastery in teaching with significant impact on student learning and the department’s undergraduate programs. Scholarship and publication are not typically an assigned responsibility of instructor positions, but such accomplishments may be considered as part of the evaluation for promotion. Promotion to the advanced instructor rank is generally accompanied by a renewable three-year contract.

A minimum of five years of completed service at the advanced instructor rank is required before consideration for promotion to senior instructor.

**Senior Instructor:** Senior instructor is the capstone rank in the instructor series and promotion to this rank denotes exemplary instruction, demonstrated continued professional development, and significant contributions to undergraduate education. In addition to teaching courses, senior instructors may have considerable responsibility in mentoring colleagues or graduate teaching assistants, overseeing course development or special instructional initiatives, student advising, or other responsibilities reflecting their role
as instructional leaders. Promotion to the rank of senior instructor is generally accompanied by a renewable five-year contract.

5.2 Policies Related to Non-Tenure-Track Instructional Appointments

5.2.1 Initial Appointment

All initial non-tenure-track faculty appointments are usually for a period of one year, including appointments at the more senior ranks. Subsequent reappointments may be multi-year, as appropriate for the rank.

Appointments may be regular (renewable) or restricted (with a defined end date), calendar year or academic year, and full-or part-time depending on job responsibilities and available funding. Visiting and adjunct appointments are intended to be temporary in nature and are almost always restricted.

Non-tenure-track faculty positions are term appointments eligible for renewal based on quality of performance, continuing need for services in the unit, and available funding.

5.2.2 Reappointment

Non-tenure-track faculty members on restricted contracts whose appointments will be continued are issued a reappointment contract specifying the new ending date for their appointment. Reappointments typically occur on the anniversary of the hire date or are realigned to coincide with the academic year or other relevant appointment cycle. The practice of issuing repeated one-year restricted contracts for an individual faculty member over many years is explicitly discouraged, as it can be exploitative over an extended time.

Therefore, if a faculty member is to be reappointed into a restricted position when the faculty member has spent the preceding five years on restricted contracts, approval must be requested from the provost’s office. The request should be supported by documentation demonstrating why the position cannot readily be converted to a regular appointment.

Reappointments for faculty members on regular contracts are usually effective July 1 or August 10, reflecting either calendar year or an academic year appointment. Notice of non-reappointment is in accordance with periods identified in chapter two, “Retirement, Resignation, and Non-Reappointment.”

5.2.3 Annual Evaluations and Merit Adjustments

Continuing faculty members must submit an annual faculty activity report in accordance with departmental and college procedures and timelines. Timely submission of the annual faculty activity report is required for consideration for a merit adjustment. Annual evaluation of performance by the department head/chair or supervisor (or appropriately charged committee) and feedback to the faculty member are required, and should be consistent with university policies and practices for annual evaluation of tenure-track faculty members.

Non-tenure-track faculty members are entitled to full consideration for merit adjustments as available and warranted by their performance.

5.2.4 Promotion Guidelines for Instructors, Professors of Practice, and Clinical Faculty Ranks

Non-tenure-track faculty members are eligible for promotion in rank in accordance with guidelines established by academic departments and approved by an appropriate college-level committee and the dean. Such guidelines should outline the process and criteria for promotion in rank; they should be widely available along with other departmental and college documents related to promotion and tenure. Faculty members may be in a regular or a restricted appointment to be considered for promotion.
Promotion in rank for any non-tenure-track position is not a requirement of continued employment, or an entitlement for years of service without evidence of exceptional merit, continued professional development, and contribution in the assigned role. An approved promotion in rank is recognized by a change in title, increasing length of appointment contract, and a base salary adjustment as identified in the annual faculty compensation plan approved by the Board of Visitors.

Consideration for promotion in rank includes preparation of a dossier using a common university format, which may be based on relevant elements of the promotion and tenure dossier format for tenure-track faculty members. Typically such a dossier includes a statement of professional direction and accomplishment, a complete curriculum vitae, and documentation of contributions associated with the instructor’s appointment. These contributions can be to instructional programs or administrative and/or service responsibilities. Colleges and departments may request supplemental materials. The appropriate college committee and dean approve guidelines for dossier development and departmental policies and procedures for the promotion process. External review of credentials are required for some—but not all—promotions in non-tenure-track ranks. Requirements are outlined in the promotion and tenure guidelines listed on Promotion and Tenure page of the provost’s website.

The promotion dossier is reviewed at three levels: (1) by an appropriately charged departmental committee and the department head or chair, (2) by an appropriately charged college-level committee and the dean, and (3) by the provost. The department head or chair and dean make separate recommendations to the subsequent review levels. The provost reviews college and dean recommendations and makes recommendations to the president. The Board of Visitors grants final approval.

Given the wide variation in representation of non-tenure-track instructional appointments some latitude is provided in the nature and make up of department and college committees. For example, departments with significant numbers of instructors, the committee charged with reviews would consist of majority representation of advanced and senior instructors. (or associate and clinical professors). In departments with very few such appointments, the existing departmental promotion and tenure committee may review the dossier(s) and make recommendations. Similarly, at the college level either a special committee may be formed to review promotions of non-tenure-track instructional faculty with majority representation of those in the advanced level of such ranks, or the existing promotion and tenure committees may be assigned such review and recommendation responsibilities. While the procedures vary to recognize practical issues and varying numbers, the guidelines for review should be in writing and adhered to for consistency and fair treatment of all candidates. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship. (See chapter two, “Potential Conflicts Involving Spouses and Immediate Family Members.”)

Given that promotion decisions do not carry the same “up or out” decision associated with tenure decisions, a negative recommendation on a promotion request need not translate into termination of employment. Indeed, a faculty member may remain at the initial rank as long as their performance warrants continued employment and serves departmental needs. If the promotion request is not supported on the first submission, it may not be appealed until at least a second review has taken place in a subsequent or later year.

Following the same pattern as review of tenure-track faculty members, a positive recommendation from either or both the departmental committee and the department head or chair automatically advances the dossier for promotion to the college committee level. Similarly, at the college level, a positive recommendation from either or both the college committee and the dean results in automatic advancement of the recommendation to consideration by the provost. The decision of the provost is final and cannot be appealed.
Faculty members should be provided written feedback in the case of a negative recommendation at either the department or college level so that they might improve their performance or dossiers for a later submission.

5.2.4.1 Promotion Guidelines for Collegiate Professor Ranks

Non-tenure-track faculty members are eligible for promotion in rank in accordance with guidelines established by academic departments and approved by an appropriate college-level committee and the dean. Such guidelines should outline the process and criteria for promotion in rank; they should be widely available along with other departmental and college documents related to promotion and tenure. Faculty members must be in a regular or restricted appointment to be considered for promotion. (See chapter five, “Reappointment,” for information regarding promotion for faculty members on restricted appointment).

Promotion in rank for any non-tenure-track position is not a requirement of continued employment, or an entitlement for years of service without evidence of exceptional merit, continued professional development, and contribution in the assigned role. An approved promotion in rank is recognized by a change in title, increasing length of appointment contract, and a base salary adjustment as identified in the annual faculty compensation plan approved by the Board of Visitors.

Consideration for promotion in rank includes preparation of a dossier using a common university format for collegiate professors, which may be based on relevant elements of the promotion and tenure dossier format for tenure-track faculty members. Typically such a dossier includes a statement of professional direction and accomplishment, a complete curriculum vitae, and documentation of contributions associated with the collegiate faculty’s appointment. These contributions can be to instructional programs or administrative and/or service responsibilities. Colleges and departments may request supplemental materials. The appropriate college committee and dean approve guidelines for dossier development and departmental policies and procedures for the promotion process. External review of credentials is required for promotion to collegiate associate professor and professor.

The promotion dossier is reviewed at three levels: (1) by an appropriately charged departmental committee and the department head or chair, (2) by an appropriately charged college-level committee and the dean, (3) by the university promotion and tenure committee. The department head or chair and dean make separate recommendations to the subsequent review levels. The provost reviews the recommendations from the three levels and makes recommendations to the president. The Board of Visitors grants final approval.

Given the wide variation in representation of non-tenure-track collegiate faculty appointments in the various academic colleges, some latitude is provided in the nature and make up of such committees. For most departments, the existing departmental promotion and tenure committee may review the dossier(s) and make recommendations. Similarly, at the college level, the existing promotion and tenure committees may be assigned such review and recommendation responsibilities. While the procedures vary to recognize practical issues and varying numbers, the guidelines for review should be in writing and adhered to for consistency and fair treatment of all candidates. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship. (See chapter two, “Potential Conflicts Involving Spouses and Immediate Family Members.”)

Given that promotion decisions do not carry the same “up or out” decision associated with tenure, a negative recommendation on a promotion request need not translate into termination of employment. Indeed, a faculty member may remain at the initial rank as long as their performance warrants continued employment and serves departmental needs. If the promotion request is not supported on the first submission, it may not be appealed until at least a second review has taken place in a subsequent or later year.
Following the same pattern as review of tenure-track faculty members, a positive recommendation from either or both the departmental committee and the department head or chair automatically advances the dossier for promotion to the college committee level. Similarly, at the college level, a positive recommendation from either or both the college committee and the dean results in automatic advancement of the recommendation to consideration the university promotion and tenure committee.

The faculty member should be provided written feedback in the case of a negative recommendation at either the department, college, or university level so that they might improve their performance or dossiers for a later submission.

5.2.5 Appeals of Decisions on Promotion

Following a second negative review by both the departmental committee and department head or chair, the decision may be appealed to the college committee, but only on grounds that relevant information was not considered or that the decision was influenced by improper consideration. The appeal must be filed within 14 days of official notification. A negative recommendation from both the college and the dean ends the process. There is no appeal available when both the college committee and dean vote “no.”

Significant procedural violations may be grieved under the faculty grievance process described in chapter five, “Faculty Grievance Policy and Procedures.”

5.3 Termination Procedures for Non-Tenure-Track Faculty on Regular Appointments

Members of the non-tenure-track faculty may be removed from their position by one of the following three procedures: (1) removal for just cause, (2) non-reappointment, or (3) termination of position because of insufficient funds or no further need for services. Notice of non-reappointment for non-tenure-track instructional faculty members on regular appointments is addressed in chapter two, “Retirement, Resignation, and Non-Reappointment.”

5.3.1 Dismissal for Cause

Stated causes for removal shall include, but are not limited to, professional incompetence; unacceptable or unsatisfactory performance after due notice; unethical conduct or misconduct that interferes with the capacity of the employee to perform effectively the requirements of the position; violation of university policy; or falsification of credentials, experience, leave reports, or other official university documents. Filing a grievance shall not constitute just cause for termination.

When it becomes necessary to terminate a non-tenure-track faculty member for unsatisfactory performance prior to the end of the appointment period, the following procedures apply:

**Step one:** The department head or chair writes a letter to the faculty member detailing the areas of performance that are deficient and setting clear expectations for acceptable performance and continued employment. The college dean receives a copy. The letter states the time period in which the deficiencies must be addressed. This time period will be not less than 30 calendar days.

**Step two:** At the end of that period, the department head or chair must again write the faculty member with an evaluation of his/her performance with a copy to the college dean. If performance continues to be unsatisfactory, this second letter may contain a notice of termination. The termination notice will have an effective date of 45 calendar days or more from the date of the second letter. In cases where there is a threat to health or safety, the 45-day period may be waived.

Dismissal for cause not involving unsatisfactory performance: For termination for cause for reasons other than unsatisfactory performance, the faculty member shall receive written notification of the reasons for termination and shall be allowed an opportunity to respond within five workdays. With the approval of the
provost, a faculty member may be suspended with or without pay pending an investigation into allegations of wrongdoing.

**Appeal to the provost:** The faculty member may appeal notification of dismissal for cause to the college dean and the termination will be held in abeyance until the appeal process is complete. The appeal must be made in writing within five working days of receipt of the notification of termination. The dean must respond in writing within 10 working days. If the dean’s response is unsatisfactory to the appellant, an appeal may be made to the provost in writing within five working days. The provost appoints a committee of three members of the general faculty to review the case and make recommendations to the provost. The decision of the provost is final. The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.

5.3.2 **Termination of Appointment During the Contract Period**

Occasionally a decline in funding resources makes it necessary to terminate an appointment before the end of a contract. While department heads or chairs are encouraged to make every effort to assure continuity of employment to individuals performing satisfactorily, there are circumstances in which this may not be possible or in the best interest of the university. Non-tenure-track faculty appointments may be terminated in the case where there are insufficient funds or no further need for services. Written notice of termination within the contract period shall be at least three months for those who have been in a regular appointment less than two year and at least one semester (if academic year) or six months (if calendar year) for those who have been in regular appointments two years or more. A proposed notice of termination during the contract period because of insufficient funds or lack of need for services requires the approval of the dean and provost.

5.4 **Participation in Governance**

Salaried non-tenure-track instructional faculty members are eligible to participate in departmental, college, and university committees as appropriate for their assignments. Non-tenure-track faculty members should have meaningful engagement in program planning at the department level, especially as it relates to aspects of the curriculum for which they bear teaching responsibility. Although non-tenure-track instructional faculty members cannot be involved in reviewing cases of promotion and tenure for tenure-track or tenured faculty members, they may otherwise be voting members of the departmental faculty in accordance with the policy set by individual departmental governance.

Those faculty members at the rank of instructor, assistant, associate, or professor, or related rank variations, such as clinical assistant professor, professor of practice, collegiate professor, or senior instructor are eligible to serve as voting members of the Faculty Senate.

5.5 **Participation on Graduate Committees**

Non-tenure-track instructional faculty members with appropriate credentials may serve on graduate advisory committees and interact with graduate or professional students and interns where relevant to their assignment and with approval of the departmental graduate program, department head or chair, and graduate school. Faculty members within the instructor ranks may not chair a graduate committee.

5.6 **Eligibility to Serve as a Principal Investigator**

Faculty members in a non-tenure track rank may serve as a Principal Investigator for a sponsored project or contract with the approval of the department head or chair, the dean, and the Office of the Vice President for Research and Innovation. A written request for authorization (PI Status Request) may be submitted by the department with the approval of the dean to the Office of the Vice President for Research and Innovation.
5.7 Faculty Grievance Policy and Procedures

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the non-tenure-track instructional faculty. The grievance process is the same as that for tenured and tenure-track faculty. The Faculty Review Committee of the Faculty Senate conducts the step four hearing if requested.

5.7.1 Ombuds, Mediation Services, and Faculty Reconciliation

**Informal dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

**University Ombuds:** Any member of the university community may visit the university Ombuds Office. The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the president. The Ombuds Office does not keep permanent records of confidential communications.

**Reconciliation:** At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the Faculty Senate Committee on Reconciliation in fashioning an equitable solution. Contacting the Faculty Senate Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether the concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant must contact the chair of the Faculty Senate Committee on Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the Faculty Senate Committee on Reconciliation, that committee requests a postponement of the time limits involved in the formal grievance procedure while it deals with the case. The request is submitted in writing to the vice provost for faculty affairs by the chair of the Committee on Reconciliation. Also, the grievant should reach an understanding with the Committee on Reconciliation of the time frame planned for that committee’s work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Executive Vice President and Provost.
**Mediation:** Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

Role of mediators: Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

**5.7.2 The Formal Grievance Procedure**

If the assistance of the Faculty Senate Committee on Reconciliation is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case.

**Step one:** The grievant must meet with the immediate supervisor (usually the department head or chair) within 30 calendar days of the date that grievant knew or should have known of the event or action that is basis for the grievance and verbally identifies the grievance and the grievant’s concerns. The supervisor provides a verbal response to the grievant within five weekdays following the meeting. If the supervisor’s response is satisfactory to the grievant, that ends the matter.

**Step two:** If a satisfactory resolution of the grievance is not achieved by the immediate supervisor’s verbal response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be submitted on the faculty grievance form, must define the grievance and request the relief desired specifically and precisely. The written grievance is submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor’s verbal response to the first step meeting. Faculty grievance forms are available on the provost’s website.

Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form. The immediate supervisor cites reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.
Step three: If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for college faculty is usually the college dean. The administrator involved at this next level is hereafter referred to as the second-level administrator.

Following receipt of the faculty grievance form, the second-level administrator or designated representative meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a chosen representative from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for the decision. If the second-level administrator’s written response to the grievance is satisfactory to the grievant it ends the matter.

Step four: If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Review Committee. In addition to being available online, information about the Faculty Review Committee is located in chapter one of the Faculty Handbook.

Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the Procedures of the Faculty Review Committee to parties in the grievance process. The provost immediately forwards a copy of the grievance to the president of the Faculty Senate, who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost’s decision, however, may be appealed to the president, as described in step five. If the provost does not accept the petition, the Faculty Review Committee hears the grievance as outlined in these procedures.

The Faculty Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

Hearing panel: A hearing panel consists of five members appointed by the chair of the Faculty Review Committee from among the members of the Faculty Review Committee. The chair of the Faculty Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Review Committee or designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.
**Hearings:** After a hearing panel is appointed, the chair of the Faculty Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel. Detailed procedures followed in hearings are specified in the “Procedures of the Faculty Review Committee” as approved by the Faculty Senate.

**Findings and Recommendations:** The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Review Committee.

**Provost’s action:** The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant the decision in writing concerning the disposition of the grievance. If the provost’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel that ends the matter.

**Step five:** If the provost’s decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president’s decision is final.

**5.7.3 Timeliness of Grievance and Procedural Compliance**

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time of knowledge of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure, acceptance of the last proposed resolution as satisfactory is assumed. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Review Committee in writing, and the chair of the Faculty Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends...
with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee (or the vice president of the senate if the president is also chair of the Faculty Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

5.7.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion procedures (see appeal process in chapter five, “Appeals of Decisions on Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance: While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures: If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

5.7.5 Particular Concerns and Definitions

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)
Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from the assigned work location at the time of discovery of the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with the immediate supervisor to initiate the grievance process begins when the faculty member returns to the assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to the assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers a grievance about actions by an administrator above the level of the immediate supervisor that directly involves the faculty member, or with actions by an administrator not in the department that directly involves the faculty member, the grievant initiates the grievance process by seeking the intervention of the immediate supervisor within 30 calendar days of the discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting the immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in the usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the chair of the Faculty Review Committee and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the president for ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and university policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations, or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.
5.7.6 Overview of the Formal Grievance Process for Non-Tenure-Track Instructional Faculty

Below is an *abbreviated* overview of the grievance process and deadlines. Refer to chapter five, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

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<th>Step one</th>
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<tr>
<td><strong>Within 30 days of event</strong></td>
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<tr>
<td>1a. Grievant meets with immediate supervisor (usually department head).</td>
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<td><strong>Within 5 weekdays</strong></td>
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<td>1b. Department head provides verbal response.</td>
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<td>1c. If department head’s response is satisfactory to grievant, that ends the matter.</td>
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<td>1d. If department head’s response is not satisfactory to grievant, move to step two within 5 weekdays.</td>
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<td><strong>Within 5 weekdays</strong></td>
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<td>2a. Grievant submits written grievance to department head.</td>
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<td><strong>Within 5 weekdays</strong></td>
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<td>2b. Department head responds in writing on grievance form.</td>
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<td>2c. If department head’s response is satisfactory to grievant, that ends the matter.</td>
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<td>Step three</td>
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<th><strong>Step three</strong></th>
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<td><strong>Within 5 weekdays</strong></td>
<td>3a. Grievant advances grievance form to the second-level administrator (usually dean).</td>
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<td><strong>Within 5 weekdays</strong></td>
<td>3b. Dean meets with grievant; dean may request department head to be present.</td>
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<td><strong>Within 5 weekdays</strong></td>
<td>3c. Dean responds in writing on grievance form.</td>
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<td><strong>3d.</strong> If dean’s written response is satisfactory to grievant, that ends the matter.</td>
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<td><strong>3e.</strong> If dean’s written response is not satisfactory to grievant, move to step four within 5 weekdays.</td>
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<th><strong>Step four</strong></th>
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<td><strong>Within 5 weekdays</strong></td>
<td>4a. Grievant advances grievance form to the provost.</td>
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<td><strong>Within 5 weekdays</strong></td>
<td>4b. Provost acknowledges receipt of grievance and forwards copy to Faculty Senate president to receive recommendation of an impartial hearing panel of the Faculty Review Committee.</td>
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<td><strong>Within 5 weekdays</strong></td>
<td>4c. Faculty Senate president acknowledges in writing to grievant that copy of grievance has been received from provost.</td>
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<td>Timeframe</td>
<td>Action</td>
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<td>Within 15 weekdays</td>
<td>4d. Faculty Review Committee chair appoints hearing panel from among Faculty Review Committee members; panel holds its initial meeting with both principals.</td>
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<td>Within 45 weekdays</td>
<td>4e. Hearing panel concludes its work and make recommendations to provost and grievant.</td>
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<td>Within 10 weekdays</td>
<td>4f. Provost meets with grievant.</td>
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<td>Within 10 weekdays</td>
<td>4g. Provost notifies grievant in writing of the decision.</td>
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<td>4h. If the provost’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendation of the hearing panel, that ends the matter.</td>
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<td>4i. If the provost’s decision is not acceptable to the grievant and not consonant with the recommendation of the hearing panel, move to step five within 20 calendar days.</td>
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<td>Within 20 calendar days</td>
<td>5a. Grievant appeals in writing to president.</td>
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<td>5b. President’s decision is final.</td>
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CHAPTER SIX

6.0 Employment Policies and Procedures for Research Faculty

6.1 Office of the Executive Vice President and Provost and Vice President for Research and Innovation

The vice president for research and innovation (research division) reports to the executive vice president and provost (office of the provost) and collaborate closely on supporting and advancing the research enterprise of the university.

Research faculty are supported by the office of the provost in collaboration with the research division and human resources. The office of the provost supports and serves research faculty regarding policies, employment, professional development, retention, promotions, employee relations, and separations policies. These services include, but are not limited to, assistance in areas such position descriptions, classifications, position postings, screening, salary offers, promotions, salary adjustments for increased responsibilities, equity and retention, employment contracts, and referrals. Except for postdoctoral associates, appointments to research faculty ranks are indefinitely renewable.

Postdoctoral associates are supported by the research division (see 6.3.5). Appointments to research faculty ranks, except the rank of postdoctoral associate, are indefinitely renewable.

The Office of the Vice President for Research and Innovation (OVPRI) includes university research institutes, university research centers, research operations (which includes OVPRI Human Resources, information technology staff, and comprehensive research enterprise solutions), research planning, research education, and administrative compliance (which includes export and secure research compliance), sponsored programs, scholarly integrity and research compliance, LINK, Virginia Tech Intellectual Properties, Launch, and the Office of Veterinary and Animal Resources and Care Division.

In collaboration with the university Human Resources, the Office of the Vice President for Research and Innovation Human Resources, supports and serves research faculty regarding policies, employment, retention, promotions, employee relations, and separations policies. These services include, but are not limited to, assistance in areas such position descriptions, classifications, position postings, screening, salary offers, promotions, salary adjustments for increased responsibilities, equity and retention, employment contracts, visas, and referrals.

6.2 Research Faculty Appointments

Research faculty appointments are designated to promote and expedite university research activities. The research faculty rank descriptions create several series common to current sponsored research or outreach projects. For example, employees involved in conducting research are generally appointed as research associates or research scientists (or to the “senior” titles for either of these).

Prior to August 2020, Individuals appointed to a research traineeship are assigned to the postdoctoral associate rank, which is reserved for persons who have been awarded a doctoral degree no more than four years prior to the effective date of the appointment with a minimum of one year of eligibility remaining and are engaged in research for a restricted period under the direction of a faculty mentor. (See Section 6.3.5 in this document, and Guidelines for the Hiring of Postdoctoral Associates on the OVPRI Human Resources website.) Postdoctoral associates work closely with a faculty mentor in preparation for a career in academe.
or research. If postdoctoral remain involved with research projects at Virginia Tech over a period of time, they are appointed to or promoted into another appropriate rank.

The project associate series is designed for employees involved in sponsored activity other than traditional research, such as delivery of service or technical assistance, consultation with particular clients, preparation of manuals and materials, and so on. The project associate series is also appropriate for personnel involved primarily in the administration of large and complex sponsored programs.

**Effective August 2020, new positions created to perform responsibilities like those outlined above for project associates will be appropriately categorized as either a A/P faculty or staff position. Consult your human resources representative for guidance on the appropriate designation.**

Research faculty members may be assigned a functional title in addition to their official faculty rank in order to facilitate their work or clarify their role to internal or external constituencies. (A functional title may not be an official faculty rank other than that held by the research faculty member.) In some cases, increased responsibilities lead to a change in functional title and possibly a salary adjustment rather than a promotion in faculty rank.

Appointments to research faculty ranks, except the rank of postdoctoral associate, are indefinitely renewable. However, tenure cannot be earned in any of the research faculty ranks and service is not applicable toward the pre-tenure probationary period if the employee is subsequently appointed to a tenure-track position.

The source of funds is not the determining factor as to whether a position carries a research faculty rank, but rather the nature and purpose of the assignment. Thus, a research faculty member may be funded by sponsored projects, overhead, state dollars, or other sources. Policies related to research faculty apply, regardless of the source of funding.

Research faculty may participate in activities outside of their direct source of funding, such as providing significant contributions to the conceptualization or writing of new proposals, or teaching; however, support for any time or effort spent on activities outside of their sponsored research must come from non-sponsored research funds. Special attention should be given in the development of position descriptions where funding is limited to only sponsored funding. (See chapter six, “Effort Certification Compliance Issues for Research Faculty Members,” and chapter ten, “Effort Certification and Salary Charges to Sponsored Grants and Contracts.”)

Original appointments and reappointments, including rank, salary, and other conditions, require the approval of the department head, dean (or next level administrator), and the Office of the Vice President for Research and Innovation before an offer is extended. Requests for principal investigator status must be submitted to the Office of the Vice President for Research and Innovation. Such requests require the approval of the department head, dean, and the Office of the Vice President for Research and Innovation.

**6.2.1 Research Faculty Promotions: Non-Professorial Ranks**

While there is logic to the progression between and among ranks, employees may change ranks as appropriate or necessary to reflect a change in role or project. Promotions from one rank to another in order to recognize a faculty member’s increased responsibilities, credentials, and/or contributions to the program over time may be recommended by the supervisor.

Recommendations for promotions within the non-professional ranks (such as project associates, research associates, and research scientist etc.) may be requested at any time during the year in recognition of significant increases in responsibilities, credentials, or contributions. The promotions require approval by the department head, dean, and Office of the Vice President for Research and Innovation. A faculty member may not serve on any committee that is evaluating a spouse, family member, or
other individual with whom the faculty member has a close personal relationship. (See chapter two, “Potential Conflicts Involving Spouses and Immediate Family Members.”). Following approval of the promotion request, a promotion letter signed by the department head should be presented to the employee.

6.2.2 Research Faculty Promotions: Professorial Ranks

Promotion recommendation into and within the research professorial faculty ranks (research assistant professor, research associate professor, and research professor) should align with the annual timeline published by the university. Faculty members being considered for promotion have their dossiers reviewed by: (1) a departmental committee and the head or chair; (2) a college committee and the dean/senior management level; and (3) the vice president for research and innovation/office of the provost. A parallel process for review, approved in advance by the executive vice president and provost and vice president for research and innovation, is required for promotion of a member of the research professor series whose primary appointment is not in an academic department. Following approval of the promotion request, a promotion letter signed by the vice president for research and innovation should be presented to the employee.

6.3 Research Associate Ranks

When establishing positions in this series, particularly at the research associate level, departments must ensure that the work anticipated for the employee is sufficiently complex and sophisticated to warrant a faculty position. A variety of staff roles are appropriate for research personnel, depending on the nature of the work proposed and the credentials required. For example, laboratory and research specialist I or II is usually the appropriate staff role for personnel overseeing laboratory, animal care, or research support; or, conducting routine tests, compiling data, collecting and preparing samples. Careful preparation of the position description by the principal investigator and/or department head is essential in determining whether the position is staff or research faculty. Staff positions must be used where appropriate; exceptions are granted only in very rare cases.

6.3.1 Research Associate

The research associate rank is the entry, or most junior, rank for research faculty members involved in sponsored projects. However, the work may vary from that which is appropriate for a relatively new professional to broader or more significant responsibilities expected of more experienced research faculty personnel. Research associates generally conduct research under supervision using standard and non-standard procedures appropriate to the field. They may provide input into the preparation of proposals or supervise staff or student personnel, but typically they have limited responsibility and authority in these areas. Research associates are not eligible to be principal investigators; however, exception requests for principal investigator status may be submitted to the Office of the Vice President for Research and Innovation.

In keeping with all faculty appointments at the university, a master’s degree in a relevant field is the minimum qualification for appointment as a research associate. The OVPRI Human Resources office of the provost must approve requests for exceptions for individuals with a bachelor’s degree and significant related experience before an offer is extended.

6.3.2 Senior Research Associate

The rank of senior research associate requires greater qualifications than the research associate either in education, experience, or both. The doctorate or a terminal degree in the field and some experience are required. The OVPRI Human Resources must approve an appointment or promotion to this rank for individuals with a lesser degree and substantial related experience before an offer is extended.
Senior research associates conduct research under limited supervision using standard or non-standard techniques appropriate to the field. Typically, they have some significant supervisory responsibility for lower-level personnel and may contribute to the conceptualization and preparation of research proposals, reports, and resource acquisition. Senior research associates are not eligible to serve as principal investigators; however, exception requests for principal investigator status may be submitted to the Office of the Vice President for Research and Innovation.

6.3.3 Research Scientist

Research scientists fulfill a senior role in the university’s research program. They carry out independent research under limited supervision. A doctorate or terminal degree in the field and significant experience are expected. By virtue of their expertise and experience, research scientists make significant contributions to the conceptualization and conduct of the research. They may be involved in the preparation of proposals, reports, and publications, presentation of research results, and development of patents. Research scientists may serve as principal investigators.

6.3.4 Senior Research Scientist

The senior research scientist is the highest rank in the research faculty series for those who do not also have involvement in a graduate program. The rank of senior research scientist is parallel to that of research associate professor or research professor. A doctorate or terminal degree in the field and a considerable record of research are expected. As experienced research faculty members, senior research scientists are often responsible for the design and execution of a project and interpretation of research results. Faculty members at this rank usually serve as principal investigators of sponsored projects related to their own expertise or provide leadership to a research team. Typically, they have significant responsibility for supervision of personnel, budget preparation and execution, and organization and management of the research project.

6.3.5 Postdoctoral Associate

Appointment to this faculty rank is usually reserved for persons who have been awarded a doctoral degree no more than four years prior to the effective date of the appointment with a minimum of one year of eligibility remaining and are engaged in research for a restricted period under the direction of a faculty mentor. The position of postdoctoral associate is intended to be a limited-term traineeship lasting two to four years (not to exceed four years), during which the individual works under the supervision of one or more senior faculty mentors in preparation for a career in academe or research. Funding is usually from a grant, contract, or a postdoctoral fellowship. Postdoctoral associates are considered temporary or short-term appointments by definition and are not appropriate for regular appointments (see 6.9.3 regular appointments).

The cumulative allowable duration for all postdoctoral appointments held by a single individual, even at multiple institutions, may not exceed five years. The maximum allowable time an individual may be employed in the rank of postdoctoral associate at Virginia Tech is four years. Continued appointment beyond four years would require a promotion in rank.

Typically, postdoctoral associates have very limited responsibility for project management, supervision of personnel, or design of the research project on which they are funded. Rather, the position enables the individual to continue studies in a specialty area while gaining practical experience in the field. The postdoctoral traineeship may include opportunities to write and submit grant proposals. With the approval of the department or chair, the postdoctoral associate may serve as co-principal investigator. In certain cases (such as young career award proposals), a postdoctoral associate is permitted to submit a grant as
a principal investigator. Requests for principal investigator status may be submitted to the Office of the Vice President for Research and Innovation.

**Searches are not required to fill a postdoctoral associate position.** Appointments to research faculty ranks, except the rank of postdoctoral associate, are not indefinitely renewable.

### 6.4 Project Associate Ranks

**Effective August 2020, new positions with project responsibilities will be categorized appropriately as faculty or staff.**

**Prior to August 2020, the project associate rank series is most appropriate for faculty personnel involved in sponsored projects that provide technical assistance, outreach, consultation, project management, preparation of specialized materials, or delivery of educational or other services, rather than conducting traditional research or scholarship. These ranks may also be appropriate for faculty personnel who are involved in the administration of large and complex research centers or programs.**

**Effective August 2020, most positions with responsibilities like those listed above for project associates will be categorized as administrative/professional faculty track or as a university staff position.** Careful preparation of the position description by the principal investigator and/or department head is essential in determining whether the position is staff, A/P faculty, or research faculty.

Like all research faculty members, those in the project associate series may be assigned a functional title in addition to their official faculty rank in order to facilitate their work. Given the range of activities included under sponsored programs, use of the functional title may be the most effective way to clarify the faculty member's role to internal or external constituencies. (A functional title may not be an official faculty rank other than that held by the research faculty member.)

#### 6.4.1 Project Associate

The project associate rank is the entry, or most junior rank, for faculty members involved in sponsored projects that may deliver services to clients or involve program responsibilities other than traditional research. The work may vary from that appropriate for a relatively new professional to broader or more significant responsibilities expected of more experienced faculty personnel. Project associates work under supervision and carry out project responsibilities, such as technical assistance or consultation, which require professional preparation and application of accepted principles and practices of the field. They may be involved in preparing reports, documents, or manuals for review by project leaders. They may develop and deliver educational programs, or coordinate activities involving several project members. They may provide input into the preparation of proposals or supervise project personnel, but typically have limited responsibility and authority in these areas. Project associates are not eligible to be principal investigators; however, exception requests for principal investigator status may be submitted to the Office of the Vice President for Research and Innovation.

In keeping with all faculty appointments at the university, a master's degree in a relevant field is the minimum qualification for appointment as a project associate. The office of the provost must approve requests for exceptions for individuals with a bachelor's degree and significant related experience before an offer is extended.

#### 6.4.2 Senior Project Associate

The rank of senior project associate requires greater qualifications than the project associate either in education, experience, or both. The doctorate or a terminal degree in the field and some experience, or a lesser degree and substantial related experience, are required. The OVPRI Human Resources office of the provost must approve exemption requests before an offer is extended. Senior project associates carry out...
project activities under limited supervision, providing a high level of professional service and expertise. They may create original materials or methods, requiring a high level of knowledge of and/or experience in the subject matter. Typically, they have some significant supervisory responsibility for project personnel. They may contribute to the conceptualization and preparation of project proposals, reports, resource acquisition, and interaction with stakeholders. Senior project associates are not eligible to serve as principal investigators; however, exception requests for principal investigator status may be submitted to the Office of the Vice President for Research and Innovation.

6.4.3 Project Director

Project director is the most senior rank in the project associate series. Appointment to this rank requires a doctorate or terminal degree and two or more years’ experience, or a lesser degree and related experience of substantial scope and duration. By virtue of their expertise and experience, project directors or leaders make significant contributions to the conceptualization and implementation of the project. They typically have significant independence, responsibility, and authority for all aspects of the project. Project directors may be involved in the preparation of proposals, reports, or publications; and presentation of results to sponsors or other stakeholder groups. They have significant responsibility for hiring and managing project personnel, assigning resources, and evaluating project effectiveness. Those functioning in an administrative capacity may serve in a role equivalent to an assistant center director, managing complex and varied business and other administrative responsibilities for a large research center. With approval of the department head or chair, a project director may serve as a principal investigator.

6.5 Research Professor Ranks

The research professor ranks are designed for research faculty members whose appointments are expected to last more than one year and whose credentials are comparable to those of the tenure-track faculty of similar rank. This series is parallel to research scientist and senior research scientist, not necessarily above it. Appointment to research professor ranks is not appropriate for those with short-term or limited appointments since this would disadvantage the graduate or professional students with whom they might work. Research faculty members whose primary appointment is in a research unit not affiliated with a degree-granting academic department may also be appointed to these ranks with appropriate credentials and approvals. Tenure cannot be earned in any of the research faculty ranks and service is not applicable toward the probationary period if the employee is subsequently appointed to a tenure-track position.

With approval by the degree-granting program, those appointed to any rank in the research professor series may direct graduate theses and dissertations and serve on graduate committees consistent with program and graduate school policy. Faculty members in this series may teach occasionally in their areas of expertise in accordance with guidelines below and by providing the appropriate credentials required of instructional faculty. (See chapter two, “Faculty Credentialing Guidelines,” or the provost’s website.) Faculty in the research professor series may teach one course per year or two courses in a two-year period. They may teach more if funding is appropriately charged to the instructional budget and approved by the principal investigator/supervisor, department head or chair, and dean.

At the discretion of the academic department, departmental faculty membership with or without voting privileges may be extended to an assistant, associate, or research professor. However, a research faculty member is not eligible to vote on matters relating to faculty appointment, retention, promotion, or tenure.

Promotion to a higher rank may be granted to research professorial faculty who have sources of continued funding and demonstrate outstanding accomplishments in appropriate activities. The curriculum vitae together with annual faculty activity reports, reprints of publications, reference letters, and other similar documents comprise a dossier, which furnishes the principal basis for promotion decisions. Besides
consideration of specific professional criteria, evaluation for promotion should consider the candidate’s integrity, professional conduct, and ethics. To the extent that such considerations are significant factors in reaching a negative recommendation, they should be documented as part of the formal review process.

Research professor faculty members being considered for promotion have their dossiers reviewed at as many as three levels: (1) by a departmental committee and the head or chair; (2) by a college committee and the dean; and (3) by the vice president for research and innovation. A parallel process for review, approved in advance by the provost and the vice president for research and innovation, is required for promotion of a member of the research professor series whose primary appointment is not in an academic department. Faculty members are not permitted to serve on department or college committees that will be reviewing a family member (spouse or dependent immediate family member) or an individual with whom they have a close personal relationship such as partner or extended family member.

6.5.1 Research Assistant Professor

Persons appointed as research assistant professors are required to have a doctoral degree or terminal degree appropriate to the field and credentials consistent with those for appointment to the rank of assistant professor. Research assistant professors are equivalent to research scientists in terms of their credentials; however, appointment to this rank indicates actual or anticipated involvement with the academic program.

Research assistant professors are expected to contribute significantly to the design and execution of research projects. They may serve as principal investigators with the approval of the department head. They carry out independent research in their field of specialization under general supervision. They may have supervisory responsibility for project personnel and contribute to project management.

The approval of the department head or chair, dean (or next level administrator), and the Office of the Vice President for Research and Innovation is required before an offer is extended for an original appointment or reappointment, including approval of the proposed rank, salary, and other conditions.

6.5.2 Research Associate Professor

Persons appointed to this rank are required to have a doctoral degree or terminal degree appropriate to the field and credentials consistent with those for appointment to the rank of associate professor. Research associate professors are typically responsible for design and execution of research projects and interpretation of research results. They are expected to serve as principal investigators and conduct independent research in their area of specialization. They may have significant supervisory responsibility for project personnel and contribute to project management.

Original appointments follow standard departmental procedures for tenured and tenure-track faculty appointments. Typically, this involves approval by the appropriate departmental/unit committee, followed by approval of the department/unit head or chair, dean (or next level administrator), and Office of the Vice President for Research and Innovation. Promotion to this rank requires evidence of continuous professional development, documentation of excellence in their disciplinary field, contribution to research or creative activity supported through grants and contracts, and at least regional recognition. (See chapter three, “Evaluation Procedures for Promotion and Tenure.”) The promotion review and approval process is described in chapter six, “Research Professor Ranks.”

6.5.3 Research Professor

Persons appointed to this rank are required to have a doctoral degree or terminal degree appropriate to the field and credentials consistent with those for appointment to the rank of professor. Research professors
are typically responsible for design and execution of research projects and interpretation of research results. They are expected to serve as principal investigators and conduct independent research in their area of specialization. They may have significant supervisory responsibility for project personnel and contribute to project management.

Original appointments follow standard departmental procedures for tenured and tenure-track faculty appointments. Typically, this involves approval by the appropriate departmental/unit committee, followed by approval of the department/unit head or chair, dean (or next level administrator), and the Office of the Vice President for Research and Innovation. Promotion to this rank requires evidence of continuous professional development, documentation of excellence in their disciplinary field, outstanding research or creative activity supported by grants and contracts, and national and/or international recognition. (See chapter three, “Evaluation Procedures for Promotion and Tenure.”) The promotion review and approval process is in chapter six, “Research Professor Ranks.”

6.6 Matrix of Research Ranks

A matrix of qualifications, approval requirements, general expectations, salary guidelines, and typical position responsibilities for employees in the research faculty ranks is on the can be found on the provost’s website (PE4). OVPRI Human Resources website.

6.7 Affiliated Research Faculty

Occasionally, individuals outside of university employment are identified to team with university faculty to enhance research opportunities through departments. To support these associations, the university has developed the affiliated research faculty program. Affiliated research appointments may be made for individuals connected to specific academic departments or may be made through research institutes or centers. Affiliated research appointments may also be established to facilitate research partnerships. This program may address occasions where a university faculty member has a spouse or partner who also has professional academic credentials, but who has not found appropriate employment opportunities. The Office of the Vice President for Research and Innovation (Office of the provost) reviews nominations for affiliated research faculty status from departments, colleges, or the provost, and approves appropriate applications. Applicants must have academic credentials equivalent to those of university faculty, including the terminal degree usually required of faculty in the discipline. Applications for appointment to affiliated research faculty status must have the endorsement of the head or chair of the Virginia Tech department relevant to the applicant’s discipline.

Typically, an affiliated research faculty member has unpaid adjunct status in the academic department for that discipline. The appointment is initiated by the host department submitting to the Office of the Vice President for Research and Innovation (Office of the provost) a letter of support, the applicant’s curriculum vitae, and the request for unpaid faculty affiliation with a Virginia Tech academic department, approved by the department head or chair and dean or director. The appointments are renewable. The rank is the research faculty designation commensurate with the credentials of the candidate.

6.8 Searches for Research Faculty

Virginia Tech is committed to announcing the availability of positions so that a diverse pool of qualified candidates is developed for faculty positions of all types. In the case of research faculty, many of whom are hired on short-term grants and contracts sometimes requiring specialized skills and abilities, there is a need to balance the demands of the sponsored grant or contract with the institution’s commitment to open and aggressive recruitment practices to attract a diverse workforce.

Competitive searches are required for salaried appointments to the research faculty, except in a limited number of cases warranting an exemption. Appointments of less than one year do not require a search.
Searches are not required to fill a postdoctoral associate position or in the case where the person to be appointed is the author of the grant or is listed as the principal investigator or co-principal investigator, or appointment of a dual career hire. Occasionally the identified candidate may have previously worked on the project in a significant role and continuation of personnel is critical to the success of the project and a search may not be required. Consult the Office of the Provost for limited exceptions.

6.9 Terms of Faculty Offer and Documentation of Credentials

Employment is contingent upon presentation of satisfactory documentation of credentials prior to employment. In accordance with federal law, on the first day of their employment, new employees must provide documentation of U.S. citizenship or lawful authorization to work in the United States.

All new appointments and reappointments are documented in the terms of faculty offer prepared by the department head or chair. The terms of faculty offer includes salary, effective date, rank, and other critical information concerning the faculty appointment. The contract specifies whether the appointment is restricted (usual appointment type for research faculty) or regular. See below for conditions under which research faculty appointments may be “regular.” All letters of appointment make reference to further terms and conditions of employment contained in the Faculty Handbook.

The terms of faculty offer for a restricted appointment clearly defines the length of the appointment. In cases where there is no expected opportunity for continuation, the document also serves as a notice of termination. The terms of faculty offer also makes clear that continuation of appointment, even during the initial year, is subject to the availability of funds, the need for services, and satisfactory performance. Related letters of offer or appointment should not contain promises that the hiring unit may not be able to keep; the university looks to the department to make good on defaults. Approval of the department head, dean, and Office of the Provost are required before an offer is extended.

It is the responsibility of the hiring department to obtain and verify documentation of credentials on all faculty prior to employment. Information regarding appropriate credentials for instructional faculty is found in chapter two, “Faculty Credentialing Guidelines, “ and on the provost’s website. See chapter two.

6.9.1 Restricted Appointments

Salary support for research faculty typically comes from one or more sponsored projects. While some research faculty may be employed for years on successive grants, particularly in large, ongoing research programs, many are employed only for the duration of a specific funded project—in some cases six months and in other cases perhaps several years. Sponsored funding is seldom certain and never permanent. As a result, research faculty are usually appointed as “restricted” faculty members whose employment depends on availability of funding, the need for services, and satisfactory performance.

Procedures for terminating employees are addressed in chapter six, “Termination Procedures for Research Faculty.”

6.9.2 Multi-Year Restricted Appointments

A research faculty member’s initial appointment or reappointment may be for up to three years provided that documented funding for the salary and fringe benefits is available from a multi-year grant, multiple grants, or other appropriate source(s), and provided a search has been conducted or an approved exemption obtained. In such cases the terms of faculty offer specifies the length of the restricted appointment.
If a person on restricted appointment is to be continued, a reappointment is required. (See chapter six, “Reappointment.”) The reappointment contract again defines the conditions of the appointment. Any changes should be made explicit. If a salary increase is approved, it should be a part of their appointment contract. Prior to the current contract end date, the department is expected to execute a reappointment contract. Annual evaluation and merit adjustments occur on the same cycle as for all other faculty members. A performance review must be done annually, shared with the appointee, and documented in writing.

6.9.3 Regular Appointments

A research center or program, including research entities established by state or Board of Visitors’ action, may seek approval for this from the relevant department head, dean (or appropriate administrators as defined in Policy 3020, “Centers and University Institutes: Financial and Administrative Policy and Procedures,” and Policy 13005, “Centers and University Institutes: Establishment, Governance, and Programmatic Oversight”) and the vice president for research and innovation (or designee) to advertise and fill certain research faculty positions as regular rather than restricted appointments under certain conditions. The criteria and expectations for such approval are as follows:

The research program or center must have a documented record of substantial past funding, usually from diversified sources, generally over more than five years. In the case of a new center with multi-year funding, documentation of the new funding supported by the history of funding for the principal researchers may be considered. Research programs supported in full or in part by state funds are eligible for consideration for regular positions.

For the purposes of this policy, “research programs or centers” are defined very broadly to include those entities established by state or Board of Visitors’ action for the purposes of conducting research, as well as those that meet the definition of departmental, college, or university centers/institutes as defined in Policy 3020, “Centers and University Institutes: Financial and Administrative Policy and Procedures,” and Policy 13005, “Centers and University Institutes: Establishment, Governance, and Programmatic Oversight.” Departments intending to support specific research faculty members on state funds, whether or not those individuals participate in a “program” or “center,” may also seek approval to appoint a research faculty member to a regular position.

The research program or center must have documented prospects for continued funding at a level equal to or greater than its current funding.

The unit must be able to guarantee payment of salary and fringe benefits from sponsored grants or contracts (or other appropriate sources) for a minimum of three years in order to advertise a research faculty position as a regular appointment.

The unit must be able to guarantee funding of annual leave, sick leave, and salary following non-reappointment in the case of insufficient grant funds. The source of such payouts or salary support must be non-sponsored funds, such as indirect or state funds.

The unit will advertise and conduct a national search for regular positions. Search exemptions may be approved only under certain very limited conditions, such as unique qualifications or unit restructuring. However, a search must be conducted if there is an intention of supporting an international candidate for permanent residency. In such a case, the hiring unit should work closely with the International Support Services Office to ensure compliance with current Immigration and Naturalization Service (INS) regulations.

Appropriate documentation of the search process and selection is a critical element in supporting an application for permanent residency.
In supporting the request for a regular faculty appointment, the unit and/or department (or approving unit) is thereby committing itself to covering shortfalls in funding between grants, or whenever there is insufficient funding for the salary, from other sources. Should this occur, duties may be reassigned in order to match the available source of funds.

The Office of the Vice President for Research and Innovation may grant approval to the unit to conduct searches for regular positions for a period of three to five years at which time the financial capabilities and commitments of the unit are reviewed and authorization is granted for another three-to-five-year period, if appropriate.

Approval for the unit to advertise and fill some research faculty positions as regular appointments does not in any way suggest that all positions in the unit should be so designated. Indeed, careful thought should go into the shaping of such positions, the identification of talents and skills needed in the research group, and the availability of qualified individuals that may necessitate this more generous commitment of resources.

Postdoctoral associates are considered temporary or short-term appointments by definition and are not appropriate for regular appointments.

Research faculty members on regular appointments are entitled to notice of non-reappointment, as specified in chapter two, “Retirement, Resignation, and Non-Reappointment.”

**6.9.4 Calendar Year versus Academic Year Appointments**

The nature of the research enterprise generally dictates that research faculty are appointed to a calendar year (12-month) position. However, there may be circumstances in which an academic year (nine-month) appointment is justified and appropriate. The justification for an academic year appointment should accompany the faculty search authorization or search exemption request.

Academic year research appointments do not earn or accrue annual leave. Faculty members on academic year restricted appointments earn and accrue sick leave at the rate of five hours per pay period during the academic year; those on regular appointments are entitled to 1040 hours of paid sick leave upon employment. Sick leave is addressed in more detail in chapter two, “Sick Leave.”

Research faculty members on academic year appointments may accept summer research wage (P14) or summer or winter session teaching employment in the same department or program, or elsewhere in the university. Research faculty on H1-B visas qualify for summer wage employment only in very limited cases. Contact the International Support Services to verify eligibility. Those who have documentation of additional months of funding from sponsored grants or contracts may be eligible for consideration of a calendar year research conversion under the terms of Policy 6200, “Policy on Research Extended Appointments.”

**6.10 Position Descriptions**

Every research faculty member must have an up-to-date position description that forms the basis for initial hiring and assignment of duties and, through subsequent updates, for annual evaluation. Position descriptions should include a relatively detailed list or narrative description of assigned responsibilities and expectations for performance. A position description should be created and entered into the online position description system. Further information is available on the OVPRI Human Resources website.
6.11 Annual Evaluations

Supervisors, usually principal investigators, are responsible for conducting an annual evaluation for any and all research faculty. The annual performance review must be shared with the appointee and documented in writing. This documentation supports the request for annual merit and/or special adjustments. Giving regular and constructive feedback is essential to the development of employees, and it is the responsibility of the department head to be certain that research faculty are appropriately and consistently evaluated. The cycle for evaluation is the same as that for all other faculty members. Annual evaluation and merit adjustments occur on the same cycle as for all other faculty members.

6.12 Merit and Special Adjustments

Research faculty members, both regular and restricted, are eligible for annual merit adjustments (and special adjustments when necessary and appropriate) on the same cycle as all other faculty members when available and authorized by the university. The result is then communicated to the research faculty member. A promotion requires a new terms of faculty offer. Following the annual evaluation, supervisors make recommendations to department heads who, in turn, make their recommendations to college and university officials. In the case of regular research faculty members, final approval of the recommendations rests with the Board of Visitors. The result is then communicated to the research faculty member. Merit recommendations for research faculty members are generally expected to track the merit adjustments for teaching and research faculty members. In some cases, available funds may limit, delay, or even preclude a merit adjustment. However, performance evaluation and feedback to the employee are still required even if a merit adjustment is not possible.

Special adjustments, outside of the annual merit process, may be recommended in accordance with the guidelines for faculty salary adjustments available from the OVPRI Human Resources office of the provost[PE12]. Examples of such adjustments might be for promotion in rank, increased responsibility, retention, equity, or other reasons critical to the support of research faculty members. Justification and appropriate approvals are required as outlined in the guidelines.

6.13 Reappointment

Research faculty members on restricted appointment whose employment is to be continued are issued a reappointment specifying the new ending date for their appointment. Reappointments typically occur on the anniversary of the hire date or in relation to the funding cycle of the grant or appointment. Reappointments may be for less than one year in situations where additional funding is anticipated but not confirmed. Multiple reappointments may occur during the span of the research faculty member’s employment. The reappointment date may be adjusted based on other significant actions (e.g., promotion), or by issuing appointments that move the employee to the same effective date as their merit adjustment. Multi-year reappointments are possible in cases where funding is available for the proposed reappointment period.

Research faculty members on regular appointment do not have fixed ending dates to their contracts. Should it become necessary to end the appointment, they receive written notice of non-reappointment as described in chapter two, “Retirement, Resignation, and Non-Reappointment.”

6.14 Termination Procedures for Research Faculty

Members of the research faculty may be removed from their position by one of the following three procedures: (1) removal for just cause, (2) non-reappointment, or (3) termination of position because of insufficient funds or no further need for services. The period of notice for non-reappointment of research faculty members on regular appointments is addressed in chapter two, “Retirement, Resignation, and Non-Reappointment.”
6.14.1 Dismissal for Cause

Research faculty members may be removed for just cause. Stated causes for removal shall include, but are not limited to: professional incompetence; unacceptable or unsatisfactory performance after due notice; unethical conduct or misconduct that interferes with the capacity of the employee to perform effectively the requirements of the position; violation of university policy; falsification of credentials, experience, leave reports, or other official employment documents. Filing a grievance does not constitute just cause for termination.

When it becomes necessary to terminate a member of the research faculty for unsatisfactory performance prior to the end of the appointment period, the following procedures apply:

When the faculty supervisor determines that performance is unsatisfactory, the supervisor writes a letter to the individual detailing the areas of performance that are deficient. This letter should indicate specific expectations of improvement by the employee during a specified time period of not less than 30 calendar days. The department head and college dean receive copies. In cases where there is some likelihood of threat to health or safety, the 30-day period may be waived.

At the end of the above period, the faculty supervisor must again write the research faculty member with a performance evaluation during the interim since the first letter, with copies to the department head and college dean or equivalent senior-level manager. If performance continues to be unsatisfactory, this second letter may contain a termination notice. The termination notice has an effective date 45 calendar days from the date of the second letter. In cases where there is a threat to health or safety, the 45-day period may be waived.

In the event of termination, the research faculty member may appeal to the department head. Should the appeal process be initiated, the termination is held in abeyance until the appeal process is complete.

The appeal must be made in writing within five working days of receipt of the letter. (If the department head has a conflict of interest, the head refers the matter to the college dean.)

The department head (or dean) must respond in writing within 10 working days. If the recommendations of the department head (or dean) are unsatisfactory to either party, an appeal may be made to the vice president for research and innovation office of the provost in writing within five working days.

The vice president for research and innovation office of the provost appoints a committee of three members of the general faculty who make recommendations to the provost within 10 working days.

The decision of the provost is final and is rendered within 10 working days of receiving the report.

The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.

If the research faculty member is a member of an interdisciplinary research center, the center director as well as the department head and college dean of the faculty supervisor are copied on all correspondence.

6.14.2 Non-Reappointment of Research Faculty

The terms of faculty offer for a restricted appointment clearly defines the length of the appointment and also serves as a notice of termination. The terms of faculty offer also makes clear that continuation of appointment, even during the initial year, is subject to the availability of funds, the need for services, and satisfactory performance. (See “Terms of Faculty Offer and Documentation of Credentials.”)

Research faculty members with regular appointment receive written notice of non-reappointment as described in chapter two, “Retirement, Resignation, and Non-Reappointment,” should it become necessary to end the appointment.
6.14.3 Termination of Position Because of Insufficient Funds or No Further Need for Services

Occasionally a sponsor terminates funding before the end of a contract, or directs a change in the research program resulting in the need to terminate the services of an employee. While principal investigators and research centers are encouraged to make every effort to assure continuity of employment to individuals performing satisfactorily, there are circumstances in which this may not be not possible or in the best interest of the research program or university. Research faculty appointments may be terminated in the case where there are insufficient funds or no further need for services. The date of termination for a restricted faculty member is at least 30 calendar days from the date of notification. A faculty member on a regular appointment is entitled to notice of non-reappointment, as stated in chapter two, “Retirement, Resignation, and Non-Reappointment.” A proposed notice of termination because of insufficient funds or lack of need for services requires the approval of the department head, and dean (or appropriate administrator), and the OVPRI Human Resources office of the provost.

6.15 Effort Certification Compliance Issues for Research Faculty Members

As described in chapter ten, “Effort Certification and Salary Charges to Sponsored Grants and Contracts,” a research faculty member with regular, well-defined responsibilities for new proposal preparation, teaching, or administrative duties is prohibited from charging 100 percent of salary to sponsored projects during an effort reporting period in which such activity occurred, unless those activities are specifically allowed on the sponsored project.

Research faculty members are typically on 12-month appointments, which earn and accrue annual leave by university policy. Use of annual leave is recognized as an acceptable charge to a sponsored project when such leave is part of the university appointment.

6.16 Instructional Responsibilities for Research Faculty Members

The primary responsibility of a research faculty appointment is to conduct research and contribute to the university’s research mission through the acquisition of and successful implementation of sponsored grants and contracts. Federal guidelines require truthful and auditable documentation of the faculty member’s efforts on a semester basis. If the faculty member’s salary is paid for by sponsored grants and contracts then there is a concomitant expectation that the faculty member’s time is allocated to those projects.

While keeping the primacy of the research role in mind, there are circumstances in which the university and its instructional programs benefit from the occasional participation of research faculty members who have the appropriate credentials, expertise, and interest. The usual limitation on teaching by research faculty members is one (three-credit) course per academic year, or no more than two courses in a two-year period. The principal investigator/supervisor, department head/chair, and dean must approve exceptions. The academic department provides instructional funding for the teaching appointment and research duties are adjusted accordingly. A three-credit course equates to .25 FTE during an academic semester; this is the usual basis for salary charges to the instructional budget.

Research faculty members may receive additional compensation to teach a class that is in excess of their normal research assignment. To qualify for additional compensation, the research faculty member may not be 100 percent supported from sponsored funds, must be the instructor of record, and must usually be assigned to teach for the entire semester. For courses with block teaching, the research faculty member must have a formal teaching assignment for a specified portion of the course. The academic department responsible for the course must fund the payment from non-sponsored funds and initiate the payment as a temporary pay action. The payment must be approved jointly by the academic and home departments and colleges, and by OVPRI.
It is the responsibility of the hiring department to obtain and verify documentation of credentials on all faculty prior to employment. Information regarding appropriate credentials for instructional faculty is found in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.

Research faculty members with appropriate credentials and experience may serve on graduate student committees in accordance with policies of the graduate school and the department. Those with appointment to the research professor ranks may chair a committee, if approved by the degree-granting department. Involvement in supervision of graduate student research may be directly related to fulfillment of sponsored grants and contracts and thus may have a synergistic effect.

Contributions to the instructional program are monitored and evaluated by the academic department and by the supervisor.

6.17 Faculty Grievance Policy and Procedures

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the research faculty.

6.17.1 Ombuds, Mediation Services, and Faculty Reconciliation

Informal Dialogue: It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

University Ombuds: Any member of the university community may visit the university Ombuds Office. The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the University President. The Ombuds Office does not keep permanent records of confidential communications.

Reconciliation: At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the Faculty Senate Committee on Reconciliation in fashioning an equitable solution. Contacting the Faculty Senate Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether the concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant contacts the chair of the Faculty Senate Committee on Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the Faculty Senate Committee on Reconciliation, that committee requests a postponement of the time limits involved in the grievance procedure while it deals with the case. The chair of the Faculty...
Senate Committee on Reconciliation submits the request in writing to the vice provost for faculty affairs. Also, the grievant reaches an understanding with the Faculty Senate Committee on Reconciliation of the time frame planned for that committee’s work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Executive Vice President and Provost.

**Mediation:** Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

**Role of Mediators:** Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting Mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

**6.17.2 The Formal Grievance Procedure**

If the assistance of the Faculty Senate Committee on Reconciliation is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case.

**Step one:** The grievant shall provide a written description of the event or action on the faculty grievance form and relevant supporting documentation of the grievance within 30 calendar days of the date when the event or action should have been known that is the basis of the grievance to the immediate supervisor. Research faculty grievance forms are available on check OVPRI and/or provost websites.

The supervisor meets with the grievant and provides a written response within five weekdays to the grievant citing reasons for action taken or not taken and the final decision. If the supervisor’s response is satisfactory to the grievant, that ends the matter.
If the response is not satisfactory to the grievant or the supervisor does not respond within five weekdays, the grievant will indicate “no resolution” on the faculty grievance form, return a copy of the form to the immediate supervisor and proceed to step two.

**Step two:** The grievant advances the written description of the event or action, relevant supporting documentation, research faculty grievance form and the written response of the immediate supervisor (or statement of non-response if the supervisor did not respond within five the weekdays at step one) to the next level administrator within five weekdays of receipt of the decision. The next level administrator is the department head. If the department head has a conflict of interest, he or she refers the matter is referred to the college dean. The administrator involved at this level is hereafter referred to as the second-level administrator.

Within five weekdays of receipt of the research faculty grievance form, the second-level administrator meets with the grievant and may request the presence of the immediate supervisor. The grievant may similarly request that a chosen representative from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present.

The second-level administrator returns the research faculty grievance form and provides a written response and final decision to the grievant with copies to the immediate supervisor within five weekdays after the meeting. The decision of the second-level administrator takes precedence over the decision of the immediate supervisor. If the response is satisfactory to the grievant, that ends the matter. If the response is not satisfactory or if there is no response within five weekdays by the second level administrator, the grievant may so indicate on the grievance form and return a copy to the second-level administrator and proceed to step three.

**Step three:** The grievant may advance the written description of the event or action, relevant supporting documentation grievance form and written responses of the immediate supervisor and second-level administrator to the dean or equivalent senior-level manager within five weekdays of receipt of the decision in step two.

The dean will inform the immediate supervisor within five weekdays that the procedure has advanced to step three.

Within five weekdays of receipt of the grievance form, the dean meets with the grievant and may request the presence of the immediate supervisor. The grievant may similarly request that a chosen representative from among the university faculty may be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the dean does not have legal counsel present.

The dean shall return the grievance form and provide a written response and final decision to the grievant with copies to the immediate supervisor and second-level administrator within five weekdays after the meeting. The decision of the dean takes precedence over the decision of the second-level administrator. If the response is satisfactory to the grievant, the procedure is terminated. If the response is not satisfactory or if there is no response within five weekdays by the dean, the grievant may so indicate on the research faculty grievance form and return a copy to the dean and proceed to step four.

**Step four:** The grievant will advance the written description of the event or action, relevant supporting documentation, research faculty grievance form, and written responses of the immediate supervisor, second-level administrator, and dean to the executive vice president and provost within five weekdays of the decision of step four. The provost will make a decision and may wish to consult faculty members unfamiliar with the grievance for an opinion.

The decision of the provost is final and will be rendered to the grievant and immediate supervisor within five weekdays of receipt of the grievance.
The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.

If the research faculty member is a member of an interdisciplinary research center, the center director as well as the department head and dean are copied on all correspondence.

6.17.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when the event or action should have been known that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that the last proposed resolution as satisfactory was accepted. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Review Committee in writing, and the chair of the Faculty Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of two research faculty appointed by the vice president for research and innovation and the chair of the Faculty Review Committee is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

The Faculty Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

6.17.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion procedures (see chapter six, “Research Professor Ranks”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance: While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system;
those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures: If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

6.17.5 Particular Concerns and Definitions

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits.

If a faculty member is away from the assigned work location at the time the event or action that is the basis for a grievance is discovered, the 30-day period during which the grievant must meet with the immediate supervisor to initiate the grievance process begins when the faculty member returns to the assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to the assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers there is a grievance about actions by an administrator above the level of the immediate supervisor that directly involve the faculty member, or with actions by an administrator not in the department that directly involve the faculty member, the grievant initiates the grievance process by seeking the mediation of the immediate supervisor within 30 calendar days of the
discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting the immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the chair of the Faculty Review Committee and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the university president for ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and university policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

### 6.17.6 Overview of the Formal Grievance Process for Research Faculty

Below is an abbreviated overview of the grievance process and deadlines. Refer to chapter six, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

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<th>Step one</th>
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<tr>
<td>Within 30 days of event</td>
<td>1a. Grievant submits written grievance to supervisor.</td>
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<td>Within 5 weekdays</td>
<td>1b. Supervisor meets with grievant and provides written response.</td>
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<td>1c. If supervisor’s response is satisfactory to grievant, that ends the matter.</td>
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<td>1d. If supervisor’s response is not satisfactory to grievant, move to step two within 5 weekdays.</td>
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<th>Step two</th>
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<tr>
<td>Within 5 weekdays</td>
<td>2a. Grievant advances grievance form to the next-level administrator referred to as the second-level administrator.</td>
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<td>Step three</td>
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<td>Step four</td>
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CHAPTER SEVEN

7.0 Employment Policies and Procedures for Administrative and Professional Faculty

7.1 Categories and Definition of Administrative and Professional Faculty

The Virginia Tech Board of Visitors adopted modified titles, definitions, and qualification criteria for administrative and professional (A/P) faculty. The titles, definitions, and criteria recognize the professional training and experience required of a wide variety of positions at the university: “administrative” faculty who serve in senior executive roles and “professional” faculty members who serve as managers or professionals.

Administrative Faculty or Senior Administrators: Administrative faculty members are referred to as senior administrators to accurately reflect the nature of these appointments.

Senior administrators perform work related to the management of the educational and general activities of the institution at least 50 percent or more of their contractual time. Senior administrators typically serve in executive level leadership roles such as vice president, vice provost, dean, and assistant or associate vice president or dean. The organizational reporting relationship is usually not lower than three levels below the president or the next most senior position to the president.

Qualifications criteria: Senior administrators must have an advanced degree or training and work experience at a level that equates to an advanced degree; a master’s degree is the typical minimum entry qualification. Many of these positions, particularly senior administrators in academic leadership roles, may require a terminal degree. Senior administrators must regularly exercise discretionary actions.

Managers or Professional Faculty: Professional faculty are referred to as managers and professionals to reflect the variety of roles and appointments included in this category. Within the “Professional” category of A/P faculty there are distinctions made between positions that are managerial (including significant managerial and budgetary oversight within a unit) and positions that provide direct services.

Professional faculty positions designated as continued appointment-track are not governed by policies outlined in this chapter. Policies applicable to University Libraries faculty on the continued appointment-track and Extension faculty on the continued appointment-track are described in chapter four. Policies in this chapter do apply to Extension agents, who are A/P faculty members.

Managers (and directors) typically have responsibility for supervision and evaluation of a significant number of staff and/or professional faculty, and budgetary responsibility for their unit or a substantive program. Incumbents exercise discretion and independent judgment and perform managerial or directorial functions at least 50 percent of their contractual appointment. Managers and directors typically report to a senior administrator and provide leadership and oversight for their unit or a significant program.

Professionals provide direct service to students, other university constituencies, or clients external to the university as part of the university’s missions of learning, discovery, and engagement. They may direct or provide support for academic, administrative, Extension, outreach, athletic, or other programs. Professional faculty may also provide vital university functions such as information technology, budget or finance, human resources, public relations, development, and architectural or engineering functions. Incumbents must regularly exercise professional discretion and judgment and take professional initiative in carrying out their primary roles and assignments. Professionals include, but are not limited to, Extension agents, librarians (who are not in continued appointment-track positions), coaches, physicians, lawyers, engineers,
architects, student or academic affairs professionals, development officers, public relations, human resources, or information technology, and financial specialists.

Qualifications criteria: Professionals must have an advanced degree or training and work experience at a level that equates to an advanced degree; although a master’s degree is the typical entry qualification, this category also includes individuals with a bachelor’s degree and professional training or certifications critical to their fields. In some cases, individuals with substantial professional level experience or expertise that equates to the minimum educational qualifications may be considered for appointment. Professionals must regularly exercise discretionary actions. The work must be intellectual and varied in character, in contrast to positions that carry out more standardized or routine tasks and activities.

### 7.1.1 Faculty Rank and Title

Members of the administrative and professional faculty who are managers or professionals have the nominal faculty rank of lecturer and a functional title appropriate to the position (e.g., lecturer and assistant dean of students). Professional advancement is recognized by salary adjustment and/or functional title advancement rather than promotion in faculty rank. Administrative and professional faculty to whom initial ranks other than lecturer were assigned prior to July 1, 1983 retain such ranks. Administrative faculty usually have a rank other than lecturer, may hold an academic rank in a college department, and may be tenured or have a continued appointment.

### 7.1.2 Faculty Rank

The rank of lecturer is generally reserved for A/P faculty appointments. A master’s degree or significant professional experience is the minimum expectation for appointment to the administrative and professional faculty. Tenure cannot be awarded at this rank. Promotion for the administrative and professional faculty is usually recognized by changes in functional title rather than promotion in rank. Appointments are considered term and are renewable annually.

Members of the administrative and professional faculty whose credentials and professional development activities are similar to those of instructional and Extension faculty and who are involved in these missions of an academic department may be assigned a rank. Initial assignment of a standard faculty rank (assistant, associate, or professor rank for non-tenure-track administrative and professional faculty is recommended by using standard personnel appointment or review procedures for that department, such as the departmental promotion and tenure committee or personnel committee. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship. (See chapter two, “Potential Conflicts Involving Spouses and Immediate Family Members.”) Departmental recommendations for rank are forwarded to the dean and subsequently to the provost for administrative approval.

Administrative and professional faculty who hold a standard faculty rank with an academic department are considered for promotion in rank by submitting their credentials through the usual department promotion process for college faculty, including consideration by the college-and university-level committees. The department head or chair works closely with the committee to develop reasonable guidelines for consideration of rank promotions for A/P faculty affiliated with the department and with the individual A/P faculty member so that the appropriate materials are submitted for committee consideration. Appeal of a negative promotion decision is handled in accordance with appeal procedures for college faculty. (See chapter three, “Appeals of Decisions on Reappointment or Promotion.”) The assignment of, or change in, a standard faculty rank carries no aspect of tenure.
7.2 Policies Related to Administrative and Professional Faculty Appointments

7.2.1 Protection of Academic Freedom

The university recognizes the need to protect the academic freedom of administrative and professional faculty members when their responsibilities include instruction, direct support of the academic programs of the university, or an activity in which academic freedom is respected.

7.2.2 Initial Appointment and Reappointment

Search procedures for administrative and professional faculty positions are similar to those for instructional faculty positions. Faculty search resources are available on the Human Resources website. Please refer to that website for detailed information on the search process. Further guidance for searches involving senior administrative faculty positions (e.g., dean, vice president, or president) is included in other sections of this handbook.

Some administrative and professional faculty may be appointed on a “restricted” rather than “regular” appointment. The special conditions of temporary, restricted appointments are described in chapter two, “Restricted Appointments.”

Appointments to administrative and professional faculty positions are term appointments. No aspects of tenure or continued appointment are involved. Initial appointments to an administrative or professional faculty position are usually for a minimum of one calendar year or academic year, as appropriate. If the annual evaluation is positive, the faculty member can typically expect to continue employment. Important determinants in any reappointment decision are a productive and effective job performance and the continued need of the university for the scope and level of services being provided.

As a means to address budget reductions, and with a six-month written notice to the employee, the university is authorized to convert administrative and professional faculty on calendar year appointments to the traditional academic year appointment period, or to an alternate 9-, 10-, or 11-month appointment.

Appointment to an administrative or professional faculty position does not carry any aspect of tenure. Senior administrators who achieve tenure or continued appointment in an academic department retain their tenure or continued appointment. On occasion, requests are made by outside candidates, particularly for senior administrative appointments or administrative appointments in academic areas, for an appointment with tenure and rank in an academic department comparable to that held at the previous institution. Appointment with tenure requires review and approval by a subcommittee of the university promotion and tenure committee (see section 3.3 Procedures for Faculty Appointments with Tenure). Review and approval by the department head or chair, the departmental promotion and tenure or continued appointment committee, the dean, the provost, and the president is required before a decision is made to extend a firm offer that includes the granting of tenure or continued appointment to a senior administrator or administrator in an academic area. Review and approval by the department promotion and tenure or continued appointment committee shall be sought before a decision is made to extend a firm offer of tenure or of a rank other than lecturer to an administrative or professional faculty.

7.2.3 Degree Verification

Prior to employment, Human Resources verifies the highest degree earned for salaried administrative and professional faculty members. Verification is conducted through the National Student Clearinghouse or other certified vendor. In cases where Human Resources is unable to complete the verification for any reason, the candidate is responsible for providing an original transcript to Human Resources within 30 days of notification by the university. Initial and/or continued employment is contingent upon verification of appropriate credentials.
Administrative or professional faculty who teach credit courses are responsible for providing an original transcript to the teaching department for verification of appropriate credentials in accordance with the faculty credentialing guidelines found in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.

7.2.4 Academic Year Appointments for Administrative and Professional Faculty

Most administrative and professional faculty positions are 12-month appointments with the appointment period extending from July 1 to June 30. Some administrative and professional faculty positions are established as 9-, 10-, or 11-month appointments based on programmatic need.

Regular administrative and professional (A/P) faculty members on academic year appointment earn annual leave only during the period of their appointment at the same rate as regular A/P faculty members on calendar year appointment. That is, two days (16 hours) of annual leave credit are earned per month in accordance with leave regulations; after 20 years of continuous employment by the commonwealth, 18 hours of annual leave are earned per month.

7.3 Annual Evaluations

The supervisor is responsible for maintaining an up-to-date position description for each administrative and professional faculty member in the unit and for determining acceptable standards of performance. Goals and objectives are developed annually in consultation with the faculty member. These should relate closely to the functional title and position description and should become criteria for judging professional performance at the end of the performance cycle. All administrative and professional faculty members should complete an annual faculty activity report at a time determined by the appropriate administrator, but usually near the end of the academic or fiscal year, referencing their goals and objectives and citing their successes, shortfalls, and future directions. Additional items to report are service to the university, creative scholarship, and other professional activities and recognitions during the year. The performance of each administrative and professional faculty member is evaluated annually in a discussion with the supervisor and by written response. The annual faculty activity report and evaluation are part of the basis for salary adjustments and other personnel matters.

7.3.1 Periodic Evaluation of Deans, Vice Presidents, and Directors of Major Organizational Units

In addition to annual reviews by the supervisor, periodic reviews (approximately every five years) are required for senior administrators, vice presidents, and directors of major organizational units. Administrators serving in other senior leadership roles should also be considered for periodic review where appropriate and identified by the supervisor and president. The review is intended to be formative and to assist both the administrator and the department to improve.

7.3.1.1 Reviews for Senior Academic Administrators

Policy 6105, “Periodic Evaluation of Academic Deans,” outlines the procedures used in the conduct of a periodic review of academic deans. The same general process has been adapted for the periodic reviews of other senior administrators and senior academic leaders who report to the provost, such as the vice presidents for research and innovation, graduate education, outreach and international affairs, and student affairs, the vice provosts, associate provosts, or associate vice presidents. The periodic reviews occur every five years, are conducted by an appointed committee with diversified membership, and include an extensive survey and/or interview process. For periodic reviews of senior administrators reporting directly to the provost, the provost oversees the appointment of committee members and provides the charge to the committee, and the committee submits a confidential report to the provost with their findings and recommendations. Reviews conducted for directors of major units are managed by the relevant vice
president, vice provost, or associate provost to whom they report. The periodic review is used to inform the
decision for reappointment.

The determination of participants, the schedule, and specific procedures for periodic review of academic
administrators are the responsibility of the provost.

7.3.1.2 Reviews for the Provost, Vice Presidents, Senior Staff Reporting to the President, and Other
Non-Academic Administrators

The Administrative Evaluation and Development Program documents the process to be used for periodic
evaluations and executive development for the vice presidents reporting directly to the president, or to the
senior vice president and chief business officer, the president’s direct reports, and direct reports to the vice
presidents. The vice presidents participate in an external leadership assessment and development program
appropriate to the stage of their career. The selected program must include an opportunity for 360-degree
feedback, with responses shared with the president. Participation in the evaluation and development
program is required within two years of initial appointment and every five years thereafter. The president
may also solicit feedback from other individuals and/or constituencies as may be appropriate to the
administrator being reviewed. Preparation of an individual development plan and executive coaching for a
limited time period are also standard elements of the process. The president provides verbal and written
feedback to the administrator.

The review process for those senior administrators who report directly to the president and direct reports
to the vice presidents will follow a similar pattern, generally using internal assessment instruments and
professional development resources.

The determination of participants for the Administrative Evaluation and Development Program, the
schedule, and specific procedures for periodic evaluations of administrators reporting through the president
are the responsibility of the president’s office.

7.4 Salary Adjustments

Salary increases are based on merit and are not automatic. Recommendations for salary adjustments are
approved by the appropriate supervisor, dean (where relevant), vice president, and president prior to
approval by the Board of Visitors.

Merit encompasses more than adequate performance of assigned duties. Although no faculty member can
simultaneously engage successfully in activities in all areas below, administrative and professional faculty
should work with their supervisor to develop a long-range plan to demonstrate a high level of competence
in the areas below.

Performance: Administrative and professional faculty members have an obligation to maintain a high level
of performance in carrying out their job-related duties and responsibilities. A high level of competence in
the performance of one’s duties is the major factor in any evaluation. Evaluations are based upon standards
set by the supervisor with the participation of the faculty member and relate closely to the duties inherent
in the functional title and position description. Expectations set annually are important criteria for judging
professional job performance at the end of the performance cycle.

Service to the university: Historically, Virginia Tech depends on the administrative and professional
faculty for service on a wide variety of committees and as leaders and support for important university
projects and initiatives. Demonstrated participation in and leadership of departmental or university
committees, special university-wide assignments, or similar activity on behalf of important university
priorities is expected of those who seek high-level administrative positions.
**Professional and scholarly activities:** Administrative and professional faculty have an obligation to maintain a high level of professional competence and to stay abreast of developments in their field. Effective administrators also benefit from active involvement in the intellectual and scholarly development of one’s field, which often leads to contributions to the profession.

**Teaching in appropriate credit or non-credit programs:** Many administrative and professional faculty at Virginia Tech contribute directly to academic programs by teaching undergraduate or graduate courses or becoming involved in continuing and professional education activities. (See below for information regarding the teaching of credit classes and overload compensation for administrative and professional faculty.)

Salary adjustments may also be recommended to address such issues as equity, increased responsibility, retention for an especially meritorious employee, or completion of the doctorate.

### 7.5 Teaching Credit Classes and Overload Compensation for Administrative and Professional Faculty

Policy 4072, “Teaching Credit Classes and Overload Compensation for Administrative and Professional Faculty Members,” allows appropriately credentialed administrative and professional (A/P) faculty to teach graduate or undergraduate courses at the university if requested to do so by an academic program. The policy provides guidelines for A/P faculty members whose normal job responsibilities do not include teaching. To be eligible for overload compensation, the A/P faculty member must have full responsibility for teaching a class to be eligible for overload compensation. Occasional lectures, supervision of interns or practicum students, or other minor instructional support activities typically are not compensated.

Academic departments may employ full-time administrative and professional faculty to teach one course per semester. The A/P faculty member must hold at least the minimum credentials required for teaching courses at various levels in accordance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) expectations. It is the responsibility of the teaching department to verify and document appropriate credentials for all teaching faculty. (See chapter two, “Faculty Credentialing Guidelines” or the provost’s website.)

The A/P faculty member may receive overload payment for teaching credit courses only when such teaching is not part of the usual expectation for the administrative and professional position. Teaching for supplemental compensation is limited by overall time and income restrictions defined in the consulting policy. (See chapter two, “Consulting and Outside Employment.”)

The specific requested teaching assignment should be approved in advance by the faculty member’s own department head/chair or supervisor. The department head/chair or supervisor determines whether the teaching assignment is within the A/P faculty member’s usual job responsibilities, and therefore not eligible for additional compensation. The agreement may be multi-year and revisited periodically if the instructional assignment is expected to be on-going.

In approving or disapproving the teaching assignment, the department head/chair or supervisor considers the A/P faculty member’s ability to manage additional work outside of usual job expectations, whether the course occurs during normal hours of work, and whether scheduled absences and additional responsibilities will create undue disruption. The benefit to the A/P faculty member for professional development and contribution to the academic program is also considered.

Engagement of administrative and professional faculty in the instructional mission of the university is encouraged; however, teaching on an overload basis is not a right. Continued satisfactory performance in the primary position is essential and is the basis of the annual performance evaluation and merit adjustment.
7.6 Non-Reappointment, Reassignment, Removal, and Imposition of Sanctions Other Than Dismissal

Members of the administrative and professional faculty may be removed from their position by one of the following four procedures: (1) non-reappointment, (2) reassignment, (3) removal for just cause, or (4) abolition of position.

7.6.1 Non-Reappointment of Administrative and Professional Faculty on Regular Appointments

Monitoring the progress of newly appointed administrative and professional faculty members is the responsibility of the supervisor. An evaluation is made prior to the end of the first year of the appointment to ascertain that the faculty member is performing the assigned duties in a highly satisfactory manner. If the evaluation is positive, the faculty member can usually expect to be reappointed for another year. Notice of non-reappointment for administrative and professional faculty on regular appointment is given in writing in accordance with the standards of notice in chapter two, “Retirement, Resignation, and Non-Reappointment.”

7.6.2 Non-Reappointment of Administrative and Professional Faculty on Restricted Appointments

Restricted appointments may be terminated for a number of reasons including discontinuation of funding, or a change in research or other program priorities, resulting in the need to terminate the services of an employee. Administrative and professional faculty appointments may be terminated in the case where there are insufficient funds or no further need for services. The date of termination for a restricted A/P faculty member is at least 30 calendar days from the date of notification. A proposed notice of termination because of insufficient funds or lack of need for services requires the approval of the department head, dean (or appropriate administrator), and the provost or president (or their designees).

7.6.3 Reassignment

The university may reassign administrative and professional faculty members at any time. Reassignment may involve change in administrative title or supervisory responsibilities, reassignment to another position or department, transfer to a staff position, and/or reduction in salary commensurate with reduced responsibilities. Neither notice of non-reappointment nor removal for cause is required to effect a reassignment. The university’s responsibility under reassignment is to make available a substitute position or duties reasonably commensurate with the person's education, experience, and performance. Reassignment that involves a geographic transfer of more than 50 miles is conducted in accordance with the geographical transfer policy. (See chapter two, “Geographical Transfer Policy.”)

Reassignment is preceded by a meeting of the supervisor with the faculty member to review the reasons for reassignment, which are presented in writing to the faculty member. This written review shall include a deadline for a response to the reasons for reassignment from the faculty member, which shall be no less than five working days after the written review. The response is made to the supervisor who may reconsider the decision to reassign or proceed with the proposed reassignment.

In cases of reduction in salary and/or transfer to a staff position, the proposed salary reduction or reassignment to a staff position must be reviewed and approved by the senior administrator. In these cases, the effective date of the reassignment shall be no sooner than 90 days following senior administrator approval, unless mutually agreed upon by all parties.

7.6.4 Dismissal for Cause

Members of the administrative and professional faculty may be dismissed for cause. Stated causes for dismissal shall be documented and shall include, but are not limited to, unacceptable or unsatisfactory
performance; unethical conduct; misconduct that interferes with the capacity of the employee to perform effectively the requirements of the position; unsatisfactory attendance; falsifying credentials or any records—including but not limited to vouchers, reports, insurance claims, time records, leave records, or other official state or federal documents; unauthorized removal or damage of records or property belonging to others; acts of physical violence; criminal convictions for acts of conduct occurring on or off the job that are plainly related to job performance or are of such a nature that to continue the employee in the assigned position would constitute negligence in regard to the agency's duties to the public, students, or to other state employees; or violation of university policies. With approval by the provost or the vice president for human resources, as appropriate, an A/P faculty member may be suspended with or without pay during an internal or external investigation of any act(s) that may lead to dismissal.

Dismissal for cause is preceded by a meeting of the supervisor and a next-level administrator with the faculty member to review the reasons for dismissal, which are presented in writing to the employee. The meeting requirement may be satisfied in ways other than a face-to-face on-campus session, if there is a likelihood of threat to the health or safety of students, other employees, or property. With approval of the provost or vice president for human resources, as appropriate, the supervisor may suspend the A/P faculty member with or without pay until the effective date of dismissal or until the employee is authorized to return to work.

The faculty member is given a minimum of three working days to respond to the reasons for dismissal. The response is made to the supervisor, who then makes a final decision and communicates it to the faculty member. The faculty member may invoke the applicable grievance procedure.

Filing a grievance does not constitute cause for dismissal.

7.6.5 Imposition of Sanctions Other Than Dismissal

Minor sanctions include, but are not limited to, verbal or written reprimand. As compared to severe sanctions, minor sanctions usually do not involve a financial loss or penalty.

A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to: a reduction in title, responsibilities, and salary; or suspension without pay for a period not to exceed one year imposed for unacceptable conduct and/or a serious breach of university policy.

Routine personnel actions such as a recommendation for a below average or no merit increase, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in chapter seven, “Valid Issues for Grievance.”

Process for imposing a minor sanction: If a supervisor believes the conduct of a faculty member justifies imposition of a minor sanction, the faculty member is notified in writing of the proposed sanction and provided an opportunity to respond. A faculty member who believes that a severe sanction has been incorrectly imposed under this section, or that a minor sanction has been unjustly imposed, may file a grievance following procedures outlined in chapter seven, “Grievance Policy and Procedures.”

Process for imposing a severe sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause.

7.6.6 Abolition of Position

Members of the administrative and professional faculty on regular appointments may be removed in the event of financial hardship within a department that cannot be alleviated by ordinary budgeting practices, or upon reduction of the specific services for which they were employed. A minimum of 90 calendar days'
notice is given in such circumstances. If an A/P faculty member on a regular appointment is separated involuntarily due to budget reduction, reorganization, or workforce downsizing, the faculty member may be eligible for severance in accordance with Policy 4245, “Severance Benefits Policy for University Employees.”

Administrative and professional faculty with tenure or continued appointment and whose A/P position is abolished return to their academic department.

7.7 Grievance Policy and Procedures for Administrative and Professional Faculty

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the administrative and professional faculty. The steps in the grievance process will, in part, be guided by the reporting relationships of the employees involved in the grievance. Step one and two administrators involved in responding to a grievance should consult with the vice president for human resources and/or the vice provost for faculty affairs who may involve additional parties as appropriate. Grievant, and those involved in responding to grievances, may consult with the chair of the Commission on Administrative and Professional Faculty Affairs (CAPFA) for additional information.

7.7.1 Ombuds, Mediation Services, and Faculty Reconciliation

**Informal Dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, an A/P faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

**University Ombuds:** Any member of the university community may visit the university Ombuds Office. The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the president. The Ombuds Office does not keep permanent records of confidential communications.

**Reconciliation:** Reconciliation is useful if the individual feels the issue may be amenable to, but will require time for, negotiation or if the individual is unsure whether the concern is a legitimate issue for a grievance, or if personal relations between the parties involved in the matter have become strained. Information regarding the faculty reconciliation process is available on the provost’s website.

The Faculty Senate Committee on Reconciliation, which typically includes participation by one or more administrative and professional faculty members as members of the reconciliation team, may conduct reconciliation between an A/P faculty member and the supervisor. Reconciliation may include fact-finding and engaging the appropriate parties in negotiating a resolution. The designated reconciliation service is referred to hereafter as the “reconciliation team.” Engaging the reconciliation team is not required prior to filing a grievance.
For a potential grievance issue to qualify for consideration by the reconciliation team, the A/P faculty member must contact the chair of the reconciliation team within 30 calendar days of the date the grievant knew, or should have known, of the event or action that is the basis for the potential grievance.

Administrative and professional faculty members may also consult the reconciliation team about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. If the chair of the reconciliation team is unable to resolve the matter within 30 calendar days, the chair sends a letter to the A/P faculty member stating such, providing the appropriate information about the formal grievance procedure if the A/P faculty member should choose to pursue the matter, and documenting that the matter was brought forward within the prescribed 30-day period. A copy of this letter is provided to the vice president for human resources with a copy to the vice provost for faculty affairs when appropriate. The A/P faculty member has five weekdays after receiving the letter from the chair of the Faculty Senate Committee on Reconciliation to initiate a formal grievance, if so choosing, by following the procedures below and providing a copy of the letter from the chair of the reconciliation team to the supervisor, validating the timeliness of the grievance.

**Mediation:** Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. A/P faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between an A/P faculty member and another member of the Virginia Tech community.

**Role of Mediators:** Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting Mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step three. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

### 7.7.2 The Formal Grievance Procedure

The grievant may pursue the issue as a formal grievance through the following procedure. Supervisors and administrators will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case. (See chapter seven, “Valid issues for Grievance.”)

The number of steps in the process is determined by the reporting line of the grievant. Thus, if three steps do not exist between the grievant and the president, then the available number of steps is used.

The grievance must be well described and the relief requested must be specified on the grievance form. For A/P faculty, grievance forms are available on the provost’s website.

**Step one:** Within 30 calendar days of the date identified, or should have known, of the event or action that is the basis for the grievance, the grievant must submit a written statement of the grievance to the step one administrator (the director or department head/chair; for A/P faculty in Extension, the district director) and
to the chair of the Commission on Administrative and Professional Faculty Affairs (CAPFA). If appropriate, the step one administrator will provide a copy of the grievance to the supervisor of the grievant.

**Grievability Panel:** The chair of CAPFA, within five weekdays of receiving a copy of the grievance form, will convene a grievability panel. The panel consists of the chair of CAPFA, two A/P faculty members from CAPFA (selected by the CAPFA chair in consultation with the vice president for human resources of the ethics committee. The panel meets to deliberate and determine the admissibility of the matter to the grievance process. (See chapter seven, “Valid Issues for Grievance.”) A written report summarizing the deliberation and documenting the ruling of the grievability panel will be provided to all parties. The decision of the grievability panel is final. If the issue is deemed grievable by the panel, the step one administrator provides a written response to the grievant within five weekdays of receiving the CAPFA grievability panel’s written response. The step one administrator’s written response should cite reasons for action taken or not taken. If the written response of the director or department head/chair is satisfactory to the grievant, that ends the matter.

If the grievability panel determines the issues presented by the grievant are not grievable, then the process is concluded.

**Step two:** If the resolution of the grievance proposed in the written response by the step one administrator is not acceptable, the grievant may advance the grievance to the step two administrator (usually a dean or vice president) by checking the appropriate place on the grievance form and sending it within five weekdays of receiving the written response. The step two administrator for Extension A/P faculty (such as Extension agents) is the dean of the College of Agriculture and Life Sciences.

Following receipt of the grievance form, the step two administrator or designated representative meets with the grievant within five weekdays. The grievant may request that a chosen representative from among the university general faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the step two administrator does not have legal counsel present.

If the grievance involves a programmatic issue for an Extension A/P faculty member where responsibility for that program lies with a different dean, the designated step two administrator consults with the programmatic dean before rendering a decision.

The step two administrator gives the grievant a written decision within five weekdays after the meeting, citing reasons for the decision. If the step two administrator's written response to the grievance is satisfactory to the grievant, it ends the matter.

**Step three:** If the resolution of the grievance proposed in the written response by the step two administrator is not acceptable, the grievant may advance the grievance to the step three administrator. The step three administrator is the vice president for human resources. The grievant must advance the complaint to the step three administrator within five weekdays of receiving the written response from the step two administrator. If the grievant works in a college or academic vice president's division, the step three administrator will provide a copy of the grievance to the executive vice president and provost. Advancement of a grievance to step three includes consideration by an impartial CAPFA hearing panel, unless the grievant petitions the step three administrator to bypass the hearing panel and rule on the grievance. If the step three administrator accepts the request to rule on the grievance, there is no subsequent opportunity for the grievance to be heard by a CAPFA hearing panel. If the step three administrator does not accept the petition, a CAPFA hearing panel is formed to review the grievance as outlined in these procedures. A CAPFA hearing panel may also be convened to determine whether a complaint may be grieved under university policy.

Within five weekdays, the step three administrator, or appropriate designated representative, acknowledges receipt of the grievance and forwards a copy of the “Hearing Procedures of the Committee on Administrative Faculty Handbook 2020-21 Chapter Seven Board of Visitors Approved August 26, 2019
and Professional Faculty Grievances” to parties in the grievance process. The step three administrator also forwards a copy of the grievance immediately to the chair of CAPFA.

**Hearing Panel:** A grievance hearing for A/P faculty is conducted by an ad hoc panel selected by the CAPFA chair from the A/P faculty at large. The chair of CAPFA solicits volunteers on a regular basis so that a pool of willing participants is available. A hearing panel consists of three members, an alternate, and a non-voting chair. Panel members are selected from the volunteers by the CAPFA chair and one or more of the ex officio members of CAPFA. The chair polls all appointees to ensure that they have no conflict of interest in the case. Either party may challenge one of the appointments, including the alternate. Other replacements are made only for cause. The alternate serves as a replacement panel member if the need arises.

To ensure uniformity in practice, the chair of CAPFA serves as the non-voting chair of each hearing panel. In the event that the chair of CAPFA has a conflict of interest concerning a case, the chair appoints a replacement from among the administrative and professional faculty at large to serve as chair of the hearing panel.

**Hearings:** After the members of the hearing panel are appointed, the chair of CAPFA requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the chair of CAPFA. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling can occur. The hearing is then reconvened as appropriate (and within the 45-day time frame required by this policy, unless agreed upon by both parties).

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present, they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel.

**Findings and Recommendations:** The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the chair of CAPFA. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the step three administrator and parties to the grievance.

**Action of the Step Three Administrator:** The step three administrator meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting the step three administrator sends to the grievant the decision in writing concerning the disposition of the grievance. If the step three administrator’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.

**Step four:** If the step three administrator’s decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president’s decision is final.
7.7.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the date identified, or should have known, of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that the last proposed resolution is accepted as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of CAPFA in writing, who determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of CAPFA is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations, other than time limit issues, the chair of CAPFA rules on the question, as in disputes about the validity of procedural issues qualifying for the grievance procedure. The CAPFA chair has the following options: The chair can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the step one or step two administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point for that grievance with the last proposed resolution established as the final disposition of the case.

7.7.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by an A/P faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: termination for cause; improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation; unreasonable merit adjustment or salary level; excessive teaching load/work assignments; reprisals; substantive error in the application of policy; matters relating to academic freedom.

Issues not open to grievance: While A/P faculty disputes with the university administration may be dealt with using this grievance policy, the following issues may not be made the subject of a grievance: appropriate application of policy by the university administration or the university governance system; contents of university policies and procedures; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); normal actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; those items falling within the jurisdiction of other university policies and procedures (Policy 1025 “Policy on Non-Discrimination, Harassment Prevention, and Definition of Sexual Violence” for complaints of unlawful discrimination or harassment; Faculty Handbook, chapter two “Allegations of Unprofessional or Unethical Conduct” for complaints related to unprofessional or unethical conduct; Faculty Handbook, chapter two “Non-Reappointment” for complaints related to non-reappointment or abolition of position).
The subject of a grievance is normally not considered by the Commission on Administrative and Professional Faculty Affairs while it is simultaneously under review by another committee or panel of the university.

Beyond the grievance process and the jurisdiction of other university policies and procedures available to handle complaints by A/P faculty members, additional sources of conflict resolution are available. A/P faculty are encouraged to seek reconciliation and mediation services for disputes. Faculty reconciliation is offered through the Faculty Senate’s Committee on Reconciliation and mediation is offered through the conflict resolution program in Human Resources.

7.7.5 Particular Concerns and Definitions

Timelines stated in the grievance policy indicate the number of days within which the other party should receive notification. Electronic submission by fax from a departmental office within the specified time frame is acceptable. This is immediately followed by submission by mail of the original form and any related materials.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

The principals and the chair of CAPFA, if necessary, negotiate extensions of time limits at step three. In case of disagreement, the chair of CAPFA rules on time extension and procedural questions or recommendations designed to expedite the proceedings while providing peer review of the grievance.

If an A/P faculty member is away from the assigned work location at the time the event or action is discovered that is the basis for a grievance, the 30-day period during which the grievant must meet with the supervisor or step one administrator to initiate the grievance process begins when the A/P faculty member returns to the assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the written grievance as prescribed in step one by mail or email attachment during absence from the primary work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when the university is open and those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave, the grievance process stops until such time as the grievant is able to resume duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.

All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that an A/P faculty member discovers there is a grievance about actions by an administrator above the level of the supervisor that directly involve the A/P faculty member, or with actions by an administrator not in the department/unit that directly involve the A/P faculty member, the grievant initiates the grievance process by seeking the intervention of the supervisor within 30 calendar days of the date when the grievant knew or should have known of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting the supervisor, may file the grievance form for A/P faculty at the appropriate level or with the appropriate administrative office.
to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in usual fashion.

A grievance filed by an A/P faculty member concerning an action of either the provost, senior vice president and chief business officer, vice provost for faculty affairs, or the vice president for human resources is handled by the chair of CAPFA and an impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the president for ruling. A grievance filed by a faculty member concerning an action of the president of the university is dealt with by a special panel appointed by the provost in consultation with the chair of the Commission on Administrative and Professional Faculty Affairs.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and university policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the senior administrator in consonance with the hearing panel recommendations, or by the ruling of the president, that specific grievance is closed and may not be made the subject of another grievance.

### 7.7.6 Overview of the Formal Grievance Process for Administrative and Professional Faculty

Below is an abbreviated overview of the grievance process and deadlines. Refer to chapter seven, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

The validity of a grievance under university policy can be determined by CAPFA at any point in the process.

<table>
<thead>
<tr>
<th>Step one</th>
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<tr>
<td><strong>Within 30 days of event</strong></td>
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<tr>
<td>1a.</td>
<td>Grievant submits written grievance to step one administrator (for Extension A/P faculty this is usually the district director) and chair of CAPFA.</td>
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<tr>
<td><strong>Within 5 weekdays</strong></td>
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<tr>
<td>1b.</td>
<td>CAPFA chair acknowledges in writing to grievant that copy of grievance has been received</td>
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<tr>
<td>1c.</td>
<td>CAPFA chair convenes a grievability panel to determine the admissibility of the issue to the grievance process per chapter seven, “Valid Issues for Grievance.” The grievability ruling will be documented and a written report on the deliberation sent to all parties concerned.</td>
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<tr>
<td>1d.</td>
<td>If the issue is not grievable, the grievance process concludes.</td>
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<tr>
<td><strong>Within 5 weekdays</strong></td>
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<tr>
<td>1e.</td>
<td>If the issue is grievable, the step one administrator responds to grievance in writing on the grievance form.</td>
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<tr>
<td>1f.</td>
<td>If step one administrator’s response is satisfactory to grievant, that ends the matter.</td>
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<tr>
<td>1g.</td>
<td>If step one administrator’s response is not satisfactory to the grievant, move to step two within 5 weekdays.</td>
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<th>Step two</th>
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<tr>
<td><strong>Within 5 weekdays</strong></td>
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<tr>
<td>2a.</td>
<td>Grievant submits written grievance to the step two administrator, usually the dean or vice president (for Extension A/P faculty, this is the dean of the College of Agriculture and Life Sciences). If the grievance involves a programmatic issue for an Extension A/P faculty member where</td>
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responsibility for that program lies with a different dean, the designated step two administrator consults with the programmatic dean before rendering a decision.

Within 5 weekdays  2b. Step two administrator meets with the grievant and provides a written response

Within 5 weekdays  2d. If step two administrator’s response is satisfactory to grievant, that ends the matter.

Within 5 weekdays  2e. If step two administrator’s response is not satisfactory to grievant, move to step three within 5 weekdays.

**Step three**

Within 5 weekdays  3a. Grievant advances grievance form to the step three administrator (the vice president for human resources) who then, depending on reporting structure, shares a copy of the grievance with the provost.

Within 5 weekdays  3b. Step three administrator acknowledges receipt of grievance and forwards copy to chair of CAPFA.

Within 5 weekdays  3c. CAPFA chair acknowledges in writing to grievant that copy of grievance has been received from the step three administrator.

Within 15 weekdays  3e. CAPFA chair appoints hearing panel from among A/P faculty members; panel holds its initial meeting with both principals.

Within 45 weekdays  3f. Hearing panel concludes its work and makes recommendation to step three administrator and grievant.

Within 10 weekdays  3g. Step three administrator meets with grievant.

Within 10 weekdays  3i. If the step three administrator’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel that ends the matter.

Within 10 weekdays  3j. If the step three administrator’s decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days.

**Step four**

Within 20 calendar days  4a. Grievant appeals in writing to president.

4b. President’s decision is final.

**7.8 Leave**

Administrative and professional faculty are eligible for the following types of leaves defined in chapter two, “Leaves”: administrative leave, annual leave, disaster relief leave, educational leave, family leave, paid parental leave, leave without pay, military leave, sick leave, and special leave. Members of the administrative and professional faculty who have tenure or continued appointment may, under certain special conditions, request study-research leave or research assignment, particularly when they are returning to instructional faculty status. All study-research leaves and research assignments, require approval by the Board of Visitors.
7.9 Consulting Activities for Virginia Cooperative Extension Faculty

A/P faculty members are eligible for consulting as outlined in the university’s Consulting and Outside Employment policies and procedures. A/P faculty members should review chapter two of the *Faculty Handbook*.

Consistent with the university’s policy and procedures on consulting activities, additional restrictions may be imposed on the consulting activity of Virginia Cooperative Extension faculty members. These restrictions are imposed to give further assurance that consulting approval is not granted for assistance that is the usual responsibility of faculty members within Extension.

It is recognized that the outreach responsibilities of Extension are broad and, thus, program assistance parameters are difficult to define. Consequently, the following procedures are designed to provide judgmental decisions by appropriate supervisory staff for consulting requests in ambiguous areas of program responsibilities.

The Request to Engage in External Activity should be submitted using the Office of the Vice President for Research and Innovation’s online Conflict of Interest Disclosure and Management system (COI System). Typically, consulting activities do not involve university sponsorship.

The department head, chair, or immediate supervisor reviews the Request to Engage in External Activity and either approves or disapproves it. If approval is granted, the request is sent to the college dean for approval. The director of Virginia Cooperative Extension must grant final approval. If disapproval is exercised at any level, the request is sent back through the department head or supervisor, to the faculty member along with an explanation for the action.

Decisions are based upon, but not limited to, the following: consistency with guidelines stipulated in chapter two, “Consulting and Outside Employment,” whether the area of consulting is found to be within or outside usual Extension responsibilities; and whether the time required falls within the number of consulting days allowed.
CHAPTER EIGHT

8.0 Employment Policies and Procedures for Graduate Assistants

8.1 Graduate Student Appointments

Fully enrolled graduate students may be appointed to one of several assistantship categories. The responsibilities of such assistants are to serve the learning, discovery, and engagement functions of the university. The normal workload of graduate students may be defined in hours: a full assistantship is an average of 20 hours per week effort. Please refer to university policy No. 6210 for guidance on the Management of Graduate Assistantships and Tuition Remission.

Since the responsibilities or requirements of graduate students vary by academic discipline, each department is required to define clearly expectations for its students on assistantships. These graduate student appointments do not carry faculty status or other faculty rights or responsibilities.

The graduate school reviews and approves each assistantship appointment recommended by the department. Graduate students on assistantships must enroll full time under criteria established by the graduate school.

All graduate assistantships carry stipends according to a schedule of steps as approved by the Board of Visitors. This schedule is the same for all three kinds of assistantships.

**Graduate Assistant:** Graduate assistants (GAs) are graduate students who provide academic and program support. GA responsibilities may be administrative or academic in nature. Administrative responsibilities might consist of duties unrelated directly to teaching or research (such as academic advising, program planning, advising student groups, and assisting with the administration of student services offices). Academic responsibilities may include grading examinations, problem sets, and/or lab assignments, setting up displays for lectures or laboratory sections, and preparing or maintaining equipment used in laboratory sections.

**Graduate Research Assistant:** Graduate research assistants (GRAs) are graduate students conducting academically significant research under the direction of a faculty member, who is generally a principal investigator on an external grant or contract.

**Graduate Teaching Assistant:** Graduate teaching assistants (GTAs) may provide academic program support under the supervision of a faculty member. GTAs may assist faculty members in the department in teaching undergraduate courses, including laboratory teaching assignments, or in providing other appropriate professional assistance, including grading examinations, problem sets, and/or lab assignments, setting up displays for lectures and laboratory sections, and preparing or maintaining equipment used in laboratory sections.

If a GTA is assigned full responsibility for teaching an undergraduate course, the GTA must have documented teaching credentials or 18 hours of graduate-level course work in their teaching discipline, direct supervision by a faculty member experienced in the teaching discipline, regular in-service training, and planned and periodic evaluations. GTAs lacking this training are assigned to work under the supervision of a faculty member who is the instructor of record for the course. Graduate students who will be appointed as GTAs must complete the GRAD 5004 GTA workshop. Further information regarding appropriate credential requirements for graduate assistants who are assigned as instructors of record is found below and on the provost's website. The graduate school’s approval is required before a graduate student is allowed to teach graduate courses.
8.2 Required Teaching Credentials for Graduate Teaching Assistants

Graduate assistants assigned as the instructor of record must also have documented teaching credentials. A master’s degree in the teaching discipline or 18 graduate semester hours in the teaching discipline, direct supervision by a faculty member experienced in the teaching discipline, regular in-service training, and planned and periodic evaluations are required. For further information, see the teaching faculty credentialing guidelines available in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.

8.3 Additional Employment by Graduate Students with a Full-Time Assistantship Contract

Given individual circumstances, graduate students on full-time graduate assistantship may, at times, wish to pursue additional employment. Unless specified otherwise in the assistantship agreement, graduate students receiving full-time assistantships are not prohibited from seeking additional employment. In the interest of their professional development and maintenance of satisfactory academic progress, students seeking additional employment should consult with their academic advisors, and when appropriate their assistantship providers, regarding the fulfillment of their assistantship and graduate study responsibilities. The graduate school must be notified of additional employment plan. The graduate school should be consulted to assist with the resolution of any conflicts that may arise. Attempted resolution of conflict occurs at the departmental level first, and then can be referred, if necessary, to the graduate school and/or Office of the Ombudsperson in the graduate school.

In evaluating the merits of outside employment, graduate students and their advisors should consider the following:

Employment by a company owned in whole or part by the faculty chair of the student’s dissertation or thesis committee presents the potential for serious conflicts of interest. In such cases, another faculty member of equal or greater rank must serve as chair or co-chair of the advisory committee.

It is inappropriate for any student to receive remuneration directly from the external funding organization while also being employed as a graduate assistant or wage earner on a contract with that same organization.

It is inappropriate for any student to work for an employer who is in direct competition with a current funding source. International graduate students on assistantships may be prohibited from any additional employment by their specific visa status.
CHAPTER NINE

9.0 Instruction-Related Policies

9.1 Assignment of Academic Responsibilities

Assignments of teaching load and academic advising are the responsibility of the department head or chair and may vary from one term to the next depending on the departmental requirements. Assignments should involve consultation with the faculty member, and in cases involving non-routine assignments—such as those requiring extensive travel—consultation is required. Ultimately, authority rests with the department head or chair to make the final assignment. Although the usual load for those engaged only in teaching is 12 didactic hours, the loads vary widely and are usually adjusted to permit time for other scholarly activities—for outreach which is related to the mission of the university and the faculty member’s disciplinary expertise, and for faculty development related to the quality of instruction. A didactic hour is defined here as one contact hour in a lecture course or 0.60 hour for each contact hour in a course designated as a laboratory course.

Faculty members are expected to be available two weeks prior to the first day of classes and two weeks following commencement. The discretion of the department head or chair is recognized in assigning duties during periods when the university is not in session. Faculty members are expected to inform their department heads or chairs of their whereabouts during such periods.

Instructors with distinctive assignments and work schedules will have these responsibilities conveyed in the terms of faculty offer letter at the time of appointment.

9.1.1 Summer and Winter Sessions

Teaching loads during the summer and winter sessions are tightly controlled. Summer and winter teaching appointments are the responsibility of the department head or chair. (See chapter two, “Summer and Winter Appointments.”)

9.1.2 Independent Study and Undergraduate Research

The courses designated as Undergraduate Independent Study and Undergraduate Research are generally unique educational experiences between an instructor and a student. The student, by way of the faculty member, is required to receive prior approval for such studies by the instructor’s department head or chair and by the dean. Undergraduate students are limited to 12 hours of combined Independent Study and Undergraduate Research to be counted toward completion of the degree (unless specifically required by the program check sheet). Courses designated as Graduate Independent Study/Special Study require approval of the instructor’s department head or chair only. The student, by way of the faculty member, is required to receive prior approval for such studies. Approval forms are available in the colleges. Usually, these courses do not count in the teaching load of a faculty member.

9.1.3 Graduate and Professional Program Standards and Policies

Each graduate and professional degree-granting program in the university is responsible for the conduct of the program and designates a faculty member to serve as liaison with the appropriate college dean(s) and the vice president and dean for graduate education. Further, each graduate degree-granting program formulates and retains a current policy statement that spells out criteria governing its program. Copies are filed with the appropriate college dean(s) and the vice president and dean for graduate education. Policy statements address faculty participation on graduate student advisory committees (thesis and dissertation advisors;
9.2 Scheduling of Classes

The Office of the University Registrar coordinates the preparation of the timetable of classes and disseminates this information. The department head or chair or a designated scheduler prepares proposed class schedules in response to a call from the university registrar. The university registrar reconciles the material provided with the approved catalog of university courses, established scheduling patterns and allocations, and requests of other departments. Individual professors address scheduling issues through the department head or chair or the designated scheduler. The timetable of classes is available via Hokie SPA.

The university registrar assigns classrooms. Moving the location of courses is possible only with approval of the department scheduler and the university registrar. Enrollments may not exceed the posted room capacity. Commonwealth of Virginia fire code specifications do not allow students to be seated in the aisles or on the floor.

9.3 Registration for Classes

The registration period for each term occurs during the regular preceding term. New and transfer students register for the fall semester during summer orientation. Students who enter the university for the first time in the spring semester or a summer term register in the usual manner.

The university registrar works with each department to amend course offerings by increasing the capacity of the section within limits for the assigned classroom; creating new sections with times subject to availability of suitable classrooms; and canceling sections for which the demand is too small to justify keeping the section.

Undergraduate classes with fewer than 15 students and graduate classes with fewer than six are reviewed by the department head or chair and the academic dean and canceled unless there are compelling reasons for keeping the class. In the summer and winter terms, the department head or chair and the director of summer and winter sessions review undergraduate classes with an enrollment of fewer than 10 and graduate classes with fewer than eight. Unless there are compelling reasons to offer the course, it is canceled.

Students register via Hokie SPA during the published pre-registration period. After departments make adjustments based on course requests, completed schedules are available to students via Hokie SPA. Students may adjust their schedules before the end of the preceding term and in the first five days of the term of the registration.

9.3.1 Drop-Add Period

At the beginning of the term, students may add courses through the end of the fifth day of classes and drop courses through the 30th day of classes. During the summer, students may add courses through the end of the third day of classes and drop courses through the end of the fifth. During the winter term, students may add courses through the first day and drop classes through the first day of the term.

Dropping or adding courses becomes necessary if a student has an incomplete schedule, changes curriculum, fails a course in the previous term, or fails to pay fees on time, which removes the student from all classes.
A professor may require a student who processes changes during the drop/add period to show a printed copy of the class schedule from Hokie SPA before being admitted to the class. The names of students who have properly added the course immediately appear on the instructor’s class listing available via Hokie SPA. Faculty should not add (register) students in Canvas (Learning Management System). Students who are properly registered will automatically be added to the learning management system daily during the add period.

9.3.2 Force-Add Requests

Force-add transactions are final solutions for critical scheduling problems in required courses. The force-add request requires approval by the course instructor or designated departmental representative. (Students may check with the department for departmental policy.). If a force-add request is approved, the student must retain the approval form copy to verify enrollment with the instructor. An “add” processed through the force-add process overrides all other courses on a student’s schedule and may create schedule conflicts. Do not process force-adds above the physical capacity of the scheduled room; doing so will not guarantee relocation of the course. Enrollments may not exceed the posted room capacity. Commonwealth of Virginia fire code specifications do not allow students to be seated in the aisles or on the floor.

9.3.3 Class Rolls

Up-to-date class rolls are available to instructors via Hokie SPA. To obtain access to the class roll and Google Group capability, a faculty member must be the instructor of record in Banner. The instructor of record is expected to inform students whose names do not appear on the displayed class roll. A student should contact the academic dean for assistance to correct inconsistencies. Graded work should not be returned to these students until their names are officially added to the class roll.

9.4 Textbooks and Other Instructional Materials

The University Bookstore is responsible for providing textbooks and related teaching supplies to the university community. Each department has a person designated as the departmental bookstore representative. This person serves as the main contact between the bookstore and the instructor. Pursuant to the federal Higher Education Authorization Act, Public Law 110-315 (HEOA 2008), the Code of Virginia §23 1-1308 amended in 2018, and Policy 6400, “Policy on University Textbook Sales”, administrators, faculty, university bookstores, and publishers are “to ensure that students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure with respect to the selection, purchase, sale, and use of course materials.” Provisions of the law require publication of textbook requirements prior to registration. Requests to the bookstore for textbooks and other instructional materials are routed through the department's bookstore representative.

By law, university “guidelines shall ensure that faculty textbook adoptions are made with sufficient lead time to university-managed or contract-managed bookstores so as to confirm availability of the requested materials and, when possible, ensure maximum availability of used textbooks.” To this end, the University Bookstore must be notified of the selection of textbooks and other materials for any fall semester class no later than April 15. The deadline for spring semester is October 15 of the year immediately preceding the spring semester.

Before a textbook may be adopted, the faculty member must confirm whether the faculty member intends to use all items ordered—particularly individual items sold as a part of a bundled package. If the faculty member does not intend to use each item in the bundled package, the faculty member is required to notify the bookstore. The bookstore then orders the individualized items if the publisher makes them available and if their procurement is cost effective for both the institution and the students. In addition, the faculty member affirmatively acknowledges the bookstore’s quoted retail price of textbooks selected for use in each course.
Faculty members are encouraged to limit their use of new edition textbooks when previous editions do not differ in a substantive way as determined by the appropriate faculty member. Publishers are to document the substantive differences in any revised publication of texts.

Before adoption of a particular textbook, the respective department determines that a copy of the textbook is on reserve in the University Libraries during any period that the textbook is to be used. Additional information on the federal textbook requirements and guidelines may be found on the University Registrar’s website.

In accordance Section 23.1–1308 Code of Virginia the University has adopted guidelines for the use of low-cost and no-cost open educational resources in courses offered at the university. Such guidelines may include provisions for low-cost commercially published materials. These guidelines are available on the University Libraries Open Education Resources webpage.

Faculty members should not engage in direct sale of instructional materials to students. The Code of Virginia §23 1-1308 states that, “No employee of a public institution of higher education shall demand or receive any payment, load, subscription, advance, deposit of money, services or anything, present or promised, as an inducement for requiring students to purchase a specific textbook required for course work or instruction. However, such employee may receive (i) sample copies, instructor’s copies, or instructional material, not to be sold; and (ii) royalties or other compensation from sales of textbooks that include such instructor’s own writing or work.” See also Policy 13010, “Individual Conflicts of Interest and Commitment, and Policy 6400, “Policy on University Textbook Sales.”

9.4.1 Faculty-Authored Course Materials

A faculty member teaching a course may not receive a royalty and/or other fees beyond direct cost of production and sales for any material used as part of class activity, except for material that has received an independent external review, that has been copyrighted, and a portion of the copyright is owned by a publisher other than the author. Faculty accused of abusing the distribution of classroom material for personal financial gain are subject to review by the Committee on Faculty Ethics.

9.5 Grading Systems

“A” to “F” system (undergraduate students): The majority of course enrollments by undergraduate students at the university are graded on the traditional A-F basis, with a 12-point plus/minus grading scale. The grades “A” through “D-” represent passing grades and “F” is a failing grade. The grade of “A” should be assigned to students who meet the learning objectives outlined for the course at a level of comprehension and performance deemed excellent. The grade of “F” should be used for those students who have not demonstrated acceptable achievement with regard to the learning objectives of the course of study. An instructor may choose not to use the plus/minus system in the assignment of grades.

“A” to “F” system (graduate students): The grading system for graduate students is similar to the A-F system with “D” as the lowest passing grade.

Pass/Fail system (undergraduate students): A pass/fail grading system is available to encourage students to enrich their academic programs and explore more challenging courses outside their major without the pressures and demands of the regular grading system. The pass/fail grading option is available to all undergraduates who have completed a minimum of 30 credit hours at Virginia Tech and have a cumulative Virginia Tech grade point average (GPA) of 2.0 or above.

The following restrictions apply:

for students in a four-year program, the total maximum allowable credits for pass/fail shall not exceed 12 semester hours, exclusive of courses offered only pass/fail
for students in a five-year program, the total maximum allowable credits for pass/fail shall not exceed 12 semester hours, exclusive of courses offered only pass/fail, or 10 percent of the required hours for graduation completed at Virginia Tech—whichever is greater.

a student may not enroll for more than two courses per semester on a pass/fail basis—excluding physical education activity courses and required courses offered on a P/F basis only.

courses may not be changed from A-F to the P/F basis beyond the last day to drop classes without penalty.

courses may not be changed from P/F to A-F beyond the last day to resign without penalty.

For courses offered only on a pass/fail basis, the 30-hour and 2.0 GPA requirement does not apply. Any courses taken beyond the number of hours required for graduation also may be taken pass/fail, except that no more than two courses may be taken on the P/F option per semester.

Under the pass/fail grading system for undergraduate students, a “P” is granted for earning a “D” or better in the course; otherwise an “F” is given. The “P” or “F” is recorded on the student’s transcript and credit given if the course is passed; if the course is failed, the “F” is considered as equivalent to an “F” received under the A-F grading system and is included in calculation of the GPA. The GPA is unaffected by a “P.” Once credit is received for a course taken on pass/fail, the course cannot be repeated under the A-F grading system.

**Pass/Fail system (graduate and veterinary medicine students):** A limited pass/fail grading system is available to encourage graduate students to explore courses outside their major. Subject to approval of the major professor, graduate students may take an unlimited number of hours of graduate course work (5000- and 6000-level) on a pass/fail basis, if outside the department and not on the plan of study. These courses may not be used to satisfy minimum degree requirements. All courses on the plan of study, including supporting courses, must be taken on a letter grade (A-F) basis except for those courses offered on a pass/fail basis only.

Under the pass/fail grading system for graduate students, a “P” is granted for earning a “C-” or better in the course; otherwise an “F” is given. The GPA is unaffected by a “P.” Grades of “F” are counted in the calculation of the GPA.

**Satisfactory/Unsatisfactory system (school of medicine students):** All Virginia Tech Carilion School of Medicine courses have a grade mode of “S” for Satisfactory or “U” for Unsatisfactory.

**Audit grade (undergraduate students):** A student may choose to audit a course, without the necessary prerequisites, to enhance one’s educational experience. Permission of the course instructor is required, in accordance with Policy 6360, “Auditing Courses,” and Policy Memorandum 250, “Assignment of an Audit Grade for Undergraduate Courses,” and the “Modification of Auditing Policy.” An audit is a mechanism for a student to reserve a seat in a course, with no performance evaluation required. If the student or the instructor expects evaluation of course work, then the student must enroll either for the P/F option or for a letter grade. If the instructor of record wishes to restrict the participation of auditing students in selected activities, then that is stated in the syllabus. Students are assessed the same rate of tuition and fees for audited courses as for courses taken for credit. Audited courses do not count toward full-time enrollment.

 Unsatisfactory audit should be left blank in grade column. In the case of graduate students, an e-mail should be forwarded to the graduate school requesting deletion of the course from the student's record.

**The “I” grade (Incomplete):** The “I” grade signifies incomplete work, but does not affect a student’s GPA. It is assigned at the discretion of the instructor only. The “I” may be used when a student is unable to take the final examination during examination week, but the instructor may wish to confirm the legitimacy of the request with the Schiffert Health Center or the student’s academic dean. Except for certain laboratory courses, “I” grades must be removed by the end of the student’s first subsequent semester of enrollment.
or one calendar year from the date of the original “I” grade. An official change-of-grade must be made in Hokie SPA by the instructor to remove an “I” grade and submitted to the department of the course. Incompletes not removed during the designated time are changed to “F” and calculated in the student’s GPA.

The "NG" grade (No Grade): The "NG" grade is given when a student's name appears on the class roll, but the student has never attended class or submitted work for grading.

The “X” grade (Continuing Course): The “X” mark shows that pursuit of the project begun in the course will be continued. The “X” does not compute in the student’s GPA. The “X” may be assigned only for courses pre-established as eligible for this treatment. Changes from the “X” to the final grade must be submitted on change-of-grade cards; the regular grade marked on a grade sheet for an “X”-eligible course will process to that term’s enrollment only.

The “EQ” grade: The “EQ” grade is reserved for graduate students enrolled in research and thesis (5994), or research and dissertation (7994). The awarding of this grade shows that the enrollment has been reviewed and the credits are to be sent to the grade report system. Failure to assign an “EQ” grade will result in the computation of the credits as failing.

The “NR” grade (Not Reported): The “NR” (not reported) grade is automatically entered when an instructor fails to award a grade to a student. The “NR” grade computes as an “F.”

The “W” grade (Course Withdrawn): The “W” (withdrawn) grade is given to an undergraduate or graduate student who has applied the course withdrawal policy to a course. The “W” grade is automatically awarded based on the course option of “W.” A regular grade cannot be awarded if a student has applied the withdrawal policy or “W” option to the course.

Mid-term grade reports: Mid-term grade reports are issued for first-term undergraduates and first semester transfer students for the purpose of informing them about their progress early in their first academic year. Courses that are oriented toward freshmen should be designed to include at least one substantial graded assignment in time for the mid-term grade report.

Projected grades for the graduating students, spring term: Projected grades for graduating students—all levels—must be submitted by the published tentative grade entry deadline in the spring semester. All students are completed for spring term based on the projected (tentative) grades received. Failure to submit tentative grades results in the student’s non-completion and non-receipt of diploma at the college or department ceremony. Entry of tentative grades follows the same process as the end of term entry via Hokie Spa.

9.6 Course Grading

The instructor of record has sole responsibility for assigning final course grades and may not delegate the task to other colleagues or teaching assistants. Department heads or chairs may ask instructors in their department to explain unusual profiles of grades or schemes of evaluation.

Faculty are expected to adhere to principles of professionalism, fairness, and clear communication when assigning grades. This includes consistent treatment of all students in the class; clear criteria—communicated directly to the class—about the basis on which course work is evaluated and grades are assigned; timely return of graded work to the student; sufficient feedback through the grading process for the student to improve performance on future assignments; and attention to fair and reasonable measures of course content and student performance.

During the term (i.e., before final grades are assigned), the grading process is not only a record of evaluation for work completed, it is also an important device for providing information to the student about potential
work improvements in the future. Grading is a teaching tool that provides specific feedback to students. Faculty should keep this in mind when designing assignments and course work.

Students have the right to see their grades for a course and to lodge a grade appeal if they believe a grade was assigned unfairly. (See chapter nine, “Undergraduate Student Appeals” and “Graduate Student Appeals.”)

The U.S. Department of Education stipulates that posting of grades using even a portion of the student identification number, is considered a violation of the Family Educational Rights and Privacy Act (FERPA). FERPA protects the confidentiality of educational records and prohibits distribution of that record unless with the student’s written consent. Faculty may not post any grades as a class listing using any portion of the student identification number, either via paper or electronically (This policy applies whether the student identification is the Social Security number or a generated identification number).

### 9.6.1 Syllabus and Performance Expectation

Each semester on the first day of classes, faculty are expected to provide students with a course syllabus that includes course objectives, topical outlines, expected performance for which grades will be assigned, and the instructor’s attendance policy, if any. The syllabus should also include a statement on the honor system and its application to the course, reference to accommodations for students with disabilities, and information regarding office hours and how the instructor can be reached directly or through the departmental office during normal working hours. Further information regarding the undergraduate honor system and the graduate honor system is located later in this chapter. Further information regarding accommodations for students with disabilities is available on the Services for Students with Disabilities website.

An explicit statement concerning prerequisites for the course must be included on the course syllabus or assignment sheet. The instructor should call attention to the prerequisites during the first week of classes. Before the official drop-add deadline, the instructor may require specific students without prerequisites to drop the course. The student who is granted permission to enroll without prerequisites should be informed that course expectations and grading practices are the same for all students regardless of whether prerequisites were satisfied or waived.

The syllabus is a very important document because it provides explicit information to the student about course content, schedule, grading scale, and expectations of the instructor. The instructor should design the syllabus as a useful means for setting the tone of the course. Substantial changes in the syllabus constitute modifications in the structure or content of the course, which should be communicated clearly and in writing to students in a revised syllabus. These might include changes in the grading scale, significant departures from the schedule, or modifications of assignments.

All written work, with the exceptions noted below, should be given at such time that it may be graded and then returned during a regularly scheduled class meeting. To the extent feasible, instructors should not schedule major assignments or tests for the last three calendar days of scheduled classes or reading day. Students should be allowed time to prepare for their final exams and benefit from feedback on material relevant to exams.

Common exceptions include: due dates for term papers and project reports may be set at the instructor’s discretion, if the student will not be held responsible for the subject matter therein on the final examination; if a lab course or other course does not warrant a final examination during the exam period, but if the department and/or instructor requires that there be a final examination, the exam should be given during the last regularly scheduled laboratory or class period; final examinations for master’s and doctoral candidates, if approved by the vice president and dean for graduate education.
9.6.2 Class Attendance

Class meetings are an integral part of most courses and the central component of many. Therefore, both faculty and students are expected to meet at all regularly scheduled times, except for cancellations announced on a university-wide basis by appropriate authority.

If a faculty member cannot meet a class, departmental procedures should be followed so that appropriate measures are taken to provide for the missed class.

If a student cannot attend a class, they may notify their instructor(s) directly or contact the Office of the Dean of Students, whose staff can provide advocacy through its absence verification process. The Office of the Dean of Students considers absence verification for any of the following reasons: illness or death of a family member or friend; off-campus medical appointments or hospital admission; court subpoenas; military orders; and observances of religious, cultural, ethnic, meaning-making, or faith-based beliefs. Staff members send an absence verification notice to the college dean, who then forwards the verification to the instructor(s). If upon a good faith evaluation an instructor believes that accommodating an absence negatively affects the course of study, students can contact the Office of the Dean of Students for continued advocacy and guidance. Students are responsible for making arrangements with the instructor as soon as possible to complete any work missed due to absence. If this work differs from the original exam or assignment, it must be appropriately related to course objectives and no more difficult than the original.

Faculty determine their attendance policy, including whether they will accommodate absences and how they will do so. However, in accordance with the Virginia Tech Principles of Community, faculty are encouraged to accommodate students when the observance of religious, cultural, ethnic, meaning-making, or faith-based beliefs conflict with academic requirements. Students who choose to request an excused absence directly from their instructor(s) due to a religious observance should do so during the first two weeks of classes or as soon as they become aware of the need for an accommodation.

When students cannot attend a class, it is their responsibility to make arrangements for any work missed as soon as possible. In cases of prolonged absences, students may ask their academic deans or the dean of students to notify their instructors of the reason for their absence. Staff members from the Office of the Dean of Students may verify absences from class for students who have documentation to support an absence beyond their control. The staff members send an absence verification notice to the college dean, who then forwards the verification to faculty members. A staff member from the Office of the Dean of Students reinforces that the student is responsible for contacting the faculty member to arrange make-up of any missed work.

Policy 5600, “Authorized Closings,” defines the process followed with the university is affected by inclement weather, natural disasters, emergencies and other conditions that may cause operations to be suspended or curtailed. University employees should consult Policy 4305, “Policy on Compensation. During Authorized Closings,” for specific expectations in the event of a closure and information about supervisor/employee responsibilities, leave usage, and compensation.

9.6.2.1 Religious Holidays

Consistent with the university’s tradition of religious tolerance, faculty are encouraged to be sensitive to students who wish to observe religious holidays. The student is responsible for requesting and providing justification for a religious accommodation, preferably during the first two weeks of classes or as soon as the student becomes aware of the need for an accommodation. Faculty should inform students of their willingness to make accommodations for reasonable requests. Faculty are not required to compromise the academic integrity of the course to accommodate religious practices. Thus, the faculty member determines accommodations for religious practices that are consistent with the class attendance policy.

9.6.3 Final Examinations
Instructors must adopt an appropriate means for evaluating and measuring student performance relative to the course objectives. A final examination schedule is displayed on Hokie SPA in the timetable of classes and the student registration module for each academic term and final exams, if used, must follow this schedule unless the dean of the college has granted special permission. The method of evaluation must be made known to students in the course syllabus at the beginning of the term. (See chapter nine, “Syllabus and Performance Expectation.”) Faculty members will make available to students any final graded material at least through the following academic term. Faculty members are required by the Virginia Public Records Act, 42.1-82, et seq. of the Code of Virginia to retain all work completed by students for grades in a course (includes, but is not limited to: exams, quizzes, tests, and term papers) for one full year after the end of the semester.

A student with conflicting examinations or with three or more examinations within 23 hours may reschedule an examination with permission of the student’s college dean at least 10 days before the beginning of the examination period and by arrangement with the appropriate instructor.

A re-examination in one course, in which the final grade is C- or below, may be authorized when the student was enrolled in the course during the senior year final term and a satisfactory re-examination in the course would qualify the student for graduation. A re-examination request must be made and the exam must be completed by the student as soon as possible, but no later than one academic term after the original examination in the course. Re-examination approval by the instructor, the student’s department head or chair, and the student’s college dean is required, with consideration given to class performance and completion of assigned work.

9.6.4 Undergraduate Student Grade Appeals

The university provides a process for student appeal of a grade. If a student feels that a grade was calculated incorrectly or was assigned in a prejudiced or capricious manner, the student must first discuss the matter with the instructor. If discussion between the instructor and the student does not resolve the issue, the student then has the option of requesting a formal appeal of the grade to the department head or chair who examines the student’s allegation, discusses the matter with the instructor, and makes every effort to resolve the matter at the department level. In the unusual circumstance that resolution does not occur at the departmental or divisional level, the student may appeal to the instructor’s college dean. The dean reconciles the matter by whatever mechanism is most appropriate for that college and that case. The decision of the college dean is final in undergraduate appeals.

A grade appeal must be made by the student as soon as possible, but no later than the end of the next academic term of the regular academic year (i.e., fall or spring).

9.6.5 Graduate Student Grade Appeals

Graduate education is a complex activity involving a high order of student-faculty relationship.

It follows that the evaluation of the graduate student’s progress is, and must be, dependent in large part on the judgment of the graduate student’s major professor, augmented by the collective judgment of the members of their assigned committees. The university, through the agency of the graduate school, defines minimal entrance standards and prescribes general rules governing eligibility for continuation. But the crucial agency in student evaluation is the department in which the student’s work is centered, and the crucial evaluator is the faculty advisor.

It is important, therefore, that each graduate student be fully informed, not only of the university’s expectations, but of the department’s expectations as well. Each department shall prepare, in outline form, a statement for each of its graduate degrees. The statement should cover course requirements, the nature and timing of oral and written examinations, and the evaluation that is given to the thesis. A copy of each
Most disputes over evidence of unsatisfactory progress are informally discussed and reconciled at the departmental level. Discussions of this kind occur among the student, the major professor, and the other members of the advisory committee. Nonetheless, from time to time serious questions arise regarding both the status of a graduate student (whether in a given course or as a candidate for the degree) and the basis of the evaluation that placed the student’s status in jeopardy. On these occasions it is important that the university provides full opportunity for the student’s grievance to be reviewed in a judicious manner.

The procedures for a formal graduate student appeal are described in the *Graduate Catalog* or may be obtained from the graduate school.

**9.6.6 Student Academic Complaints**

Virginia Tech seeks to create a productive learning environment for undergraduate, graduate, and professional students. The Statement of Principles of Ethical Behavior calls for faculty to “foster honest academic conduct and to assure that our evaluations of students reflect each student’s true merit.” Thus, when an undergraduate, graduate, or professional student believes they have suffered negative consequences due to an unfair or capricious decision related to academic policy, the student should be empowered to raise concerns and to seek appropriate resolution.

A student who believes an academic decision violates university academic policies and procedures may file a complaint with the appropriate department or unit head. Academic decisions do not include decisions regarding admission to the university, scholarship or financial aid awards, undergraduate honor system, graduate, veterinary medicine or school of medicine honor codes, or any grading decision or allegations of professional misconduct unrelated to a student’s academic standing or performance.

The student academic complaint process is found in Policy 6125, “Administrative Policy Governing Student Academic Complaints”, as well as in the *Hokie Handbook* and *Student Code of Conduct*.

**9.6.7 Change of Grade**

A change in grade is authorized only under unusual circumstances. Faculty submit a change of grade via Hokie SPA. The change of grade process requires the instructor’s signature and the electronic approval of the department head or chair and dean for all grade changes—including removal of “I” grades. Grade change requests should carry a statement regarding the circumstances necessitating the change, which includes a description of the circumstances for an original award of an “I” grade. It is improper to permit a student to improve a grade by doing extra work unless all students in the class are given the same opportunity.

**9.6.8 Final Grade Reports**

Final grades are reported via Hokie SPA. Two methods of entry are available—direct entry or upload from an external data file. Grades must be submitted within 48 hours of the last final examination on the published schedule. Student grade reports are generated from these submissions and displayed via Hokie SPA.

Faculty may not post grades, either via paper or electronically, using even a portion of the student identification number. Pursuant to the Family Educational Rights and Privacy Act (FERPA), using a portion of the student identification number in conjunction with the course grade is not allowed without the written permission of the student. Faculty may wish to remind students that grades are available via Hokie Spa within 48 hours of the end of the term.
9.7 Instruction-Related Responsibilities

9.7.1 Office Hours

As a part of their teaching responsibilities, faculty members are expected to provide several regularly scheduled office hours each week for consultation with students. These hours should be reasonably spaced over the week at times mutually convenient to the instructor and students. Although a specific number of office hours is not stated in university policy, faculty members should ensure that they are readily available, both through office hours and by message at other times during the normal workweek. Information about office hours and how to contact the faculty member through the department office should be included on the course syllabus.

The instructor should encourage students in need of counsel to seek clarification about their work. Those in need of non-academic or personal counseling outside the purview of the faculty members’ professional capabilities may be referred to the Cook Counseling Center.

9.7.2 Tutoring

Faculty members and graduate teaching assistants do not accept fees for tutoring students enrolled in their classes, either on a group or single-student basis. They are free to tutor for payment otherwise under university consulting policies.

9.7.3 Students with Disabilities

The university, as a federal aid recipient and state agency, is required to provide opportunities and reasonable accommodation to all identified students with disabilities. Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Virginians with Disabilities Act, and Policy 4075, “University Accommodations of Persons with Disabilities,” provide guidelines and requirements for colleges and universities in providing academic assistance. Accommodation means more than the removal of architectural barriers and the provision of auxiliary services such as note takers, readers, and interpreters for the deaf. It means reasonable accommodation must be made in the instructional process to ensure full educational opportunity. For faculty, this means that teaching strategies and methods, including web page design and distance learning, as well as instructional policies, must be sensitive to the laws and the needs of students with disabilities and responsive to the university’s legal obligations.

Students with disabilities may self-identify and may qualify for accommodations through Services for Students with Disabilities (SSD). Students must present medical or extensive psychoeducational documentation of physical, medical, psychological, or learning disabilities to SSD. Accommodations for students with disabilities are established by the SSD, in accordance with medical and professional information in the student's record, legal precedent, and national standards for services for students with disabilities. Faculty are urged to include a syllabus statement that encourages the student with a disability to disclose their need for accommodation to the professor as early in the semester as possible. Examples of inclusive disability syllabi statements are found on the SSD website. Contact SSD for more information regarding accommodation and services.

9.8 The Virginia Tech Honor Code Pledge

The Virginia Tech honor code pledge for assignments is as follows: “On my honor as a Virginia Tech student, I have neither given nor received unauthorized assistance on this assignment.”

The pledge is to be written out on all graded assignments at the university and signed by undergraduate, graduate, and professional students. The honor pledge represents both an expression of the student’s support of the honor code and an unambiguous acknowledgment that the student has, on the assignment in question, abided by the obligation that the honor code entails. In the absence of a written honor pledge, the honor code still applies to an assignment.
9.8.1 The Undergraduate Honor System

The undergraduate honor code defines the expected standards of conduct in undergraduate academic affairs. The honor code cultivates a culture of academic honesty and integrity on campus. It embodies a spirit of mutual trust and intellectual honesty that is central to the very nature of the university and represents the highest possible expression of shared values among the members of the university community. Policy 6000, “Undergraduate Honor Code”, provides the framework for honor code maintenance, revisions, and procedures for resolution for alleged academic misconduct cases.

The fundamental beliefs and ideals underlying the honor code are: trust in a person is a positive force in making that person worthy of trust; every student has the right to an academic environment free from the injustices caused by any form of intellectual dishonesty; and the honesty and integrity of all members of the university community contribute to its academic and intellectual vitality.

Details of the undergraduate honor code are available on the undergraduate honor system website.

9.8.1.1 Faculty Participation in the Undergraduate Honor System

The support of faculty is essential to cultivating a culture of academic integrity. Faculty members are encouraged to support the undergraduate honor system and are expected to abide by the procedures designed for the effective implementation of the undergraduate honor code.

Faculty are expected to adhere to policy pertaining to the reporting and adjudication of violations of the honor code. Initiating formal procedures when academic misconduct is suspected is a necessary and obligatory component of a faculty member’s duties. Any suspected violations of the honor code should be reported promptly, in writing, to the director of the Office of Undergraduate Academic Integrity. Forms of this purpose are available from all department offices, the undergraduate honor system office, and the undergraduate honor system website. A faculty member involved in a case is also expected to cooperate with undergraduate honor system personnel, attend hearing panels, faculty-student resolution meetings, and to maintain confidentiality.

In addition, the undergraduate honor system offers the following guidelines to faculty:

Faculty are encouraged to describe the prohibited behavior and the consequences of such activity to students, as well as to openly discuss academic integrity with students in their courses early and throughout the semester.

When an alleged violation is detected, the suspected student(s)’ paper should not be collected until the test is completed. However, any evidence that would be necessary in an investigation should be collected immediately. The test should be graded without prejudice and the alleged violation should be reported to the undergraduate honor system. Please provide the original assignment in question in the submission of evidence. Grades should not be adjusted in a course to compensate for suspected dishonesty.

If a professor suspects that a student or students are cheating, it is permissible to speak with the suspected student(s)—after the test or other work has been completed—and indicate these suspicions. However, it is not permissible to penalize or berate the student(s) or to take any other action that might affect the student(s).

Faculty members are not required to proctor quizzes, tests, and examinations. Faculty are expected to personally administer the examination and to remain within reasonable proximity of the examination room to answer questions that may be raised by the students. However, it is not a compromise of the undergraduate honor system to stay in the room or visit frequently, when a test is being given. In fact, precautionary measures in the spirit of reducing the opportunity for academic misconduct are advisable, especially in large classes. Seats should be spaced in examination rooms whenever possible. Alternate
test forms may be used. In rare cases, such extreme measures as requiring ID when a test is handed in may be necessary to prevent organized “paid substitutes” from taking tests for other students.

Faculty are encouraged to speak with the director of the Office of Undergraduate Academic Integrity to obtain information designed to prevent academic misconduct.

The faculty, along with the students and other university personnel, share the responsibility of cultivating a culture of academic integrity and honesty through upholding the undergraduate honor code.

9.8.1.2 Undergraduate Honor Code in Statement Course Syllabi

All undergraduate course syllabi shall contain a section that states and refers students to the honor code procedures available on the undergraduate honor system website. The minimum required statement is, “As a Hokie I will conduct myself with honor and integrity at all times. I will not lie, cheat, or steal, nor will I accept the actions of those who do.” Additional information about the expectation of academic integrity in a particular course may be appropriate.

Each student who enrolls at Virginia Tech is responsible for abiding by the honor code. A student who has doubt about how the honor code applies to any graded assignment is responsible for obtaining specific guidance from the instructor before submitting the assignment for evaluation. Ignorance of the rules does not exclude any member of the university community from the requirements and expectations of the honor code. For additional information, please see the undergraduate honor system website.

9.8.1.3 Undergraduate Honor Code Definitions of Academic Misconduct

Commission of any of the following acts shall constitute a violation of the undergraduate honor code. The list is not, however, exclusive of other acts that may reasonably be said to constitute academic misconduct.

**Cheating** includes intentionally using unauthorized materials, information, notes, study aids, or other devices or materials in any academic exercise, or attempts thereof.

**Plagiarism** includes the copying of the language, structure, programming, computer code, ideas, and/or thoughts of another and passing off the same as one’s own original work, or attempts thereof.

**Falsification** includes the statement of any untruth, either verbally or in writing, with respect to any circumstances relevant to one’s academic work, or attempts thereof.

**Fabrication** includes making up data and results, and recording or reporting them, or submitting fabricated documents, or attempts thereof.

**Multiple submission** includes the submission for credit—without authorization of the instructor receiving the work—of substantial portions of the same work (including oral reports) previously submitted for credit at any academic institution, or attempts thereof.

**Complicity** includes intentionally helping another to engage in an act of academic misconduct, or attempts thereof. Violation of university, college, departmental, or faculty rules includes the violation of any course, departmental, college, or university rule relating to academic matters that may lead to an unfair academic advantage by the student violating the rule(s).

9.8.1.4 Undergraduate Honor Code Sanctions

Instances of academic misconduct represent behavior of an especially serious nature. Sanctions assigned for academic misconduct are responses to student behavior that will often have an impact on a student’s course grade. Sanctions assigned in instances of academic misconduct should convey the message that the behavior serves as a destructive force within the academic community. However, a wide range of sanctions can be employed in order to strike an appropriate balance between sending a message of accountability and enhancing a student’s moral and cognitive development.
The undergraduate honor system is empowered with assigning and implementing sanctions for academic misconduct. A faculty member may recommend sanctions for academic misconduct to the undergraduate honor system. Most cases of academic misconduct should result in an F* as the student's final course grade. An F* sanction indicates that a student failed the course due to an honor code violation. However, a faculty member may recommend more severe or less severe penalties to the undergraduate honor system if the circumstances warrant. Examples of other sanctions that may be assigned include: lowered final course grade, reduction of points on an individual assignment, zero on the assignment, and completion of the academic integrity education program. With the approval of an honor system hearing panel, the sanctions of suspension and expulsion may also be assigned. Faculty are strongly encouraged to consult the undergraduate honor system prior to making recommendations on the appropriate sanction.

9.8.1.4.1 Grade Adjustments for Suspected Academic Misconduct

Grades may not be adjusted in a course to compensate for suspected academic misconduct. When an alleged violation of the undergraduate code occurs, the incident should be reported to the honor system by submission of a violation report form. Sanctions for academic misconduct will be assigned through the Undergraduate Honor System.

The faculty, along with the students and other university personnel, share the responsibility for cultivating a culture of academic integrity and honesty through upholding the undergraduate honor code.

9.8.2 Graduate and Professional Student Honor Systems

9.8.2.1 Graduate School Honor System

Detailed information concerning the graduate honor system applicable to all graduate students is found in the graduate honor system constitution, published in the Graduate Catalog. The graduate honor system constitution describes the rights and responsibilities of students as well as faculty with regard to the honor code.

9.8.2.2 Virginia Maryland College of Veterinary Medicine

The honor system for students in the College of Veterinary Medicine is described in the Virginia-Maryland Regional College of Veterinary Medicine student honor code.

9.8.2.3 Virginia Tech Carilion School of Medicine

The honor code for students in the Virginia Tech Carilion School of Medicine (VTCSOM) is described in the VTCSOM Student Handbook.

9.9 Classroom Conduct

Maintaining a good learning environment in the classroom is an important part of a faculty member’s responsibility as a teacher. The teacher should endeavor to create a classroom atmosphere that is comfortable and welcoming of all students, including women and members of minority groups. Disruptive classroom conduct on the part of some students may be distracting, annoying, or intimidating to other students and should not be tolerated by the teacher.

As much as possible, the teacher should endeavor to create a classroom environment in which there is an active participation on the part of most of the students, rather than the domination of the class by a few individual students. This may require different teaching strategies such as the use of small groups or teams, as well as different approaches to the structure of classroom presentations. Assistance for faculty who are trying to improve the learning environment of the classroom is available through the Center for Excellence in Teaching and Learning.

Faculty have the prerogative of deciding the classroom conduct and the appropriate dress of their students as long as these actions do not infringe upon the students’ rights as guaranteed in principles underlying the
section in the Hokie Handbook Student Code of Conduct. It is the faculty member’s obligation to ensure that the classes following find a clean and orderly space.

9.10 Teaching Evaluation

Good teaching evaluation processes are essential for maintaining the quality of academic programs, for reviewing the job performance of faculty members with respect to the instructional mission of the university, and for designing effective faculty development initiatives. All of the colleges have processes of teaching evaluation, which are used in promotion and tenure decisions and in annual performance evaluations.

9.10.1 Student Evaluation of Courses and Instructors

The university expectation is that all faculty members will be evaluated in all courses taught each year. More information about this matter is available from departmental offices and from the academic deans. Student evaluation of courses and instructors is an integral component of a good teaching program. While specific procedures vary across the colleges, in general, committees in each college are responsible for designing appropriate evaluation procedures and for receiving such evaluations. Faculty members should ensure that their college’s procedures for conducting student teaching evaluations are followed in a way that is absolutely free of intimidation or influence by the teacher’s presence.

Student Perceptions of Teaching (SPOT) system was developed to provide a centrally supported, university-wide method for collecting student feedback regarding courses and instruction. The SPOT questionnaire is designed for use across all university departments; as such, it focuses on issues with broad pedagogical significance. It is not intended to stand-alone in providing evidence regarding teaching effectiveness. Rather, it provides one form of information regarding the quality of courses and instruction that may be integrated and interpreted with other forms—such as instructor-developed course-specific questionnaires, peer observation of teaching, and instructor self-assessment—for purposes of instructional development and/or evaluation.

9.10.2 Other Evaluation of Courses and Instructors

Good teaching evaluation includes more than the student perception of instruction. The university expectation is that in-depth peer evaluation of teaching will be conducted periodically for all faculty members and at least twice during the probationary period for tenure-track faculty.

Colleges, departments, and individuals wishing assistance in devising evaluation forms may consult the Center for Excellence in Teaching and Learning, where a variety of such forms are available. Faculty members may find such evaluations helpful in revealing information that leads to improvement of classroom presentation, evaluation of students, and student response to their classes.

9.11 Student Record Policy

In response to the Family Educational Rights and Privacy Act (FERPA), a statement of policy on the maintenance and disclosure of student records was adopted by the university. This policy protects the privacy of student records; the specific policy document is available from the university registrar’s website.

9.11.1 Academic Records

Names of current and former students, that are not marked suppressed or confidential, may be selected and released to non-university entities only on the basis of class level (e.g., freshman, senior), major, or place of residence.

Pursuant to the Code of Virginia § 23.1-405, student and former student addresses (both physical and VT email) and phone numbers should not be released to non-university entities regardless if they are marked suppressed or confidential or not.
The protection of academic records, which exist in enrollment management and in the college and departmental files, is covered by this policy. This includes the student’s right to review these records.

Responses to telephone inquiries are limited to the following information: whether the student is currently enrolled; dates of enrollment; degree(s) earned if any, date, major, and honors received; address and telephone number. Special note: no information, including directory information, may be released if a student has marked all or part of their record suppressed or confidential.

Grade reports may not be released to parents, guardians, or any other person without prior written approval from the student. Students may not have access to financial aid information about their parents or guardians without written approval from the parent or guardian.

The university may withhold transcripts, certificates, registration materials, or any other information about a student’s record if financial obligations are unmet. The university also reserves the privilege of withholding materials if violations of university regulations have not been cleared.

9.12 Undergraduate Student Advising

Undergraduate advising at Virginia Tech is a collaborative process between student and advisor, leading to the exchange of information that encourages the individual student to make responsible academic and career decisions. The university is committed to effective advising by recognizing and supporting the needs of both students and advisors. Each undergraduate student is provided information and assistance to aid the student in making academic and career decisions. Each advisor is provided the necessary tools to respond to student needs and the opportunity to be recognized for exemplary advising.

Statement of university responsibility: The university shares responsibility for successful advising. Senior leaders will: review the advising process to assess the impact of recommendations implemented; provide information for students, advisors, parents, and other constituents that clearly explain responsibilities and expectations related to advising; make information available about advising for all new faculty and appropriate staff; collect and disseminate information that contributes to effective advising; assist students in clarification of academic and long term goals; support initiatives that enhance the use of technology in advising; support Web-based interactive advising support systems for students, advisors, parents, and other constituents; and support a Virginia Tech plan that effectively assesses, recognizes, and rewards advising in the annual professional evaluation.

Statement of student responsibility: The student shares responsibility for developing an advising partnership with the advisor. Over time, this partnership results in increased responsibility for the student. The student will: communicate goals, needs, wants, and concerns to the advisor in a respectful and sincere manner; keep abreast of their own academic progress and requirements related to their academic programs; make, keep, and be prepared for appointments with the advisor; inform the advisor of changes in plans and/or circumstances that might impact academic performance; know departmental procedures regarding changing advisors; and bring concerns regarding quality of advising to the attention of the advisor.

Statement of advisor responsibility: The advisor shares responsibility for developing an advising partnership with undergraduate students. The advisor will: communicate with students and delivering individualized and accurate information in a professional and sincere manner; be informed of, and provide accurate information about current academic policies and procedures; keep appointments and be available for assistance; provide appropriate referrals, contacts, and information; do appropriate follow-up with students; and seek out and take advantage of opportunities for professional development.

9.13 Identifying and Referring the Distressed Student

The college years can be very stressful for students. In the contemporary climate of competition and pressure, some students adequately cope with these stresses, but others find that stress becomes
unmanageable and interferes with learning. In some cases, these students may even disrupt the learning of others.

**Identifying the distressed student:** Many students initially seek assistance from faculty. A student in distress may display: excessive procrastination and very poorly prepared work, especially if inconsistent with previous work; infrequent class attendance with little or no work completed; dependency (e.g., the student who hangs around or makes excessive appointments during office hours); listlessness, lack of energy, or frequently falling asleep in class; marked changes in personal hygiene; impaired speech and disjointed thoughts; repeated requests for special consideration; threats to others; expressed suicidal thoughts; excessive weight gain or loss; behavior that regularly interferes with effective class management; frequent or high levels of irritable, unruly, abrasive, or aggressive behavior; inability to make decisions despite repeated efforts to clarify or encourage; bizarre behavior that is obviously inappropriate for the situation; or may appear overly nervous, tense, or tearful.

**Guidelines for interacting with the distressed student:** Talk to the student in private. Express concern and be as specific as possible in stating your observations and reasons for concern. Listen carefully and repeat the essence of what the student has told you so that your attempts to understand are communicated. Avoid criticizing or sounding judgmental. Consider the Cook Counseling Center as a resource and discuss referral with the student. If the student resists referral and you remain uncomfortable with the situation, contact the Cook Counseling Center or the Office of the Dean of Students to discuss your concern.

**Referring the distressed student to Cook Counseling Center:** Suggest that the distressed student call or come in to make an appointment. Give him or her the Cook Counseling Center’s phone number (540-231-6557) and location (240 McComas Hall). It is usually more effective to assist the student by calling for an appointment with the student present. When you reach the center’s receptionist, identify yourself as a faculty member and ask for an appointment for the student. The student’s name and Tech ID number are required for the appointment. Write down the appointment time, date, and name of the counselor for the student. If you feel the situation is an emergency or urgent enough to require immediate attention, tell the receptionist that the student needs to see a counselor immediately. It may be necessary for you to walk the student to the center. If you are concerned about the student, but unsure about the appropriateness of a referral, call the center for a consultation.

**Receiving the assistance of the Office of the Dean of Students:** The dean of students offers several guides and videos that may be helpful in identifying and interacting with the distressed student. *Responding to Students in Distress,* which is available online or a print copy may be requested by calling the Office of the Dean of Students at 540-231-3787 or by sending an email request to dean.students@vt.edu.

*Assisting Students: A Faculty and Staff Resource Guide* may be obtained by calling the Office of the Dean of Students at 540-231-3787, or by sending an email request to dean.students@vt.edu. The listing is available in two formats—a re-positional sticker, or a 4x6-inch card that includes contact information for student affairs departments able to assist with distressed students.

The Office of Dean of Students partners with faculty and staff members to support students for whom there may be concern. Concerns may be shared by phone at 540-231-3787, email dean.students@vt.edu, or face-to-face contact with staff in the Office of Dean of Students. After regular business hours, contact Virginia Tech Police at 540-231-6411 for connection to the dean of students’ on-call staff member.

The Office of Dean of Students also offers an additional tool for faculty members to use in sharing concerns about a student. *This online reporting system should not be used for emergencies.* The Dean of Students Reporting System is available through the Hokie SPA menu. This system closely parallels the academic.
advising system already used by faculty. As always, matters needing immediate attention should be directed to the Virginia Tech Police at 540-231-6411.
CHAPTER TEN

10.0 Research, Creative and Scholarly Activities

10.1 Procedures for Research and Scholarship

Research at the university is classified as departmental research, core research, and/or sponsored research. Individual research projects may receive funds under one or more of these categories, as described below.

10.1.1 Principal Investigator Guidelines

A principal investigator (PI) is typically a member of the academic or research faculty who bears responsibility for the intellectual leadership of a project. The PI accepts overall responsibility for directing the research, the financial oversight of the award’s funding, as well as compliance with sponsor terms and all relevant federal, state, and university regulations, policies, and procedures. Additional information and PI guidelines are maintained by the office of the vice president for research and innovation and can be found on the Office of Sponsored Research (OSP) website (link here).

10.1.2 Departmental Research

Research supported by departmental operating funds and/or through adjustment of teaching responsibilities is called departmental research. In this category, faculty are free to pursue research to enrich their teaching, scholarship, and greater understanding of their discipline.

10.1.3 Core Research

Core research focuses primarily on the needs of Virginia and is funded by state and federal appropriations through the instructional division and Virginia Cooperative Extension/Agricultural Experiment Station. There are six core research sub-programs:

- agriculture and forestry research
- coal and energy research
- environmental and water resources research
- industrial and economic development research
- veterinary medical research
- and supporting research

Faculty, who believe their research relates directly to one or more of the sub-programs and is applicable to problems or concerns of the commonwealth, should contact their department head or chair about procedures for securing core research support.

10.1.4 Sponsored Research

Sponsored research is supported through awards resulting from proposals submitted, on a project-by-project basis, by university faculty. Such proposals are submitted to state and federal agencies, corporations, and private foundations. Through sponsored research, faculty obtain the resources needed to conduct expanded research programs and may receive additional months of salary support. Research time is charged when the work activity and work reported are during the same period.

Competitive awards add stature to the recipient and the university; thus, faculty members are encouraged to seek such support. The only restrictions for sponsored research are that it must not constitute undue competition with commercial testing and research laboratories or with private consultants, and that it is compatible with the primary mission of the university. Questions about the appropriateness of a specific
research project should be directed to the department head or chair, dean’s office, or to the Office of the Vice President for Research and Innovation (OVPRI).

10.1.54 Preparation of Proposals for Sponsored Projects

The Office of the Vice President for Research and Innovation assists faculty in obtaining research sponsorship. Policies, procedures, and pre-award contacts are available on the Office of Sponsored Programs (OSP) website. Faculty are encouraged to explore research sponsorships by viewing funding opportunities on the OVPRI website. OVPRI personnel consult with faculty regarding research support and help faculty locate programs and individuals at government agencies, industry, and private foundations.

Most funding agencies have their own scientific and technical priorities and funding restrictions. Therefore prior to writing a formal proposal, faculty are encouraged to review their proposal concept with the appropriate person at the agency to which the proposal will be submitted. Faculty may wish to discuss proposal preparation with the appropriate member of their college dean’s staff. Before final budget preparation, an OSP official must review the proposed budget. The OSP official provides information and guidance about university policies for cost sharing, budgetary matters, confidentiality, publication, and intellectual property undertakings.

Faculty should be aware that some agencies limit the number of proposals, frequency of institutional proposal submission or the total dollar amount of proposals that can be submitted by an institution in response to a research sponsor’s solicitation. Some sponsors also limit the number of active awards for a given program by institution. Additional guidance for these programs, along with deadlines and procedures for submitting internal notices of intent for these solicitations or program notices are available at the Limited Submissions website.

The required process for submitting a sponsored project proposal is on the OSP website. Each proposal requires considerable processing. Deadlines for submitting proposals to OSP in advance of agency deadlines are also available on the OSP website.

10.1.65 Laboratory Services and Facilities

Several colleges and departments maintain shops and facilities for design, fabrication, maintenance, and repair of specialized equipment. The OVPRI can assist faculty in locating an appropriate facility.

Environmental Health and Safety (EHS) must be consulted before any laboratory is established in a university facility. The EHS staff will determine if the proposed laboratory meets all necessary facility and laboratory requirements. The EHS staff ensures that all personnel who will be working in the laboratory are familiar with the various university policies, procedures, and publications that cover laboratory operations. These may include chemical hygiene plans, laboratory safety manuals, safe handling, use, and disposal of Biosafety Level 2 (BSL-2) or Biosafety 3 (BSL-3) agents, or when applicable, lab licensing and radiation safety manuals approved by the Radiation Safety Committee.

Research involving Select Agents and Toxins (SATs) are governed by regulations established by: (1) the Centers for Disease Control and Prevention [CDC] and (2) the U.S. Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS). Acquisition and use of SATs cannot occur without prior notification and review by the university’s designated responsible official (the biosafety officer in EHS), and review and approval of proposed uses of those materials by the Institutional Biosafety Committee (IBC). Inspection and authorization by CDC and USDA APHIS is required for labs where SATs are proposed to be stored and used.

Research and teaching animals may be housed and maintained in college herds or flocks, in departmental or researcher-maintained housing, or is designated centralized animal vivaria. Researchers who want to house animals in new areas or facilities not currently used for that purpose must request inspection by the
Office of the University Veterinarian and receive approval of the space before animals are ordered and housed in the new facility/area.

10.1.76 Ownership and Control of Research Results

The university asserts its right to the results of research funded wholly, or in part, with university resources. University ownership of intellectual properties is covered in Policy 13000, “Policy on Intellectual Property.” University ownership rights, as defined in the Policy on Intellectual Property, may extend to all permanent, visiting, or research faculty, staff, wage employees, and students.

The faculty principal investigator or project leader is expected to manage the university’s ownership of research results and material (including all data) that best advance the standard routes of publication, presentations, and other usual means of dissemination of research results for that particular field. Creation of intellectual property (IP) must be disclosed to the university by submitting an IP disclosure form, which is available on the Virginia Tech website or by contacting the within the Division of Innovation & Partnerships. Invention Disclosures should be made as soon as possible after creation (i.e., before publication or other public discussion) to protect the potential value and utility of the IP.

As project leader, it is the responsibility of the faculty principal investigator to preserve the research material and results in the manner that is customary to the field. This includes all notebooks and files (independent of whether they are in analog or digital format), computer files, samples, specimens, prototypes, etc. germane to the veracity and validity of the research claims. Sponsored research projects may require additional document retention based on sponsor requirements or fulfillment of the project’s data management plan, included in the original proposal and as required by state law.

Additional requirements concerning ownership and control of research data, results, and related records are set forth in Policy 13015, “Ownership and Control of Research Results.”

10.1.87 Research Involving Human Subjects, Animal Subjects, and Biohazardous Agents

The Virginia Tech (SIRC) provides administrative support to the university’s compliance committees responsible for reviewing and approving research involving humans, animals used in teaching and research, recombinant DNA, dual use research of concern, and biohazardous agents. The ORC ensures institutional compliance with applicable federal laws, regulations, and guidelines by providing training to researchers, staff, and students, and by performing post-approval monitoring of approved protocols. SIRC supports four compliance review committees, comprised of faculty peers and federally-mandated community members, that review each research protocol to ensure scientific quality, ethical treatment of research subjects (animal and human), and compliance with related federal and state research regulations:

**Research with Human Subjects:** The Virginia Tech Institutional Review Board (IRB) has general oversight responsibility for the university’s compliance with its federal-wide assurance with the Office for Human Research Protections in the U.S. Department of Health and Human Services, the ethical principles established in the Belmont Report, and human subjects protection regulations in the Code of Federal Regulations title 45, part 46 (45CFR46) and 21 CFR 50. All human subjects research, as defined in 45CFR46 and 21 CFR 50, conducted by Virginia Tech faculty, staff, or students, regardless of funding source (including non-funded research), must be reviewed and approved by the IRB before subject are recruited and research initiated. In accordance with federal law, the Virginia Tech IRB has the authority to approve, disapprove, or require modifications in protocols before approval is granted. For studies that the IRB deems to be greater than minimal risk, the investigator must seek continuing IRB review, at least annually, or as determined by the IRB. Continuing review materials must be reviewed and approved by the IRB before the study’s expiration date. No changes may be made to approved protocols without amendment submission to, and review and approval by the IRB. Investigators must seek research determinations from
the Human Research Protection Program for all proposed research projects, which fall into the exempt, not research, or not human subjects research categories.

The Privacy and Research Data Protections program (PRDP) has oversight of privacy protections of research data in collaboration with Virginia Tech information security and related policy stakeholders. The PRDP collaborates with researchers, the IRB, and university IT resource owners on data use and storage opportunities to facilitate secure storage and use of personally identifiable information and protected health information. PRDP provides guidance to researchers on compliance with regulatory requirements such as HIPAA, GDPR, FERPA, PCI-DSS, and related state, federal, and international privacy laws.

**Teaching and Research with Animals:** The Institutional Animal Care and Use Committee (IACUC) has general oversight responsibility for Virginia Tech’s compliance with its approved animal welfare assurance on file in the National Institutes of Health Office of Laboratory Animal Welfare, its approved research facility registration with USDA Agriculture, Animal, and Plant Health Inspection Service, the Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals, the PHS principles for the utilization and care of vertebrate animals used in testing, research, and training, the federal Animal Welfare Act and animal welfare regulations, and AAALAC International. All proposed research and teaching uses of vertebrate animal species, regardless of funding source (including non-funded research), must be reviewed and approved by the IACUC before animals are acquired and activities initiated. In accordance with federal law, the Virginia Tech IACUC has the authority to approve, disapprove, or require modifications in protocols before approval is granted. No changes can be made in an approved protocol prior to amendment submission to, and review and approval by the IACUC. Researchers/instructors must provide annual/continuing review information each year as requested. In accordance with federal regulations, protocols can only be approved for a three-year period, after which a renewal protocol must be submitted for review and approval by the IACUC. Per federal law, every six month the IACUC must inspect areas where animals are housed or used (e.g., labs where animals may be taken) and review the animal program.

**Laboratory Research:** The Institutional Biosafety Committee (IBC) provides compliance review and oversight of research and instructional activities that involve the use of infectious agents, recombinant and/or synthetic nucleic acids, gene editing systems, genetically modified organisms, genetically engineered organisms, transgenic organisms, gene transfer, gene therapy, biologically derived toxins, and the culturing and/or manipulation of human and/or non-human primate material, including cell lines from vendors. Oversight of the IBC is not limited to specific funding sources and includes non-funded research. In accordance with the NIH Guidelines, the Virginia Tech IBC has the authority to approve, disapprove, or require modifications in protocols before approval is granted. Protocols are approved for a period of three years, after which a renewal protocol must be submitted for review and approval by the IBC. No changes can be made in an approved protocol prior to amendment submission to, review of, and approval by the IBC. The IBC coordinates its activities with Environmental Health and Safety (EHS), specifically the biosafety officer (who is also the designated responsible official for select agents and toxins), and other lab safety professionals. Policy 13030, “Virginia Tech Recombinant DNA and Biohazard Research Property,” establishes requirements for the safe, secure, and compliant use of recombinant or synthetic nucleic acid molecules and/or biohazardous materials. These requirements are intended to protect university personnel, the public, and the environment.

The Institutional Review Entity (IRE) provides guidance in identifying, as well as compliance review and oversight for, activities confirmed to be life sciences dual use research of concern (DURC) performed at Virginia Tech and/or performed by Virginia Tech employees. DURC is defined in the US government Institutional Life Sciences DURC Policy (USG Policy) as activities involving at least one of the agents and/or toxins listed in Section 2.1.1 of the USG Policy, and which produces, aims to produce, or can be reasonably anticipated to produce, one or more of the effects listed in Section 2.1.2 of the USG Policy. Any activities involving the use of one or more agents/toxins listed in the USG Policy must be submitted to the IRE for
evaluation. As defined in the USG Policy, there are no exempt quantities of botulinum neurotoxin, and all use of the toxin needs to be evaluated by the IRE for DURC potential. The Institutional Biosafety Committee Program (IBCP) is the administrative office for the IRE. The Associate Vice President for Research and Innovation/Director of the Division of Scholarly Integrity and Research Compliance is the Institutional Contact for dual use research.

10.1.98 Potential Conflicts Involving Research and Development Contracts or Commercialization of Intellectual Property

To ensure compliance with federal regulations and to provide consistent institutional policies and practices in relation to all research sponsors, investigators engaged in sponsored activities must disclose any financial interest that meets or exceeds the federal definition of significant financial interest as defined in Policy 13010 Individual Conflicts of Interest and Commitment. The investigator must present a complete picture of his or her financial interests, not just those interests related to a specific funded project. Examples of potential conflicts of interest in research and development (R&D) that must be reported by investigators are available on the COI website.

Contracts between employee-owned businesses and the university that involve research and development activities and/or commercialization of intellectual property are permitted by state law provided that disclosure and approval requirements of Policy 13010 are followed. In the case of a sponsored project funded by an employee-owned business, the employee-owner may only serve as principal investigator (PI) with an independent co-principal investigator responsible for research, personnel, and financial oversight of the project, never as sole PI. Work done on behalf of an employee-owner’s company in a university facility must be done in accordance with the provisions of Policy 5000, University Facilities Usage and Events. Because of the high potential for appearance of an irresolvable conflict of interest in the case of an SBIR/STTR (Small Business Innovation Research or Small Business Technology Transfer) project, an individual may not serve as both the small business PI and the university subcontract PI (or co-PI), nor may the employee contribute to both the small business and university components of a single project as an employee, investigator, or consultant. Employees must separate clearly and cleanly the personal financial aspects of their entrepreneurial activities from their university activities. Even though permitted, entrepreneurial activities should not be confused with assigned duties of the university. Providing preferential access to an outside entity to research results, materials, or products generated from university teaching, research, or administrative activities for personal financial gain is prohibited. See chapter two for additional information regarding disclosure and management of potential conflicts of interest or commitment.

10.1.108 Classified and Controlled Unclassified Research

The U.S. government occasionally seeks the expertise of Virginia Tech faculty to engage in classified or controlled unclassified research. Faculty must realize that working in classified or controlled unclassified research requires that they relinquish opportunities to disseminate the knowledge gained in this effort without prior approval from the sponsor. However, the university does recognize that individual investigators may wish to work in areas that have classified or controlled unclassified aspects and/or cannot conduct the research in compliance with applicable federal statues and executive orders without access to classified or controlled unclassified information. To accommodate this need, the university has a continuing compliance and security program administered by the Office of Export and Secure Research Compliance in accordance with government regulations. Virginia Tech policy and procedures for complying with U.S. export and sanctions laws in research and other university activities are set forth in Policy 13045, “Export and Sanctions Compliance Policy.”
10.1.11 Special Circumstances for Theses and Dissertations

The university may withhold the publication of theses and dissertations for up to one year for the purpose of obtaining a patent or for other proprietary reasons. To exercise this option for a thesis or dissertation, an electronic thesis/dissertation (ETD) approval form must be completed and signed by the thesis or dissertation author and by the advisor, with a request that the thesis or dissertation be withheld from public release.

In cases where theses or dissertations contain classified or controlled unclassified, including export-controlled information, students and faculty advisors should consult with the Office of Export and Secure Research Compliance in the Office of the Vice President for Research and Innovation as well as the Graduate School. Theses or dissertations containing classified or controlled unclassified information cannot be submitted to the Graduate School through the normal ETD process.

10.1.12 Publication of Research

The final step to complete a research project is to share the knowledge gained with the professional/scientific community. Barring special circumstances (e.g., classified research, DURC), the university’s expectation is that research results will be shared with the scientific community through peer-reviewed journals, books, reports, or other public mechanisms. Department heads or chairs can help determine how best to complete and publish the results of research projects.

10.1.13 International Travel Supplemental Grants Program

The supplemental grants program provides funds to support faculty travel to international conferences for presenting invited papers and for establishing international collaborations. Designed to promote professional development, to encourage the involvement of faculty in international activities, and to enhance the international reputation of the university, the program supports requests from tenured, tenure-track faculty, and selected ranks of research faculty. The program is administered by the OVPRI. Requests are submitted no later than 30 days before the traveler’s departure date. Additional information, application forms, and guidelines are available on the OVPRI website.

10.2 Scholarly Integrity

As stated in university policy No. 13020, Virginia Tech endorses the highest ethical standards for the conduct of all scholarly pursuits to ensure public trust in the integrity of results. The university requires that all affiliated persons (including faculty, staff, researchers, and students) conduct activities with integrity. The university is committed to fostering an environment that promotes responsible conduct of research, training, and all other scholarly activities. Scholarly integrity is characterized by honesty, transparency, personal responsibility, excellence, and trustworthiness. All persons engaged in scholarly pursuits at the university are expected to conduct their scholarship in accordance with their respective field’s scholarly expectations and best practices.

10.3 Policy on Misconduct in Research

The university recognizes that deception in research erodes the credibility of an institution and the confidence of those who might benefit from the research. The university takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research and research training (and activities related to that research or research training), discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct.

10.3.1 Definitions

Misconduct in research (or research misconduct) means fabrication, falsification, plagiarism in proposing, performing, or reviewing research, or in reporting research results.

Fabrication is making up data or results and recording or reporting them.
Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

Plagiarism is the appropriation of another person’s ideas, processes, results, or words, including those of a student, colleague, or mentor, without giving appropriate credit.

Research misconduct does not include honest error, differences in opinion, or disputes over authorship except those involving plagiarism. It does not include issues relating to sexual harassment, personnel management, fiscal errors, or the reporting of poor effort. It also does not include abuse or improper procedures with laboratory animals or human subjects.

10.3.2 Activities Covered

Policy 13020, “Policy on Misconduct in Research,” applies to allegations of research misconduct (fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results) involving a person who at the time of the alleged research misconduct was employed by, was an agent of, or was affiliated by contract or agreement with the university and was engaged in research under the auspices of the university at the time of the occurrence of the alleged research misconduct. Any student engaged in sponsored research is also covered by this policy.

Misconduct in non-research activities and other ethical violations are covered by separate policies. Ethical misconduct of faculty, including self-plagiarism, is covered in chapter two, “Professional Responsibilities and Conduct,” which describes the principles of ethical behavior. Violations of ethical conduct by graduate students are guided by the constitution of the graduate honor system, which is available on the graduate school website. Professional students in the Virginia Maryland College of Veterinary Medicine or the Virginia Tech Carilion School of Medicine must consult the honor code for their college/school. Violations of ethical conduct by undergraduate students are guided by the university’s honor system, as outlined on the undergraduate honor system website. Standards of conduct and performance, as well as procedures for dealing with alleged violations of unacceptable conduct and grievance procedures, are available on the.

10.3.3 Procedures for Reporting, Investigating, and Resolving Misconduct in Research

The university has established detailed procedures for reporting, investigating, and resolving misconduct in research. Those procedures are available in Policy 13020, “Policy on Misconduct in Research.” The research integrity officer is responsible for overseeing the procedural process. Any questions regarding the policy or procedures should be addressed to the research integrity officer in the Office of the Vice President for Research and Innovation.

10.4 Removal of a Principal, Co-Principal, Lead Investigator, or Equivalent

Funding agreements are legal contracts between the sponsor and the university rather than an individual, thereby obligating the university to ensure compliance with any and all applicable policies, regulations, or specific conditions as stipulated in the funding agreement. Removal of an investigator from a sponsored project may be necessary or warranted under unusual circumstances such as incapacity (unable to carry out the responsibilities as an investigator), misuse of funds, failure to comply with university and sponsored programs’ policies or state or federal regulations, failure to disclose or appropriately manage a significant conflict of interest, established cases of research misconduct (see Policy 13020 “Policy On Misconduct in Research”), or in response to a request by the sponsor of the project.

Policy 13025 governs the removal of a principal, co-principal, lead investigator, or the equivalent. Funding agencies and sponsors vary in their requirements; the terms of the specific contract with a sponsor guide the university’s actions whenever this policy is invoked. This policy applies to investigators who hold identified responsibilities as principal, co-principal, lead investigator, or equivalent (hereafter referred to collectively as the investigator).
10.5 Effort Certification and Salary Charges to Sponsored Grants and Contracts

10.5.1 Effort Certification

The purpose of effort certification is to confirm after the end of the reporting period that salaries and wages charged to each sponsored agreement are reasonable in relation to the actual work performed. Policy 3105, “Effort Certification,” describes the procedures for required effort certification in accordance with federal regulations. Individual investigators, departments, and other university administrators have specific responsibilities under the policy for certifying effort, monitoring compliance, and assuring that only allocable charges are made to grants and contracts. Federal audits have made clear that only effort directly related to a project can be charged to that project and salary expenditures on behalf of the project must occur during the effort reporting period. The university takes its obligations to comply with federal regulations very seriously; failure to comply may mean severe financial penalties and/or loss of opportunity for future grants from the federal sponsor. To be consistent and fair to all sponsors, the same kind of accountability applies to non-federal grants and contracts.

Salary costs for faculty, staff, and graduate, and professional students are one of the largest cost categories for sponsored projects. Internal controls over salary costs include procedures to ensure that salary costs comply with federal regulations and Policy 3240, “Costing Principles for Sponsored Projects.” That is, all salary costs charged to a sponsored project must be reasonable for the work performed, necessary or the performance of the project, allowable per sponsor and university policies, and allocable to the project.

Effort certification is particularly complex for instructional faculty members who manage multiple responsibilities simultaneously, seamlessly moving from class to supervising graduate and professional students, to conducting research and developing the next proposal in the same day or week. Indeed, most instructional faculty members are engaged in teaching, administrative tasks, or other duties in addition to their work on sponsored projects, even during the summer. Yet only activities directly related to a sponsored grant or contract may be charged to that grant or contract; institutional activity is supported by other, non-sponsored funding (or may be uncompensated during the summer).

If the faculty member (regardless of type of appointment) has responsibilities for competitive proposal writing or participation in well-defined, regular teaching or administrative duties (e.g., committee work, hiring, advising, tenure review), a 100 percent allocation of the salary to sponsored projects is prohibited during the effort reporting period in which such activity occurs. Incidental, inconsequential non-project activity performed rarely may be considered de minimis and need not be part of full load for purposes of effort reporting.

Proposal writing for new competitive awards and competitive renewal awards may not be charged to sponsored projects, nor would such proposal writing be considered de minimis activity. Preparation of non-competitive, continuation award proposals (progress reports) may be charged to the applicable sponsored project.

Faculty members who receive summer salary from sponsored projects must certify to the effort expended on those projects during the summer period. Work done on the sponsored project during the academic year cannot be counted toward summer effort on the project.

Failure to follow the provisions of Policy 3105, “Effort Certification,” may subject the individuals and departments responsible for the violation(s) to administrative and/or disciplinary actions in accordance with university disciplinary procedures. Sanctions for non-compliance may include, but are not limited to:

If effort reports are not completed and returned in a timely manner, salary costs associated with uncertified grant activity may be removed and charged to a departmental account.
Following appropriate notice, faculty members with delinquent or improperly completed effort reports may be placed on a suspension list by the Office for Sponsored Programs and denied eligibility for OSP services, including but not limited to proposal preparation, account set-up, and budget transfers, until effort reports are up to date and properly completed and certified.

Certification of effort reports that are known to be materially inaccurate may expose the individual who completed the reports to personal disciplinary actions.

10.5.2 Compliance Issues Related to Summer Research Appointments for Nine-Month Faculty Members

Faculty members on academic year (nine-month) appointments are permitted to earn up to three months of additional salary for effort related to sponsored projects, subject to sponsor policies and appropriate internal approvals. Summer funding may be accomplished by research extended appointments or as summer wages.

Policy 6200, “Policy on Research Extended Appointments,” outlines the requirements and procedures for faculty members to extend their nine-month appointments to 10-, 11-, or 12-month appointments depending on the availability of sponsored funding for additional months of salary and full fringe benefits. Although the sponsored funding supports the extended employment contract, salary must be charged to reflect a reasonable estimate of effort throughout the entire appointment period, not just the summer. Given the continuation of some typical university responsibilities during the summer, such as meeting with graduate students, attending professional conferences, or preparing future grant proposals or coursework, faculty members should have a mixture of sponsored and institutional funding to support their summer activities. This can be accomplished by making appropriate charges to the project during the academic year and deferring some institutional funding to the summer period. Faculty members on research extended appointments earn annual leave proportional to the length of their appointment, and they must record the use of annual leave whenever used during the appointment period (all 10, 11, or 12 months). There is no payout for accrued annual leave at the time of reconversion to the base academic year appointment or at the time of separation from the university.

Instead of research extended appointments, academic year faculty members may receive support from sponsored grants and contracts as summer research wage payments, without full fringe benefits. This would typically be the case for faculty members with one or two months of “summer salary” included in the funded grant project. For those with three full months of funding, project effort during the academic year may be charged to the grant (with attendant changes in the fringe benefit rate), thereby allowing departmental salary savings to support non-project related responsibilities during the summer. Faculty members certify their effort across the entire summer period, and some flexibility is allowed as long as the overall effort and salary charges during the period are consistent.

10.5.3 Compliance Issues for Research Faculty Members

As described above, a research faculty member with regular, well-defined responsibilities for new proposal preparation, teaching, or administrative duties is prohibited from charging 100 percent of salary to sponsored projects during an effort reporting period in which such activity occurred, unless those activities are specifically allowed on the sponsored project.

Research faculty members are typically on standard 12-month appointments, which earn and accrue annual leave by university policy. Use of annual leave is recognized as an acceptable charge to a sponsored project when such leave is part of the standard university appointment.

10.6 Policy on Intellectual Property

Publicly (state) supported universities have the multiple missions of teaching, research, support of the public interest and fostering of economic development of the area/state in which they are located. Scholarly
activities in a university setting create intellectual properties (IPs). IP includes research papers, books, software programs, new inventions, journal articles, etc.

The university's mission includes dissemination of IPs in the most efficient and effective manner possible. The identification and optimization of opportunities for the industrial/commercial utilization of some IPs is also part of this mission, as is the protection of the ownership rights of both the individuals and the university.

While many IPs are best disseminated by publication and placing in the public domain, there are a significant number that are most effectively handled by protection under the IP laws (i.e., patenting and copyright) and licensing (or other transfer) to private sector entities, with attendant financial considerations.

Timely disclosure of IPs to the University (pursuant to Policy 13000: Policy on Intellectual Property) is critical to preserving potential value of certain IPs while enabling Virginia Tech to deliver on its mission to ensure impact of research, discovery, and scholarly output.

Policy 13000, “Policy on Intellectual Property,” outlines intellectual property (IP) ownership criteria, resolution of ownership questions, and responsibilities of university employees concerning the disclosure and potential assignment of intellectual properties. Policy 13000 also sets forth the authority and responsibility of the Intellectual Property Committee (IPC), the chair of which is the vice president for research and innovation or designee. Membership of the IPC is set forth in the bylaws of the University Council.
CHAPTER ELEVEN

11.1 Faculty Benefits Program
This section provides an overview of benefits that are available to faculty members. The Human Resources Service Center is housed within the university’s Division of Human Resources and should be contacted to obtain detailed information pertaining to the benefits programs or to make changes to one’s current benefits.

Faculty benefits are either required benefits that are mandated by federal, state, or university regulations or they are optional benefits available to faculty members.

11.2 Required Benefits

11.2.1 Group Life Insurance
Participation in the group life insurance program is required of all full-time and part-time salaried faculty. The university pays the monthly premium for the group life insurance.

Coverage is effective on the first day of employment. The amount of the insurance is determined using the annual salary rounded up to the nearest thousand dollars; then doubled. Thus, if the salary is $49,400, the amount of insurance is $100,000. In cases of accidental death, the insurance is four times the rounded annual salary. In the example above, the insurance payout would be $200,000.

A faculty member who leaves the university may convert the term insurance policy to a private policy if the request is made within 31 days after termination. Eligibility to make this conversion will depend upon individual circumstances. Please contact the Human Resources Service Center for detailed information.

Faculty who have reached their earliest reduced retirement eligibility will have continued life insurance coverage after they separate from the university. This benefit will continue as long as an Optional Retirement Plan account or Virginia Retirement System account is not rolled over or cashed out by the individual. The life insurance amount will decrease by 25 percent on January 1 after one full calendar year of separation. The face amount will continue to decrease by 25 percent each January thereafter until the face amount is equal to half of the final salary (or one-fourth of the original face amount). All accidental death and dismemberment insurance terminates at separation.

The life insurance program is administered through the Virginia Retirement System and is underwritten by Minnesota LifeSecurian Financial. Per IRS requirements, life insurance in excess of the established excludable limit, in a calendar year, is taxable.

11.2.2 Long-Term Disability Insurance

Long-term disability insurance provides coverage for 60 percent of salary after a six-month waiting period if the employee is deemed disabled. These benefits may be offset by Social Security, federal retirement (if applicable), and Virginia Retirement System benefits. The maximum monthly benefit is $15,000; and the minimum monthly benefit is $100. In addition to paying a monthly benefit, a contribution of 10.4 percent (8.5 percent for faculty members hired on or after July 1, 2010) of base salary is paid into the Optional Retirement Plan for those faculty members receiving disability benefits. The Standard Life Insurance Company underwrites the program. This benefit is not optional, and the faculty member pays the monthly premium, which is approximately .256 percent of the employee’s salary.

11.2.3 Faculty Retirement

All eligible faculty are required to participate in either the Virginia Retirement System (VRS) plan or a defined-contribution Optional Retirement Plan (ORP). Faculty have 60 days from the date of appointment to choose either the Virginia Retirement System or an ORP. If no choice is made, the retirement default is the VRS Hybrid Plan (or whichever VRS plan into which the next faculty member might be grandfathered).

Part-time salaried faculty members working half time or more for at least six months on a calendar year appointment or one semester if on an academic year appointment are eligible to participate in either the university’s defined contribution ORP or the Virginia Retirement System to the extent permitted by VRS.

11.2.3.1 The Virginia Retirement System

VRS Plan 1: Faculty members who have Virginia state service prior to July 1, 2010 and have five years of VRS or ORP service prior to January 1, 2013 (and still maintain an account balance in their retirement...
account) will be considered for the VRS Plan 1. For full details of VRS Plan 1, please refer to http://www.varetire.org.

VRS Plan 2: Faculty members who have Virginia state service before July 1, 2010 and did not have five years of service as of January 1, 2013 or have Virginia state service between July 1, 2010 to December 31, 2013 (and still maintain an account balance in their retirement account) will be considered for the VRS Plan 2. For full details of VRS Plan 2, please refer to www.varetire.org.

VRS Hybrid Plan: Faculty members hired after January 1, 2013 with no previous Virginia state service or faculty members hired after January 1, 2013 and closed out or rolled over a previous Virginia state retirement account will be considered for the VRS Hybrid Plan.

The VRS Hybrid Plan is a qualified plan under IRS code section 401(a) and contains both a defined benefit portion and a defined contribution portion. Both the employee and the employer make contributions to fund the defined benefit portion of the Hybrid Retirement Plan. The employee contributes four percent of their creditable compensation. The employer contribution is actuarially determined. The employee is required to contribute 1 percent to the defined contribution portion of the Hybrid Retirement Plan. The employee also has the option to voluntarily contribute up to an additional four percent in .5 percent increments. The employee’s voluntary contributions will be made to the state deferred compensation plan which is qualified under IRS code 457(b). The employer must match the first one percent of voluntary contribution with a corresponding contribution of one percent of the employee’s creditable compensation. Each of the employee’s additional .5 percent increases will be matched by the employer with a .25 percent contribution. Employees can increase or decrease their contributions on a quarterly basis.

Defined benefit vesting is the minimum length of service members need to qualify for a future retirement benefit. Vesting occurs when a member has at least 60 months of service credit. If vested, members are eligible to receive all member contributions upon retirement or leaving employment. If members are not vested, employer-paid contributions are forfeited upon retirement or leaving employment.

Defined contribution vesting is the minimum length of service members need to be eligible to withdraw contributions. Vesting is based upon the length of participation in the plan. Upon retirement or leaving employment, members are eligible to withdraw a percentage of employer contributions based upon the following schedule:

After two years, members are 50 percent vested and may withdraw 50 percent of the employer defined contribution plan contributions.

After three years, members are 75 percent vested and may withdraw 75 percent of the employer defined contribution plan contributions.

After four or more years, members are 100 percent vested and may withdraw 100 percent of employer defined contribution plan contributions.

11.2.3.211.1.3.2 Optional Retirement Plan

Within 60 days of the date of appointment, eligible faculty may select the Optional Retirement Plan (ORP) in lieu of the defined benefit Virginia Retirement System or the Hybrid Plan. ORP contribution rates are as follows:

For faculty members hired before July 1, 2010, the university contributes 10.4 percent of base salary to the 401(a) ORP account.

For faculty members hired on or after July 1, 2010, the university contributes 8.5 percent of base salary and the employee contributes five percent of their base salary to the ORP.

Benefits at retirement are based on contributions, net earnings, and age. The faculty member can choose among a number of investment options. The ORPs are qualified under IRS code section 401(a) and vesting is immediate. Investment risks are borne by the employee with risks varying based on types of funds selected. Fidelity and TIAA are the providers for Virginia Tech’s ORPs. Virginia Tech contracts with both Fidelity and TIAA for our ORP providers.
11.2.3.11.3.3 Voluntary Transitional Retirement Program for Faculty with Tenure or Continued Appointment

Tenured faculty members (or those with a continued appointment in University Libraries or the Virginia Cooperative Extension) who are at least 60 years of age and have at least 10-20 years of full-time service at Virginia Tech are eligible for the university's voluntary transitional retirement program. The program allows the university to make it possible for long-term faculty to remain actively involved in the life of the institution while reducing their professorial responsibilities as they transition towards full retirement. Further details of the program are provided Policy 4410, “Voluntary Transitional Retirement Program for Tenured Faculty.”

11.2.4.11.4 Short-Term Disability Income Protection

Regular faculty are provided with 1040 hours of sick leave at the time of hire. This equates to six months of income protection, i.e., short-term disability coverage. After short-term disability, is exhausted, the faculty long-term disability program outlined in chapter eleven, “Long-Term Disability Insurance,” takes effect and provides disability income to age 65 or for five years if over age 60 at the onset of disability.

This benefit is not available to faculty in restricted positions. Faculty in restricted positions accrue five hours of sick leave per pay period. Beginning July 1, 2012 all of Virginia Tech’s restricted faculty members who are not enrolled in the Virginia Sickness and Disability Program (VSDP) will be covered under a short-term disability plan administered by the Standard Insurance Company.

Restricted faculty who accrue sick leave each pay period will automatically be enrolled in the Standard Insurance Company short-term disability plan. These employees will continue to accrue sick leave and will not be required to pay any additional premium for the coverage.

The Standard Insurance Company short-term disability plan allows employees who are on approved short-term disability leave to collect up to 60 percent of their regular salary for up to six months, after the initial seven-day waiting period. Employees who are still considered disabled after six months will transition into the faculty long-term disability plan.

Alternatively, faculty members on restricted appointments who enroll in the Virginia Retirement System may consider the Virginia Sickness and Disability Plan (VSDP), which provides short-term disability for six months and long-term disability to age 65 or later depending on age at the time of disability. There is a one-year waiting period from the date of appointment under VSDP for the short- and long-term disability benefits. Beginning September 1, 2017 per VRS directive, the election for coverage under VSDP is irrevocable. Therefore, if faculty members on restricted appointments had previously elected coverage under VSDP then later convert to regular faculty appointments, on or after September 1, 2017, the applicable VRS directive disallows VSDP opt-out election. Their previous election for disability benefits are provisioned in the VSDP as outlined above.

11.2 Optional Programs

There are several insurance plans and benefits programs available for faculty members. Some have a portion of the premiums paid by the university; others are the employee’s responsibility.

11.2.1 Accidental Death and Dismemberment Insurance

Accidental death and dismemberment insurance is an optional program available to faculty and staff members on at least half-time appointment. The policy is with Zurich.

Accidental death and dismemberment insurance is available in multiples of $5,000, in a range of benefits from $10,000 to $250,000. The premium is paid entirely by the employee. Coverage is effective the first day of the month following the month in which the application is received by Human Resources. An employee may enroll at any time in this program.

This coverage has full 24-hour, 365-days-a-year protection against accidents occurring in the course of business or pleasure. The insurance includes accidents whether on or off the job, occurring in or away from the home, or traveling by public or private transportation. The benefits provided under this plan are payable in addition to other insurance that may be in effect at the time of accident. There are no geographical limits on this coverage. This policy also provides travel assist coverage at no additional cost.
11.2.2 Health Insurance
Health insurance is an optional program available to all full-time and eligible part-time faculty and staff members. Coverage is offered for the member’s spouse and for eligible dependents through the end of the calendar year that they reach age 26. Employees may participate in the state employees’ health insurance plans by contacting the Human Resources Service Center.

For employees who work at least .75 percent time the employer pays a major portion of the employee’s health care premium. Employee plus one and family coverage is also available under this plan. The employer contribution varies for part-time employees whose FTE is between .50 and .74. Employees whose FTE is between .50 and .74 are eligible to enroll in a health care plan, however the employee pays 100% of the premium.

Newly eligible employees (newly hired or rehired) must request enrollment within 30 calendar days to enroll in a health plan and/or flexible spending accounts (FSA) offered by the state. If the enrollment action is received within the 30 calendar day time frame, coverage will be effective the first of the month coinciding with or following the date of employment. The 30-day countdown period begins on the first day of employment. For employees whose employment starts on the first day of the month, and who have completed an application within 30 calendar days, the coverage will begin on their date of hire.

Status changes to an eligible position have up to 60 calendar days to enroll in a health plan offered by the state. The 60-day countdown period begins on the date of the status change. Coverage will be effective the first of the month following receipt of the request or following the event, whichever is later. When the later date is the first of the month, changes are effective that day.

Enrollment or enrollment changes cannot be made outside of the open enrollment period unless there is a qualifying mid-year event such as marriage, divorce, birth, or adoptions. Enrollment must be made within 60 calendar days of the qualifying event.

Open enrollment is usually held during the month of May each year for employees desiring to enroll or to make changes in their health care program. Any enrollment or changes made during open enrollment are effective on July 1.

11.2.3 Health Flexible Spending Account
Salaried faculty who work at least 20 hours per week (.50 FTE) are eligible to enroll in the commonwealth’s health flexible spending account (FSA), which allows them to set aside part of their income on a pre-tax basis and then use that money to pay for eligible out-of-pocket health care expenses for themselves, a spouse, and dependents. The minimum that may be set aside is $10 per pay period; the maximum is $2,550 per year. A monthly pre-tax administrative fee does apply.

Faculty must request enrollment within 30 calendar days to enroll in the health FSA. Each year during open enrollment in the spring, faculty may renew FSA accounts or elect to enroll for the first time. Changes made during open enrollment are effective the following July 1. Certain qualifying mid-year events may be made outside the open enrollment period if the request for change is made within 60 calendar days of the qualifying event. Contact the Human Resources Service Center about specific qualifying mid-year events for family status change.

11.2.4 Dependent Care Flexible Spending Account
Salaried faculty who work at least 20 hours per week (.50 FTE) are eligible to enroll in the commonwealth’s dependent care flexible spending account (FSA), which allows them to set aside part of their income on a pre-tax basis to pay for eligible dependent care expenses throughout the coverage period for the care of a child, disabled spouse, elderly parent, or other dependents who are physically or mentally incapable of self-care so that the faculty member (and spouse) can work or actively seek work. The minimum that may be set aside is $10 per pay period; the maximum is $5,000 per year. A monthly pre-tax administrative fee does apply.

Faculty employees must request enrollment within 30 calendar days to enroll in the dependent care (FSA). Each year during open enrollment in the spring, faculty may renew FSA accounts or elect to enroll for the first time. Changes made during open enrollment are effective the following July 1. Certain qualifying mid-year events may be made outside the open enrollment period if the request for change is made within 60 calendar days of the qualifying event. Contact the Human Resources Service Center about specific qualifying mid-year events for family status change.
11.2.5 Employee Assistance Program
The Employee Assistance Program (EAP) is a counseling and referral service available to faculty and staff to help deal with a range of problems that might have an impact on their work lives as well as personal lives. The EAP provides confidential short-term intervention, assessment, and referral services for benefitted employees. Employees may self-refer to the EAP. A supervisory referral can be made when a work performance or work site problem exists. Supervisors must consult in advance with Employee Relations in Human Resources on appropriate ways to address the issue with the employee.

The Employee Assistance Program is part of the health benefits program provided by the Commonwealth of Virginia, which contracts with a provider of mental health and behavioral management services. The contract provides employees with several free counseling sessions with a mental health professional certified by the approved EAP contractor. The cost of additional services, beyond the specified number of free sessions, is the responsibility of the employee.

With appropriate approvals by senior administrators, an employee may be referred for a mandatory fitness-for-duty examination in cases where the employee poses a hazard or risk to self or others, or if a determination of the employee’s medical or psychological fitness to perform the essential job functions is needed. A supervisor who is considering a mandatory EAP referral must first have the approval of the associate vice president for human resources or designee, as well as the relevant vice president or designee for faculty.

Protections for employees to assure the privacy of their personal health information and to prevent abuse of mandated referrals by supervisors are included in Policy 4345, “Employee Assistance Program.”

11.2.6 Tax-Deferred Investments/Deferred Compensation/Cash Match
These programs offer opportunities for employees to invest a portion of their salaries and/or wages and delay tax liabilities until a later date. Full-time or part-time salaried faculty and staff may be eligible for the employer-paid cash match program. Please contact the Human Resources Service Center for detailed information.

Informational packets are available in Human Resources. These packets contain a brief description of the tax sheltered annuity or deferred compensation plans, and the agent’s name and address. Information is also available on the 401(a) cash match plan.

11.2.7 Credit Unions
Employees may use the services of two credit unions. Payroll deductions may be made for the Freedom First Credit Union. Its main office is located at 1204 South Main Street, Blacksburg, with ATMs and/or branch services available in several Blacksburg campus locations.

Any full time and part-time faculty member employed by the Commonwealth of Virginia is eligible for membership in the Virginia Credit Union. Payroll deductions are not available for the Virginia Credit Union. Employees desiring information or membership in either credit union should contact the credit union directly.

11.2.8 Charitable Deductions
Payroll deduction may be made for participation in the Commonwealth of Virginia Campaign (CVC), which provides contributions to many national, state, and local social and health charitable organizations, including several local United Way organizations.

11.2.9 Optional Life Insurance
Optional life insurance for the faculty member, the spouse, and children is available through the optional life insurance program. If you apply for optional life insurance within 31 days from the date of employment, you may receive all options, up to a maximum death benefit of $375,000, without providing evidence of good health. Coverage may be applied for outside of the 31 days, but evidence of insurability will be required. The coverage is provided by Minnesota Life Insurance - Securian Financial.

11.2.10 Legal Resources
Legal Resources is an optional benefit that may be purchased which provides comprehensive legal services and representation for the employee, spouse and dependent children paid at 100 percent for the most often-needed legal services. Other services are offered at a 25 percent discount. New employees may
enroll within 60 days of employment and all other changes to coverage may be made during open enrollment, which for this benefit is annually during the month of September.

11.2.11 New York Life Insurance Company
New York Life Insurance Company offers a guaranteed issue whole life insurance during special enrollment periods. After the initial enrollment period in 2015, only new hires and those who initially elected to take at least a minimum $5,000 policy will be allowed to add to their coverage on a guaranteed basis. New York Life whole life policy is an optional program available to full time faculty and staff members who meet eligibility requirements.

11.2.12 Aflac
Aflac offers several supplemental insurance plans that pay cash benefits to help with expenses due to injury or illness. The cost of these plans will vary based upon the level of benefits purchased. The benefits are pre-determined and paid regardless of any other insurance that an individual may have. Aflac offers the following plans: accident plan, cancer plan, critical care, hospital protection, and short-term disability. Aflac is an optional program available to faculty and staff members on at least half-time appointment. New hires may enroll within 30 days and all other changes may be made during open enrollment, which for this benefit is held annually during the month of September.

11.2.13 Long-Term Care Insurance
Genworth Life Insurance Co. offers long-term care insurance coverage, under the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program, which provides assistance with costs related to long-term care services such as nursing home care or at-home care to assist with bathing, eating or other activities of daily living which may not be covered by most medical plans. Participant-paid coverage provides a monthly benefit allowance for covered long-term care expenses. Employees do not have to be a VRS member to be eligible, and family members may also apply for coverage. Employees who enrolled in the long-term care insurance program before December 31, 2016, will continue their coverage under that program.

11.3 Special Programs
There are two special insurance protection programs covering university faculty and staff. All employees are covered against job-related illness/injury by the Commonwealth of Virginia Worker’s Compensation. Employees who lose their job through no fault of their own are eligible to apply for covered unemployment insurance through the Virginia Employment Commission.

11.3.1 Unemployment Insurance
All employees of the university are covered by unemployment insurance. If for some reason employees become unemployed by no fault of their own, they may qualify for this insurance. If employees lose their jobs, they should contact the Virginia Employment Commission immediately to file an unemployment claim.

11.3.2 Severance Benefits
The university provides severance benefits for eligible faculty who are involuntarily separated due to budget reduction, agency reorganizations, or workforce downsizings for reasons unrelated to performance or conduct. Faculty hired on restricted appointments funded from sponsored contracts or grants, or term appointments with a specified ending date, regardless of funding source, are not eligible to receive severance benefits. Non-reappointments and voluntary resignations for any reason are not deemed “involuntary separation” for purposes of the severance policy.

11.3.3 Workers’ Compensation Program
All employers are required to provide protection to their employees for job-related injuries, illnesses, or loss of life. The purpose of the workers’ compensation program is to ensure that all university employees with injuries or illness arising out of and during the course of employment with the university are offered fixed, certain, and speedy relief. The Commonwealth of Virginia workers’ compensation services are provided by Managed CareMC Innovations, LLC, Workers’ Compensation Department, PO. Box 1140, Richmond, VA 23208-1121. [AFD]
11.3.3.1 Reporting Work-Related Injuries

In the event of a job-related injury or illness, Policy 4415, “Workers' Compensation”, provides procedures the employee and supervisor should follow. An injured employee is required to report an accident or illness to the direct supervisor as soon as possible. Once an employee reports a job-related injury, the supervisor must file the employer’s accident report within 24 hours of the occurrence. A claims adjuster from Managed Care Innovations, LLC, the university’s worker’s compensation carrier, will be assigned to handle the claim.
CHAPTER TWELVE

12.0 Virginia Tech Carilion School of Medicine (VTCSOM) Faculty

VTCSOM faculty members are of two types: faculty employed by the university or faculty employed by other entities (in most cases Carilion Clinic). At all times, regardless of employer, faculty members providing instruction, academic support, or performing academic duties or roles as a VTCSOM faculty member are governed by the university’s policies and procedures.

All faculty employed by Virginia Tech, fully or in part, are subject to employment policies stipulated in the Faculty Handbook.

All faculty employed by Virginia Tech, fully or in part, will be subject to employment policies stipulated in the Faculty Handbook. Faculty with assigned duties in the VTCSOM, but not employed by Virginia Tech, will be subject to the employment policies of their employer(s), but the VTCSOM will have sole responsibility for assigning duties, including discontinuation of assignments, in accordance with governance procedures stipulated in VTCSOM guidelines.

12.1 Virginia Tech Carilion School of Medicine Faculty Appointments

Regular Faculty: Regular faculty have a primary or secondary appointment to the VTCSOM in a tenure-to-title track or non-tenure-to-title track. Ranks are assistant professor, associate professor, or professor.

Regular Primary: A primary appointment includes a substantial commitment to the education mission of the VTCSOM with regular engagement in teaching and service to the VTCSOM, and the pursuit of scholarship in medicine.

Regular Secondary: A secondary appointment at the VTCSOM is for an individual whose primary appointment (and/or employment) is at Virginia Tech, Radford University, or another college or university. Regular faculty with a secondary appointment are not eligible for tenure-to-title at the VTCSOM.

Instructional Faculty: Instructional faculty include faculty members with an adjunct appointment to the VTCSOM in the rank of adjunct assistant professor, adjunct associate professor, adjunct professor, clinical preceptors, instructors or senior instructors.

<table>
<thead>
<tr>
<th>Definitions of VTCSOM Appointments</th>
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<tbody>
<tr>
<td>Regular Appointment</td>
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<tr>
<td>Primary Tenure-to-Title Track</td>
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<tr>
<td>Primary Non-Tenure-to-Title Track</td>
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engage in teaching and service to VTCSOM, and pursue scholarly activities in medicine.

<table>
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<tr>
<th>Secondary</th>
<th>Secondary appointment is primary appointment within another college at Virginia Tech, Radford University. Possess a major specified role in teaching and other aspects of the VTCSOM mission.</th>
<th>Cannot have VTCSOM rank greater than the rank in the primary academic institution. Tenure is awarded at the institution where the primary appointment is held.</th>
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<tbody>
<tr>
<td>Instructional Appointment</td>
<td>Appointment Description</td>
<td>Rank</td>
</tr>
<tr>
<td>Adjunct</td>
<td>Current or previous appointment with another academic institution; defined role in teaching or mentoring medical students. Must possess a doctoral or other terminal degree. Appointments are typically up to three years and may be renewed. Ineligible for tenure-to-title, but eligible for reappointment.</td>
<td>Assistant Adjunct Professor Associate Adjunct Professor</td>
</tr>
<tr>
<td>Clinical Preceptor</td>
<td>Faculty members who teach medical students primarily in a clinical setting. Clinical Preceptors are physicians with a MD, DO, MBBS, or equivalent degree. Appointments are typically up to three years and may be renewed. Ineligible for tenure-to-title, but eligible for reappointment.</td>
<td>The Clinical Preceptor title does not change, even with prolonged service.</td>
</tr>
<tr>
<td>Instructor</td>
<td>Instructors are faculty members who may not have doctoral level degrees, but have instructional roles with students. Senior instructors are faculty members with doctoral degrees and have a significant instructional role with students. Visiting faculty members are individuals who are applying for a faculty position, either regular or instructional, but for whom the opportunity to teach medical students is anticipated before the faculty appointment process is completed. Appointment as Senior Instructor or Instructor may be up to three years. Appointment as Visiting Instructor is for no</td>
<td>Instructor Senior Instructor Visiting</td>
</tr>
</tbody>
</table>
more than six months. Ineligible for tenure-to-title, but eligible for reappointment.

*Use of the term "regular" for VTCSOM faculty appointments is distinct from the use of the same term in section 2.4.5 where it is used to distinguish faculty appointments with opportunity for renewal from those appointments that are “restricted” and that have an end date such as research faculty whose salaries are paid from external funding, visiting professorships or other temporarily available faculty positions.

12.2 Tenure-to-Title Track Faculty Appointments

Tenure-to-title is the conferring of permanent appointment to VTCSOM. Tenure-to-title is recognition by the VTCSOM of service and accomplishment of the faculty member and represents the expectation of continued exceptional service and accomplishment by the faculty member.

Tenure-to-title is awarded in recognition of a body of accomplishment in teaching, clinical care (if relevant), and scholarship, and in acknowledgment of service to the missions of VTCSOM. As the criteria for tenure-to-title are virtually identical to criteria for promotion, tenure-to-title typically is awarded at the time of promotion.

Tenure-to-title is granted at the discretion of the VTCSOM without any right to, interest in, or expectation of any compensation or guarantee for compensation or future employment and is granted only in the VTCSOM to individuals who are not employed by Virginia Tech. Tenure-to-title is recognition of a faculty member’s significant accomplishments in teaching, clinical care (if relevant), scholarship, and service to the school.

Once conferred, tenure-to-title is subject to review by the department and school committees on appointment, retention, promotion and tenure (to title) and can be rescinded for imposition of a severe sanction or dismissal for cause.

Each VTCSOM department shall establish and communicate written guidelines for promotion and tenure-to-title for all applicable categories of appointment. Departmental guidelines must be consistent with VTCSOM and all relevant university promotion guidelines.

12.3 Department and College Evaluation for Promotions (Including Tenure-To-Title)

The tenure-to-title and/or promotion in rank dossier is reviewed at three levels: (1) by an appropriately charged departmental committee and the department head or chair, (2) by an appropriately charged college-level committee and the dean, and (3) by the provost. The department head or chair and dean make separate recommendations to the subsequent review levels. The provost reviews college and dean recommendations and makes recommendations to the president. The Board of Visitors grants final approval.

Each department will establish a committee and process with appropriate faculty representation to evaluate candidates for promotion and/or tenure-to-title sent by the chair of the department. The department chair may chair the committee or remain separate from the committee’s deliberations and subsequently receive its recommendations. A faculty member may not participate in the evaluation of a spouse, family member, or other individual with who the faculty member has a close personal relationship.

The college committee reviews the candidates recommended by the departmental committee and/or chair. The college committee makes a recommendation on each candidate to the dean. The division of the vote at both the departmental and college levels is conveyed to the provost and remains confidential.
If requested by the dean, the college committee reviews cases receiving negative recommendations by both the departmental committee and the head or chair. The purposes of the review are to verify that the recommendations are consistent with the evidence, reflect college standards, and consider the goals, objectives, and programmatic priorities of the college as components of the university’s mission.

12.4 Conflicts of Commitment and Interest

In addition to university policies, VTCSOM faculty members are subject, as appropriate, the Standards for Commercial Support as promulgated by the Accrediting Council for Continuing Medical Education (AACME).

12.5 Additional Policy Obligations

Individuals with appointment to the VTCSOM faculty are subject to all relevant and appropriate sections of the Virginia Tech Faculty Handbook and university policies. Including Faculty Handbook section 2.11, Professional Responsibilities and Conduct; and section 3.6 Imposition of a Severe Sanction or Dismissal for Cause.
CHAPTER THIRTEEN

13.0 Faculty Preparedness
Division of Operations of Safety and Security
Emergency Management
540-231-4873
oem@vt.edu
www.emergency.vt.edu

Use this guide to help you become better prepared to provide guidance for your students. If you have any questions about preparedness, contact Virginia Tech Emergency Management.

What is the role of an instructor during an emergency?
Students, even in the university environment, look to the person at the front of the class for leadership, anticipating that the instructor will know what to do if an emergency occurs.

- Clearly cover basic emergency preparedness techniques during the first week – 10 minutes of pre-planning can save lives. Contact Virginia Tech Emergency Management at 540-231-4873 or oem@vt.edu if you need assistance. Visit www.emergency.vt.edu for additional resources.
- Remind students to update their emergency contact information on Hokie SPA and to sign-up for VT Alerts at www.alerts.vt.edu.
- Know how to report any emergency from your classroom or lab.
- Individuals with disabilities – who self-identify – should be able to provide information on special assistance needs if an emergency occurs. They may need help leaving the building during an evacuation.
- Provide leadership if an emergency occurs; lead by example and follow emergency procedures.

How do I report an emergency?
Dial 911 from your cell phone or campus phone when you need Police, Fire, or Emergency Medical Services. Remain calm – your actions influence others.

- Tell the dispatcher you are at Virginia Tech and give the street address, building name and room number.
- Give your full name and the telephone number from which you are calling, in case you are disconnected.
- Describe the nature of the emergency (describe clearly and accurately).
- Remain calm and do not hang up as additional information may be needed. If possible, have someone meet emergency personnel outside of the building.

What should I carry with me to class?
In addition to your daily class materials, you should also include:

- A charged cell phone. Make sure you have signed up for VT Alerts in advance.
- A list of important telephone numbers (i.e. department leadership, lab supervisors if applicable, etc.).

What if there is a medical emergency during class time?
Provide plenty of space for the victim and emergency personnel.

- Call 911. Try to have someone escort emergency medical personnel to the scene.
• Unless they are in immediate danger, do not move any victims until emergency personnel arrive.
• If properly trained, give appropriate first aid and/or CPR until emergency personnel arrive.

How do I secure-in-place?
When it is necessary to secure-in-place, you will be the safest by placing a locked door or other barricade between you and the associated violence or danger.

• Remain calm!
• If you are outside during a secure-in-place emergency you should seek cover in the nearest unlocked building. *If the buildings in the immediate area have exterior doors that have been locked, continue to move away from the danger, seek cover, move to another building, or leave campus if it is safe to do so.*
• Once inside, find an interior room and lock or barricade the doors.
• To minimize vulnerability, turn off lights, silence phones, draw blinds, and move away from windows.
• Await further instruction from VT Alerts and emergency personnel.
• DO NOT leave until an “All Clear” is received.

What if someone wants to enter a secure area?
If there is any doubt about the safety of the individuals inside the room or building, the area needs to remain secure. Allowing someone to enter a secure location may endanger you and others. Use good judgement.

If there are individuals outside the secured door who wish to get in, several factors should be considered to determine if it is safe:

• Can you see the area outside the door to determine that someone is not lying in wait? Is it a trap?
• If a physical description of the subject was given in the secure-in-place alert, consider similarities such as age, race, clothing description, height, weight, sex, and hair and eyecolor.

If the decision is made to let a person in, consider the following:

• Have the person leave anything he or she is carrying (a backpack, laptop case, package, etc.) on the ground, outside of the secure area.
• Have the subject lift up his or her shirt, coat, and/or jacket until the waistline is visible and rotate 360 degrees to see if he or she is concealing a weapon.

Remember, always use common sense. There are exceptions to all guidance and prescribed directions.

How do I shelter-in-place?
Shelter-in-place events are usually weather-related emergencies. When it is necessary to shelter-in-place, you will be safest by moving inside to a building space that protects you from the danger. DO NOT lock doors behind you as others may also need to shelter-in-place.

• Remain calm!
• Immediately seek shelter inside the closest sturdy building. DO NOT wait until you physically see a tornado or severe weather event to react.
• Resist the temptation to go outside and check the weather conditions yourself.
• Once inside, stay away from windows, glass, and unsecured objects that may fall.
• Seek shelter in interior rooms and corridors.
• Avoid large free-standing expanses such as auditoriums and gymnasiums.
• DO NOT use elevators.
• Await further instruction from VT Alerts and emergency personnel.
• DO NOT leave until an “All Clear” is received.

During a tornado, seek shelter on the lowest level possible. If warranted, consider crouching near the floor and seeking additional shelter under a sturdy desk or table, or cover your head with your hands.

Weather definitions
• Watch: Conditions are favorable for the development of severe weather. Closely monitor the situation in case conditions worsen.
• Warning: Severe weather has been observed. Listen closely to instructions provided by weather radios, emergency officials, and other alert mechanisms. Seek shelter immediately.

How do I evacuate the class?
Evacuation routes are posted in building hallways, usually near stairwells or exits.
• Know two evacuation routes for your room. Look for illuminated EXIT signs to determine primary and secondary exits.
• Remember, all fire alarms are mandatory evacuations. Do not use elevators unless authorized to do so by emergency personnel.
• As your class is evacuating, encourage all persons to leave the building – do not wait for those who refuse to leave. Inform emergency personnel of the location of those that are still in the building. Try to keep your class together. Move at least 50 feet away from the building to provide easy access for emergency personnel.

How to assist an individual with a disability?
If you have questions about special assistance, call Services for Students with Disabilities at 540-231-3788.
• Ask students to self-identify in confidence if they will require special assistance during an emergency.
• Communicate the type of emergency to the individual. Depending on the type of disability:
  1. Auditory: communicate with the hearing impaired by writing a note, hand gestures, or by using another method to convey the message.
  2. Visual: describe the nature of the situation and offer to act as a “sighted guide” by offering your elbow and escorting him or her to a safe location. Determining a “buddy” before an emergency occurs can be a good start.
  3. Mobility: if a person cannot safely leave the building, a “buddy” can accompany the individual to an area of refuge without blocking the evacuation path. The individual with a disability should call 911 to provide his or her location while the buddy notifies onsite emergency personnel of the situation. You should attempt a rescue evacuation of an individual with a disability as a last resort and only if you have had rescue training. If the other evacuation options are not available or are unsafe (and danger is not immediate), the individual with a disability can remain in a room with an exterior window, a telephone/cell phone. Notify 911 and onsite emergency personnel.

Stay informed
Use these outlets to stay up-to-date on what to do before, during, and after an emergency.
• Virginia Tech Emergency Management
  o www.emergency.vt.edu | 540-231-4873 | @BeHokieReady
• Virginia Tech Police Department
  o www.police.vt.edu | 540-382-4343 | @VaTechPolice
• VT Alerts
  o www.alerts.vt.edu | @vtalerts
• Virginia Tech News
  o www.vtnews.vt.edu | @vtnews
• National Weather Service
  o www.weather.gov | @NWSBlacksburg
CHAPTER FOURTEEN

14.0 Policies and Procedures for Extension Faculty with Continued Appointment or on the Continued Appointment-Track

Virginia Cooperative Extension Faculty are comprised of two types:

1. Faculty on the Continued Appointment track
   - Ranks: assistant professor, associate professor, professor

2. Administrative and Professional Faculty (A/P)
   - Extension Agent
     - Ranks: associate extension agent, extension agent, senior extension agent
   - Extension Specialist
     - Ranks: associate extension specialist, extension specialist, senior extension specialist
   - 4-H Center Program Director
     - Ranks: associate program director, program director, senior program director

Policies addressing A/P faculty, including A/P Extension faculty, are found in chapter seven of the Faculty Handbook.

14.1 Employment Policies and Procedures for Virginia Cooperative Extension Faculty with Continued Appointment or on the Continued Appointment-Track

Extension faculty, as defined in chapter two, “Virginia Cooperative Extension Faculty with Continued Appointment or on the Continued Appointment-Track,” may or may not hold appointments in the college faculty. They are, nonetheless, subject to high professional standards in the dissemination of knowledge through the Virginia Cooperative Extension programs and in the planning and delivery of educational programs and programs of assistance to industries and local governmental agencies. In these functions, Extension faculty members share many of the professional concerns of their collegiate colleagues, including the need for the protection of academic freedom in these responsibilities.

Continued appointment is the extra-collegiate equivalent of tenure. Extra-collegiate faculty in Extension may hold continued appointment or may be on the continued appointment-track; just as college faculty may be tenured or on the tenure-track (see chapter three). Provisions for term appointments during a probationary period are parallel to those for members of the college faculty. Evaluation for continued appointment (in contrast to term appointment) is made no later than the sixth year of such a probationary period.

An Extension faculty member with continued appointment can expect continued employment until retirement with termination of employment based only on unsatisfactory performance, proof of misconduct, discontinuance or reduction in a segment of the university’s Extension programs, or reorganization because of changing patterns of programming.

If a position held by an Extension faculty member with continued appointment is eliminated or changes to such a degree that the incumbent can no longer fulfill the requirements, every effort will be made to reassign the faculty member to another position. If the position of an Extension faculty member with continued appointment is terminated, it will not be re-established and refilled within a period of two years unless the appointment has been offered to and declined by the displaced faculty member.

Tenure awarded to any member of the Virginia Cooperative Extension faculty before July 1, 1983 continues to be recognized.
Several relevant programmatic units develop standards and procedures for probationary appointments and continued appointment of Extension faculty, including evaluative criteria and procedures for promotion in rank.

The University Promotion and Continued Appointment Committee reviews promotions in rank and/or continued appointments and makes recommendations to the provost. The provost makes recommendations to the president who makes recommendations to the Board of Visitors. Final approval of promotion and continued appointments rest with the Board of Visitors.

14.2 Extension Faculty Ranks

Specification of faculty rank in Extension does not imply a particular rank in any collegiate department. Extension faculty may be invited to hold concurrent adjunct status in a collegiate department in order to formally recognize their contributions to the undergraduate or graduate program.

14.2.1 Instructor on the Continued Appointment Track

The rank of instructor is for Virginia Cooperative Extension faculty on the continued appointment-track whose positions have been designated for continued appointment-track and who have not completed the terminal degree. Annual appointments may be renewed within the limits of a probationary period. Ordinarily, continued appointment would not be awarded at the instructor rank, although time spent at this rank counts in the probationary period leading to continued appointment. A master’s degree or significant professional experience is the minimum expectation for appointment at this rank.

The unit chair with the approval of the director, dean, provost, and president may recommend Extension instructors who complete their terminal degree for promotion. Final approval for Extension promotions rests with the Board of Visitors.

Promotion of Extension faculty to the ranks of associate or full professor is conducted in accordance with procedures outlined below.

14.2.2 Assistant Professor

The rank of assistant professor is the usual rank of initial appointment for faculty on the continued appointment-track. Appointment to the rank of assistant professor carries with it professional responsibilities in learning, discovery, and engagement. An assistant professor may be assigned responsibility for teaching graduate courses and for supervising master’s theses and dissertations, as well as serving on graduate student committees. The terminal degree appropriate to the field is expected for appointment to this rank. (Further information regarding appropriate credentials for teaching faculty is in chapter two, “Faculty Credentialing Guidelines,” and on the provost’s website.)

14.2.3 Associate Professor

In addition to the requirements for assistant professor, a person appointed as associate professor must have demonstrated substantial professional achievements by evidence of an appropriate combination of outstanding teaching, creative scholarship, and recognized performance in Extension, outreach, or related academic and professional service.

14.2.4 Professor

In addition to the requirements for associate professor, appointment to the rank of professor is contingent upon national recognition as an outstanding scholar and educator.

14.2.5 Emeritus or Emerita Designation

The title of emeritus or emerita is conferred on retired professors, associate professors, administrative officers, faculty with continued appointment, and senior Extension agents who have given exemplary service to the university, and who the president specifically recommends to the Board of Visitors for
approval. Their names are listed on the appropriate university website(s). Policy 4405, “Emeritus/Emerita Faculty,” provides further guidance concerning emeriti status and continued involvement in the life of the university.

14.3 Procedures for Appointments with Continued Appointment

An offer of faculty appointment with continued appointment may be made with the review and approval of the department head or chair, the divisional promotion and continued appointment committee, the director of Extension, a subcommittee of the university promotion and continued appointment committee, the provost, and the president. Ultimately, final approval rests with the Board of Visitors.

The director forwards to the provost and president for their consideration and decision: the candidate’s application package, including cover letter, curriculum vitae, and at least two letters of reference which address the appointment of rank and continued appointment; documentation of the division-level promotion and continued appointment committee’s approval of rank and continued appointment, and concurrence of the dean or director with as much supporting evidence as deemed appropriate; and a brief overview of the search itself—how many candidates applied, were interviewed, and what is the compelling case for the candidate.

In general, faculty recruited from a comparable university should be recommended for a position at Virginia Tech at a similar level with continued appointment. If the recommended appointment involves a promotion or the initial awarding of continued appointment, the case must be strongly justified. If an individual is coming from a university with a less extensive research mission, the case must also be strongly justified.

14.3.1 Part-Time Continued Appointment and Continued Appointment-Track Appointments

While continued appointment and continued appointment-track appointments are usually full time, Virginia Tech recognizes the importance of allowing flexibility in the percent of employment so that faculty members can better manage the balance between their professional work and family or personal obligations over a defined period of time, or perhaps permanently. This policy is intended to encourage departments to accommodate reasonable requests for part-time appointments; however, part-time appointments are not an entitlement, and requests may be turned down when the faculty member and the department cannot agree upon a workable plan.

When conducting a search for a continued appointment-track position, departments continue to advertise for full-time continued appointment or continued appointment-track positions and must have funding for a full-time hire. Advertisements include information about university policies for flexible appointments. If desired, the faculty member requests and negotiates a part-time appointment at or after the point of hire if acceptable to the department.

Continued appointment-track faculty members may request a part-time appointment only for reasons of balancing work and family such as the arrival or care of a child, the care of a family member, or for personal circumstances related to the health of the faculty member. In addition, they may request a term part-time appointment only (with specific starting and ending dates) allowing the issue to be revisited on a defined cycle. While such term appointments can be renewed throughout the probationary period, a permanent part-time appointment may not be granted until continued appointment is awarded.

Faculty members with continued appointment may request either term or permanent part-time appointments for reasons stated above, or to balance work at Virginia Tech with professional practice or significant community or public service, for example, a professor who wishes to serve as a consultant in addition to an appointment at Virginia Tech; a professor who wishes to engage in entrepreneurial activity outside of university responsibilities; or a professor who runs for public office for a limited term and wishes to reduce the workload at Virginia Tech for that period. Other reasonable justifications may be considered if approved the department heard or chair, University Libraries dean or director of Extension, and provost.
14.3.1.1 Part-Time Term Continued Appointment and Continued Appointment-Track Appointments

Part-time continued appointment and continued appointment-track appointments are either *term* or *permanent*. *Term* part-time appointments are in increments from one semester up to two years. During the duration of a part-time term appointment, terms of the appointment are only changed via the agreement of all parties. A term agreement must specify the date on which the faculty member is expected to return to full-time status. Renewal of a term appointment should be negotiated no less than three months before the end of the current term so that the department can plan accordingly. For term part-time appointments, departments are able to use the salary savings to replace the work of the faculty member on part-time appointment.

Only the faculty member may initiate a request for conversion from full-time to part-time appointment. The reasons for the request for a change in the percentage of appointment should be clearly stated. The department head or chair should make a careful assessment of the needs of the department, and works with the faculty member requesting the part-time appointment to facilitate the request whenever possible. The period for which this part-time appointment is granted shall be clearly stated (renewable terms from one semester up to two years, or permanent).

The written agreement should include a careful and thorough statement of work expectations for the part-time appointment. Generally, faculty members continue to contribute to all areas of responsibility, but with reduced expectations for accomplishment proportional to the fractional appointment. Service responsibilities for faculty members on part-time appointments are generally proportional to their appointments. Faculty members on part-time appointments are not excused from regular departmental, division, or university service because of the part-time appointments.

The written agreement for either an initial appointment or a conversion of a full-time appointment to part-time status and any subsequent renewal requires the approval of the faculty member, department head or chair, University Libraries dean or director of Extension and provost.

An initial *term* part-time appointment, either continued appointment or continued appointment-track, may be approved to accommodate a dual career hire if funding is not immediately available to support a full-time position, or if the faculty member seeks a part-time appointment consistent with the intent of this policy. The expectation is that the subsequent reappointment, if recommended, is for a full-time position, unless the faculty member requests a renewal of the term part-time appointment in accordance with these guidelines. A part-time appointment created for a dual career hire is approved through the usual approval processes for dual career hires. (See chapter two, “Dual Career Program.”)

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a continued appointment and continued appointment-track faculty member.

14.3.1.2 Permanent Part-Time Continued Appointments

For *permanent* part-time continued appointments with no end date, a return to a full-time appointment is not guaranteed. If holding continued appointment, the faculty member remains entitled to the continued appointment on the part-time basis only. However, an increase in the percent of the appointment up to full-time may be renegotiated between the faculty member and department head or chair if mutually agreeable and funds are available. The department and the division determine the best way to cover the costs of the work in the case of conversion to a permanent part-time appointment.

Faculty members on part-time appointments, whether term or permanent, retain all rights and responsibilities attendant to their appointment as a continued appointment and continued appointment-track faculty member.
Part-time appointments are made for any fraction 50 percent or greater of a full appointment; faculty members receive proportional salary. Faculty members considering such appointments are strongly encouraged to meet with representatives in the benefits office in Human Resources to gain a clear understanding of the consequences of the change to their benefits. Office and laboratory space may be adjusted for longer term or permanent part-time appointments.

14.4 Continued Appointment and Promotion


Members of the Extension faculty not holding appointments in an academic department in a college may be considered for continued appointment or for promotion in faculty rank in recognition of appropriate professional accomplishments as noted in the sections above.

14.4.1 Continued Appointment Eligibility

Like tenure, continued appointment is for the protection of the academic freedom of University Libraries and Extension faculty who are engaged in creating new programs and scholarship. Eligibility for continued appointment consideration is limited to faculty members holding regular faculty appointments of 50 percent to 100 percent in the University Libraries or Virginia Cooperative Extension. Continued appointment is not granted to faculty members with temporary appointments. Individuals holding continued appointment who are appointed to administrative positions however, retain the status and privileges of continued appointment.

14.4.2 Pre-Continued Appointment Probationary Period and Progress Reviews

The term “probationary period” (“pre-continued appointment”) is applied to the succession of term appointments, which an individual undertakes on a full-or part-time regular faculty appointment, and during which evaluation for reappointment and for an eventual continued appointment takes place. The beginning of the probationary period for faculty members on term appointments is taken as July 1 or August 10 of the calendar year in which their initial full-time appointment begins, depending on whether they are on a calendar year or academic year appointment, regardless of the month in which their services are initiated. (The probationary period for new faculty appointed for spring semester begins the following fall even though the spring contract period officially begins December 25.)

Under usual circumstances, divisional promotion and continued appointment committees review the professional progress and performance of pre-continued appointment faculty members twice during the probationary period, usually in their second and fourth or third and fifth years. The timing of the reviews depends upon the nature of the faculty member’s discipline and must be clearly indicated in written departmental policies. The terms of offer identifies the initial appointment period. Pre-continued appointment reviews may be delayed if there is an approved extension as described below. Changes or variations in the standard review cycle must be documented in writing.

The initial review for a part-time faculty member should be no later than the third year of service (regardless of percent of employment) to give early feedback on their progress. At least two reviews should be conducted for part-time faculty members during their probationary period; more are recommended. The anticipated schedule for such reviews for appointment and for the mandatory review for continued appointment should be documented in writing as part of the agreement for the part-time appointment. Changes should be agreed upon and documented by the faculty member and the department.
Reviews are substantive and thorough. At a minimum, divisional promotion and continued appointment committees must review the faculty member’s relevant annual faculty activity reports, peer evaluations, and authored materials.

The pre-continued appointment reviews should analyze the faculty member’s progress toward promotion and continued appointment and offer guidance regarding future activities and plans. Pre-continued appointment faculty should be encouraged to develop a narrative about their scholarship goals with special emphasis on the place of their research and creative activity. Although this narrative may change across time, creating the context for their work can assist candidates in understanding how to continue to develop professionally in a national and international context in preparation for promotion and continued appointment. The dean or director, the mentor(s), and the divisional committee should engage in discussions with instructors and assistant professors across the probationary period to encourage professional growth and development of the candidate’s scholarly work.

All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for the faculty member’s division-level file. In addition, the promotion and continued appointment committee and the director meet with the faculty member to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues. Pre-continued appointment faculty members bear responsibility for understanding division-level expectations for promotion and continued appointment and for meeting those expectations.

The initial appointment for instructors and assistant professors (or those appointed to higher ranks) without continued appointment is ordinarily for a period of not less than two years. Multiple-year reappointments may be subsequently recommended.

The maximum total period for full-time probationary appointments is six years, unless an approved extension is granted. Decision about continued appointment, if not made earlier, is made in the sixth year of the probationary appointment. If the continued appointment decision made in the sixth year is negative, a one-year terminal appointment is offered.

Pre-continued appointment faculty members may request a term part-time appointment as described in chapter fourteen, “Part-Time Continued Appointment and Continued Appointment-Track Appointments,” for reasons of balancing work and family or personal health issues. In such cases, the probationary period is extended proportionately. For example, two years of service at 50 percent counts as one year of full-time service. The term appointment may be renewed. (A permanent part-time appointment may be requested and granted following award of continued appointment.)

In determining the mandatory continued appointment review year for those with partial appointments, general equivalency to full-time appointments is expected, so that approximately five years of full-time equivalent service is expected prior to the mandatory continued appointment review year if no continued appointment clock extensions have been granted; six years if one year of extension is granted, and seven years if two extensions are granted. (In summing partial years of service, a total resulting in a fraction equal to or less than .5 is rounded down, and a fraction greater than .5 is rounded up.) However, review for continued appointment must occur no later than the tenth year of service, resulting in somewhat less full-time equivalent service (4.5 years) for a faculty member with 50 percent appointment throughout all nine probationary years prior to review. If denied continued appointment following a mandatory review, a one-year terminal appointment is offered.

Faculty members on part-time appointments may request a continued appointment clock extension in accordance with procedures described in chapter four, “Extending the Continued Appointment Clock.” (Extensions are granted in one-year increments, not prorated by the part-time appointment percentage.) However, the extension is not approved if it results in a mandatory review date beyond the tenth year.
Up to three years of appropriate service at other accredited American four-year colleges and universities may be credited toward the six-year probationary period, as specified in chapter four, “Guidelines for the Calculation of Prior Service.”

A faculty member on probationary appointment who wishes to request a leave of absence consults with the director about the effect of the leave on the probationary period, taking into account the professional development that the leave promises. The request for leave addresses this matter and the provost’s approval of the leave request specifies whether the leave is to be included in the probationary period.

**14.4.2.1 Extending the Continued Appointment Clock**

A one-year probationary period extension is automatically granted to either parent (or both, if both parents are continued appointment-track faculty members) in recognition of the demands of caring for a newborn child or a child under five newly placed for adoption or foster care. The request should be made within a year of the child’s arrival in the family.

An extension of the probationary period may also be approved on a discretionary basis for other extenuating non-professional circumstances that have a significant impact on the faculty member’s productivity, such as a serious personal illness or major illness of a member of the immediate family. In rare cases, extraordinary professional circumstances not of the faculty member’s own making may be acceptable justification for a probationary period extension, for example exceptional delays in providing critical equipment, laboratory renovations, or other elements of the committed start-up package essential to establishing a viable research program.

Faculty members who benefit from this policy are expected to fulfill their usual responsibilities during the probationary period extension unless they are also granted a period of modified duties or unless other arrangements are made. (See chapter four, “Modified Duties.”)

Probationary period extensions are granted in one-year increments. A cumulative total of two years is usually the maximum probationary period extension for any combination of reasons. Requests should be made within a year of the qualifying event or extenuating circumstance. The provost may approve exceptions to these limitations.

Requests for a probationary period extension are submitted in writing to the department head or chair. (A form is available on the provost’s website.) Approval is automatic for new parents. Documentation of medical reasons (other than childbirth or adoption) is required prior to approval; documentation of other extenuating circumstances may also be required. Approvals by the department head or chair, director, and provost are required for probationary period extensions. The faculty member may appeal denial of the request to the next higher level in their organizational reporting structure.

It is very important that all individuals and committees participating in continued appointment reviews understand that any individual who receives a probationary period extension must be held to the same standard—not a higher or more stringent one—to which other candidates without such an extension are held. This is also true in the case where the candidate’s dossier is considered on the original schedule for review. However, in this instance where an approved extension was granted but not utilized, the continued appointment review is not considered mandatory and can be conducted again in the subsequent year without penalty. A probationary extension also usually extends the time frame for each subsequent review and reappointment during the probationary period. For example, an extension granted prior to the fourth-year review and reappointment typically delays that review by one year.

**14.4.3 Guidelines for the Calculation of Prior Service**

At the time of a faculty member’s initial appointment to or Extension, the director notifies the new faculty member of his or her standing regarding the continued appointment system. Excepting temporary
appointments with limited terms, the faculty appointees are given clear notice of when their appointments will be considered for renewal and, if on the continued appointment-track, when consideration for continued appointment will be given.

In this latter calculation, appropriate full-time service in another accredited four-year American college or university is credited toward probationary service at Virginia Tech only if the appointed faculty member requests such credit.

In such a request, all prior service is presented if undertaken after the faculty member completes the terminal degree appropriate to the field. A maximum of three years may be credited toward probationary service at Virginia Tech. The request must be made in writing within one year of the initial appointment. The specification of credit for prior service toward the probationary period is subject to the approval of the provost on the recommendation of the director of Virginia Cooperative Extension.

14.4.4 Evaluation Procedures for Promotion and Continued Appointment

Promotion to a higher rank or an award of continued appointment may be granted to faculty members on a regular faculty appointment who demonstrate outstanding accomplishments in an appropriate combination of learning, discovery, engagement, and other professional activities. Every faculty member is expected to maintain a current curriculum vitae, with copies filed with the Extension unit. The curriculum vitae together with annual faculty activity reports, student or client evaluations, copies of publications, reference letters, and other similar documents comprise a dossier, which furnishes the principal basis for promotion and continued appointment decisions.

The evaluation of candidates for continued appointment closely parallels the process for tenure consideration for college faculty, and incorporates the same, or similar, elements of procedure whenever relevant or reasonable. Given the small number of faculty members on the continued appointment-track, their dossiers are reviewed at two levels (rather than three as required for college faculty): first by Extension promotion and continued appointment committee and or director of Virginia Cooperative Extension, and second by the University Promotion and Continued Appointment Committee and the provost.

Although some participants in the review process may serve at more than one level—for example a departmental committee member may also serve on the divisional committee—participants may only vote once on a case. A faculty member may not serve on any committee that is evaluating a spouse, family member, or other individual with whom the faculty member has a close personal relationship. (See chapter two, "Potential Conflicts Involving Spouses and Immediate Family Members.")

Because the job descriptions and responsibilities of the candidates being considered do not conform to a single pattern or norm, it is not possible to set forth a statement of criteria with reference to which all recommendations for promotion or continued appointment must be made. Nevertheless, members of the general faculty seeking continued appointment or promotion in faculty rank are generally expected to have records of outstanding accomplishment in an appropriate combination of the following categories:

**Professional responsibilities:** Carrying out the responsibilities of the position within the organizational unit by effective staff work, display of leadership, and a high degree of initiative.

**Research and scholarly activities:** Publishing in journals, presenting papers at professional meetings, developing other works of creative scholarship, organizing or chairing sessions at professional meetings, and carrying out instructional responsibilities or graduate student advising.

**University activities:** Participating in the conduct of the activities of the administrative unit and the university. Such service takes innumerable forms, including serving on committees or in faculty governance positions, or participating in seminars or conferences.
External activities: Participating in local, state, regional, and national professional associations. Such participation includes activities such as holding office, serving on committees, conducting workshops, serving on panels, and attending conferences, conventions, or meetings.

Awards and honors: Receiving awards, grants, and honorary titles or being selected for membership in honorary societies.

Activities and accomplishments in other appropriate areas, beyond these five, may be included in dossiers and are considered.

Extension faculty are expected to develop within this framework the performance criteria that are most relevant to the responsibilities of those units. These criteria serve both as an aid to faculty development and as a set of measures that the University Promotion and Continued Appointment Committee may apply.

The criteria by which faculty with part-time appointments are evaluated for continued appointment is the same as the criteria by which full-time faculty are evaluated. Promotion and continued appointment committees consider years of full-time equivalent service when reaching decisions, excluding any approved probationary period extensions granted under the extending the continued appointment clock policy.

Besides consideration of specific professional criteria, evaluation for promotion or continued appointment should consider the candidate’s integrity, professional conduct, and ethics. To the extent that such considerations are significant factors in reaching a negative recommendation, they should be documented as part of the formal review process.

14.4.4.1 Division-Level Evaluation for Promotion and Continued Appointment

Extension divisions have committees with appropriate faculty representation to evaluate candidates for promotion and/or continued appointment. They make recommendations to the director of Virginia Cooperative Extension. The director may chair their committees or remain separate from the committee’s deliberations and subsequently receive its recommendations. (See guidelines in chapter fourteen, “Composition of Extension Division-Level Committees.”)

The promotion and continued appointment committees review the cases of candidates for promotion and/or continued appointment, including those faculty members in the final probationary year. The director furnishes the committee with a dossier for each candidate.

14.4.4.2 Composition of Extension Division-Level Promotion and Continued Appointment Committees

Rules governing eligibility and selection of members to serve on the Extension Promotion and Continued Appointment (review committee), and operating guidelines for the review committees’ deliberations must be documented in written division-level policies, formally approved by the faculty.

Extension divisions determine who is eligible to serve on the review committees from among faculty members with continued appointment.

The review committee may include district directors; however, these members may not vote on cases from their districts since each has already had an opportunity to vote or make a recommendation on those candidates.

If possible, some significant element of faculty choice should be a part of the review committee selection procedure. Where small numbers make an election process impractical, the director appoints the representative.

If Extension district directors serve on the review committees, their total number is less than that of other faculty members.
Review committee appointments should be staggered to assure continuity from one year’s deliberation to the next. If possible, members should not serve more than two successive terms.

Selection of the review committee chair is determined in accordance with policies approved by the faculty.

The director may be present at the Extension promotion and continued appointment committee deliberations. The director serves in an advisory capacity to the review committee to assure compliance with university procedures and fairness and equity of treatment of candidates. The director does not vote on committee recommendations, but provide a separate recommendation to the provost.

Faculty members appointed to serve on the University Promotion and Continued Appointment Committee are encouraged to observe the deliberations of the Extension review committee to better prepare for their roles, but should not participate or attempt to influence the review committee’s recommendations.

14.4.4.3 Procedures and Recommendations of Extension Divisional Promotion and Continued Appointment Committees

The review committee makes a recommendation on each candidate to the director of Virginia Cooperative Extension, including a written evaluation that assesses the quality of the candidate’s performance in each relevant area. The division of the vote is conveyed to the University Promotion and Continued Appointment Committee and provost, but must otherwise remain confidential outside the review committee. In the absence of a unanimous recommendation, a minority report may be included. Whenever the director does not concur with the committee’s recommendation, the committee is so notified.

Evaluation for continued appointment is mandated in the sixth year of probationary service unless the faculty member has given written notice of resignation from the faculty. If the review committee feels that the faculty member’s record does not warrant a continued appointment, there is an automatic review of the candidate’s dossier by the director of Virginia Cooperative Extension. If the director concurs, the faculty member is notified by the dean or director, in writing, of the decision and the specific reasons for it.

The review committee may ask the candidate to appear before the committee to present additional information or clarification of recommendations.

14.4.4.4 Review and Recommendations by the Director of Virginia Cooperative Extension

The director of Virginia Cooperative Extension send forward to the provost the full dossier of every candidate for whom there is a positive recommendation from either the division-level review committees or the director, or both. The director prepare separate letters of recommendation to be forwarded with the dossiers from their division. Whenever the dean or director does not concur with the review committee’s recommendation, the committee is so notified.

The dossiers that the director send to the provost are accompanied by a statement describing the formation and procedures of the review committee and a summary of the number of candidates considered by the division in each category. The division of the vote is conveyed to the university-level committee and provost, but must otherwise remain confidential.

The division of the vote is conveyed to the university-level committee and provost, but must otherwise remain confidential.

14.4.4.5 University Evaluation for Promotion and Continued Appointment

The University Promotion and Continued Appointment Committee (university-level committee) is appointed and chaired by the provost or the provost’s designee. The committee reviews the qualifications of the candidates recommended for promotion and/or continued appointment by the director of Virginia Cooperative Extension. It also reviews those cases in which the director does not concur with the review committee’s positive recommendations. (University-level review of a case with differing recommendations
for the director and the review committee is automatic and does not require an appeal.) The purpose of the reviews is to verify that the recommendations are consistent with the evidence, reflecting university standards, and that they are consistent with university objective, programmatic plans, and budgetary constraints.

The university-level committee makes a recommendation on each candidate to the provost. The provost makes recommendations to the president, informing the university committee of those recommendations, including the basis for any non-concurrence with the university committee recommendations. The provost informs the president of any variation between the provost’s recommendations and those of the university committee.

The president makes recommendations to the Board of Visitors with the Board of Visitors being responsible for the final decision.

The provost notifies the director of any negative decision reached by the provost, the president, or the Board of Visitors. The director notifies the faculty member, inwriting, and notes appeal options.

The University Promotion and Continued Appointments committee consists of the dean of the University Libraries; the director of Virginia Cooperative Extension; and four faculty members with continued appointment—two each from the University Libraries faculty and the Extension faculty. The provost asks for nominations to this committee from the University Libraries faculty and the director of Virginia Cooperative Extension. Where possible, some significant element of faculty choice should be part of the selection procedure.

All members of the university-level committee hold voting privileges. Regardless of the size of the committee, the faculty must always have at least a majority of the potential votes. Consistent with the principle that participants at all levels of the promotion and continued appointment review process vote only once on an individual case, the director does not vote on cases from the Extension divisions. Similarly, faculty members serving on the university committee do not vote on any case they previously voted on, should this circumstance occur.

Members of the university-level committee with continued appointment in Extension divisions hold staggered terms of three years; university-level committee members with tenure in a college hold staggered terms of two years; the provost makes the committee appointments.

The provost or his or her designee chairs the committee but does not vote.

All voting within the committee should be by written secret ballot; the division of any ballot must remain confidential.

**14.4.5 Appeals of Decisions on Reappointment, Continued Appointment, or Promotion**

A faculty member who is notified of a negative decision following evaluation for a term reappointment during the probationary period, for continued appointment, or for promotion may appeal for review of the decision under conditions and procedures specified in this section. The appellant has a right to an explanation of the reasons contributing to the denial.

Such an appeal must be filed, in writing, within 14 calendar days of formal notification of the decision, which shall make reference to appeal procedures. The appeal can only be based on grounds that certain relevant information was not provided or considered in the decision, or that the decision was influenced by improper consideration.

In their recommendations, administrators and committees hearing an appeal should address the standards outlined in the previous paragraph. In particular, they shall not substitute their own judgment on the merits.
for that of the body or individual that made the decision under appeal. The recommendations should address the allegations in the appeal with specificity, and cite appropriate evidence.

Appeals should be resolved as quickly as possible without compromising fairness or thoroughness of review. Whenever possible, the goal should be to achieve final resolution in time to accommodate the first meeting of the Board of Visitors in the fall semester.

A faculty member who believes that the appeal procedures described in this section have been improperly followed may, at any point, seek advice from the Faculty Senate Committee on Reconciliation and/or file a grievance in accordance with the grievance procedure in chapter four, “Faculty Grievance Policy and Procedures.”

14.4.5.1 Probationary Reappointment

Faculty members on probationary term appointments should make no presumption of reappointment. Procedures for term reappointment or the granting of continued appointment for members of the Extension faculty are developed in Extension divisions. A decision for non-reappointment to a term appointment, based primarily on performance evaluation, is final if reached by the Extension Promotion and Continued Appointment and Review Committee and is sustained by the director of Virginia Cooperative Extension, as appropriate. Notice of non-reappointment is furnished according to the schedule in chapter two, “Retirement, Resignation, and Non-Reappointment.” The specific reasons for the decision are provided to the faculty member in writing, if requested.

If the non-reappointment decision is reached by the director in contradiction to the recommendation of the Extension Promotion and Continued Appointment and Review Committee, the faculty member may request that the non-reappointment decision be reviewed by the provost for a final decision.

The faculty member presents the appeal in writing as specified in chapter four, “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion.” The provost may ask the University Promotion and Continued Appointment Committee to review the case and make recommendation as an aid to that decision.

14.4.5.2 Continued Appointment Decision

Occasionally faculty members are evaluated for continued appointment during the probationary period, but before the final probationary year. In such a case, there is no recourse to appeal or review of a negative decision, at whatever level it is reached, because of the certainty that the evaluation will be undertaken again within a limited time.

If a faculty member is denied continued appointment in a mandatory review by both the review committee and the director of Virginia Cooperative Extension, the faculty member may appeal the negative decision in writing in accordance with provisions of this section. The appeal is submitted to the provost for review by the University Committee for Promotion and Continued Appointment, which shall make a recommendation to the provost for a final decision. No further appeal is provided. The University Committee for Promotion and Continued Appointment may choose to hear oral arguments. Substantive procedural violations may be addressed through the grievance process described in chapter four, “Faculty Grievance Policy and Procedures.”

Should the University Promotion and Continued Appointment Committee find reason to believe that the review committee’s evaluation was biased or was significantly influenced by improper considerations, the University Promotion and Continued Appointment Committee may request that the director form a new ad hoc review committee. The ad hoc committee makes a recommendation to the University Committee for Promotion and Continued Appointment that requested its formation. The University Promotion and Continued Appointment Committee then makes a recommendation to the provost. Should the provost not
concur with a positive recommendation from the University Committee for Promotion and Continued Appointment, whether that recommendation culminates a usual review or an appeal, the faculty member is so notified in writing of the specific reason for the decision. The faculty member may appeal to the Faculty Review Committee. That committee investigates the case and, if the differences cannot be reconciled, makes a recommendation to the president of the University on the matter. The president’s decision is final.

14.4.5.3 Review of Progress Toward Promotion to Professor

At least one review of progress toward promotion to professor should be conducted three to five years after promotion and continued appointment is awarded (or after continued appointment is awarded at the current rank of associate professor). The review is required for faculty promoted and awarded continued appointment during 2012-13 and thereafter. The review is to be substantive and thorough. At a minimum, an appropriate departmental committee (e.g., continued appointment committee, personnel committee, annual review committee) must review the faculty member’s relevant annual activity reports, peer evaluations of teaching, and authored materials since the last promotion. The committee may also wish to review an updated curriculum vitae.

The review should be developmental and focused on the faculty member’s progress toward promotion to professor. The developmental guidance should focus on recommended future activities and plans that will position the faculty member for promotion. All reviews must be in writing, with the faculty member acknowledging receipt by signing and returning a copy for his or her departmental file. In addition, the faculty member may request a meeting with the department committee chair and the department head or chair to discuss the review and recommendations. Individual faculty members are also encouraged to seek guidance and mentoring from senior colleagues and the department head or chair.

14.4.5.4 Promotion Consideration and Decision

There is no specification for minimum or maximum time of service in any rank. A faculty member may request at any time a consideration for promotion in rank if the review committee has not chosen to undertake such an evaluation. However, appeal of a negative promotion decision is provided only if the faculty member has been in rank for at least six years and if the faculty member has formally requested, in writing, consideration for promotion in a previous year. Candidates for promotion who have been denied by both the Extension division-level review committee and the director of Virginia Cooperative Extension may appeal to the provost, who asks the University Promotion and Continued Appointment Committee to consider the appeal. The faculty member presents the appeal in writing as specified in chapter four, “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion.”

The university-level committee makes a recommendation to the provost. If the committee and the provost concur with the negative decision, the decision is final; if not, the president makes a final decision.

14.5 Annual Evaluation and Post-Continued Appointment Review

14.5.1 Annual Evaluation and Salary Adjustments

All departments are required to have written guidelines outlining the process and criteria used in faculty evaluations. The adoption of such guidelines promotes consistency and transparency in this important aspect of faculty life.

Every faculty member’s professional performance is evaluated annually and written feedback is provided separately from confirmation of any merit adjustments. The process begins with submission of a faculty activity report (FAR). All non-temporary faculty members must submit a FAR annually. These reports form part of the basis for performance evaluations, awarding merit adjustments, and promotion, continued appointment, and post-continued appointment reviews.
The director are responsible for conducting annual faculty evaluations, either independently or in consultation with an appropriately charged committee in accordance with Extension divisional procedures. All evaluations must be in writing and include a discussion of contributions and accomplishments in all areas of the faculty member’s responsibilities, comments on the faculty member’s plans and goals, and any recommendations for improvement or change. Faculty members should receive their written evaluations within 90 days of submission of required materials, and they acknowledge receipt by signing and returning a copy for their Extension divisional file, or the electronic equivalent. Acknowledging receipt of the evaluation does not imply agreement. If a faculty member substantially disagrees with the evaluation, he or she may submit a written response to the director for inclusion in his or her personnel file.

In addition to their annual evaluation letters, all pre-continued appointment faculty members receive at least two thorough reviews during the six-year probationary period and written feedback on their progress toward continued appointment by their Extension Divisional Promotion and Continued Appointment Committee prior to reappointment in accordance with guidance included in chapter four, “Probationary Period.”

Faculty members with part-time appointments are reviewed on the annual review cycle used for all faculty members in the department. For purposes of annual review, the fraction of the appointment must be taken into account when considering the appropriate level of achievement in that year.

Salary adjustments are based on merit; they are not automatic. Recommendations for salary adjustments originate with the director and are reviewed by the provost and the president. Because salary adjustments are determined administratively on an annual basis and based significantly on the quality of the faculty member's response to assigned responsibility, they do not necessarily reflect an accurate measure of the full scope of the faculty member's professional development as evaluated by relevant committees in the continued appointment and promotion process.

The salary adjustments of continuing faculty members are approved by the Board of Visitors and each faculty member is informed in writing of the board's action as soon as possible. (See chapter two, “Faculty Compensation Plan.”)

14.5.2 Unsatisfactory Performance

For continued appointment and pre-continued appointment faculty members, failure to meet the minimal obligations and standards the division has stipulated for its faculty results in an "unsatisfactory" rating. Written notification of an unsatisfactory rating and the considerations upon which it was based is given to the faculty member, with a copy to the provost. A single unsatisfactory evaluation indicates a serious problem, which prompts remedial action. Faculty members may respond in writing with a letter to the director for inclusion in their personnel file, or they may seek redress through either the reconciliation or grievance procedures. Two successive annual ratings of unsatisfactory performance for a faculty member with continued appointment results in a post-continued appointment review.

14.5.3 Extension Divisional Minimal Standards

The Extension divisions shall develop, maintain, and publish a statement of minimal standards for satisfactory faculty performance using the following process. should be written with the participation of faculty in the division and approved by a vote of the continued appointment-track faculty in the division. Standards developed and approved by Extension Division Promotion and Continued Appointment Committee and the director are then reviewed and approved by the provost. Once approved, the standards are published and available to all faculty members the division. Revisions of divisional standards also follow these procedures.

The following guidance is provided for the development of Extension divisional minimal standards:
Extension divisions should carefully assess and state the overall standards of professional performance and contribution they consider minimally acceptable for continued appointment faculty. Each division's evaluation mechanism should allow a distinction between performance that is deficient in one or more areas requiring improvement, and performance that is so seriously deficient as to merit the formal designation "unsatisfactory."

Extension divisional standards should embrace the entire scope of faculty contributions. Expectations recognize differences in faculty assignments within the same department or unit. Extension divisional standards should typically address the individual's skill, effort, and effectiveness in contributing to all aspects of the instructional mission; the individual's activity in and contributions to the discipline; the individual's contributions to the collective life of the division and university; and the individual's activity in and contributions to the university's outreach mission.

Extension divisional statements should affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative actions.

Departmental statements should include the expectation that faculty with continued appointment will adhere to the standards of conduct and ethical behavior as stated in the Faculty Handbook and/or promulgated through other official channels.

14.5.4 Post-Continued Appointment Review

Nothing in this section should be interpreted as abridging the university's right to proceed directly to dismissal for cause as defined in chapter four, "Dismissal for Cause," or the right of individual faculty members to pursue existing mechanisms of reconciliation and redress.

A post-continued appointment review is mandatory whenever a faculty member with continued appointment receives two consecutive annual evaluations of unsatisfactory performance. Annual reviews for years spent on leave without pay are disregarded for the purpose of this calculation. The Extension Divisional Promotion and Continued Appointment Committee conducts the review, unless the same committee was involved in the original unsatisfactory annual evaluations. In this case, the division elects a committee to carry out the review function.

Upon recommendation of the director, a post-continued appointment review may be waived or postponed if there are extenuating circumstances (such as health problems).

The purpose of a post-continued appointment review is to focus the perspective of faculty peers on the full scope of a faculty member's professional competence, performance, and contributions to the Extension division and university missions and priorities.

The faculty member has both the right and the obligation to provide a dossier with all documents, materials, and statements he or she believes are relevant and necessary for the review. Ordinarily, such a dossier includes at least the following: an updated curriculum vitae, the past two or more faculty activity reports, teaching or client assessments, if any, and a description of activities and accomplishments since the last faculty activity report. The faculty member is given a period of no less than four weeks to assemble the dossier for the committee. The director supplies the review committee with the last two annual evaluations, all materials that were considered in those evaluations, any further materials deemed relevant, and other materials the committee requests. Copies of all materials supplied to the review committee are given to the faculty member. The faculty member has the right to provide a written rebuttal of evidence provided by the director.

The review committee weighs the faculty member's contributions to the discipline, the Extension division, and the university through learning, discovery, and engagement. The burden of proving unsatisfactory
performance is on the university. The committee prepares a summary of its findings and makes a recommendation to the director and provost. Final action and notification of the faculty member is the responsibility of the director, with the concurrence of the provost.

The review may result in one of the following outcomes:

**Certification of satisfactory performance:** The review committee may conclude that the faculty member’s competence and professional contributions are satisfactory to meet the Extension division’s minimal expectations, thus failing to sustain the assessment of the director. The review is then complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Certification of deficiencies:** The review committee may concur that the faculty member’s competence and/or professional contributions are unsatisfactory to meet the Extension division’s minimal expectations. The committee may recommend dismissal for cause, a sanction other than dismissal for cause, or a single period of remediation not to exceed two years.

**Remediation:** If a period of remediation is recommended, the review committee specifies in detail the deficiencies it noted, defines specific goals and measurable outcomes the faculty member should achieve, and establishes a timeline for meeting the goals. The director meets with the faculty member at least twice annually to review the individual's progress. The director prepares a summary report for the review committee following each meeting and at the end of the specified remediation period, at which time the review committee either certifies satisfactory performance or recommends dismissal for cause or a sanction other than dismissal for cause following the procedures described below.

**Sanction other than dismissal for cause:** An Extension Division-Level Committee recommendation to impose a severe sanction, as defined in chapter fourteen, “Imposition of a Severe Sanction,” is referred to the University Promotion and Continued Appointment Committee, which reviews the case as presented to the Extension Division-Level committee, provides an opportunity for the faculty member to be heard, and determines whether the recommendation is consistent with the evidence. The university committee may reject, uphold, or modify the specific sanction recommended by the Extension Division-Level committee. If the Extension division-level committee also recommends imposition of a severe sanction, then the same procedures used for dismissal for cause guide the process. The review conducted by the Extension Division-Level committee satisfies the requirement in step two for an informal inquiry by an ad hoc or standing personnel committee. Thus, in the case of a post-continued appointment review, this step is not repeated.

If a severe sanction is imposed or ultimately rejected, then the post-continued appointment review cycle is considered complete. An unsatisfactory rating in any subsequent year is counted as the first in any future sequence.

**Dismissal for cause:** If dismissal for cause is recommended, the case shall be referred to the Extension Division-Level Promotion and Continued Appointment Committee as described in chapter fourteen, “Procedures and Recommendations of Extension Division Level Promotion and Continued Appointment Committee,” which reviews the case as presented to the divisional committee and determines whether the recommendation is consistent with the evidence. If the University Promotion and Continued Appointment Committee upholds the recommendation for dismissal, then the procedures specified in chapter fourteen, “Dismissal for Cause,” begin immediately. The University Promotion and Continued Appointment Committee review satisfies the requirement for an informal inquiry by a standing personnel committee.
14.6 Imposition of a Severe Sanction or Dismissal for Cause

14.6.1 Adequate Cause

Adequate cause for imposition of a severe sanction or dismissal is related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

Adequate cause includes: violation of professional ethics (see chapter two, “Professional Responsibilities and Conduct”); incompetence as determined through post-continued appointment review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-continued appointment review) or by the relevant administrator (for example, the director, compliance and conflict resolution officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include a recommendation for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

14.6.2 Imposition of a Severe Sanction

Definition and examples: A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of university policy.

Routine personnel actions such as a recommendation for a below average or no merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute “sanctions” within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in the Faculty Handbook.

Process for Imposing a Severe Sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or ad hoc faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by an appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct policies) and, having determined that in its opinion there is adequate cause for imposing a severe sanction, refers the matter to the administration.

14.6.3 Dismissal for Cause

The following procedures apply to faculty members with continued appointment, or for dismissal of a continued appointment-track faculty member before the end of his or her current appointment.

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1 The procedures specified follow closely, but differ in occasional detail from, the “1976 Institutional Regulations on Academic Freedom and Tenure” approved by Committee A of the AAUP.

2 Ibid.
Dismissal is preceded by:

**Step one:** Discussions between the faculty member, director, and/or provost, looking toward a mutual settlement.

**Step two:** Informal inquiry by a standing (or, if necessary, ad hoc) faculty committee having concern for personnel matters. This committee attempts to affect an adjustment and, failing to do so, determines whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president’s decision whether to proceed.

**Step three:** The furnishing by the university president (in what follows, the president may delegate the provost to serve instead) of a statement of particular charges, in consultation with the director. The statement of charges is included in a letter to the faculty member indicating the intention to dismiss, with notification of the right to a formal hearing. The faculty member is given a specified reasonable time limit to request a hearing, that time limit is no less than 10 days.

**Procedures for conducting a formal hearing, if requested:** If a hearing committee is to be established, the university president asks the Faculty Senate, through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members should be nominated on the basis of their objectivity, competence, and regard in which they are held in the academic community. They must have no bias or untoward interest in the case and are available at the anticipated time of hearing. The faculty member and the university president each have a maximum of two challenges from among the nominees without stated cause. The university president then names a five-member hearing committee from the remaining names on the nominated slate. The hearing committee elects its chair.

Pending a final decision on the dismissal, the faculty member is suspended only if immediate harm to him or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation takes place with the Committee on Reconciliation of the Faculty Senate concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary continues during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.

Notice of hearing of at least 20 days is made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case, the hearing committee evaluates all available evidence and rests its recommendation on the evidence in the record.

The committee, in consultation with the university president and the faculty member, exercises its judgment as to whether the hearing is public or private. During the proceedings, the faculty member is permitted to have an academic advisor and legal counsel. At the request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association is permitted to attend the hearing as an observer.

A verbatim record of the hearing is taken.

The burden of proof that adequate cause exists rests with the university.

The hearing committee grants adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. The faculty member is afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration cooperates with the hearing committee in securing witnesses and evidence. The faculty member and administration have the right to confront and
cross-examine all witnesses. The committee determines the admissibility of statements of unavailable witnesses and, if possible, provides for interrogatories.

The hearing committee is not bound by strict rules of legal evidence, and may admit any evidence that is of probative value in determining the issues involved. Every possible effort is made to obtain the most reliable evidence available.

The findings of fact and the recommendation are based solely on the hearing record. The university president and the faculty member are notified of the recommendation in writing and are given a written copy of the record of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it so reports to the university president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the university president rejects the recommendation, the hearing committee and the faculty member are so informed in writing, with reasons, and each is given an opportunity for response.

**Appeal to the Board of Visitors:** If the university president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full record of the case be submitted to the Board of Visitors (or a duly constituted committee of the board). The board’s review is based on the record of the committee hearing, and it provides opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding returns to the hearing committee with specific objections. The hearing committee then reconsiders, taking into account the stated objections and receiving new evidence if necessary. The board makes a final decision only after study of the hearing committee’s reconsideration.

**Notice of Dismissal:** In cases where gross misconduct is decided, dismissal is usually immediate. The standard for gross misconduct is behavior so egregious that it evokes condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay. The first faculty committee that considers the case determines gross misconduct. In cases not involving gross misconduct: (a) a faculty member with continued appointment receives up to one year of salary or notice, and (b) a probationary faculty member receives up to three months’ salary or notice. These terms of dismissal begin at the date of final notification of dismissal.

14.7 Faculty Grievance Policy and Procedures

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of Extension faculty with continued appointment or on the continued appointment-track. The Faculty Review Committee of the Faculty Senate conducts the step four hearing if requested.

14.7.1 Ombuds, Mediation Services, and Faculty Reconciliation

**Informal dialogue:** It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

**University Ombuds:** Any member of the university community may visit the university Ombuds Office. The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.
Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the University President. The Ombuds Office does not keep permanent records of confidential communications.

**Reconciliation:** At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the Faculty Senate Committee on Reconciliation in fashioning an equitable solution. Contacting the Committee on Reconciliation is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether his or her concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration by the Faculty Senate Committee on Reconciliation, the grievant contacts the chair of the Faculty Senate Committee on Reconciliation within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the Faculty Senate Committee on Reconciliation, that committee must request a postponement of the time limits involved in the grievance procedure while it deals with the case. The chair of the Faculty Senate Committee on Reconciliation submits the request in writing to the vice provost for faculty affairs. Also, the grievant reaches an understanding with the Committee on Reconciliation of the time frame planned for that committee’s work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the Faculty Senate Committee on Reconciliation about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the committee contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the Office of the Executive Vice President and Provost.

**Mediation:** Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

**Role of Mediators:** Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

**Requesting Mediation:** Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated and the process continues.
Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

14.7.2 The Formal Grievance Procedure

If the assistance of the Faculty Senate Committee on Reconciliation is not desired or is not requested; or if that committee determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the Committee on Reconciliation plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of that committee, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads or chairs, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of his or her case.

**Step one:** The grievant must meet with his or her immediate supervisor (usually the department head) within 30 calendar days of the date that grievant knew or should have known of the event or action that is basis for the grievance and orally identifies the grievance and the grievant’s concerns. The supervisor provides an oral response to the grievant within five weekdays following the meeting. If the supervisor’s response is satisfactory to the grievant, that ends the matter.

**Step two:** If a satisfactory resolution of the grievance is not achieved by the immediate supervisor’s oral response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be on the faculty grievance form, must define the grievance and the relief requested specifically and precisely, and must be submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor’s oral response to the first step meeting. Faculty grievance forms are available on the provost’s website.

Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form, citing reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

**Step three:** If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for faculty in Extension is usually the dean of agriculture and life sciences. The administrator involved at this next level is hereafter referred to as the second-level administrator.

Following receipt of the faculty grievance form, the second-level administrator or designated representative meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a representative of his or her choice from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for his or her decision. If the second-level administrator’s written response to the grievance is satisfactory to the grievant it ends the matter.

**Step four:** If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Review Committee of the Faculty Senate. A description of the charge and membership of the Faculty Review Committee is included in chapter one, “Faculty Review Committee.”
Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the Procedures of the Faculty Review Committee to parties in the grievance process. The provost immediately forwards a copy of the grievance to the president of the Faculty Senate, who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost’s decision, however, may be appealed to the university president, as described in step five. If the provost does not accept the petition, the Faculty Review Committee hears the grievance as outlined in these procedures.

The Faculty Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

**Hearing Panel:** A hearing panel consists of five members appointed by the chair of the Faculty Review Committee from among the members of the Faculty Review Committee. The chair of the Faculty Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Review Committee or his or her designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

**Hearings:** After a hearing panel is appointed, the chair of the Faculty Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsel is present they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel. Detailed procedures followed in hearings are specified in the Procedures of the Faculty Review Committee as approved by the Faculty Senate.

**Findings and Recommendations:** The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Review Committee.
Provost’s Action: The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant his or her decision in writing concerning the disposition of the grievance. If the provost’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.

Step five: If the provost’s decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the university president within 20 calendar days. The university president acts as he or she sees fit. The university president’s decision is final.

14.7.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when he or she knew or should have known of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Review Committee in writing, and the chair of the Faculty Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of the president of the Faculty Senate, the chair of the Committee on Reconciliation, and the chair of the Faculty Review Committee (or the vice president of the senate if the president is also chair of the Faculty Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

14.7.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion and continued appointment procedures (see appeal process in chapter four,
“Appeals of Decisions on Reappointment, Continued Appointment, or Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

**Issues not open to grievance:** While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal related to the merits of a promotion and/or continued appointment decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

**Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures:** If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Committee on Reconciliation, and the chair of the Faculty Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

**14.7.5 Particular Concerns and Definitions**

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion make such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

Grievances that advance to step four during or close to the summer and/or teaching breaks during the academic year may require some extension of the stipulated time limits. The principals and the chair of the Faculty Review Committee negotiate such an extension. Every effort is made, however, to stay within the stipulated time limits. In case of disagreement, the Faculty Senate president rules on time extension and procedure questions, which might include a hearing conducted by three rather than five panel members, or other recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from his or her assigned work location at the time he or she discovers the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with his or her immediate supervisor to initiate the grievance process begins when the faculty member returns to his or her assigned work location. If the date of return causes a delay of such length that the grievance, or its resolution, is not timely, the grievant may submit the grievance in writing to the immediate supervisor (step two), omitting personal meetings until such time as the faculty member returns to his or her assigned work location.

“Weekdays,” as used in this procedure, include Monday through Friday only and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process stops until such time as the grievant is able to resume his or her duties. Exceptions to this provision are made at the request of the grievant, but only if the grievant obtains and produces medical certification that proceeding with the grievance will not be harmful to the health of the grievant, or exacerbate the ailment that required taking sick leave.
All costs of legal counsel employed by a grievant are borne by the grievant.

If a grievant is employed away from Blacksburg, and he or she is required to travel away from their duty station in resolution of their grievance, the university pays all travel costs permitted under state regulations.

In the event that a faculty member discovers he or she has a grievance about actions by an administrator above the level of his or her immediate supervisor that directly involve the faculty member, or with actions by an administrator not in his or her department that directly involve the faculty member, the grievant initiates the grievance process by seeking the intervention of his or her immediate supervisor within 30 calendar days of the discovery of the event or action that is the basis for the grievance. If that effort does not resolve the grievance satisfactorily, the grievant, after consulting his or her immediate supervisor, may file the faculty grievance form at the appropriate level or with the appropriate administrative office to initiate response from the administrator perceived as the source of the action causing the grievance. The grievance process then proceeds from that level onward in the usual fashion.

A grievance filed by a faculty member concerning an action of the provost is handled by the chair of the Faculty Review Committee and a regular impartial hearing panel, but the findings and recommendations of the hearing panel are sent to the university president for his or her ruling, rather than to the provost. A grievance filed by a faculty member concerning an action of the university president is addressed by a special panel appointed by the provost in consultation with the president of the Faculty Senate.

Any final resolution of a grievance must be consonant with the laws of the Commonwealth of Virginia and university policy.

Once a grievance is resolved, either to the satisfaction of the grievant, or if not to the satisfaction of the grievant, by the action of the provost in consonance with the hearing panel recommendations, or by the ruling of the university president, that specific grievance is closed and may not be made the subject of another grievance.

14.7.6 Overview of the Formal Grievance Process for Faculty with Continued Appointment or on the Continued Appointment-Track

Below is an abbreviated overview of the grievance process and deadlines. Refer to chapter four, “The Formal Grievance Procedure,” for specific details and options available in each step of the grievance process.

Time limits are subject to extension by written agreement of both parties. The grievant and the administrator involved at that particular step of the discussion are the makers of such an agreement. (An agreement form to extend the grievance response time is available on the provost’s website.)

<table>
<thead>
<tr>
<th>Step one</th>
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<tbody>
<tr>
<td>Within 30 days of event</td>
<td>1a. Grievant meets with immediate supervisor (usually division head).</td>
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<tr>
<td>Within 5 weekdays</td>
<td>1b. Supervisor provides verbal response.</td>
</tr>
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<td></td>
<td>1c. If supervisor’s response is satisfactory to grievant, that ends the matter.</td>
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<tr>
<td></td>
<td>1d. If supervisor’s response is not satisfactory to grievant, move to step two within 5 weekdays.</td>
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<table>
<thead>
<tr>
<th>Step two</th>
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<tbody>
<tr>
<td>Within 5 weekdays</td>
<td>2a. Grievant submits written grievance to immediate supervisor.</td>
</tr>
<tr>
<td>Within 5 weekdays</td>
<td>2b. Supervisor responds in writing on grievance form.</td>
</tr>
<tr>
<td>2c.</td>
<td>If supervisor’s response is satisfactory to grievant, that ends the matter.</td>
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<tr>
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<td>---------------------------------------------------------------------</td>
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<tr>
<td>2d.</td>
<td>If supervisor’s response is not satisfactory to grievant, move to step three within 5 weekdays.</td>
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</table>

**Step three**

<table>
<thead>
<tr>
<th>Within 5 weekdays 3a.</th>
<th>Grievant advances grievance form to the second-level administrator (usually dean of Agriculture and Life Sciences).</th>
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<tbody>
<tr>
<td>Within 5 weekdays 3b.</td>
<td>Dean meets with grievant; dean may request division head to be present.</td>
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<tr>
<td>Within 5 weekdays 3c.</td>
<td>Dean responds in writing on grievance form.</td>
</tr>
<tr>
<td>3d.</td>
<td>If dean’s written response is satisfactory to grievant, that ends the matter.</td>
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<tr>
<td>3e.</td>
<td>If dean’s written response is not satisfactory to grievant, move to step four within 5 weekdays.</td>
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**Step four**

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<thead>
<tr>
<th>Within 5 weekdays 4a.</th>
<th>Grievant advances grievance form to the provost.</th>
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<tbody>
<tr>
<td>Within 5 weekdays 4b.</td>
<td>Provost acknowledges receipt of grievance and forwards copy to Faculty Senate president to receive recommendation of an impartial hearing panel of the Faculty Review Committee.</td>
</tr>
<tr>
<td>Within 5 weekdays 4c.</td>
<td>Faculty Senate president acknowledges in writing to grievant that copy of grievance has been received from provost.</td>
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<tr>
<td>Within 15 weekdays 4d.</td>
<td>Faculty Review Committee chair appoints hearing panel from among Faculty Review Committee members; panel holds its initial meeting with both principals.</td>
</tr>
<tr>
<td>Within 45 weekdays 4e.</td>
<td>Hearing panel concludes its work and make recommendations to provost and grievant.</td>
</tr>
<tr>
<td>Within 10 weekdays 4f.</td>
<td>Provost meets with grievant.</td>
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<tr>
<td>4g.</td>
<td>Provost notifies grievant in writing of his or her decision.</td>
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<tr>
<td>4h.</td>
<td>If the provost’s decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendation of the hearing panel that ends the matter.</td>
</tr>
<tr>
<td>4i.</td>
<td>If the provost’s decision is not acceptable to the grievant and not consonant with the recommendation of the hearing panel, move to step five within 20 calendar days.</td>
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**Step five**

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<tr>
<th>Within 20 calendar days 5a.</th>
<th>Grievant appeals in writing to university president.</th>
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<tr>
<td>5b.</td>
<td>University president’s decision is final.</td>
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</table>
14.8 Study-Research Leave

Study-research leave may be granted to faculty members for research and/or advanced study necessary to enhance the competencies of those faculty members to carry out their obligations to the university. (At other universities this program is often called “sabbatical.”)

Full-time faculty members holding continued appointment with significant responsibility for instruction and scholarly productivity, with the rank of assistant professor or higher, having accrued a minimum of six years of service, are eligible for study-research leaves. Following such a leave, an additional six years of full-time service are necessary before a faculty member is eligible for another study-research leave. Requests may be submitted prior to completion of six years of service, but faculty members must have completed the sixth year before the leave period begins.

Time spent on study-research leave, educational leave, or leave without pay is not considered in compiling minimum service requirements for further leaves.

As part of the commonwealth’s educational leave program, recipients of study-research leaves are provided with partial salary (not to exceed one-half salary). Full employee benefits remain in force while faculty members are on study-research leaves. Calendar year faculty on study-research leave earn annual leave at a rate of half their usual annual leave earnings.

Instead of a proposal for leave of a full academic or calendar year, faculty members may propose a sequence of semester leave periods at half-salary over several years, not to exceed in total one academic year (for a faculty member on academic year appointment) or 12 months (for a faculty member on calendar year appointment). If such a sequence of leaves is undertaken, all intervening periods of full-time appointment at Virginia Tech accrue toward the six-year minimum service required before eligibility for another study-research leave or sequence of leaves.

Alternatively, following completion of any study-research leave, faculty members may propose a single semester of study-research leave at half-salary following three years of full-time service to the university.

Recipients of a study-research leave may receive additional compensation from other approved sources up to a total equal to their annual salary from the university. Faculty members may receive the additional half salary from sponsored grants or contracts, resulting in a one-year period at full salary from university sources; the appropriate level of effort must be expended on grant-related activities. They may also obtain additional funds from external sources to cover expenses for travel, research, administrative assistance, and the purchase of relevant materials. The department head and provost review and approve required documentation of all external earnings and expected payments. Engagement in consulting activities must be consonant with existing university policy.

The request for study-research leave is made in the fall and, if approved, is taken the following academic year. Requests for study-research leave are submitted to the department head or chair by November 1 for processing through the college, provost, and consideration by the Board of Visitors at the March (or spring) meeting of the board. Requests are forwarded to the board, subject to recommendation of the department head or chair, dean, and the provost, with consideration of the need for effective continuation of the Extension’s program. Specific leave request due dates are established annually and are available in the Calendar of Important Dates found on the provost’s website.

The faculty member returns to full-time service with the university for a minimum of at least one academic year at the end of the approved leave or repays the university the salary received plus interest. If less than this required period of service is met, repayment is required of the pro rata portion of the compensation provided by the university during the leave period. Before undertaking the leave, the faculty member signs a memorandum of agreement to this effect.
Within 60 days of returning to full-time status, the faculty member must send a letter to the provost, dean, and department head summarizing his or her accomplishments.

14.9 Research Assignment

Research assignment is a special category of study-research leave that is awarded to a faculty member with continued appointment for one semester of intensive study or research that increases the quality of the individual's professional stature and future contribution to the university. It may be taken in lieu of an ordinary year-long study-research leave. Continued appointment-track faculty members are not eligible to apply for research assignment leave until after continued appointment has been awarded.

Full-time faculty members holding continued appointment with the rank of assistant professor or higher, and having accrued a minimum of six years of service, are eligible for research assignment or study-research leave. Following such a leave, an additional six years of full-time service are necessary before a faculty member may be considered for another research assignment. Requests may be submitted prior to completion of six years of service, but faculty members must have completed the sixth year before the leave period begins. Faculty members on calendar year appointments may take research assignment leave for up to six months.

Approval for research assignment provides the faculty member with full salary and related benefits for the period of the leave; faculty members may not take on additional responsibilities for outside income except as allowed by the university’s consulting policy. Modest stipends associated with competitive visiting scholar programs at other institutions, competitive national or international fellowships, the Fulbright Scholar Program, and similar prestigious opportunities to support study and/or scholarly research may be approved where there is clear benefit to the faculty member and the university. Similarly, externally funded reimbursements or allotments for travel, temporary relocation, and other expenses associated with the proposed research assignment may be approved. The department head and provost review and approve required documentation of all external earnings and expected payments. When a faculty member proposes a period of paid employment greater than 50 percent of the annual salary in a corporate or governmental setting, leave without pay or a contract through the Intergovernmental Personnel Act may be more appropriate than a research assignment.

The primary privilege of a research assignment is entire relief from teaching, administrative duties, and other faculty duties for one semester. A secondary privilege is that the assignment may be carried out at any location approved by the director, although research programs that require facilities, resources from the University Libraries, or collaborations not available at the university are given special consideration.

An application for research assignment is submitted to the appropriate department head or chair by November 1 of the academic year preceding that in which the assignment will be made. Application forms are available from the provost’s website. The application is in the form of a letter, which includes a detailed description of the proposed research or other scholarly project, the location of that activity, and the relevance of the proposed activity in contributing to the faculty member’s own scholarly research program. The director reviews the application and forwards it with a recommendation to the provost by mid-December, indicating the provisions that will be made to accommodate the faculty member’s responsibilities. The director is expected to weigh fiscal and academic load considerations to assure an equitable distribution of the awards. The provost reviews the recommendations, communicates with the director, and announces the results to each candidate, following approval by the Board of Visitors. Specific leave request due dates are established annually and are available in the Calendar of Important Dates on the provost’s website.

The faculty member must return to full-time service with the university for a minimum of at least one academic year at the end of the approved leave. If less than this required period of service is met, repayment is required of the pro rata portion of the compensation provided by the university during the
leave period. Before undertaking the leave, the faculty member must sign a memorandum of agreement to this effect.

Within 60 days of returning to full-time status, the faculty member must send a letter to the provost, dean, and department head summarizing his or her accomplishments.

14.10 Modified Duties

The university recognizes the need for all continued appointment and continued appointment-track faculty members to balance the commitments of family and work. Special family circumstances, for example, birth or adoption of a child, severe illness of an immediate family member, or even issues of personal health, can cause substantial alterations to one’s daily routine, thus creating a need to construct a modified workload and flexible schedule for a period of time.

Since the circumstances may vary widely for faculty members at different stages of their careers and with different family and workload situations, this policy does not prescribe the exact nature of the accommodation. In many cases, it may be a reduction or elimination of a teaching assignment while the faculty member continues to meet ongoing, but more flexible research and graduate student supervision obligations. In general, the university’s commitment is to work with a faculty member to devise a modified workload and schedule that enables the faculty member to remain an active and productive member of the department. Because there is no reduction in salary, the faculty member is expected to have a set of full-time responsibilities.

An eligible faculty member is encouraged to speak with his or her department head or chair as soon as possible about the need for modified duties to ensure the maximum amount of time for planning. A department chair, in conjunction with the director of Extension, is responsible for working with a faculty member to ensure a fair plan for modified duties is implemented if possible, budgetary constraints are considered, and student or other needs are met. The policy does not create an entitlement if there are legitimate business-related reasons for denying the request. The department head or chair, in consultation with the dean or director, makes final decisions about the nature of the modified duties.

Provisions of this policy cannot adequately address all individual circumstances. Sick leave (including disability), leave without pay, or permanent reduction in appointment to part-time status may be options to consider for longer-term or more demanding needs. This policy is not intended to provide release time from teaching for the purpose of allowing additional time for research. Reduction in teaching assignment for research purposes is the prerogative of the Extension division and a function of the university's program of study-research leaves.

Extension of the probationary period (see chapter four, “Extending the Continued Appointment Clock”) is available to faculty members on continued appointment-track appointments who are confronted with extenuating personal or family circumstances, or birth or adoption of a child. The extension may be requested as a complement to a request for modified duties. However, the semester of modified duties does not automatically affect the continued appointment probationary period.

Eligibility: Modified duties may be requested by any faculty member in a full-time continued appointment or continued appointment-track appointment for the purpose of managing family responsibilities or, in exceptional cases, personal health issues not addressed by sick leave. The policy applies to eligible faculty upon employment.

Guidelines: The period of modified duties is one semester, or an equivalent amount of time for those faculty members whose responsibilities are not tied directly to teaching on the academic calendar.

Modification of duties should not result in additional duties during the subsequent semester, e.g., the faculty member should not be asked to make up the released teaching before or after the semester of modified
duties. The faculty member cannot be employed by another institution during the period of modified duties, nor can the release time be used for extensive professional travel or other increased professional activities (including consulting) that do not meet the goals of the policy.

Medical documentation is required if the period of modified duties is requested related to a health issue not addressed by sick leave.

A semester of modified duties should be considered in addition to, not as a substitute for, sick leave and family leave available to those giving birth or adopting during the period of the appointment (i.e., during the academic year for those on academic year appointments, or any time for those on calendar year appointments). There are no work expectations for individuals on approved sick or family leave.

Requests for outside consulting during the period of modified duties are not usually approved.

A faculty member should submit a request for modified duties as early as possible so the department can plan appropriately. The request form is available on the provost’s website. The plan of proposed activities is developed in consultation with the department head or chair and the director of Extension. The duties can be department-based, division-based, or a combination thereof.

Subject to available funding, the Office of the Executive Vice President and Provost provides an allotment to the faculty member’s unit to replace teaching (or to use in other ways relevant to the duties) that is lost through the granting of a term of modified duties. Additional support from departments and divisions is strongly encouraged, and should be noted in the request.

Approval of the department head or chair, director of Extension, and provost are necessary. If the department head or chair does not support the request, the reasons for denial are provided in writing, and the request is automatically forwarded to the dean or director for further review.

14.11 Consulting Activities for Virginia Cooperative Extension Faculty

Consistent with the university's policy and procedures on consulting activities, additional restrictions may be imposed on the consulting activity of Virginia Cooperative Extension faculty members. These restrictions are imposed to give further assurance that consulting approval is not granted for assistance that is the usual responsibility of faculty members within Extension. Extension faculty who are Administrative/Professional faculty should consult chapter seven of the Faculty Handbook.

It is recognized that the outreach responsibilities of Extension are broad and, thus, program assistance parameters are difficult to define. Consequently, the following procedures are designed to provide judgmental decisions by appropriate supervisory staff for consulting requests in ambiguous areas of program responsibilities.

The Request to Engage in External Activity Form 13010A is sent to the department head, chair, or immediate supervisor along with a letter outlining the nature of the consulting activity and why it falls outside the usual responsibilities of Extension. (The form is available on the Conflict of Interest website.) Typically, consulting activities do not involve university sponsorship.

The department head, chair, or immediate supervisor reviews the Request to Engage in External Activity Form 13010A and either approves or disapproves it. If approval is granted, the request is sent to the college dean for approval. The director of Virginia Cooperative Extension grants final approval. If disapproval is exercised at any level, the request is sent back through the department head or supervisor, to the faculty member along with an explanation for the action. Additional review and approval by the university conflict of interest officer is required for disclosures involving business ownership interests of investigators (or their family members), significant financial interests related to sponsored research, or other sponsored activities, employment or funding of students/trainees/staff, and any proposed management plan.
Decisions are based upon, but not limited to, the following: consistency with guidelines stipulated in chapter two, “Consulting and Outside Employment”; whether the area of consulting is found to be within or outside usual Extension responsibilities; and whether the time required falls within the number of consulting days allowed.
RESOLUTION TO EDIT CONSTITUTION OF THE GRADUATE HONOR SYSTEM TO ADD REVOKING GRADUATE DEGREE TO PENALTY OPTIONS

Materials attached:

1. Resolution
2. Graduate Honor System Constitution with changes in red, blue, and purple font
RESOLUTION TO EDIT CONSTITUTION OF THE GRADUATE HONOR SYSTEM TO ADD REVOKING GRADUATE DEGREE TO PENALTY OPTIONS

WHEREAS, academic standards preserve the integrity of the degrees granted by Virginia Tech; and

WHEREAS, the Graduate Honor System “establishes a standard of academic integrity and demands a firm adherence to a set of values with respect to the intellectual efforts of oneself and others;” and

WHEREAS, compliance with the Graduate Honor System “requires that all graduate students exercise honesty and ethical behavior in all their academic pursuits, including but not limited to study, course work, research, extension, or teaching;” and

WHEREAS, incidents have been reported of graduate students fraudulently obtaining a degree through serious misconduct such as plagiarism, falsification, or academic sabotage while enrolled in a degree program; and

WHEREAS, these types of violations of the Graduate Honor System can be discovered after the graduate degree is conferred; and

WHEREAS, the revocation of a degree is considered best practice in cases where a degree was fraudulently obtained; and

WHEREAS, the ability to revoke a degree is absent from the options for penalties in the Constitution of the Graduate Honor System; and

WHEREAS, the Constitution of the Graduate Honor System provides a framework for adjudication of cases from reporting an alleged violation through appeal;

NOW, THEREFORE BE IT RESOLVED, that the Constitution of the Graduate Honor System be amended to reflect the addition of the Revocation of Degree as a fifth Major Penalty level in Article VII, Section 1 and to Section 6 – Violations Involving Graduate Students Already Graduated, as follows: A degree shall be revoked after a thorough review and consideration of work done (e.g. thesis, dissertation, project, portfolio, coursework) for the culmination of the degree and it is determined that the degree has been fraudulently obtained with a violation that is identified as having occurred prior to the award of the degree and that would have resulted in that degree not being awarded had it been known; and

BE IT FURTHER RESOLVED that the Board of Visitors approves the revised Constitution of the Graduate Honor System as attached, effective fall 2020.

RECOMMENDATION:
That the above resolution editing the constitution of the graduate honor system to add revoking graduate degree penalty options be approved.

August 25, 2020
CONSTITUTION OF THE GRADUATE HONOR SYSTEM

Virginia Polytechnic Institute and State University

Effective Fall 2020

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ARTICLE I: PURPOSE AND DESCRIPTION

Section 1 - Graduate Honor Code

The Graduate Honor Code establishes a standard of academic integrity. As such, this code demands a firm adherence to a set of values. In particular, the code is founded on the concept of honesty with respect to the intellectual efforts of oneself and others. Compliance with the Graduate Honor Code requires that all graduate students exercise honesty and ethical behavior in all their academic pursuits at Virginia Tech, whether these undertakings pertain to study, course work, research, extension, or teaching.

It is recognized that graduate students have very diverse cultural backgrounds. In light of this, the term ethical behavior is defined as conforming to accepted professional standards of conduct, such as codes of ethics used by professional societies in the United States to regulate the manner in which their professions are practiced. The knowledge and practice of ethical behavior shall be the full responsibility of the student. Graduate students may, however, consult with their major professors, department heads, International Graduate Student Services, or the Graduate School for further information on what is expected of them.

More specifically, all graduate students, while being affiliated with Virginia Tech, shall abide by the standards established by Virginia Tech, as described in this Constitution. Graduate students, in accepting admission, indicate their willingness to subscribe to and be governed by the Graduate Honor Code and acknowledge the right of the University to establish policies and procedures and to take disciplinary action (including suspension or expulsion) when such action is warranted. Ignorance shall be no excuse for actions which violate the integrity of the academic community.

The fundamental beliefs underlying and reflected in the Graduate Honor Code are that (1) to trust in a person is a positive force in making a person worthy of trust, (2) to study, perform research, and teach in an environment that is free from the inconveniences and injustices caused by any form of intellectual dishonesty is a right of every graduate student, and (3) to live by an Honor System, which places a positive emphasis on honesty as a means of protecting this right, is consistent with, and a contribution to, the University's quest for truth.

Section 2 - Implementation

The Graduate Honor System was established to implement the Graduate Honor Code, and its functions shall be:

1. To promote honesty and ethical behavior in all academic pursuits, including, but not limited to, study, research, teaching, and extension.
2. To disseminate information concerning the Graduate Honor System to all new graduate students, faculty, and other interested parties.
3. To consider and review all suspected violations of the Graduate Honor Code in an impartial, thorough, and unbiased manner.
4. To review all cases involving academic infractions of the Graduate Honor Code brought before the System.
5. To assure that the rights of all involved parties are protected and assure due process in all proceedings.

Section 3 - Violations

All forms of academic work including, but not limited to, course work, lab work, thesis or dissertation work, research, teaching, and extension performed by any graduate student enrolled on a part-time or full-time basis under any of the admission categories listed in the Virginia Tech Graduate Catalog shall be subject to the stipulations of the Graduate Honor Code. Violations of the Graduate Honor Code are categorized as follows: Cheating, Plagiarism, Falsification, and Academic Sabotage. Violations are defined as follows:

1. Cheating: Cheating is defined as the giving or receiving of any unauthorized aid, assistance, or unfair advantage in any form of academic work. Cheating applies to the products of all forms of academic work. These products include, but are not limited to, in-class tests, take-home tests, lab assignments, problem sets, term papers, research projects, theses, dissertations, preliminary and qualifying examinations given for the fulfillment of graduate degrees, or any other work assigned by an instructor or professor, graduate committee, or department that pertains to graduate work or degrees.

Any student giving or receiving unauthorized information concerning a test, quiz, or examination shall be responsible for an Honor Code violation. Submitting work that counts towards the student's grade or degree which is not the sole product of that student's individual effort shall be considered cheating, unless, for example, the professor explicitly allows group work, use of out-of-class materials, or other forms of collective or cooperative efforts. In general, all academic work shall be done in accordance with the requirements specified by the instructor or professor. In the absence of specific allowances or instructions by the professor, students shall assume that all work must be done individually.
Some uses of permanently returned, graded material ("koofers") are cheating violations of the Code. By permanently returning graded materials, a faculty member or instructor demonstrates the intent that these materials should be accessible to all students. Such materials may be used for study purposes, such as preparing for tests or other assignments, and other uses explicitly allowed by the professor or course instructor. Once test questions have been handed out, koofers may not be used. Other specific examples of the unauthorized use of koofers include, but are not limited to, using koofers during closed-book exams, handing in any type of copy (e.g., a photocopy or a transcribed copy) of someone else's work (partial or complete) from a previous term, and copying a current answer key or one that was handed out in a previous term. Students may not copy and hand in as their own work answers taken from any kind of koof. When in doubt of what may or may not be used, students should consult with the course instructor. In the absence of specific instructions concerning koofers from the instructor, students shall assume that all submitted work must be the product of their own efforts without koofers or other unauthorized aid/materials.

2. **Plagiarism:** Plagiarism is a specific form of cheating, and is defined as the copying of the language, structure, idea, and/or thoughts of another and claiming or attempting to imply that it is one's own original work. It also includes the omitting of quotation marks when references are copied directly, improper paraphrasing (see Plagiarism), or inadequate referencing of sources. Sources used in preparing assignments for classes, theses, dissertations, manuscripts for publication, and other academic work should be documented in the text and in a reference list, or as directed by the instructor or professor. Sources requiring referencing include, but are not limited to, information received from other persons that would not normally be considered common knowledge (Plagiarism), computer programs designed or written by another person, experimental data collected by someone else, graded permanently-returned materials such as term papers or other out-of-class assignments (koofers), as well as published sources. A more detailed discussion of plagiarism may be found in Plagiarism.

3. **Falsification:** Students who falsely, orally, in writing, or via electronic media, any circumstance relevant to their academic work shall be responsible for a violation of this Code. Included are such actions as forgery of official signatures, tampering with official records or documents, fraudulently adding or deleting information on academic documents, fraudulently changing an examination or testing period or due date of an assignment, and the unauthorized accessing of someone else's computer account or files. Violations also include willfully giving an improper grade or neglecting to properly grade submitted material, improperly influencing the results of course evaluations, and knowingly including false data or results in any paper or report submitted for a grade, as a degree requirement, or for publication.

4. **Academic Sabotage:** Academic sabotage is purposeful vandalism directed against any academic endeavor or equipment. It includes, but is not limited to, the destruction or theft of written material, laboratory or field experiments, equipment used in teaching or research, or computer files or programs. Unauthorized tampering with computer programs or systems shall constitute a violation. Academic sabotage includes deliberately crashing or attempting to crash a computer system or the use of files intended to cause or actually causing computer systems to behave atypically, thereby impeding another person's or group's efforts. In particular, knowingly infecting any system with a virus, worm, time bomb, trap door, Trojan horse, or any other kind of invasive program shall be considered a serious violation. Note that violations under this category may also lead to University judicial action or to criminal suits charged by the University.

**Misconduct and unethical behavior in research and teaching** deserves special mention in the Code since it is an area of special interest to graduate students. It is not a separate violation category since it may involve cheating, plagiarism, falsification, and/or academic sabotage as discussed above. **Misconduct in research** does not include those factors intrinsic to the process of research, such as honest error, conflicting data, or differences in interpretation concerning data or experimental design. Likewise, **misconduct in teaching** does not include honest disagreement over the method of presentation of instructional material to a class or in the evaluation of the performance of a student. Research misconduct allegations may also be investigated by the **Virginia Tech Office of Research Integrity.**

* For further information on misconduct in research and its definition, see the references listed under item 4 of 1991 Revision -- Reference Material Used.

**Section 4 - Composition**

The Graduate Honor System shall consist of an Advisor, a Chair, one or more Associate Chair(s), GHS Facilitators, and Panelists for the Preliminary Review Panel and Review Panel. The Dean (or designee) of the Graduate School shall be responsible for the continued operation of the System.
Appointment of Graduate Honor System personnel shall be made in accordance with Article II and Article XI, Section 7.

ARTICLE II: GENERAL ADMINISTRATION

Section 1 - Appointment of the Graduate Honor System Advisor

A member of the staff of the Dean of the Graduate School shall be appointed by the President to serve as the Graduate Honor System Advisor. The Advisor shall serve in an advisory capacity to the Chair and shall be present (or represented) at all hearings of both the Preliminary Review Panel and the Review Panel.

Section 2 - Duties and Functions of the Advisor

The following duties and functions shall be performed by the Advisor:

1. The advisor shall have the responsibility to train the Chair, Associate Chair(s), Facilitators, and new panel members.
2. The advisor shall provide counsel to the Chair and Associate Chair(s) in the preparation of cases.
3. The advisor shall provide staff for handling training sessions, scheduling meetings, and other matters related to the administration of the Graduate Honor System.
4. The advisor shall counsel faculty or students referring cases as well as those students charged with offenses.
5. The advisor (or designee) shall attend all hearings.
6. The advisor, in consultation with the Chair, shall be responsible for appointing the Associate Chair(s).
7. The advisor, upon receiving the recommendation of the Chair, shall be responsible for approving the membership of the Preliminary Review Panel and Review Panel.

Section 3 - Appointment of the Chair

1. Nominations for the position of Chair shall be accepted from the Graduate Student Assembly, College Deans, and other members of the academic community, and applications by qualified persons shall be welcomed. Candidates for the position of Chair must be graduate students in good standing and must have been in residence for at least one (1) semester immediately preceding nomination. Preferably, the nominee will have served as an Associate Chair or as a graduate student panelist for at least one (1) semester prior to appointment.
2. The term of office shall be one (1) year, but if available and willing, the current Chair may be re-appointed by the President of the University to serve subsequent terms, up to four (4) years, upon the recommendation of the Graduate Honor System Advisor.
3. The Chair Nominating Committee shall be convened by the Dean upon the resignation of the current Chair, upon completion of term of office, or upon termination of office. This committee shall consist of the Graduate Honor System Advisor, up to three (3) graduate student members of the Graduate Honor System, and one (1) faculty member having previously served on a Review Panel and appointed by the Dean of the Graduate School. All members shall have equal voting privileges. The function of this committee shall be to nominate a candidate for appointment by the President. The nomination process shall be to: (1) invite nominations and accept applications, (2) review applications and conduct interviews with applicants, and (3) recommend to the President of the University, from among these applicants, a nominee for the position of Chair. The recommendation of this committee shall be by majority vote.
4. The recommendation of the nominating committee is voted on by the Graduate Student Assembly (GSA) and the Commission on Graduate and Professional Studies and Policies (CGSCGPS&P).
5. The Dean of the Graduate School will forward the nomination to the President conveying the vote of the GSA and CGSCGPS&P.
6. The President shall appoint the Chair.
7. In the absence of a timely appointment, the President, through the recommendation of the Dean, can appoint the nominee as an interim Chair until the conclusion of the appointment process.

Section 4 - Duties and Functions of the Chair

The Chair shall perform the following duties and functions:

1. The Chair shall receive reports of suspected violations and determine, in consultation with the GHS Advisor, if the referred student is eligible for a Facilitated Discussion.
2. The Chair shall assign to the Preliminary Review Panel all cases not eligible for Facilitated Discussion.
3. The Chair shall preside at all Review Panel hearings. The Chair may request a member of the Review Panel to preside in his or her place.
4. The Chair shall assure justice, fairness, and due process.
5. The Chair shall secure nominations and select graduate student and faculty members for the Facilitated Discussion Process, the Preliminary
Review Panel, and Review Panel, subject to approval by the Graduate Honor System Advisor.

6. The Chair shall assume responsibility for the instruction and training of graduate student and faculty members in the operation, function, and responsibility of the Graduate Honor System.

7. The Chair shall orient entering graduate students and new faculty to the values and obligations of the Graduate Honor Code.

8. The Chair shall conduct information activities and coordinate activities of the Graduate Honor System.

9. The Chair shall administer the operation of the Graduate Honor System throughout the entire calendar year.

10. The Chair shall keep the graduate community apprised of relevant activities of the Graduate Honor System.

11. The Chair shall consult with the Graduate Honor System Advisor in the appointment of the Associate Chair(s) and Facilitators.

12. The Chair shall select the panelists to hear the cases.

**Section 5 - Staff of the Chair**

The Chair, with the approval of the Graduate Honor System Advisor, shall appoint sufficient staff to assist with the duties of the office.

**Section 6 - Appointment of Associate Chair(s)**

1. The Graduate Honor System Advisor, in consultation with the Chair, shall appoint one or more Associate Chair(s). Nominations for this position shall be accepted from the Graduate Student Assembly, College Deans, and other members of the academic community; and applications from qualified personnel shall be welcomed. Students being considered for Associate Chair positions must be graduate students in good standing and must have been in residence for at least one (1) semester immediately preceding appointment. Preferably, the nominee will have served as a graduate student panelist of the Graduate Honor System for at least one (1) semester prior to the appointment. Associate Chair(s) shall serve a one (1) year term but may be re-appointed to serve subsequent terms, up to four (4) years, if available and willing. The appointment of the new Associate Chair(s) shall be made upon the resignation of the current Associate Chair(s), upon completion of term of office, or upon termination of office.

**Section 7 - Duties of Associate Chair(s)**

Associate Chair(s) shall perform the following duties:

1. Associate Chair(s) shall gather evidence and conduct interviews with thereferrer and the referred student(s).

2. Associate Chair(s) shall prepare a brief report summarizing the evidence.

3. Associate Chair(s) shall present the report summarizing the evidence to the referrer, referred student, and Chair before presenting it for review by the Preliminary Review Panel.

4. Associate Chair(s) shall convene and chair Preliminary Review Panel meetings.

5. Associate Chair(s) shall prepare a brief report for the Chair that summarizes the decision of the Preliminary Review Panel and shall brief the Chair on all the details of the case at hand.

6. Associate Chair(s) may attend and may present the evidence to the Review Panel.

7. Associate Chair(s) shall aid the Chair in convening and conducting training sessions for Preliminary Review Panel members.

**Section 8—Appointment of Panelists**

1. Panelists will include graduate students and faculty members from each College. Panelists will be recruited from all qualified graduate students and faculty (see Article XI Section 7).

2. Graduate student panelists shall be approved by the Graduate Honor System Advisor after training by the Chair and/or Associate Chair and following clearance of graduate student records (see Article XI Section 8). Graduate students may serve for up to four (4) years. After four years, graduate students will take a one-year break from all duties related to the Graduate Honor System.

3. Faculty member panelists shall be approved by the Graduate Honor System Advisor after training by the Chair and/or Associate Chair. Faculty panelists may serve for up to four (4) years. After four years, faculty will take a one-year break from all duties related to the Graduate Honor System.

**Section 9—Duties of Panelists**

1. Panelists shall serve on either the Preliminary Review Panel or the Review Panel.

2. Panelists shall evaluate the evidence and make recommendations regarding the case within a Preliminary Review Panel or Review Panel.

3. Panelists shall maintain the rights and confidentiality of the referred student(s) and referrer.

4. Panelists may assist in conducting educational sessions on campus and/or training sessions for new panelists.

**Section 10 – Appointment of Graduate Honor System Facilitators**
1. The Graduate Honor System Advisor, in consultation with the Chair, shall appoint one or more Graduate Honor System Facilitators. Applications for this position shall only be taken from current panelists. Graduate Honor System Facilitators must have significant experience with the Graduate Honor System as determined by the Graduate Honor System Advisor and Chair before appointment as Discussion Facilitators. Facilitators shall serve a one (1) year term but may be re-appointed to serve subsequent terms, up to four (4) years, if available and willing.

2. The appointment of new Facilitators shall be made as necessary to meet the needs of the Honor System.

Section 11 – Duties of Graduate Honor System Facilitators

1. Graduate Honor System Facilitators shall facilitate a discussion meeting between the referrer and the referred student(s).
2. Graduate Honor System Facilitators shall ensure that all applicable GHS guidelines are observed and followed.
3. Graduate Honor System Facilitators shall ensure that the rights of the referred and the referrer are upheld.
4. Graduate Honor System Facilitators shall, upon examination of the facts of the case, have the authority to refer cases to the Chair so that they may be assigned an Associate Chair for evidence gathering and interviews.
5. Graduate Honor System Facilitators shall prepare a full report for the Chair, which summarizes the outcome of the facilitated discussion and shall brief the Chair on all the details of the case at hand.
6. Graduate Honor System Facilitators shall aid the Chair in conducting the training session(s) for new Graduate Honor System Facilitators.

ARTICLE III: FACILITATED DISCUSSION

Section 1 - Composition

1. The Facilitated Discussion shall be attended by the referrer(s) of the case, the referred student(s), and one Graduate Honor System Facilitator (as outlined in Article II, Sections 10 and 11).

Section 2 – Functions of the Facilitated Discussion

The Facilitated Discussion shall fulfill the following functions:

1. It shall assure that the rights of the referred and the referrer are protected and assure due process.
2. It shall facilitate a discussion between the referrer and referred student(s).
3. It shall attempt to build a consensus resolution to a suspected Honor Code violation without convening a Preliminary Review Panel or a Review Panel.
4. It shall create a record of an Honor Code violation if all parties conclude that a violation did occur. This record shall be kept in the Graduate Honor System case files.

Section 3 – Eligibility for the Facilitated Discussion

A suspected Honor Code violation will be eligible for a Facilitated Discussion if ALL of the following criteria are met:

1. The referrer of the case is a Faculty member;
2. The suspected violation involves an allegation of either 1) cheating or 2) plagiarism as outlined in Article I, Section 3 of the GHS Constitution;
3. The referred student(s) is(are) not on Graduate Honor System Probation at the time the report of the suspected violation is received by the Graduate Honor System;
4. And the violation is one for which a reasonable person who is familiar with the form and functions of the Graduate Honor System would not assign a penalty of more than the sanctions outlined in Article VII, Section 1, Item 1, Parts a-f of this Constitution.

Section 4 – Operation of the Facilitated Discussion

1. The Chair, after determining a case eligible for a Facilitated Discussion, will notify the referrer and the referrer of this determination.
2. The referrer and referred will then have no more than ten (10) University business days to notify the Chair of their desire to participate in a Facilitated Discussion; otherwise the case will be sent for evidence gathering and panel review. Exceptions to the ten-day period will only be made under extenuating circumstances, as determined by the Chair or Graduate Honor System Advisor.
3. If either the referrer or the referred student(s) does not agree to participate in the Facilitated Discussion, the case will be sent for evidence gathering and panel review.
4. During the Facilitated Discussion, the referrer of the alleged violation and the referred student will attempt to reach a resolution to the case, with the assistance of the Graduate Honor System Facilitator. The question that the referred student and the referrer must answer is “did the student commit a violation of the honor code?” A determination of a
violation shall require both the referrer and the referred student to agree that the student is responsible for violating the honor code. A determination of no violation shall require both the referrer and the referred student to agree that the student did not violate the honor code. In the absence of such an agreement, the case shall be sent for evidence gathering and panel review.

5. If the referrer and student agree that the student has committed a violation of the honor code, the referrer and student may then decide upon an appropriate penalty. Sanctions for the Facilitated Discussion will be limited to those sanctions outlined in Article VII, Section 1, Item 1, Parts a-f of this Constitution. The referrer and referred must both come to an agreement on the appropriate penalty. In the absence of such an agreement, the case shall be sent for evidence gathering and panel review.

6. The GHS Facilitator shall prepare a record of the outcome of the Facilitated Discussion. This record, the original report of the alleged violation, and any relevant evidence shall be held in the Chair’s confidential file. The Chair shall inform the Dean of the Graduate School (or designee), in writing, of the outcome of all Facilitated Discussions.

7. For cases in which the referrer or the referred withdraws from the Facilitated Discussion, no record shall be kept that either the referrer or referred participated in a Facilitated Discussion and the fact that they did participate in such a proceeding shall not be deemed relevant in any future Honor System proceedings.

**Section 5 – Withdrawal from the Decision of the Facilitated Discussion**

1. The referred or referrer may withdraw from a decision reached during a Facilitated Discussion for any reason.
2. If the referred or referrer wishes to withdraw from the Facilitated Discussion decision, the Chair must be notified of the desire to withdraw from the decision within two (2) calendar days of the conclusion of the Facilitated Discussion.
3. If the referred or referrer withdraws from the Facilitated Discussion decision, the case shall be immediately sent for evidence gathering and panel review.
4. In these instances no record shall be kept that the Facilitated Discussion occurred and the fact that they did participate in such a proceeding shall not be deemed relevant in any future Honor System proceedings.

**ARTICLE IV: PRELIMINARY REVIEW PANEL**

**Section 1 – Preliminary Review Panel Waiver**

1. The referred student(s) and referrer shall have the opportunity to review the report prepared by the Associate Chair, before it is presented to a Preliminary Review Panel.
2. If, after review of the materials presented in the report, the referred student(s) accepts that there is substantive evidence to support the charge and warrant a full hearing of the case by the Review Panel, the student may request a Preliminary Review Panel Waiver. This request must be submitted to the Chair within five (5) University business days of the student(s) receiving the Associate Chair’s report.
3. A request for a Preliminary Review Panel Waiver must be received before a Preliminary Review Panel is scheduled.
4. A request for a Preliminary Review Panel Waiver does not, in any way, imply responsibility on the part of the student(s).
5. In cases involving multiple referred students, if all referred students do not request a Preliminary Review Panel Waiver, the case will proceed to a Preliminary Review Panel.
6. Cases for which a Preliminary Review Panel waiver is granted shall proceed directly to a Review Panel for a hearing.

**Section 2 - Composition**

1. The Preliminary Review Panel shall consist of trained graduate student and faculty panelists. Graduate student members of the Preliminary Review Panel shall have full voting privileges, whereas the faculty members shall serve in an advisory capacity to the student members and shall not have voting privileges.
2. The Associate Chair(s) (or designees) shall chair Preliminary Review Panel meetings and shall not have voting privileges.
3. The Graduate Honor System Advisor shall be a non-voting member and shall serve in an advisory capacity to the Associate Chair and the Preliminary Review Panel.

**Section 3 - Functions of the Preliminary Review Panel**

The Preliminary Review Panel shall perform the following functions:

1. It shall evaluate the evidence provided for the case.
2. It shall decide whether a hearing before the Review Panel should be held.
Section 4 - Operation

1. For each case without a Preliminary Review Waiver, a hearing shall be conducted by a Preliminary Review Panel, consisting of a minimum of five (5) graduate students and at least two (2) faculty members, to be selected by the Chair. The Associate Chair managing the case shall serve as chair of the Preliminary Review Panel. In addition, the Graduate Honor System Advisor shall be a non-voting member and shall serve in an advisory capacity to the Associate Chair and the Preliminary Review Panel.

2. Evidence gathering shall adhere to the basic tenets of due process and to the rights and responsibilities for referrer and referred as outlined in Article VIII and Article IX.

3. A decision to send the case to the Review Panel should be based upon substantive evidence to support the charge. The lack of such evidence should lead the Preliminary Review Panel to vote against sending the case to the Review Panel and consequently lead to the termination of the proceedings. Otherwise, the Preliminary Review Panel should send the case forward for the further scrutiny of the Review Panel. The fact that the case is forwarded to the Review Panel shall in no way imply responsibility for the violation; the Preliminary Review Panel is simply stating that the case should be reviewed with the aid of personal testimonies.

4. The student members shall have full voting privileges while the faculty members serve in an advisory capacity. Recommendations of the Preliminary Review Panel must be by majority vote of the graduate student members present. In the event of a tie vote, the case will go forward.

Article V: Review Panel

Section 1 - Composition

1. The Review Panel shall consist of trained graduate student and faculty panelists. Both graduate student and faculty members of the Review Panel shall have full voting rights. The Chair (or designee) shall be a non-voting member and shall serve as the panel moderator.

2. The Graduate Honor System Advisor shall be a non-voting member and shall serve in an advisory capacity to the Chair and the Review Panel.

Section 2 - Functions of the Review Panel

The Review Panel shall perform the following functions:

1. It shall hear evidence gathered by the Associate Chair.
2. It shall hear testimony of the referrer, referred student, and witnesses.
3. It shall hear the remarks of the University community representative of the referred.
4. It shall assure that the rights of the referrer and referred student are protected and assure due process.
5. It shall determine whether a violation occurred.
6. It shall recommend the penalty when the referred is determined to have violated the honor code.
violation. The decision whether a violation occurred shall be based solely on the facts regarding the charge, i.e., based on evidence collected and testimony presented at the Review Panel hearing.

7. At the conclusion of the deliberations on whether a violation occurred for each charge against the student, the Chair shall poll the members of the Panel on the question: "Has the student violated the honor code?" An affirmative vote represents "a violation," while a negative vote represents "no violation." A determination of a violation shall require a majority vote. In the absence of such a vote, the Panel shall find that no violation has occurred. An abstention shall not be counted as a vote. In the unlikely event that a majority of the Review Panel members do not vote, the current panel shall be dismissed and a new panel shall be convened to re-hear the case.

8. In determining the appropriate sanction, such factors as the referred student's past history of violations, attitude, intent, severity of the violation, and the degree of cooperation may be considered.

9. Recommendations of penalty shall be by majority vote. An abstention shall not be counted as a vote.

10. A recording of the proceedings, the confidential recommendations of the Review Panel, together with all submitted evidence and votes recorded, shall be held in the Chair’s confidential file. The Chair shall inform the Dean of the Graduate School (or designee), in writing, of the findings and recommendations of the Review Panel.

ARTICLE VI: UNIVERSITY ACTION

Section 1 - Review and Decision

1. The recommendations (decision of violation, and penalty if required) of the Review Panel shall be submitted in writing by the Chair to the Dean of the Graduate School (or designee) for review and decision.

2. No penalty shall be announced until an official decision has been rendered by the Dean of the Graduate School (or designee).

3. The official decision of the Dean of the Graduate School (or designee) shall be transmitted in writing to the referred, the referrer, and the course instructor (or major professor for a research-related violation). The referred shall also be notified of the right to appeal the decision.

4. When the Review Panel's recommendation is not accepted by the Dean (or designee), the Panel shall be notified of the final decision of the Dean (or designee).

Section 2 - Appeals

1. The referred may appeal the official decision to the Dean of the Graduate School on grounds of (1) failure of the Graduate Honor System to follow proper procedures, (2) introduction of new evidence, and/or (3) severity of the penalty. The imposition of the penalty shall be deferred until the termination of the appeals process.

2. The Dean of the Graduate School must receive the appeal within five (5) University business days after the referred receives written notification of the decision and penalty.

3. In the event of an appeal, the case will be forwarded to an appellate officer, who is well versed in the Graduate Honor System, graduate academic policies, and Virginia Tech standards of ethics, and has received training from the Graduate Honor System. Such officers include, but are not limited to, the Director of Undergraduate Academic Integrity, Associate Dean for Professional Programs in the College of Veterinary Medicine, or Associate Vice President for Research Compliance.

4. The appeal is not a retrial and must be focused solely upon one or more of the following: (1) failure of the Graduate Honor System to follow proper procedures, (2) introduction of new evidence, (3) severity of penalty. The appeal shall be limited to the consideration of the specific information pertaining to one or more of the above. The burden shall be placed on the appealing student to demonstrate why the original finding or sanction should be changed.

5. The decision of the appellate officer is limited to the grounds of the appeal. Judgments are made according to the following guidelines:
   a. Failure of the Graduate Honor System to Follow Proper Procedures
      Determine whether or not the Graduate Honor System followed proper procedures. If proper procedures were followed, then the official decision is enforced. If proper procedures were not followed, then the referred student is acquitted and the case is closed.
   b. Introduction of New Evidence
      Determine whether or not the new evidence is relevant to the official decision. In the event that the information is determined to be relevant, the appellate officer shall inform the Dean of the Graduate School or the Graduate Honor System Advisor that a new Review Panel is requested. The new Review Panel shall have no members from a previous panel. If information is determined to be irrelevant or there is no new evidence, then the original decision is upheld.
   c. Severity of Penalty
      Determine if the penalty is too severe for the violation(s), for which the student was found
responsible. The finding of a violation is not appealable and the case will not be reheard. The appellate officer has the option to consult GHS facilitators or experienced panelists who were not involved with the original case, as identified by the Chair or Advisor to the GHS, if perspective on the severity of the penalty is required. In the event that the penalty is found to be too severe, a lower penalty may be determined by the appellate officer from those specified under Article VII of this Constitution.

6. The final determination of an appeal shall be the sole responsibility of the appellate officer. The student shall be notified in writing of the disposition of the appeal.

ARTICLE VII: ACTIONS OF THE GRADUATE HONOR SYSTEM

Section 1 - Penalties

Where a violation is determined, the Review Panel or Facilitated Discussion shall also be responsible for determining an appropriate sanction. There are four major penalty levels (1-4) with increasing severity. These penalties are (1) Graduate Honor System Probation, (2) Suspension in Abeyance, (3) Suspension, and (4) Permanent Dismissal. For each charge of a Graduate Honor Code violation for which a student acknowledges responsibility or is found responsible, one of these four penalties must be given.

For cases resolved through Facilitated Discussion, only penalty 1 (Graduate Honor System Probation), subparts a-f may be applied.

For those cases where suspension or dismissal is not warranted, the subparts of penalty 1 (Graduate Honor System Probation) provide a further gradation in the penalty action. Whereas penalties 2, 3, and 4 must be given as a whole (i.e., no parts may be given without the others), penalty 1 may be given in part or in full. However, if penalty 1 is selected, parts a and b are required. Only parts c-i of penalty 1 shall be optional. The very minimum penalty given shall be penalty 1, parts a and b.

1. Graduate Honor System Probation (parts a and b mandatory, parts c-i optional)
   a. The referred shall not be suspended from the University, but shall be placed on Graduate Honor System Probation until graduation or termination of enrollment. The sentence of Probation is a warning and is intended to serve as a deterrent against future misconduct. In the event of any other University or Graduate Honor Code violation, the appropriate parties shall be notified of the previous history of the referred. In the event of resignation and re-enrollment within a period of one (1) year, the referred shall be reinstated on Graduate Honor System Probation (penalty 1, part a only) subsequent to re-enrollment.

   b. The referred shall also automatically receive a zero on the assignment on which the violation occurred. In cases other than those involving course work (or other similar work where a zero is applicable), action shall be taken to negate any advantages obtained by the violation.

   c. A record of the action shall be kept in the referred student's folder (not the official transcript) in the Graduate School until graduation from the University or termination of enrollment.

   d. The referred shall be required to attend a meeting or meetings with the Chair and the Dean of the Graduate School for the purpose of achieving a better understanding on the student’s part of the requirements and purpose of the Graduate Honor System. Failure to participate in this meeting(s) shall constitute grounds for the automatic invocation of part "g" below.

   e. The referred shall be required to write an essay on academic integrity, prevention of academic misconduct, and/or what they have learned regarding academic integrity. Additional essay topics may be requested by the Review Panel. The Chair or Associate Chair from the case will review and guide the writing of the essay. Failure to complete this assignment shall constitute grounds for the automatic invocation of part "g" below.

   f. The referred shall be required to complete GRAD 5014: Academic Integrity and Plagiarism course. Failure to successfully complete this course shall constitute grounds for the automatic invocation of part "g" below.

   g. The notation "placed on Graduate Honor System Probation" shall appear on the student's permanent record (transcript) under the semester in which the violation occurred.

   h. If substantial unfair academic advantage was gained, that is to say, if the violation, undetected, would have led to an advantage over the other students (or if the referred thought it would), then a grade of "F" for the course in which the offense occurred shall also be a penalty action under this part. This grade shall appear on the student's grade report and permanent record (transcript) as an "F."

   i. If substantial unfair academic advantage was gained, that is to say, if the violation,
undetected, would have led to a substantial grade advantage over the other students (or if the referred thought it would), then a grade of "F for violation of the Graduate Honor Code" for the course in which the offense occurred shall also be a penalty action under this part. This grade shall appear on the student's grade report and permanent record (transcript) as an "F*", and it shall be a permanent notation.

2. **Suspension in Abeyance** (all parts mandatory)
   a. The referred shall be allowed to remain in the University to complete the semester in which the offense occurred or in which the hearing is held.
   b. The penalty shall automatically include a grade of "F for violation of the Graduate Honor Code" for the course (or equivalent) in which the offense occurred. This grade shall appear on the student's grade report and permanent record (transcript) as an "F*", and it shall be a permanent notation.
   c. After the completion of the semester as specified in item (a) above, the referred shall be suspended for a period not to exceed two (2) successive semesters or one (1) full academic year as specified by the official notification of the University action (as specified under Article VI, Section 1, item 3 of this Constitution).
   d. The notation "suspended for violation of the Graduate Honor Code" shall appear on the student's permanent record (transcript) under the semester in which the violation occurred.
   e. Upon the referred student's re-enrollment at Virginia Tech at the end of the period of suspension, the student shall be placed on Graduate Honor System Probation (penalty 1, part a only) until graduation or termination of enrollment.

3. **Suspension** (all parts mandatory)
   a. Suspension is immediate and the student shall not be allowed to complete the current semester. In addition, the referred shall be suspended for a period not to exceed two (2) successive academic semesters or one (1) full academic year following the current semester (as specified under Article VI, Section 1, item 3 of this Constitution).
   b. All credits shall be lost for work done during the semester in which the student is currently enrolled. The penalty shall automatically include a grade of "F for violation of the Graduate Honor Code" for the course (or equivalent) in which the offense occurred. This grade shall appear on the student's grade report and permanent record (transcript) as an "F*", and it shall be a permanent notation.
   c. The notation "suspended for violation of the Graduate Honor Code" shall appear on the student's permanent record (transcript) under the semester in which the violation occurred.

4. **Permanent Dismissal** (all parts mandatory)
   a. The referred shall be permanently dismissed from the University without being allowed to complete the current semester.
   b. All credits shall be lost for work done during the semester in which the student is currently enrolled. In addition, if the offense did not occur during the semester in which the hearing is held, then a grade of "F for violation of the Graduate Honor Code" shall also be assigned for the course in which the offense was committed. This grade shall appear on the student's grade report and permanent record (transcript) as an "F*", and it shall be a permanent notation.
   c. The referred may never re-enroll in the University.
   d. The notation "permanently dismissed for violation of the Graduate Honor Code" shall appear on the student's permanent record (transcript) under the semester in which the violation occurred.

**Section 2 - Acquittal**

In the event of acquittal by the Graduate Honor System, all records of any description in conjunction with the trial shall be completely destroyed, except the "charges" and the "Findings of the System," which shall be filed in the Chair’s confidential file.

**Section 3 - Announcement**

1. In cases where students are found in (or claim responsibility for) violation of the honor code, the penalty and specifications may be published without names, when the case is resolved, in such media as the GHS annual report and reports to the Graduate Student Assembly or Commission on Graduate and Professional Studies and Policies.
2. Exonerations may also be published (without names) if the referred so desires. A written release must be obtained from the referred prior to publication.
ARTICLE VIII: RIGHTS AND OBLIGATIONS OF THE REFERRED STUDENT

Section 1 - Rights of the Referred Student

A student referred for violating the Graduate Honor Code shall have certain procedural guarantees to ensure fair hearing of evidence. These rights under the Graduate Honor Code shall be as follows:

1. Students shall be considered innocent until judged guilty.
2. Students shall have the right to refrain from speaking for or against themselves.
3. Students shall have the right to speak in their own behalf.
4. Students may choose a member of the university community, such as a fellow student, faculty member, or staff member who is willing to assist them in preparing their defense. This person may attend a Facilitated Discussion, but may only participate in an advisory capacity to the student. During a Review Panel, the student's representative shall only be allowed to address the Review Panel; they may not question witnesses. Lawyers retained by referred students shall not be permitted in Review Panel hearings or at Facilitated Discussions.
5. Students may terminate a Facilitated Discussion at any time, without reason.
6. Students shall have the right to review the report prepared by the Associate Chair, prior to the scheduling of a Preliminary Review Panel.
7. Students shall have the right to suggest corrections and/or additions to the report prepared by the Associate Chair, prior to the scheduling of a Preliminary Review Panel. All suggestions will be considered at the discretion of the Chair and the Associate Chair for the case.
8. Students may at any time privately seek counsel with their university community representative. Statements made at this time shall be confidential.
9. Students may have any Graduate Honor System function that they are entitled to attend stopped at any time for a point of clarification.
10. Students may leave any Graduate Honor System function at any time; however, it is in their best interest to remain until they are made aware of all the details.
11. Students shall have the right to receive written notice of the charges, the "Order of Events for Review Panel Hearings," and any other pertinent information sufficiently in advance of the Review Panel hearing and in reasonable enough detail to allow them to prepare a case in their behalf. Likewise, students shall have the right to examine all evidence collected during evidence gathering prior to the Review Panel hearing. The students and their representatives shall have a copy of the evidence during the Review Panel hearing.
12. Students shall have the right to be aware of all testimony.
13. Students shall have the right to face the referrer, when such opportunity exists, at the Review Panel hearing and to present a defense against the charges, including presenting witnesses on their behalf. Consequently, students shall be consulted in the scheduling of the Review Panel hearing. However, students shall only be allowed to reschedule the Review Panel hearing once. Except under extenuating circumstances, Review Panel hearings shall not be rescheduled unless the Chair or the Graduate Honor System Advisor is notified of the requested change prior to three (3) days preceding the scheduled hearing date.
14. Failure of students to be present at Review Panel hearings, assuming reasonable effort has been made to ensure their presence, shall indicate that they are waiving their rights to face the referrer and to appear before the Review Panel.
15. Students may ask that a panel member be excused from the Review Panel hearing if they can give reasonable cause why that panel member may be biased or have some other conflict of interest. The Chair and the Graduate Honor System Advisor shall make a final ruling on any such request.
16. Students shall have the right to an appeal as specified under Article VI, Section 2.

Section 2 - Obligations of the Referred Student(s)

Students referred for suspected Graduate Honor Code violations shall have the responsibility of cooperating with Graduate Honor System personnel. Furthermore, when a case involves other students, these students' rights to privacy should be observed. Students should be aware that the confidentiality of Honor System proceedings may be covered under the Family Educational Rights and Privacy Act (FERPA) as outlined on the University Registrar’s website.

ARTICLE IX: RIGHTS AND OBLIGATIONS OF THE REFERRER

Section 1 - Rights of the Referrer

A person referring charges of a Graduate Honor Code violation against a graduate student shall be accorded the following rights:

1. Discussion of the charges between the referrer and referred prior to the Review Panel hearing shall be
allowed, although the referrer shall have the right to decline to discuss the case with the referred. The referrer shall have the right, with the permission of the referred, to have one witness present when talking with the referred about the alleged violation.

2. The referrer shall have the right to choose one person (any member of the university community, such as a graduate student, a faculty or staff member, or department head) to assist them in preparation of the case. This person is not allowed to be present at the Review Panel hearing or during a Facilitated Discussion.

3. The referrer shall have the right to terminate a Facilitated Discussion at any time, without reason.

4. The referrer shall have the right to review the report prepared by the Associate Chair, prior to the scheduling of a Preliminary Review Panel.

5. The referrer shall have the right to suggest corrections and/or additions to the report prepared by the Associate Chair, prior to the scheduling of a Preliminary Review Panel. The referrer shall have the right to receive a copy of the evidence collected during the evidence gathering, the "Order of Events for Review Panel Hearings," and any other pertinent information, if the Preliminary Review Panel sends the case to the Review Panel.

6. The referrer shall have the right to receive written notification of the final disposition of the case.

7. The referrer shall have the right to be secure in person and property.

8. Professors referring charges of violations may opt to grade or refrain from grading any assignment referred to the Graduate Honor System. It is recommended that instructors, if they are able to do so, grade the assignment with the assumption that the student is innocent of the charge. However, an incomplete grade may be assigned to the referred student pending the decision of the Graduate Honor System. The incomplete grade will be removed when the case is resolved.

Section 2 - Obligations of the Referrer

A person referring a suspected of a Graduate Honor Code violation shall accept the following obligations:

1. The referrer shall cooperate with the Chair, the Graduate Honor System advisor, the Associate Chair, and any other personnel of the Graduate Honor System.

2. The referrer shall be expected to appear at the Review Panel hearing.

3. The referrer shall have the responsibility of maintaining confidentiality in all matters pertaining to the case. However, referrers may discuss the case with their counsel (see Article IX, Section 1, item 2). The referrer should be aware that the confidentiality of Honor System proceedings may be covered under the Family Educational Rights and Privacy Act (FERPA) as outlined on the University Registrar’s website.

ARTICLE X: OBLIGATIONS OF PARTIES INDIRECTLY INVOLVED IN HONOR SYSTEM CASES

1. Parties indirectly involved in Honor System cases include but are not limited to persons who witness alleged violations, witness discussions between referrers and referred students, and serve as members of the University community that help referrers and referred students prepare their case.

2. Parties indirectly involved in Honor System cases shall have the responsibility of maintaining confidentiality in all matters. Parties indirectly involved in Honor System Cases should be aware that the confidentiality of Honor System proceedings may be covered under the Family Educational Rights and Privacy Act (FERPA) as outlined on the University Registrar’s website.

ARTICLE XI: GENERAL

Section 1 - Reporting of Violations

It is the obligation of all members of the academic community to report alleged violations of the Graduate Honor Code. Reporting the observance of a Graduate Honor Code violation shall not be optional; it shall be mandatory. Reports should be submitted in writing to the Chair or the Graduate Honor System Advisor on forms provided for that purpose, which are available at the Graduate Honor System website. The report form also may be obtained at the Graduate School.

Alleged violations of the Graduate Honor Code must be reported within ten (10) University business days after the date of discovery. Only under very special circumstances shall exceptions to this policy be granted, and then only at the discretion of the Chair and the Graduate Honor System Advisor. A possible reason for exception could include, but is not limited to, unavoidable delays in obtaining the evidence.

Section 2 - Violations at Extended Campuses

1. Students engaged in graduate studies at any of Virginia Tech’s extended campuses shall be subject to all provisions of this Constitution.
2. Designated panelists may assist in gathering evidence if it is not possible for an Associate Chair to do so. The evidence obtained shall be presented to the Preliminary Review Panel and shall be evaluated in a manner prescribed in Article IV of this Constitution.

3. Unless otherwise designated by the Chair, with the approval of the Dean of the Graduate School, all hearings shall be conducted at the Virginia Tech main campus in Blacksburg.

Section 3 - Summer

Because of the decreased availability of graduate student and faculty panelists during the summer, delays in processing and hearing cases may result. Thus, reasonable delays of this sort shall not be considered as violating the student's rights or as grounds for an appeal.

Section 4 - Graduate Students Enrolled in Undergraduate Classes

Graduate students shall be subject to stipulations within this Constitution regardless of whether they are enrolled in undergraduate or graduate classes. In cases in which the graduate student is referred in conjunction with an undergraduate student, the Graduate Honor System will work with the Office of Undergraduate Academic Integrity.

Section 5 - Undergraduate Students Enrolled in Graduate Classes

The undergraduate honor system, commonly referred to as The Virginia Tech Honor System, shall have jurisdiction over cases involving undergraduate students in graduate classes unless the student is also enrolled in the Graduate School and taking graduate classes for graduate credit under the classification of "Dual Student" or "Combined Student," and "Bachelor/Master's Degree Student," in which case the Graduate Honor System shall have jurisdiction. In cases in which an undergraduate student is referred with a graduate student, the Graduate Honor System will work with the Office of Undergraduate Academic Integrity.

Section 6 - Violations Involving Graduate Students Already Graduated

If the degree towards which the student was working at the time of the alleged violation has already been awarded, the case shall be referred to the Dean of the Graduate School who shall convene a committee to review and investigate the charge and make recommendations. The committee composition shall be determined by the Dean of the Graduate School. The Chair of the Graduate Honor System shall be an ex officio member of this committee and shall have the same voting privileges as the other members of this committee.

Section 7 - Recruitment of Graduate Honor System Members

Recognizing that it is strongest when it fosters and reflects the support of all graduate students and faculty at the University, the Graduate Honor System shall seek to be as broadly representative of the graduate student and faculty bodies at Virginia Tech as possible. To this end, all qualified graduate students and faculty shall be encouraged to participate in the Graduate Honor System. No otherwise qualified graduate student or faculty may be excluded from membership on the basis of race, sex, handicap, age, veteran status, national origin, religion, political affiliation, or sexual orientation.

Section 8 - Clearance of Graduate Student Records

Graduate students volunteering or appointed to serve in the Graduate Honor System must receive clearance of their personal disciplinary records and their academic records through the Dean of the Graduate School. Such clearances shall be conducted consistent with the University's regulations on the confidentiality of records and shall assure a minimum academic quality credit average of 3.00 and no previous or current disciplinary action for each appointee.

Section 9 - Confidentiality

All investigations, hearings, reviews, and other associated activities of the Graduate Honor System shall conform to the University's "Confidentiality of Student Records" and FERPA policies.

Section 10 - Substitution of Graduate Honor System Personnel

The Chair or the Graduate Honor System Advisor shall be authorized, when circumstances dictate, to appoint substitutes for any Graduate Honor System personnel in any case before the Graduate Honor System. However, faculty may not be substituted for graduate students and vice versa.

Section 11 - University Policies

Where appropriate, the Graduate Honor System shall abide by all applicable policies, statements, and principles as contained in the University Policies for Student Life.
Section 1211 – Definition of a “University business day”

A “University business day,” as referred to in this constitution, shall be defined as any day on which the main Virginia Tech campus is open and the Graduate School offices are open.

ARTICLE XII: VIOLATIONS INVOLVING FORMER GRADUATE STUDENTS WHO HAVE RECEIVED THEIR DEGREES

Section 1 – Convening of Special Committee

If the degree towards which the student was working at the time of the alleged violation has been awarded, the case shall be referred to the Dean of the Graduate School. The Dean of Graduate School shall convene a special committee to review and investigate the allegation and make recommendations.

Section 2 – Composition of Special Committee

The Special Committee shall consist of an experienced Graduate Honor System faculty panelist appointed by the Dean of the Graduate School to serve as the Chair of the Special Committee (voting), the GHS Chair (ex officio, voting), the GHS Advisor (non-voting), a minimum of four (4) faculty and two (2) graduate students recruited from GHS panelists, and up to two (2) other faculty or student members appointed by the Dean of Graduate School. All members of the Special Committee (except the GHS Advisor) shall have full voting privileges. The number of voting graduate student members (including GHS Chair) shall not exceed the number of voting faculty members on the Special Committee.

Section 2 – Functions of the Special Committee

The Special Committee shall perform the following functions:

1. It shall review the allegation and any evidence submitted to the Dean of Graduate School, and may gather additional evidence.
2. It shall solicit testimony from the referrer, referred former student, the former student’s advisor, committee members, and other applicable witnesses.
3. It shall assure that the rights of the referrer and referred former student are protected and assure due process.
4. It shall determine whether a violation occurred.
5. It shall recommend a penalty if the referred former student is determined to have violated the honor code.

Section 3 – Operation of Special Committee

1. Preliminary Review
   a. The special committee shall conduct a preliminary review of the allegation to determine if it warrants a full review.
   b. A decision to conduct a full review should be based upon substantive evidence to support the allegation. The lack of such evidence should lead the Special Committee to vote against moving to a full review and consequently lead to the dismissal of the case. Otherwise, the Special Committee should proceed to a full review of the case. The fact that the case is moved to a full review does not imply responsibility for the violation; it only denotes that the case should be reviewed with the aid of additional evidence and personal testimony.
   c. A majority vote is required to dismiss the case. Otherwise, the case proceeds to a full review.

2. Full Review
   a. The full review of the case shall be based on the gathering of relevant evidence and personal testimonies from the referrer, referred former student, former student’s advisor, committee members, and other applicable witnesses.
   b. The referred former student must be adjudged to have violated the honor code before any consideration is given to a penalty, unless the referred acknowledges responsibility, in which case the deliberations shall focus solely on the penalty.
   c. In evaluating evidence and testimony regarding whether a violation of the honor code occurred, each member of the Special Committee shall consider whether or not there exists substantive evidence of a violation. The decision whether a violation occurred shall be based solely on the facts regarding the charge, i.e., based on evidence collected and testimony presented to the Special Committee.
   d. At the conclusion of the deliberations on whether a violation occurred, the Special Committee shall be polled by the Chair of the Special Committee on the question: “Has the former student violated the honor code?” An affirmative vote represents “a violation”, while a negative vote represents “no violation”. A determination of a violation shall
require a majority vote. In the absence of such a vote, the Special Committee shall find that no violation occurred. An abstention shall not be counted as a vote. In the unlikely event that a majority of the Special Committee members do not vote, the current Special Committee shall be dismissed, and a new Special Committee shall be convened to review the case again.

e. In determining the appropriate sanction, factors such as the referred former student’s attitude, intent, severity of violation, and the degree of cooperation may be considered.

f. Recommendations of penalty shall be by majority vote. An abstention shall not be counted as a vote.

g. A recording of the proceedings, the confidential recommendations of the Special Committee, together with all submitted evidence and votes recorded, shall be held in the GHS confidential files.

h. Upon completion of the full review of the case, the Chair of the Special Committee shall inform the Dean of the Graduate School (or designee), in writing, of the findings and recommendations of the Special Committee. The Dean of the Graduate School (or designee) shall review and communicate the final decision in writing to the referred former student and the referrer.

Section 4 – Actions of Special Committee

1. Penalties

   a. Corrective Action: The former student is required to take corrective action to meet Virginia Tech academic standards regarding the academic work under review (whether it pertains to thesis, dissertation, or course work). Corrective action may include but is not limited to re-writing sections of thesis or dissertation or taking additional courses.

   b. Revocation of Degree: If it is determined that the degree awarded to the former student was fraudulently obtained due to significant misconduct, the Special Committee may recommend the revocation of the degree granted based on the violation. The former student may never re-enroll at the University.

2. Acquittal: In the event of acquittal of the former student by recommendation of the Special Committee, all records of any description in conjunction with the Special Committee proceedings shall be completely destroyed, except the “charges” and the “Findings of the Special Committee,” which shall be held in the GHS confidential files.

Section 5 – Appeals

1. The referred former student may appeal the official decision to the Dean of Graduate School on grounds of (1) failure of the Special Committee to follow proper procedures, (2) introduction of new evidence, and/or (3) severity of penalty. The imposition of the penalty shall be deferred until the termination of the appeals process.

2. The Dean of the Graduate School must receive the appeal within five (5) University business days after the referred former student receives written notification of the decision and penalty.

3. In the event of an appeal, the case will be forwarded to an appellate officer, who is an Academic Dean (or designee) nominated from the Council of College Deans. The appellate officer cannot be from the College in which the degree was earned by the former student.

4. The appeal is not a retrial and must be focused solely upon one or more of the following: (1) failure of the Special Committee to follow proper procedures, (2) introduction of new evidence, (3) severity of penalty. The appeal shall be limited to the consideration of the specific information pertaining to one or more of the above. The burden shall be placed on the appealing former student to demonstrate why the original finding or sanction should be changed.

5. The decision of the appellate officer is limited to the grounds of the appeal. Judgments are made according to the following guidelines:

   a. Failure of the Special Committee to Follow Proper Procedures
      Determine whether or not the Special Committee followed proper procedures. If proper procedures were followed, then the official decision is enforced. If proper procedures were not followed, then the referred former student is acquitted, and the case is closed.

   b. Introduction of New Evidence
      Determine whether or not the new evidence is relevant to the official decision. In the event that the information is determined to be relevant, the appellate officer shall inform the Dean of the Graduate School that the convening of a new Special Committee is requested. The new Special Committee shall have no members from the previous Special Committee except the GHS Advisor. The GHS Chair shall designate the GHS Associate Chair to serve as the voting
member in the new Special Committee. If information is determined to be irrelevant or there is no new evidence, then the original decision is upheld.

c. **Severity of Penalty**

Determine if the penalty is too severe for the violation(s), for which the referred former student was found responsible. The Special Committee’s determination that a violation occurred cannot be appealed, and the case will not be reheard. The appellate officer has the option to consult GHS facilitators or experienced panelists who were not involved with the original Special Committee, or other faculty from the Department or Program closely associated with the former student’s degree, if perspective on the severity of the penalty is required. If the penalty is found to be too severe, a lower penalty may be determined by the appellate officer based on the consultations.

2. The final determination of an appeal shall be the sole responsibility of the appellate officer. The referred former student shall be notified in writing of the disposition of the appeal.

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**ARTICLE XIII: AMENDMENTS**

Proposed amendments to the Constitution of the Graduate Honor System may be initiated through one of the following channels: (1) by a majority vote of the Graduate Student Assembly, (2) by a majority vote of the Commission on Graduate and Professional Studies and Policies, or (3) by direct submission to the Chair or the Dean of the Graduate School. Also, at the discretion of the Chair and the Graduate Honor System Advisor, amendments may be initiated through the Graduate Honor System. Upon receiving such proposals, the Dean of the Graduate School shall convene the Constitution Revision Committee. With the approval of two-thirds of this committee, proposed amendments shall be forwarded for approval by the Commission on Graduate and Professional Studies and Policies and thereafter through the proper channels of the University governance structure (which at the time of the 2008-09 revision is described in Policies and Procedures No. 8011). Any substantive changes in proposed amendments as they proceed through subsequent levels of approval shall be resubmitted to the Constitution Revision Committee for its approval.

The Constitution Revision Committee shall consist of the Chair, the Graduate Honor System Advisor, a minimum of six (6) panelists (minimum of four (4) graduate students and two (2) faculty), and up to two (2) other representatives from the graduate student body to be nominated by the Graduate Student Assembly.

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**2020 Revision**

At the request of the Dean of the Graduate School, a Constitution Revision Committee was convened in the summer of 2020 to revise the GHS Constitution based on the recommendations of the Commission on Graduate and Professional Studies and Policies in Resolution CGPS&P 2019-2020A titled “Resolution to Edit the Graduate Honor System Constitution to Add Revoking Graduate Degree to Penalty Options.”

The Constitution Revision Committee added a new article to the constitution to describe the entire process of handling violations involving former graduate students who have received their degrees. The article describes in detail the composition, functions, and operation of the special committee, as well as the possible sanctions for violations and the appeal process. This new article replaces the previous description of the process (Article XI, Section 6), pertaining to violations involving graduate students already graduated. Because of the removal of a section and the introduction of a new article, subsequent sections and articles have been renumbered.

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**2018 Revision**

The Vice President and Dean of the Graduate School convened a Constitution Review Committee in the Spring of 2018. This revision was conducted by a panel of graduate students and faculty members in accordance with the constitution.

The goals of the revision were to address concerns about the path of appeals, update language within the constitution to better fit the Honor System’s values, and include penalties that fit the Honor System’s values and mission which were not available at the time of the last revision.

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**2008-09 Revision**

At the request of the Dean of the Graduate School, a Constitution Review Committee was convened in 2008 to perform a periodic review to bring the GHS Constitution up to date with current University policies and the climate of the time. This revision was conducted by a panel of graduate students and faculty in accordance with the constitution.

The goals of the current revision were two-fold: First, revisions were intended to address substantive issues that have arisen since the 1991 revision. Second, revisions were intended to improve the efficiency and effectiveness of the Honor System. The Review Committee considered a number of changes and ultimately rejected those that did
not meet either of the above mentioned goals. The committee has worked very hard to ensure that the revisions to this constitution stand for at least another 15 years.

1991 Revision

Following the conclusion of the 1987 University Self-Study, a Constitution Revision Committee was convened to evaluate the Graduate Honor System. Since the Constitution had not received serious scrutiny in a decade or more, and since the Graduate Honor System has now matured to a level where the old Constitution is hardly serviceable, the ultimate goal of this committee from the outset was a revision of the Constitution. Much work has gone into ensuring that this revision will stand the test of time and will be instructive in guiding the operation of the Graduate Honor System in the years ahead.

Reference Material Used

Revision of this document was based on a variety of materials; these include:

3. Several ideas and sentences from the following sources have been used with and without modification in the writing of the section "Purpose and Description of Graduate Honor Code" (Article I, Section 1):
   a. Reference 1.
4. Information used in defining "Misconduct in Research" (Article I, Section 3):
   a. Recommendations on "Research Misconduct and Graduate Students at VPI&SU" submitted to the Constitution Revision Committee by the Degree Requirements, Standards, Criteria and Academic Policies Committee (DRSCAPC) of the Commission on Graduate Studies, January 18, 1990.
5. "Computer Science Department Policy on Koofers, Old Programs, Cheating, and Microcomputer Use," CS Bits & Bytes (CS Dept. VPI&SU), Wednesday, February 15, 1989, pp. 7-8. (Ideas and and wording from this policy were used in Article I, Section 3.)

APPENDIX: PLAGIARISM

The following text is reproduced with minor editorial changes, with permission, from the Constitution of the Virginia Tech [Undergraduate] Honor System.

DEFINITION

The Virginia Tech honor system constitution states that "Plagiarism includes the copying of the language, structure, ideas, and/or thoughts of another and passing off same as one's own, original work." The violation, then, consists of both copying and misrepresenting the material in question.

Generally, when students place their name on any kind of work, they claim responsibility for the originality of the contents except for those parts that are specifically attributed to another or that are considered common knowledge. (The concept of common knowledge poses a problem of definition, and the student should consult their instructor when in doubt.) Thus, if students have reviewed any outside source, whether published or not, and have incorporated any of its "language, structure, ideas, and/or thoughts" into their work without acknowledging that source, they may be guilty of misrepresenting the work's originality. [Furthermore, in citing a reference, students must change both the sentence structure and the vocabulary (where possible) in expressing the original material in their own words.]

Copying includes a whole range of offenses. Everyone is familiar with stories involving a student who has
"borrowed" or bought a term paper or laboratory report from a so-called research service, a fellow student, the Internet, or another similar source. Such wholesale copying is akin to the lifting of an assignment in its entirety from a book or journal article. In either case, the student in question submits work that is literally copied and transferred from one piece of paper to another; by claiming this work as their own, the student is clearly guilty of the most flagrant kind of plagiarism.

Another type of copying that is not as obvious, though equally serious, involves the translation of a part of a book, article, or other source into different words—paraphrasing. Although the language is not the same because the exact words of the source have been changed, the structure, ideas, and thoughts of the original author have been copied. Thus, the student who submits an assignment that simply paraphrases a source without identifying it may also be guilty of plagiarism.

Similarly, any combination of simple copying and paraphrasing, whether from one source or from many, is also a type of plagiarism, and the offender may be equally guilty as those students described above.

Because a person’s ideas can be conveyed in many ways besides the written word, students should be aware that the copying of drawings, designs, photographs, graphs, illustrations, tables, primary data, derived equations, computer programs, verbal communications of ideas, and other sources may also constitute plagiarism, unless the source is acknowledged and properly documented.

For the purposes of the Virginia Tech honor system, plagiarism can be broadly defined as the act of appropriating the literary composition, language, structure, ideas, and/or thoughts, drawings, laboratory reports, or computer programs of another or parts or passages thereof, and of passing them off as the original product of one’s own mind. To be liable for plagiarism under the university’s honor system, it is not necessary to duplicate another’s literary work exactly; it being sufficient if unfair use of such work is made by lifting of substantial portions of it. Plagiarism is not confined to literal copying, but also includes any of the evasive variations and colorable alterations by which the plagiarist may disguise the source from which the material was copied. On the other hand, even an exact counterpart of another’s work does not constitute plagiarism if such counterpart was arrived at independently.

**EXAMPLES OF CORRECT AND INCORRECT USES OF SOURCES**

The following four examples provide illustrations of three kinds of plagiarism, as well as the proper use and acknowledgement of sources. The excerpt from Niccolo Machiavelli's *The Prince* is quoted from W. K. Marriott's translation (New York: E. P. Dutton, 1908), p. 37. The excerpts from student papers have been written for the purposes of this document.

**FLAGRANT PLAGIARISM**

*Excerpt from The Prince*

Whenever those states which have been acquired as stated have been accustomed to live under their own laws and in freedom, there are three courses for those who wish to hold them: the first is to ruin them, the next is to reside there in person, the third is to permit them to live under their own laws, drawing a tribute, and establishing within it an oligarchy which will keep it friendly to you. Because such a government, being created by the prince, knows that it cannot stand without his friendship and interest, and does its utmost to support him; and therefore he who would keep a city accustomed to freedom will hold it more easily by the means of its own citizens than in any other way.

*Excerpt from a student paper*

Whenever those nations which have been acquired have been accustomed to living under their own laws and in freedom, there are three options for those who wish to keep them; the first is to ruin them, second is to reside there in person, and the last is to permit them to live under their own government, drawing a tribute, and establishing within it an oligarchy which will keep it friendly to you. Because such a government, being created by the ruler, knows that it cannot stand without his friendship and interest, and does its utmost to gain his support, and therefore, he who would keep a city accustomed to freedom will hold it more easily by the means of its own citizens than in any other way.

**Comments**

This student paper is an example of the most obvious form of plagiarism. The writer has copied Machiavelli almost verbatim without any acknowledgment. There have been some minor changes. For example, the italicized words have been changed. "States" becomes "nations," "courses" becomes "options," etc.
PLAGIARISM THROUGH PARAPHRASING

Excerpt from The Prince

Whenever those states which have been acquired as stated have been accustomed to live under their own laws and in freedom, there are three courses for those who wish to hold them: the first is to ruin them, the next is to reside there in person, the third is to permit them to live under their own laws, drawing a tribute, and establishing within it an oligarchy which will keep it friendly to you. Because such a government, being created by the prince, knows that it cannot stand without his friendship and interest, and does its utmost to support him; and therefore he who would keep a city accustomed to freedom will hold it more easily by the means of its own citizens than in any other way.

Excerpt from a student paper

There are basically three methods to maintain control over nations which formerly enjoyed their independence. First the nation can be completely destroyed. Second, the king can personally reside in the conquered territory. Finally, the king can permit them to live under their own rules; he would then levy a tax and establish a ruling clique which would be loyal to him. Since this government is created and maintained by the conquering power, the puppet government will do its utmost to support him in order to keep his friendship. In addition, by establishing a puppet government in such a manner, he will gain the allegiance of its citizens.

Comments

By paraphrasing the paragraph taken from Machiavelli, the student attempted to disguise the source of material. Nevertheless, it is quite obvious that the sentences of this writer parallel those of the Machiavelli text and are identical in meaning.

PLAGIARISM OF AN IDEA

Excerpt from The Prince

Whenever those states which have been acquired as stated have been accustomed to live under their own laws and in freedom, there are three courses for those who wish to hold them: the first is to ruin them, the next is to reside there in person, the third is to permit them to live under their own laws, drawing a tribute, and establishing within it an oligarchy which will keep it friendly to you. Because such a government, being created by the prince, knows that it cannot stand without his friendship and interest, and does its utmost to support him; and therefore he who would keep a city accustomed to freedom will hold it more easily by the means of its own citizens than in any other way.

Excerpt from a student paper

When the British established their empire in Asia and Africa during the eighteenth and nineteenth centuries, they were faced with the problem of how to govern and control effectively these areas which had formerly lived under their own government. There were essentially three methods of achieving this end: destroying the country; establishing direct rule through governors appointed by the king; and maintaining indirect control through the already established governing structure. The British chose indirect rule. Through indirect rule, the former officials realized that their position was now dependent upon the British. Consequently, their allegiance was assured, and through them the British obtained substantial economic benefits. In addition, the people, seeing their leaders still in power, obediently supported the indirect rule of the British.

Comments

The student has used the ideas of Machiavelli in describing a historical event. Machiavelli lists three methods of governing and controlling a state that had formerly been independent, and then shows the relative advantage of pursuing the last method. The student does not acknowledge the use of the description of the three methods of control nor the advantages of the last method when applying Machiavelli's idea to a specific example.

CORRECT USE OF PARAPHRASING AND DIRECT QUOTATIONS

Excerpt from The Prince

Whenever those states which have been acquired as stated have been accustomed to live under their own laws and in freedom, there are three courses for those who wish to hold them: the first is to ruin them, the next is to reside there in person, the third is to permit them to live under their own laws, drawing a tribute, and establishing within it an oligarchy which will keep it friendly to you. Because such a government, being created by the prince, knows that it cannot stand without his friendship and interest, and does
its utmost to support him; and therefore he who would keep a city accustomed to freedom will hold it more easily by the means of its own citizens than in any other way.

Excerpt from a student paper

When the British established their empire in Asia and Africa during the eighteenth and nineteenth centuries, they were faced with the problem of how to govern these formerly independent areas effectively. According to Niccolo Machiavelli, in *The Prince*, a ruler had three options. He could destroy them, "reside there in person," or "permit them to live under their own laws, drawing a tribute and establishing within it an oligarchy which will keep it friendly to you."1 Machiavelli felt that through this third method the conqueror gained the support of the former leaders and their subjects.2

The British seemed to apply this third method through their indirect rule concept. In other words, the British maintained control using the former leaders as figureheads. The former leaders realized that their position was now dependent upon the British. Consequently, their allegiance was assured and through them substantial economic benefits were obtained. In addition, the people, seeing their leaders still in power, obediently supported the indirect rule of the British.

2 Machiavelli, p.37.

Comments

In this instance, the student has correctly footnoted the ideas of Machiavelli, which he has paraphrased and quoted. The writer has then applied Machiavelli's ideas to a more recent historical event.

THE PROBLEM OF COMMON KNOWLEDGE

The concept of common knowledge is one of the more difficult points to explain in any consideration of plagiarism. How can a student, often a novice in the subject, determine whether an idea or fact included in a paper is so widely known that it is considered common knowledge and requires no documentation? A few general guidelines for solving this dilemma can be suggested, but none is inviolate. Given the seriousness of plagiarism, the prudent writer cites a reference whenever he or she is uncertain.

1. Concepts and facts widely known outside of the specific area of study are generally considered common knowledge. These include undisputed dates (e.g. the adoption of the Declaration of Independence on July 4, 1776), scientific principles (e.g. Newton's Laws of Motion), and commonly accepted ideas (e.g., Hamlet's role as a tragic hero). Such data require no specific reference. Students should be aware, however, that the addition of minor informational embellishments might require documentation (e.g., that the Declaration of Independence was unanimously adopted by the American colonies on July 4, 1776, despite the abstention of New York).

2. The fact that material appears in a dictionary, encyclopedia, handbook, or other reference work or textbook does not guarantee that it is common knowledge. Such books are written by experts, and most of the information they contain is not widely known.

3. There is no simple test to determine whether information is common knowledge. In case of doubt, the student should consult his or her instructor.

DOCUMENTATION

To avoid plagiarism in writing, the student must be familiar with the concept of documentation. Terminology and methodology concerning proper ways to acknowledge sources are probably more confusing to students than any other aspect of research reporting. The purpose of documenting a source is first to give proper credit to others for their original words, thoughts, and ideas, and second to enable the interested reader to locate the original source in order to read or study further. Keeping this latter purpose in mind, one finds that the rules regarding documentation make more sense. Therefore, students should familiarize themselves with the proper methods of providing citations and bibliographies both to document their sources and to provide the reader with the necessary data to locate further information on the subject.

INDICATING QUOTATIONS

Whenever the exact wording of a source appears in a student paper, that fact must be made apparent to the reader. This goal can be accomplished in two ways. Brief quotations should be enclosed in quotation marks, whether...
complete sentences, phrases, or single significant words which have been incorporated into the student's own sentence or into a paraphrase or a longer excerpt of the source. The student should be careful to denote precisely where the source's exact wording begins and ends by the appropriate placing of opening and closing quotation marks.

Longer quotations (of more than three lines) should be indented ten spaces from the left-hand margin. Again, the beginning and ending of quoted material should be clearly indicated.

All direct quotations must be signified in one of these ways.

**CITATIONS**

Immediately following every piece of quoted or paraphrased material, some type of reference is required. The method used varies according to the field of study for which the paper is written; thus, students should ask instructors which style manual to use in preparing papers for their courses. Examples of two commonly used methods follow.

1. Footnotes or Endnotes: A small numeral in the text refers to a complete reference, similarly numbered, at the foot of the page or at the end of the paper. Notes should be numbered sequentially, beginning with "1."

   Example:
   "Congruence...between the self concept and the ideal self is one of the most fundamental conditions for both general happiness and for satisfaction in specific life areas."¹


2. Author-Date Citation: Following a quotation or paraphrase, the author's name and the publication date of the work appear in parentheses and refer the reader to the bibliography at the end of the paper.

   Example:
   For a person to be truly happy, his or her self concept must more or less coincide with the ideal self he or she envisions (Brophy, 1959).

**BIBLIOGRAPHY OR LIST OF CITED REFERENCES**

A list of all sources used, arranged alphabetically by the authors' last names, should appear at the end of every paper. Each entry should contain all information necessary for a reader to retrieve the work. Book entries usually include author's name, book title, and publication data (city, publisher, and date). Entries for periodical articles generally include author's name, article title, periodical title, volume number, date of issue, and pages on which the article appears. Students should make whatever adjustments that are necessary to these general rules so that entries coincide with the format prescribed by an instructor or by a specific manual. (An example of one type of bibliography format can be found in the list of style manuals which follows.)

This appendix is not intended to suggest or endorse any specific method of documentation. Rather, its purpose is to remind students that acknowledgment of sources is necessary. The examples given above are provided as illustrations of some of many possibilities. The final authority regarding methods of documentation is the course instructor; students should choose a system of documentation and use it consistently throughout a paper. The following style manuals are commonly used.


RESOLUTION FOR EXCLUSION OF CERTAIN OFFICERS/DIRECTORS

WHEREAS, Virginia Polytechnic Institute and State University (Virginia Tech) was determined by the U.S. Department of Defense (DoD) to be a facility authorized to be eligible for access to classified information or award of classified contracts in 1960, and years following, with the most recent authorization in August of 2020; and

WHEREAS, in accordance with the National Industry Security Program Operating Manual (NISPOM), Cognizant Security Agencies (CSAs) require that certain principal officers, directors, partners, regents, or trustees, and those occupying similar positions at institutions of higher education meet the personnel security clearance requirements established for the level of the institution’s facility security clearance or be formally excluded; and

WHEREAS, the NISPOM permits the exclusion from the personnel clearance requirements of said principal officers et al. on the basis that these cited individuals shall not require, shall not have, and can be effectively excluded from access to all classified information disclosed to Virginia Tech, and do not occupy positions that would enable them to affect adversely corporate policies or practices in the performance of classified contracts, as determined by a CSA;

NOW, THEREFORE, BE IT DECLARED that the Virginia Tech Board of Visitors hereby formally appoints a managerial group with the authority and responsibility for the negotiation, execution, and administration of classified contracts (Key Management Personnel), consisting of the following principal officers within Virginia Tech: President, University Legal Counsel, Chief Contracting Officer, Vice President for Research and Innovation, Senior Contracts Officer, Facility Security Officer, and Insider Threat Program Senior Official (specified by name in Attachment A); and

BE IT RESOLVED that the President, and the said managerial group, at the present time do possess the required security clearance, with the exception of the Senior Contracts Officer, who is in the process of obtaining the required security clearance and is hereby excluded pursuant to this resolution until the time eligibility for access to classified information is granted by a cognizant security agency; and

BE IT RESOLVED FURTHER for as long as the position of Vice President for Research and Innovation is held by an individual on an interim basis, said individual will not require access to classified information nor have the ability to adversely affect policies or procedures in the performance of classified contracts as such matters will be managed by the remainder of the Key Management Personnel; and

BE IT RESOLVED FURTHER that in the future, when a CSA determines that additional Virginia Tech officials must be added to said managerial group and be granted personnel clearances or excluded from classified access pursuant to the NISPOM, such requirements shall be made and approved by the Key Management Personnel, and not the Board of Visitors, unless approval by the Board of Visitors is formally required by a CSA; and
BE IT RESOLVED FURTHER, that the appended list of all members of the Board of Visitors and certain University Principal Officers (specified by name in Attachment B) shall not require, shall not have, and can be effectively excluded from access to all classified information in the possession of Virginia Tech, and do not occupy a position that would enable them to affect adversely Virginia Tech policies or practices in the performance of classified contracts. A copy of this resolution shall be provided to CSAs as required by the NISPOM.

RECOMMENDATION:
That this resolution be adopted.

August 25, 2020
ATTACHMENT A:

Key Management Personnel who must be granted personnel clearances or excluded from classified access pursuant to the NISPOM per Board of Visitors Resolution, August 25, 2020.

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Timothy D. Sands, Ph.D.</td>
</tr>
<tr>
<td>University Legal Counsel</td>
<td>Kay K. Heidbreder, Esq.</td>
</tr>
<tr>
<td>Chief Contracting Officer</td>
<td>Timothy D. Sands, Ph.D</td>
</tr>
<tr>
<td>Vice President for Research &amp; Innovation</td>
<td>Currently Vacant</td>
</tr>
<tr>
<td>Senior Contracts Officer</td>
<td>Trudy Riley</td>
</tr>
<tr>
<td>Facility Security Officer and Insider Threat Program Senior Official</td>
<td>John J. Talerico, III</td>
</tr>
</tbody>
</table>
ATTACHMENT B:

Members of the Virginia Tech Board of Visitors to be excluded per Board of Visitors Resolution, August 25, 2020.

Edward H. Baine
Shelley S. Barlow
Carrie Chenery
Greta J. Harris
C. T. Hill
Anna L. James
Letitia A. Long (Vice Rector)
Sharon B. Martin
Melissa B. Nelson
L. Chris Petersen
Mehul P. Sanghani
Horacio A. Valeiras (Rector)
Jeff E. Veatch
Preston M. White
The university requests approval to demolish Building No. 0433C (Greenhouse). This facility is a 1,014 gross square foot frame and fiberglass plant pathology greenhouse. It is located in the Glade Road area of Virginia Tech’s Blacksburg campus in Montgomery County, Virginia. Constructed in 1965, the building was used as a greenhouse, and then for agricultural service storage.

Currently vacant, the building suffered wind damage and has fallen into disrepair. The university seeks to demolish the structure to remove safety and environmental concerns. This structure no longer supports the research mission of the university and its demolition will improve the campus environment as well as advance the future Glade Road portion of the Master Plan.

The university will also obtain approval from the Department of Historic Resources and the Art and Architecture Review Board prior to the demolition of this structure.
RESOLUTION ON DEMOLITION OF UNIVERSITY BUILDING –
BUILDING NO. 0433C (GREENHOUSE)

WHEREAS, under the 2006 Management Agreement between the Commonwealth of Virginia and the university, the Board of Visitors has the authority to approve the disposition of any building; and

WHEREAS, the Building No. 0433C, is in excess of fifty years old, is in disrepair as a metal frame and fiberglass plant pathology greenhouse, and has suffered wind damage; and

WHEREAS, the university will obtain the approvals of the Department of Historic Resources and the Art and Architecture Review Board for the demolition of this building prior to demolition;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors approve the demolition of Building No. 0433C, located at the Blacksburg Virginia Tech Campus in Montgomery County, in accordance with the applicable statues of the Code of Virginia (1950), as amended.

RECOMMENDATION:
That the above resolution authorizing the demolition of Building No. 0433C be approved.

August 25, 2020
RESOLUTION TO AMEND THE GUIDELINES FOR PROJECTS UNDER THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002

WHEREAS, the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) grants responsible public entities the authority to create public-private partnerships for the development of a wide range of projects for public use if the public entity determines there is a need for the project and that the private involvement may provide the project to the public in a timely or cost-effective fashion; and

WHEREAS, for the purposes of the PPEA, the Commonwealth of Virginia, its agencies and institutions taken together, including Virginia Polytechnic Institute and State University (Virginia Tech), is a “responsible public entity” that has the power to develop or operate the applicable qualifying project; and

WHEREAS, pursuant to the Code of Virginia, the governing board of the university must adopt guidelines in compliance with the PPEA in order to pursue any qualifying project; and

WHEREAS, in December 2007 on behalf of the full Board, the Executive Committee of the Board of Visitors of Virginia Polytechnic Institute and State University adopted the “Virginia Polytechnic Institute and State University Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002”; and

WHEREAS, in November 2012, March 2016, and August 2019, the Virginia Tech Board of Visitors approved amendments to the “Virginia Polytechnic Institute and State University Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002”; and

WHEREAS, the university wishes to amend the guidelines as attached to update the position designated as the university’s contact person for all submissions, questions, and concerns regarding the proposal process under the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Tech Board of Visitors approves amending the “Virginia Polytechnic Institute and State University Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002.”

RECOMMENDATION:

That the above resolution amending the “Virginia Polytechnic Institute and State University Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002” be approved.

August 25, 2020
Virginia Polytechnic Institute and State University

Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA)

Approved by the Board of Visitors August 26, 2019

August 25, 2020
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The Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA") grants responsible public entities the authority to create public-private partnerships for the development of a wide range of projects for public use if the public entities determine there is a need for the project and that the private involvement may provide the project to the public in a timely or cost-effective fashion. For the purposes of the PPEA, the Commonwealth of Virginia, its agencies and institutions taken together, including Virginia Polytechnic Institute and State University ("Virginia Tech" or "the University"), is a “responsible public entity” ("RPE") that “has the power to develop or operate the applicable qualifying project.”

In order for a project to come under the PPEA, it must meet the definition of a “qualifying project.” The PPEA contains a broad definition of “qualifying project” that includes public buildings and facilities of all types; for example:

1. An education facility, including but not limited to a school building (including any stadium or other facility primarily used for school events), any functionally related and subordinate facility to a school building and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;
2. A building or facility that meets a public purpose and is developed or operated by or for any public entity;
3. Improvements, together with equipment, necessary to enhance public safety and security of buildings to be used principally by a public entity;
4. Utility and telecommunications and other communications infrastructure;
5. A recreational facility;
6. Technology infrastructure and services, including but not limited to telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services;
7. Any services designated to increase the productivity or efficiency of the responsible public entity through use of technology or other means;
8. Technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas;
9. Any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or
10. Any solid waste management facility as defined in Section 10.1-1400 of the Code of Virginia that produces electric energy derived from solid waste.

An RPE may not consider any proposal by a private entity for approval of the qualifying project until the RPE has adopted and made publically available guidelines in compliance with the PPEA. Accordingly, these guidelines were adopted by the Board of Visitors of Virginia Tech by resolution, dated November 5, 2012, and revised by resolution, dated March 21, 2016. Virginia Tech will follow these guidelines in the review and acceptance of proposals.
Guidelines for the review and approval of proposals and projects

I. General Provisions

These guidelines are prepared and made available publically to encourage joint efforts between Virginia Tech and private entities, as well as stimulate competition in the private sector and to make clear Virginia Tech’s compliance with the PPEA.

A. Proposal Submission

i. Pursuant to Virginia Code Section 56-575.4 of the PPEA, a proposal to provide a qualifying project to a responsible public entity may be either solicited by Virginia Tech (a “Solicited Proposal”) or delivered to Virginia Tech by a private entity on an unsolicited basis (an “Unsolicited Proposal”). In either case, any such proposal shall be clearly identified as a “PPEA Proposal.” The requirements for any particular Solicited Proposal shall be as specified in the solicitation by the University within the Request for Proposal and shall be consistent with all applicable provisions of the PPEA. Any Unsolicited Proposal shall be submitted to the University at the listed address below: One (1) original and one (1) copy of the entire proposal. Any proprietary information should be clearly marked. In addition, one (1) electronic copy in WORD format or searchable PDF (CD or flash drive) of the entire proposal. Any proprietary information should be clearly marked. Should the proposal contain proprietary information, provide one (1) redacted hard copy of the proposal and attachments with proprietary portions removed or blacked out. This copy should be clearly marked “Redacted Copy” on the front cover. Virginia Tech shall not be responsible for the private entity’s failure to exclude proprietary information from this redacted copy.

Deliver Unsolicited Proposals to:

Vice President for Campus Planning, Infrastructure, and Operations
Virginia Tech
201 Burruss Hall Sterrett Center, Room 112
800 Drillfield Drive 230 Sterrett Drive
Blacksburg, VA 24061

The Vice President for Campus Planning, Infrastructure, and Facilities Operations is designated as the University’s contact person for all submissions, questions, and concerns regarding the proposal process under the PPEA. Likewise, any proposal should designate a contact person from the private entity to whom questions and clarifications may be directed. Other requirements for an Unsolicited Proposal are as set forth below in § III.

Whether the private entity submits a Solicited Proposal or an Unsolicited Proposal, it will follow a two-part process, consisting of an initial conceptual phase and a detailed phase. The initial phase of the proposal should contain specified information regarding the proposer’s
qualifications and experience, project characteristics, project financing,¹ anticipated public support or opposition, or both, and project benefit and compatibility. The detailed proposal should contain specified deliverables, namely, project benefits, scope of work, and a financial plan that contains enough specificity so that the University may fairly evaluate the financial feasibility of the qualified project. The cost analysis of a proposal should not be linked solely to the financing plan, as Virginia Tech may determine to finance the project through other available means.

Proposals should be prepared simply and economically, providing a concise description of the proposer’s capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the University. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project.

ii. Posting

Under the PPEA, Virginia Tech is required to make provisions for posting and publishing public notice announcing a private entity’s request for approval of a qualifying project. Such notices will contain: (i) specific information and documentation to be released regarding the nature, timing, and scope of the qualifying project pursuant to subsection A of § 56-575.4; (ii) a reasonable time period of at least 45 days during which Virginia Tech shall receive competing proposals conforming to subsection A of § 56-575.4; and (iii) an advertisement of the public notice on the Commonwealth’s electronic procurement website.

In instances where any competing unsolicited PPEA proposal(s) are received in response to an initial public notice, Procurement will assist with updating the original posting on the Commonwealth’s electronic procurement website to reflect the new information. This update serves as the public notice for the competing proposal(s).

iii. Affected Jurisdictions

Any private entity requesting approval from or submitting a conceptual or detailed proposal to Virginia Tech must provide each affected jurisdiction with a copy of the private entity’s request or proposal by certified mail, express delivery, or hand delivery. The term “affected local jurisdiction” includes any University, county, city, or town in which all or a portion of a qualifying project is located. Affected jurisdictions that are not RPEs under the proposed qualifying project shall have 60 days from the receipt of the request or proposal to submit written comments to Virginia Tech, directed to the Vice President for Campus Planning, Infrastructure, and Facilities Administration, and to indicate whether the proposed qualifying project is compatible with the (i) local comprehensive plan, (ii) local infrastructure development plan, or (iii) capital improvements budget or other government spending plan. Comments received within the 60-day period shall be given consideration by Virginia Tech before entering into an interim or comprehensive agreement with a private entity, and no negative inference shall

¹ The PPEA provides for innovative and flexible financing options. Each suggested financing arrangement will be evaluated on a case-by-case basis.
be drawn from the absence of comment by an affected jurisdiction. Nothing above shall prevent Virginia Tech from proceeding with or continuing the evaluation process during the 60-day period.

iv. Virginia FOIA

Any confidential and proprietary information provided to a responsible public entity by a private entity pursuant to the PPEA shall be subject to disclosure under the Virginia Freedom of Information Act (“FOIA”) (§ 2.2-3700 et seq.) except as provided by § 56-575.4(G) of the PPEA. In order to prevent the release of any confidential and proprietary information that otherwise could be held in confidence pursuant to § 56-575.4(G) of the PPEA, the private entity submitting the information must (i) invoke the exclusion from FOIA when the data or materials are submitted to the University or before such submission, (ii) identify with specificity the data and materials for which protection from disclosure is sought, and (iii) state why the exclusion from disclosure is necessary. A private entity may request and receive a determination from the University as to the anticipated scope of protection prior to submitting the proposal. The University is authorized and obligated to protect only confidential proprietary information, and thus will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the private entity without reasonably differentiating between the proprietary and non-proprietary information contained therein.

Upon receipt of a request from a private entity that designated portions of a proposal be protected from disclosure as confidential and proprietary, the University shall determine whether such protection is appropriate under applicable law and, if appropriate, the scope of such appropriate protection and shall communicate its determination to the private entity in writing. FOIA exemptions are discretionary, and Virginia Tech may elect to release some or all documents except to the extent the documents are:

1. Trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§59.1-336 et seq.);
2. Financial records of the private entity that are not generally available to the public through regulatory disclosure or otherwise, including but not limited to balance sheets and financial statements; or
3. Other information submitted by a private entity, where if the record or document were made public prior to the execution of an interim or comprehensive agreement the financial interest or bargaining position of the public or private entity would be adversely affected.

If the determination regarding protection or the scope thereof differs from the private entity’s request, then the University will afford the private entity a reasonable opportunity to clarify and justify its request. Upon a final determination by the University to afford less protection than requested by the private entity, the private entity will be given an opportunity to withdraw its proposal. A proposal so withdrawn will be treated in the same manner as a proposal not accepted for publication and conceptual phase consideration as provided below in § III(A).
Virginia Tech reserves the right to withhold from disclosure memoranda, staff evaluations, or other records prepared by the University, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, the financial interest or bargaining position of the University would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by Virginia Tech.

To the extent that access to any procurement record or other document or other information is compelled or protected by a court order, Virginia Tech shall comply with such order.

v. Use of Public Funds

Virginia constitutional and statutory requirements as they apply to appropriation and expenditure of public funds apply to any interim or comprehensive agreement entered into under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects.

vi. Contributions and Gifts

No private entity that submits a Proposal to Virginia Tech and is seeking to develop or operate a qualifying project, and no individual who is an officer or director of such private entity, shall knowingly provide a contribution, gift, or other item with value greater than $50 or make an express or implied promise to make such a contribution or gift to the Governor, his political action committee, or the Governor’s Secretaries, if the Secretary is responsible to the Governor for an executive branch with jurisdiction over the matters at issue, following the submission of a proposal until the execution of the comprehensive agreement. This shall apply only for any proposal or an interim or comprehensive agreement where the stated or expected value of the contract is over $5 million dollars.

vii. Applicability of Other Laws

Nothing in the PPEA shall affect the duty of the University to comply with all other applicable law not in conflict with the PPEA. The applicability of the Virginia Public Procurement Act (the “VPPA) is set forth in the PPEA, § 56-575.16. The Restructured Higher Education Financial and Administrative Operations Act, §§ 23-38.88, 23-38.109, is also applicable.

II. Solicited Proposals

The procedures applicable to any particular Solicited Proposal shall be specified in the solicitation for that proposal and shall be consistent with the requirements of the PPEA, these Guidelines, and any other applicable law. The solicitation will list any documents and information that must accompany each proposal and outline the factors that will be used in
evaluating submitted proposals, as well as any unique capabilities or qualifications required of private entities submitting Proposals.

All such solicitations shall be made by issuance of a written Request for Proposal (“RFP”). Any proposal submitted pursuant to the PPEA that is not received in response to an RFP shall be an Unsolicited Proposal under these Guidelines, including but not limited to (a) proposals received in response to a notice of the prior receipt of another Unsolicited Proposal and (b) proposals received in response to publicity by the University concerning particular needs when the University has not issued a corresponding RFP, even if the University otherwise has encouraged the submission of proposals pursuant to the PPEA that address those needs.

III. Unsolicited Proposals

Virginia Tech may publicize its needs and may encourage interested parties to submit unsolicited proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of a RFP, the proposal shall be treated as an Unsolicited Proposal. The University reserves the right to accept or to reject any and all proposals at any time.

The process for evaluating an Unsolicited Proposal, which is described in detail below in §V, consists of four steps. Briefly summarized, upon receipt of an Unsolicited Proposal the University’s first step will be to determine whether to accept it for consideration at the conceptual stage. If so, then in step two the University will give public notice of the Unsolicited Proposal. In step three the University will proceed with a review at the conceptual stage of the original Unsolicited Proposal and/or any proposal received in response to the public notice and accepted for consideration at the conceptual stage. Step four is an in-depth review at the detailed stage of the original Unsolicited Proposal and/or any proposal received in response to the public notice and accepted for consideration at the detailed stage. The University may discontinue its evaluation of any proposal at any time. Furthermore, if the University determines that it is in the University’s interest to do so with respect to any Unsolicited Proposal, the University may eliminate review at the conceptual stage and proceed directly to a review at the detailed stage, provided that the public notice is made. If the University rejects a proposal initiated by a private entity that purports to develop specific cost savings, the University shall specify the basis for the rejection.

A. Decision to Accept and Consider Unsolicited Proposal; Notice

Upon receipt of any Unsolicited Proposals and payment of any required fee by the private entity making the proposal, Virginia Tech will determine whether to accept the Unsolicited Proposal for the purpose of publication and conceptual-phase consideration. If the University decides not to accept the proposal and proceed to publication and conceptual-phase consideration, it will return the proposal, together with all unused or excess fees and accompanying documentation, to the private entity.

If Virginia Tech chooses to accept an unsolicited proposal for publication and conceptual-phase consideration, it shall post a notice on the Commonwealth’s electronic procurement website (eVA), on Virginia Tech Procurement’s website and as otherwise required
by law or deemed appropriate by the University. The notice shall state that Virginia Tech (i) has received an unsolicited proposal under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate an interim or comprehensive agreement with the proposer based on the proposal, and (iv) will receive for simultaneous consideration any competing proposals that comply with the procedures adopted by Virginia Tech and the PPEA.

The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations.

To ensure that sufficient information is available upon which to base the development of serious competing proposals, the notice issued by Virginia Tech may include language related to any critical or desired services, functionality, or elements an ideal proposal would deliver to the university. Further, the notice may document any limitations or constraints to which the proposal could be required to adhere during vetting and approval processes or to ensure full consideration of the extent of competition prior to selection.

In instances where any competing unsolicited PPEA proposal(s) are received in response to an initial public notice, Procurement will assist with updating the original posting on the Commonwealth’s electronic procurement website to reflect the new information. This update serves as the public notice for the competing proposal(s).

B. Posting Requirements

Conceptual proposals, whether solicited or unsolicited, shall be posted by the University on “eVA” within ten (10) working days after acceptance of such proposals. The University will post the notice for a period of not less than forty-five (45) days, on the Commonwealth’s electronic procurement site (“eVA”) (www.eva.state.va.us). Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of § 2.2-3705.6 shall not be posted, except as otherwise agreed to by Virginia Tech and the proposing private entity. At least one copy of the proposal shall be made available for public inspection. Any inspection of procurement transaction records shall be subject to reasonable restrictions to ensure the security and integrity of the records.

Nothing shall be construed to prohibit the posting of the conceptual proposals by additional means deemed appropriate by the University so as to provide maximum notice to the public of the opportunity to inspect the proposals.

C. Review Fees

The University shall receive an analysis of the proposal from appropriate internal staff or outside advisors or consultants with relevant experience in determining whether to enter into an agreement with the private entity. The University may charge a fee to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal or competing proposal submitted under the PPEA, including a fee to cover the costs of outside attorneys, consultants, financial advisors and any other necessary advisors or consultants. Any fee charged for such review of a proposal will be reasonable in comparison to the level of expertise required to review the proposal and will not be greater than the direct costs associated with evaluating the
proposed qualifying project. “Direct costs” may include (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the out-of-pocket costs of attorneys, consultants, and financial advisors.

Additional fees shall be imposed on and paid by the submitting private entity throughout the processing, review, and evaluation of the proposal if and as the University reasonably anticipates incurring costs in excess of the initial fee paid by the private entity. The University will notify the private entity of the amount of such additional fees as and when it anticipates incurring such costs. Prompt payment of such additional fees is required before the University will continue to process, review, and evaluate the proposal.

In the event the total fees paid by the private entity exceed the University’s total costs incurred in processing, reviewing, and evaluating the proposal, the University shall reimburse the difference. Otherwise, the University shall retain all fees paid.

D. Initial Review by Virginia Tech at the Conceptual Stage

Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the University for further review at the conceptual stage. Virginia Tech will determine at this stage whether it will proceed by using standard university procurement procedures consistent with the VPPA, those it has developed under the authority of the Restructured Higher Education Financial and Administrative Operations Act, §§ 23-38.88, 23-38.109, or guidelines it develops consistent with § 2.2-4301.2

After reviewing the original proposal and any competing proposal submitted, the University will determine: (i) not to proceed further with any proposal; (ii) to proceed to the detailed phase of review with the original proposal; (iii) to proceed to the detailed phase with a competing proposal; (iv) to proceed to the detailed phase with multiple proposals; or (v) to request modifications or amendments to any proposals. If more than one proposal is considered in the detailed phase of review, Virginia Tech may reimburse the unsuccessful proposer(s) for reasonable costs. Such costs will be agreed to in advance and assessed to the successful proposer in the comprehensive agreement.

IV. Proposal Preparation and Submission

A. Format for Submissions at Conceptual Stage

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2 If the University chooses to develop its own guidelines other than those developed under the authority of the Restructured Higher Education Financial and Administrative Operations Act, §23-38.109, it must make a written determination that doing so is likely to be advantageous to the University and the public based upon either (i) the probable scope, complexity or priority of need; (ii) the risk sharing including guaranteed cost or completion guarantees, added value or debt, or equity investments proposed by the private entity; or (iii) the increase in funding, dedicated revenue or other economic benefit that would otherwise not be available.
Unsolicited proposals must contain the following information in the following format, as well as any further information the University may request:

1. Qualification and Experience
   a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
   b. Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience, and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction, and completion guarantees and warranties and a description of such guarantees and warranties.
   c. Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.
   d. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater.
   e. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to the Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§2.2-3100 et seq.) of Title 2.2.

2. Project Characteristics
   a. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent to the project, the location, and the communities that may be affected are clearly identified.
   b. Identify and fully describe any work to be performed by the University.
   c. Include a list of all federal, state, and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
   d. Identify any anticipated adverse social, economic, and environmental impacts of the project. Specify the strategies or actions to mitigate known impacts of the project.
   e. Identify the projected positive social, economic, and environmental impacts of the project.
   f. Identify the proposed schedule for the work on the project, including the estimated time for completion.
   g. Propose allocation of risk and liability for work completed beyond the agreement’s completion date, and assurances for timely completion of the project.
h. State assumptions related to ownership, legal liability, law enforcement, and operation of the project and the existence of any restrictions on the University’s use of the project.

i. Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.

j. List any other assumptions relied on for the project to be successful.

k. List any contingencies that must occur for the project to be successful.

3. Project Financing

a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.

b. Submit a plan for the development, financing, and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs. Include supporting due diligence studies, analyses, or reports.

c. Include a list and discussion of assumptions underlying all major elements of the plan. Assumptions should include all significant fees associated with financing given the recommended financing approach. In addition, complete disclosure of interest rate assumptions should be included. Any ongoing operational fees, if applicable, should also be disclosed as well as any assumptions with regard to increases in such fees.

d. Identify the proposed risk factors and methods for dealing with these factors.

e. Identify any local, state, or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment. Such disclosure should include any direct or indirect guarantees or pledges of the University’s credit or revenue.

f. Identify the amounts and the terms and conditions for any revenue sources.

g. Identify any aspect of the project that could disqualify the private entity from obtaining tax-exempt financing.

4. Project Benefit and Compatibility

a. Identify who will benefit from the project, how they will benefit, and how the project will benefit the overall community, region, or state.

b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.

c. Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.

d. Describe the anticipated significant benefits to the community, region or state, including anticipated benefits to the economic condition of the University and
whether the project is critical to attracting or maintaining competitive industries and businesses to the University or the surrounding region.
e. Describe compatibility with the local comprehensive plan, local infrastructure development plans, the capital improvements budget, or other government spending plan.
f. Provide a statement setting forth participation efforts that are intended to be undertaken in connection with this project with regard to the following types of businesses: (i) minority-owned businesses, (ii) woman-owned businesses, and (iii) small businesses.

B. Format for Submissions at Detailed Stage

If Virginia Tech decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by the University:

1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project;
2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings;
3. A statement and strategy setting out the plans for securing all necessary property;
4. A detailed listing of all firms that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties;
5. A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility, and estimated annual operating expenses;
6. A detailed discussion of assumptions about user fees or rates, and usage of the project or projects;
7. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications;
8. Demonstration of consistency with appropriate local comprehensive or infrastructure development plans or indication of the steps required for acceptance into such plans;
9. Explanation of how the proposed project would impact local development plans of each affected jurisdiction;
10. Identification of the executive management and the officers and directors of the firm or firms submitting the proposal. In addition, identification of any known conflicts of interest or other disabilities that may impact the University’s consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction
arising from or in connection to the project pursuant to the Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§2.2-3100 et seq) of Title 2.2;
11. Additional material and information as the University might reasonably request.
V. Proposal Evaluation and Selection Criteria

Some or all of the following matters may be considered in the evaluation and selection of PPEA proposals. Virginia Tech retains the right at all times to reject any proposal at any time for any reason.

A. Qualifications and Experience

The University will consider the following factors in either phase of its review to determine whether the proposer possesses the requisite qualifications and experience:

1. Experience with similar projects;
2. Demonstration of ability to perform work;
3. Demonstrated record of successful past performance, including timeliness of project delivery, compliance with plans and specifications, quality of workmanship, cost control and project safety;
4. Demonstrated conformance with applicable laws, codes, standards, regulations and agreements on past projects;
5. Leadership structure;
6. Project manager’s experience;
7. Management approach;
8. Financial condition; and
9. Project ownership.

B. Project Characteristics

The University will consider the following factors in determining the project characteristics:

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology / technical feasibility;
5. Conformity to laws, regulations, and standards;
6. Environmental impacts;
7. Condemnation impacts;
8. Quality standards to meet proposed project quality;
9. State and local permits; and
10. Maintenance of the project.

C. Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project may include but are not necessarily limited to:

1. Cost and cost benefit to the University;
2. Financing and the impact on the debt or debt burden of the University;
3. Financial plan, including the degree to which the proposer has conducted due diligence investigation and analysis of the proposed financial plan and the results of any such inquiries or studies;
4. Opportunity costs assessments;
5. Estimated cost;
6. Life-cycle cost analysis;
7. The identity, credit history, and past performance of any third party that will provide financing for the project and the nature and timing of their commitment; and
8. Such other items as the University deems appropriate.

In the event that any project is financed through the issuance of obligations that are deemed to be tax-supported debt of the University, or if financing such a project may impact the University’s debt rating or financial position, the University may select its own finance team, source, and financing vehicle.

D. Project Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the appropriate local or regional comprehensive or development plans may include but are not necessarily limited to:

1. Community benefits;
2. Community support or opposition, or both;
3. Public involvement strategy;
4. Compatibility with existing and planned facilities; and
5. Compatibility with local, regional, and state economic development efforts.

E. Other Factors

Other factors that may be considered by the University in the evaluation and selection of PPEA proposals include:

1. The proposed cost of the qualifying project;
2. The general reputation, industry experience, and financial capacity of the private entity;
3. The proposed design of the qualifying project;
4. The eligibility of the project for accelerated documentation, review, and selection;
5. Local citizen and government comments;
6. Benefits to the public, including financial and unfinancial;
7. The private entity’s compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan;
8. The private entity’s plans to employ local contractors and residents;
9. The recommendation of a committee of representatives of members of the University and the appropriating body which may be established to provide advisory oversight for the project; and
10. Other criteria that Virginia Tech deems appropriate.

VI. Additional Review Procedures

A. Public Private Partnership Oversight Advisory Committee

Virginia Tech may, at its discretion, assemble an advisory committee or establish criteria to trigger the establishment of an advisory committee for the purpose of reviewing the terms of a proposed interim or comprehensive agreement. If the University forms a committee or establishes such criteria, the members will consist of representatives from the University and its Board of Visitors. The criteria, if formally established, should include, but not be limited to, the scope, total cost and duration of the proposed project, and whether the project involves or impacts multiple public entities. Timelines for the work of the committee should be developed and made available to proposers.

B. Timelines

Guidelines for determining applicable timelines are as follows:

1. For Solicited Proposals, the timeline for selecting proposals and negotiating an agreement will be consistent with the terms and conditions set forth in the Request for Proposals.
2. For Unsolicited Proposals, an estimated timeline will be developed and distributed within 60 days of receipt of the proposal. The timeline will be subject to revision(s), as required.
3. Accelerated selection, review, and documentation timelines shall be permitted for proposals involving a qualifying facility that the University deems a priority.

VII. Interim and Comprehensive Agreements

A. Interim Agreement Terms

Prior to or in connection with the negotiation of the comprehensive agreement, the University may enter into an interim agreement with the private entity. Execution of any interim agreement in no way obligates the university to engage in a comprehensive agreement. The scope and content of an interim agreement may include but is not limited to:

1. Project planning and development;
2. Design and engineering;
3. Environmental analysis and mitigation;
4. Survey;
5. Ascertaining the availability of financing for the proposed facility through financial and revenue analysis;
6. Establishing a process and timing of the negotiation of the comprehensive agreement;
7. Granting permission to the private entity to commence activities for which it may be compensated relating to the qualifying project; and
8. Any other provisions related to any aspect of the development or operation of a qualifying project that the parties may deem appropriate prior to the execution of a comprehensive agreement.

B. Comprehensive Agreement Terms

Prior to developing or operating any qualifying project, a selected private entity shall enter into a comprehensive agreement with the University as provided by the PPEA. Any such comprehensive agreement and any amendment thereto, must be approved by the University’s Board of Visitors before it is entered into on behalf of the University. As provided by the PPEA, the terms of the comprehensive agreement shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project;
2. The review of plans and specifications for the qualifying project by the University;
3. The rights of the University to inspect the qualifying project to ensure compliance with the comprehensive agreement;
4. The maintenance of insurance appropriate for the proposed activity either through a program of commercial or self-insurance reasonably sufficient to ensure coverage of the project and the liability to the public and employees and to enable the continued operation of the qualifying project;
5. The monitoring of the practices of the private entity by the University to ensure proper maintenance;
6. The terms under which the private entity will reimburse the University for services provided;
7. The policy and procedures that will govern the rights and responsibilities of the University and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity including the conditions governing assumption of the duties and responsibilities of the operator by the University and the transfer or purchase of property or other interests of the private entity by the University;
8. The terms under which the private entity will file appropriate financial statements on a periodic basis;
9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be set at a level that are the same for persons using the facility under like conditions and that will not materially discourage use for the qualifying project;
   a. A copy of any service contract shall be filed with the University.
   b. A schedule of the current user fees or lease payments shall be made available by the private entity to any member of the public upon request.
   c. Classifications according to reasonable categories for assessment of user fees may be made.
10. The terms and conditions under which the University may contribute financial resources, if any, for the qualifying project;
11. The terms and conditions under which existing site conditions will be assessed and addressed, including identification of the responsible party for conducting the assessment and taking necessary remedial action;
12. The terms and conditions under which the University will be required to pay money to the private entity and the amount of any such payments for the project;
13. Other requirements of the PPEA or other applicable law; and
14. Such other terms and conditions as the University may deem appropriate.

Any changes in the terms of the interim or comprehensive agreement as may be agreed upon by the parties from time to time shall be added to the interim or comprehensive agreement by written amendment only.

The comprehensive agreement may provide for the development or operation of phases or segments of a qualifying project.

C. Notice and Posting requirements

In addition to the posting requirements of Section III (B), 30 days prior to entering into an interim or comprehensive agreement, the University shall provide an opportunity for public comment on the proposals. Such public comment period may include a public hearing at the sole discretion of the University. After the end of the public comment period, no additional posting shall be required based on any public comment received.

Once the negotiation phase for the development of an interim or a comprehensive agreement is complete and a decision to award has been made by the University, the University shall post the proposed agreement on the Department of General Service’s web-based electronic procurement program (“eVA”). At least one copy of the proposals shall be made available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of §2.2-3705.6 shall not be required to be posted, except as otherwise agreed to by the University and the private entity. Any studies and analyses considered by the University in its review of a proposal shall be disclosed to the appropriating body at some point prior to the execution of an interim or comprehensive agreement.

Once an interim agreement or a comprehensive agreement has been entered into, the University shall make procurement records available for public inspection, upon request. Such procurement records shall include documents protected from disclosure during the negotiation phase on the basis that the release of such documents would have adverse affect on the financial interest or bargaining position of the University or private entity in accordance with Section II.D.3. Such procurement records shall not include (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§59.1-336 et seq.) or (ii) financial records, including balance sheets or financial statements of the private entity that are not generally available to the public through regulatory disclosure or otherwise.
To the extent access to procurement records are compelled or protected by a court order, then the University must comply with such order.

**VIII. Governing Provisions**

In the event of any conflict between these guidelines and the PPEA, the terms of the PPEA shall control.
WHEREAS, effective July 1, 2006, Virginia Polytechnic Institute and State University (Virginia Tech) operates as a Tier III institution in accordance with its Management Agreement and operational policies; and

WHEREAS, pursuant to the Management Agreement, Virginia Tech has delegated authority relating to the procurement of goods, services, insurance, and construction services; and

WHEREAS, a resolution for approval of the construction procurement approval process for capital project delivery was approved by the Board of Visitors June, 6, 2016; and

WHEREAS, the Commonwealth of Virginia 2017 General Assembly passed legislation (Title 2.2 Chapter 43.1) regulating the types of construction procurement methods available for public institutions of higher education; and

WHEREAS, such legislation requires Virginia Tech to update its Capital Construction Delivery Method approval process and submit the proposed updates to the Department of General Services for review and recommendations; and

WHEREAS, the Department of General Services has reviewed and provided recommendations, which recommendations have been incorporated into the university’s updated Capital Construction Delivery Method Approval Process; and

WHEREAS, the Senior Vice President and Chief Business Officer has approved the Virginia Tech Construction and Professional Services Manual (VT CPSM), effective January 24, 2020; and

WHEREAS, the university submits for Board of Visitors approval the updated Capital Construction Delivery Method Approval Process; and

WHEREAS, with the approval of these updated procedures, Virginia Tech confirms that all of the required Board-level policies and procedures are in place to implement the new legislation;

NOW, THEREFORE, BE IT RESOLVED, that the university adopts the proposed Capital Construction Delivery Method Approval Process.

RECOMMENDATION:
That the above resolution approving the Capital Construction Delivery Method Approval Process be approved.

August 25, 2020
Purpose:

Pursuant to the Restructuring Act and in accordance with Chapter 780 (2016) Item 4-4.01 #1c and Code of Virginia §2.2-4378, 2.2-4379, 2.2-4381 and 2.2-4383, and the Virginia Tech Construction and Professional Services Manual (VT CPSM, January 24, 2020), the following process is adopted for use of the Construction Manager at Risk (CMAR) and Design-Build (D-B) Capital Project Delivery Methods.

Responsible Staff:

Capital Construction and Renovations (CCR(CapCon) – the Campus Planning, Infrastructure, and Facilities division university unit responsible for the procurement, administration, management, and implementation of Major Capital Outlay Projects.

CapCon Project Manager (PM) – coordinates with CCRCapCon management and project stakeholders to recommend a project delivery method.

Senior Facilities Contract Officer

University Procurement Department – the division university unit responsible for the procurement and contract administration of all Major Capital Outlay Projects.

Procurement Department Capital Construction Contracting Officer (CCCO) – administers the capital outlay procurement process, reviews delivery method options, and manages contract development, approval, and execution.

Director of

Assistant Vice President for Capital Construction and Renovation (DCCR(AVPCC) – provides CCRCapCon leadership, manages operations, and recommends project delivery methods to meet university goals.

Assistant Vice President for Facilities Operations and Construction (AVPFOC) – provides CCR leadership and recommends project delivery methods.

Associate

Vice President for Campus Planning, Infrastructure, and Chief Facilities Officer (AVPCFO(VPCPIF) – approves project delivery methods and recommends contracts for execution.
Procedure:

A. Except for projects that use the Design-Bid-Build delivery method, the construction delivery method for a capital outlay project shall be approved in writing by the Virginia Tech University’s Associate-Vice President for Campus Planning, Infrastructure, and Chief Facilities Officer (AVPCEO/VPCPIF).

B. In order to obtain the AVPCEO/VPCPIF approval and document the university’s determination, a written recommendation for the CMAR or D-B project delivery method will be provided to the AVPCEO/VPCPIF through the AVPFOC, Assistant Director of CCR, Assistant Vice President for Capital Construction (AVPCC), and from the Capital Construction Project Manager (PM) in consultation with the Senior Facilities Contract Capital Construction Contracting Officer. (CCCO). The written recommendation will justify why sealed bidding is not practicable and/or fiscally advantageous to the university. In addition, the following will be considered in recommending the CMAR or D-B construction delivery method for each capital project:

1. Considerations for Adopting the CMAR Delivery Method
   a. Construction Costs
   b. Project Complexity (difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation, intricate phasing or other aspect that makes competitive sealed bidding impractical)
   c. Building Use
   d. Project Timeline
   e. Need to perform Value Engineering and/or Constructability Analysis concurrent with design
   f. Need for Quality Control and/or vendor prequalification
   g. Need for Cost/Design control
   h. Need for Project phasing

Prior to using CMAR, the University shall request review and recommendations from Virginia Department of General Services, Division of Engineering and Buildings (DEB) regarding the proposed procurement method. The request for review shall be submitted utilizing the CMAR Procurement Review Submittal Form (DGS-30-456) and shall include the proposed project schedule and University’s written determination that competitive sealed bidding is not practicable or fiscally advantageous. (VT CPSM, 7.2)

2. Considerations for Adopting the Design-Build Delivery Method
   a. Construction Costs
   b. Project Complexity (simplicity)
   c. Building Use
   d. Project Timeline
   e. Need for a Single Point of Contact (DGS-30-901)

C. General Guidelines for Both CMAR and D-B Projects

A Building Committee shall be approved by the VPCPIF to interview and recommend CMAR or D-B Team for a Capital Project. (VT CPSM, 7.0.2)

The following general guidelines shall apply to university CMAR and D-B Projects:
1. At least five working days prior to the release of a CMAR or D-B RFQ, Request for Qualifications (RFQ), the university will provide a copy of its written determination for using either delivery method together with a signed Procurement Review Submittal Form (Department of General Services [DGS] 30-456 or DGS 30-471) to DGS for review. Upon receipt of DGS’ recommendation, the university shall consider DGS’ comments and document the university’s final determination and planned course of action in the project file and provide a copy to DGS for information.

2. The university shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall i.) advise regarding the use of CMAR or D-B for that project and will ii.) assist with the preparation of the Request for Proposal (RFP) and evaluation of proposals.

3. The Request for QualificationsRFQ and RFP will include criteria for contractor selection and will establish a two-step (RFQ/RFP) contractor selection method.

4. The Request for QualificationsCCC shall issue a RFQ in accordance with the Manual.

4.5. The RFQ will be posted for no less than 30 calendar days on eVA, the Commonwealth statewide electronic procurement system. It will include a CMAR or D-B justification to support why sealed bidding is not practicable and/or fiscally advantageous.

5.6. The selection committee shall evaluate the firms’ RFQ responses and any other relevant information and shall determine twothree to five offerors deemed best qualified with respect to the criteria established for the project in the RFQ to then receive the Request for Proposals RFP. Prior CMAR or D-B experience or experience with BCOM DEB shall not be required as a prerequisite for award of a contract. However, in the selection of a contractor, the university may consider the experience of each contractor on comparable projects.

7. The RFQ evaluation process shall evaluate an offeror’s experience for a period of ten prior years to determine whether the offeror has constructed, by any method of project delivery, at least three projects similar in program and size. (CMAR 2020, C.3.e. and D-B 2020, C.3.e)

8. The RFQ evaluation process shall result in a short list of three to five offerors to receive the RFP. If available, the short list shall include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. (CMAR 2020, C.3.d. and D-B 2020, C.3.d.)

6.9. For CMAR Projects
a. At least 90 percent of the construction work shall be subcontracted by the Construction Manager through publicly advertised competitive sealed bidding to the maximum extent practicable.

b. The contract with the Construction Manager at Risk shall be entered into no later than the completion of the Schematic Design Phase-of-design, unless prohibited by authorization of funding restrictions.

c. The establishment of interim GMP contracts for early release packages.
of construction work are permitted.

d. GMP early release packages are limited to clearly identifiable, scheduled foundation/site preparation and long lead material procurement. Ideally, they should be for work to be performed during the initial phase of the project and billable at 100% percent before the next phase of the project. (VT CPSM, 7.2)

d.e. The GMP for the project shall be established based on Working Drawings, unless waived by the VPCPIF.

f. The criteria for the use of CMAR as set forth in the Chapter is germane and shall be limited to projects with a construction value that is in excess of $26,000,000. With proper justification for complex projects, the Director of the Department of General Services may grant a waiver of this requirement. (CMAR 2020, B.)

7.10. For D-B Projects

a. At the RFP stage, separate technical and cost proposals are required. (VT CPSM, 7.3)

a.b. Sealed Technical Proposals as described in the RFP shall be submitted to the evaluation committee Building Committee.

c. The Committee will evaluate the Technical Proposals based on the criteria contained in the RFP. D-/B offerors will be informed of any adjustments necessary to make their Technical Proposals fully compliant with the requirements of the RFP. (VT CPSM, 7.3.1)

d. Separately sealed Cost Proposals shall remain sealed until evaluation of the Technical Proposals and the design adjustments are completed.

e.e. After evaluation and ranking the committee shall conduct negotiations with two or more offerors submitting the highest ranked proposals. Cost shall be a critical component in evaluations.

f. The Committee shall evaluate and rank the Technical Proposals. The University will then open the cost proposals and apply the criteria for award as specified in the RFP. (VT CPSM, 7.3.1)

G. The University may require that offerors make design adjustments necessary to incorporate project improvements and/or additional detailed information identified during design development. (VT CPSM, 7.3.1)

h. The University shall award the contract to the offeror who is fully qualified and has been determined to have provided the best value in response to the RFP. (VT CPSM, 7.3.1)

**Reporting:**

The university shall report on completed projects that employ the CMAR or D-B delivery methods annually or as needed upon request by DGS.

**References:**

- Virginia Tech Management Agreement
Approval and Revisions:
Initial Adoption
Approved by the Board of Visitors on June 6, 2016.

Revision 1
Updated Approved by the Board of Visitors on September 11, 2017.

Revision 2
Updated Approved by the Board of Visitors on August 25, 2020.
WHEREAS, the Virginia Tech/Montgomery Regional Airport Authority consists of five members who are responsible for the management and operation of the Authority – each of the political subdivisions have the right to appoint one member, and one at-large member is appointed jointly by the Virginia Tech Board of Visitors, the Blacksburg and Christiansburg Town Councils, and the Montgomery County Board of Supervisors; and

WHEREAS, on June 5, 2017, the Board of Visitors approved the appointment of L. Allen (Al) Bowman as the at-large member to serve for a four-year term expiring August 31, 2021; and

WHEREAS, L. Allen (Al) Bowman has expressed his desire to retire from that role; and

WHEREAS, the political subdivisions and Virginia Tech desire to appoint Nathaniel L. Bishop, as the at-large member to fill the four-year term expiring August 31, 2021; and

NOW, THEREFORE, BE IT RESOLVED, that Nathaniel L. Bishop be appointed as the at-large member to Virginia Tech/Montgomery Regional Airport Authority for the four-year term expiring August 31, 2021.

RECOMMENDATION:

That the above resolution appointing Nathaniel L. Bishop as the at-large member to the Virginia Tech/Montgomery Regional Airport Authority be approved.

August 25, 2020
Approval of Creativity and Innovation District Living Learning Community 9(c) Debt Financing

FINANCE AND RESOURCE MANAGEMENT COMMITTEE

July 2, 2020

The Creativity and Innovation District Living Learning Community (Capital Outlay Project Number 18457) has been authorized by the state to be financed pursuant to Article X, Section 9(c) of the Constitution of Virginia for up to $89,620,000 plus amounts needed to fund issuance costs, reserve funds and other financing expenses.

The project will construct an approximately 203,000 gross square foot living learning community between Kent Street and Otey Street on the former site of the University Club which was demolished as part of the project. The interconnected three building residential community will include 596 beds and an academic, social, research, and collaboration space to support the Creativity and Innovation District. Members of the living/learning residence hall will include students with an interest in interdisciplinary creation and entrepreneurship as well as 176 student athletes. The total $105,500,000 project will be funded by $89,620,000 of debt and $15,880,000 of auxiliary revenue. The resolution presented to the Board of Visitors will allow for the debt financing of the full $89,620,000 for the project through the state’s 9(c) pooled bond program. The university has used commercial paper as short-term financing to date and will reimburse itself from the 9(c) bond proceeds.

The proposed resolution requests the issuance of 9(c) bonds through the Treasury Board of the Commonwealth of Virginia on behalf of the university and pledges residential system fees to pay the debt service. The resolution identifies both (1) the Vice President for Finance and (2) the University Treasurer as being authorized to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the sale and issuance of the bonds.
RESOLUTION ON CREATIVITY AND INNOVATION DISTRICT LIVING LEARNING COMMUNITY 9(c) FINANCING

FINANCE AND RESOURCE MANAGEMENT COMMITTEE


WHEREAS, pursuant to the Acts, the Treasury Board of the Commonwealth of Virginia (the “Treasury Board”) is authorized, by and with the consent of the Governor, to sell and issue bonds or bond anticipation notes pursuant to the purpose of providing funds, together with other available funds, for paying the cost of acquiring, constructing, renovating, enlarging, improving and equipping certain revenue-producing capital projects at certain institutions of higher learning of the Commonwealth and for paying issuance costs, reserve funds and other financing expenses (the “Financing Expenses”), all in accordance with the provisions of Section 9(c) of Article X of the Constitution of Virginia; and

WHEREAS, for Virginia Polytechnic Institute and State University (the “Institution”), such revenue-producing capital projects include the Creativity and Innovation District Living Learning Community Project (Capital Outlay Project Number 18457) (each individually, a “Project” and, collectively, the “Projects”); and

WHEREAS, the Treasury Board is proposing to sell and issue bonds or bond anticipation notes pursuant to the Acts for such revenue-producing capital projects, in one or more series.
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF VISITORS OF VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY:

Section 1. The Board of Visitors of the Institution (the “Board”) requests the Treasury Board to sell and issue bonds (the “Bonds”) or bond anticipation notes (“BANs”) in an aggregate principal amount not to exceed $89,620,000 to finance all or a portion of the costs of each Project plus Financing Expenses (for each individual Project, the “Individual Project Bonds” or “Individual Project Notes” and, collectively, the “Individual Project Borrowing” and for all Projects, the “Project Bonds” or “Project Notes” and, collectively, the “Project Borrowings”). The Individual Project Borrowings will be identified by amount by the State Treasurer upon issuance of any Bonds or BANs.

Section 2. With respect to each Project, the Board (a) covenants to fix, revise, charge and collect residential system fees and other rates, fees and charges, for or in connection with the use, occupation and services of such Project and (b) pledges such rates, fees and charges remaining after payment of (i) the expenses of operating such Project and (ii) the expenses related to all other activities funded by the residential fees (“Individual Project Net Revenues”) to the payment of the principal of, premium, if any, and interest on the Individual Project Borrowing relating thereto. The Board further covenants that it will fix, revise, charge and collect such rates, fees and charges in such amounts so that Individual Project Net Revenues will at all times be sufficient to pay, when due, the principal of, premium, if any, and interest on the related Individual Project Borrowing and on any other obligations secured by such Individual Project Net Revenues (such payments collectively the “Required Payments”). Each Individual Project Borrowing shall be secured on a parity with other obligations secured by the Individual Project Net Revenues relating to such Individual Project Borrowing (other than any obligations secured by a prior right in Individual Project Net Revenues). Any Individual Project Net Revenues pledged herein in excess of the Required Payments for an Individual Project Borrowing may be used by the Institution for any other lawful purpose.

Section 3. It is hereby found, determined and declared that, based upon responsible engineering and economic estimates and advice of appropriate officials of the Institution, as shown on the Financial Feasibility Study provided to the Department of the Treasury, with respect to each Project, the anticipated Individual Project Net Revenues pledged herein will be sufficient to pay the Required Payments for such Project so long as the aggregate amount of net debt service on the Individual Project Borrowing for such Project actually payable in any bond year does not exceed the amounts assumed in the Financial Feasibility Study relating thereto.

Section 4. The Board covenants that the Institution will furnish the Treasury Board its general purpose financial statements, within 30 days of their issuance and receipt, audited by a firm of certified public accountants or the Auditor of Public Accounts which shall include a schedule of revenues and expenditures for auxiliary enterprise systems. If Individual Project Net Revenues for any Project are insufficient to pay Required Payments for such Project during such period, the Institution shall provide evidence of a plan to
generate Individual Project Net Revenues for such Project sufficient to make such Required Payments in the future.

Section 5. The Board covenants that so long as any of the Project Notes are outstanding, the Institution will pay to the State Treasurer, not less than 30 days before each interest payment date, an amount estimated by the State Treasurer to be due and payable on such date as interest on the Project Notes. The Board covenants that so long as any of the Project Bonds are outstanding, the Institution will pay to the State Treasurer, not less than 30 days before each interest or principal payment date, the amount certified by the State Treasurer to be due and payable on such date as principal of, premium, if any, and interest on the Project Bonds.

Section 6. The Board covenants that the Institution will pay from time to time its proportionate share of all expenses incurred in connection with the sale and issuance of any series of Bonds that includes Project Bonds or Project Notes and all expenses thereafter incurred in connection with the Bonds, including without limitation the expense of calculating any rebate to the United States of the earnings derived from the investment of gross proceeds of the Bonds, all as certified by the State Treasurer to the Institution.

Section 7. The Board covenants that the Institution will not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bonds to be includable in the gross income of the owners thereof for federal income tax purposes under existing laws. Without limiting the generality of the foregoing, the Institution will pay from time to time its proportional share of any rebate to the United States of the earnings derived from the investment of the gross proceeds of the Bonds.

Section 8. The Board covenants that the Institution will proceed with due diligence to undertake and complete the Projects and that the Institution will spend all of the available proceeds derived from the sale of the Project Borrowings for costs associated with the Projects and appropriated for the Projects by the General Assembly.

Section 9. The Board covenants that the Institution will not permit the proceeds of each Individual Project Borrowing to be used in any manner that would result in (a) 5% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds being used with respect to any output facility within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code. The Institution need not comply with such covenants if the Institution obtains the written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income of the owners thereof for federal income tax purposes.
Section 10. The Board covenants that for so long as any of the Bonds are outstanding the Institution will not enter into any operating lease, management contract or similar agreement with any person or entity, other than a state or local governmental unit, for all or any portion of any of the Projects without first obtaining the written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that entering into such agreement will not cause the interest on the Bonds to be included in the gross income of the owners thereof for federal income tax purposes.

Section 11. The Board covenants that for so long as any of the Bonds are outstanding, the Institution will not sell or dispose of all or any part of any of the Projects without first obtaining the written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that such sale or disposition will not cause interest on the Bonds to be included in the gross income of the owners thereof for federal income tax purposes.

Section 12. The officers of the Institution, defined as the Vice President for Finance and the University Treasurer, are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the sale and issuance of the Bonds.

Section 13. The Board acknowledges that the Treasury Board will rely on the representations and covenants set forth herein in issuing the Bonds, that such covenants are critical to the security for the Bonds and the exclusion of the interest on the Bonds from the gross income of the owners thereof for federal income tax purposes, that the Board will not repeal, revoke, rescind or amend any of such covenants without first obtaining the written approval of the Treasury Board, and that such covenants will be binding upon the Board so long as any of the Bonds are outstanding.

Section 14. This resolution shall take effect immediately upon its adoption.

RECOMMENDATION:

That the above resolution authorizing the issuance of 9(c) bonds for the Creativity and Innovation District Living Learning Community Capital Outlay Project Number 18457 be approved.

August 25, 2020
Approval to Adjust the Virginia Tech Applied Research Corporation, Inc Affiliation Agreement

FINANCE AND RESOURCE MANAGEMENT COMMITTEE

August 6, 2020

As approved by the Board of Visitors, the university has entered into affiliation agreements with university-related corporations for the purpose of defining the relationship and requirements of university-related corporations. At the June 2, 2020 Board of Visitors meeting the Affiliation Agreements for the following university-related corporations were approved for a term ending June 30, 2024.

• Virginia Tech Alumni Association, Inc.
• Virginia Tech Athletic Fund, Inc.
• Virginia Tech Corps of Cadets Alumni, Inc.
• Virginia Tech Foundation, Inc.
• Virginia Tech Intellectual Properties, Inc.
• Virginia Tech Services, Inc.
• Virginia Tech Applied Research Corporation, Inc.
• Virginia Tech Innovations Corporation, Inc.
• Virginia Tech India Research & Education Forum

For business related reasons, at the request of the Corporation, the affiliation agreement for the Virginia Tech Applied Research Corporation, Inc has been adjusted to reflect the agreed upon exception that may be granted by the Senior Vice President and Chief Business Officer to the provision outlined in 1(d) of the attached red-line version of the agreement.

RECOMMENDATION: That the attached adjusted affiliation agreement for the Virginia Tech Applied Research Corporation, Inc. be approved.

August 25, 2020
AFFILIATION AGREEMENT BETWEEN
VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY AND
VIRGINIA TECH APPLIED RESEARCH CORPORATION

THIS AFFILIATION AGREEMENT ("Agreement"), dated as of July 1, 2020, is by and
between VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY, a Virginia
public corporation (the "University"), and VIRGINIA TECH APPLIED RESEARCH
CORPORATION, a Virginia nonstock corporation, including each of its subsidiaries (the
"Corporation"). The University and the Corporation are collectively referred to herein as
the "Parties."

RECITALS

a. The University is an agency of the Commonwealth of Virginia that was
established in 1872 for the purpose of providing higher education.

b. The Corporation is a Virginia nonstock corporation that was established in 2009
to support and benefit the University and exists and operates as a separate,
independent entity with its own officers and governing board.

c. The Corporation was created for the purpose of promoting the welfare of the
University by delivering superior analytic and technology solutions to government
and non-government customers, extending the brand and impact of the Virginia
Tech research and innovation enterprise.

d. The Corporation is a tax-exempt charitable organization under Section 501(c)(3)
of the United States Internal Revenue Code.

e. The University acknowledges the contributions that the Corporation makes to
advance the University's mission and goals, and desires to be affiliated with the
Corporation to make available certain facilities, resources, and services to the
Corporation for its use.

f. The University and the Corporation desire to set forth the basic terms of their
relationship.

NOW, THEREFORE, in consideration of the mutual commitments herein
contained, and other good and valuable consideration, the receipt and sufficiency of
which is hereby acknowledged, the Parties agree as follows:

1. Relationship between the Parties

   (a) Pursuant to Section 23.1-2601 of the Code of Virginia, the University is a state
       agency and is a Virginia public corporation.

   (b) The Corporation is a separately incorporated Virginia nonstock corporation and is
       an organization described in Internal Revenue Code section 501(c)(3).
(c) The Corporation shall convey to the University upon written request of the Board of Visitors any interest in real property owned by the Corporation, which real property is and shall be indirectly owned by the University.

(d) The University is responsible for the compensation and evaluation of all University personnel. The Corporation is responsible for the compensation and evaluation of all its personnel. The Corporation agrees that it shall endeavor to provide a benefits and compensation plan for its employees that as nearly as practical matches that of the University. For business related reasons, at the request of the Corporation, the Senior Vice President and Chief Business Officer of the university may authorize exceptions to this provision.

(e) The Corporation agrees that it will provide the University with (i) a copy of its articles of incorporation and bylaws, as well as any amendments to such organizational documents; and (ii) a list of all directors, officers, and staff members and their relevant contact information including e-mail addresses and telephone numbers. The Corporation also agrees that it will review its annual operating budget, capital budget, and long-term program plans with the University before presenting any such budgets or plans to its Board. The University acknowledges, however, that the Corporation's Board has full power and authority with respect to such budgets and plans.

(f) The Corporation agrees that it shall remain in good standing with the Virginia State Corporation Commission.

(g) The President of the University, or his or her designee, shall be responsible for communicating to the Corporation the University's priorities and strategic and long-term plans, as approved by the University's Board of Visitors.

2. Corporation Board

(a) The Corporation is an independent Virginia corporation with authority to appoint directors to serve on its Board in accordance with its articles of incorporation and bylaws. The Parties agree, however, that the President of the University, or the President's designee, shall serve as a Corporation director and member of the Corporation's Executive Committee.

(b) The Corporation represents that the officers and board members of the Corporation were provided a copy of this Agreement and they authorized the person executing this Agreement on behalf of the Corporation to execute this Agreement.

3. Fundraising Activities

The Parties acknowledge that the University is responsible for any fundraising activities of the University. The Corporation will continue to support the University's fundraising efforts. Notwithstanding the foregoing, the solicitation of governmental grants and research contracts by the Corporation shall not be considered fundraising activities.
4. **Dealings with Third Parties**

(a) The University and the Corporation acknowledge that each is an independent entity, separate from the other, and neither shall hold itself out as being part of, controlled by, or acting on behalf of the other. Both Parties agree to take reasonable measures to ensure that third parties understand that the University and the Corporation are separate and independent entities. With respect to marketing, advertising, publicity, correspondence, contracts, and other formal means of communication, the Corporation will use its full corporate name to avoid confusion on the part of the third parties. All correspondence, solicitations, activities, and advertisements concerning the Corporation shall reflect the Corporation, the University, and the relationship between them appropriately.

(b) The Corporation shall prepare and timely file all of its tax returns and reports including information returns required under federal, state, and local laws. The Corporation shall use its taxpayer identification number and its tax-exempt status in connection with purchases and sales by the Corporation, gifts to the Corporation, interest, and other income of the Corporation, and any other activity of the Corporation.

5. **Liability Insurance and Defense**

The Parties acknowledge that the University, the Commonwealth of Virginia, and the employees and agents of either will not be liable for any of the Corporation's contracts, torts, or other acts or omissions, or those by the Corporation's directors, officers, employees, or other staff, provided, however, that the limitations of liability stated herein shall not apply to faculty and staff of the University acting within the scope of their employment with the University. Further, the Parties acknowledge that neither the Corporation nor its directors, officers, employees, or staff are protected by the University's or the Commonwealth of Virginia's insurance policies or self-insurance plans in connection with the Corporation's activities, and the University and the Commonwealth will not provide any legal defense for the Corporation or any such person in the event of any claim against any of them.

6. **Non-Discrimination**

The Corporation agrees that it shall maintain a non-discrimination policy that is consistent with the University's Equal Opportunity/Affirmative Action Statement.

7. **Charges for Services**

The Parties agree to reimburse each other for the cost of services provided. To the extent that a rate schedule exists for these services, the appropriate rate will be charged. To the extent there is no rate schedule charge set for a service, the charged rate will be mutually agreed upon by the University and the Corporation. All business transactions shall be entered into by each side freely and independently.
8. **Use of Facilities, Resources, Services, and Marks**

(a) The University agrees that the Corporation is eligible to use the University’s facilities, resources, and services (other than legal counsel), subject to availability and the policies and procedures of the University applicable to such facilities, resources and services.

(b) The University may accord the Corporation’s personnel certain privileges related to the use of services and facilities generally available to University employees, subject to a separate written agreement between the Parties.

(c) Each Party grants, and the other accepts, a non-exclusive, non-transferrable royalty-free right and license to use the other’s names and marks in connection with their operations, including as part of their names.

(d) The Corporation agrees that the use of such names and marks will comply with University brand standards. The Corporation agrees that, in any creative work produced directly or indication for the Corporation, as it relates to any University marks, the creative work’s end application will fit the visual look and feel of the overall brand aesthetic and brand concept and will correctly use all University marks including logos and identity components. Creative work will include, but is not limited to: websites, applications, electronic communications, newsletters, advertisements, mailings, magazines, and other communication materials (digital and print).

(e) Nothing in this Agreement gives the other party any other right, title, or interest in the licensed marks, which remain the sole property of the other.

9. **Audit**

The Corporation at its expense shall have an annual audit performed by an independent auditor, and shall provide copies of its financial statements, and related documents, produced in connection with the audit to the Senior Vice President and Chief Business Officer of the University. The Corporation agrees to participate in the University-related corporation internal audit program. All costs of both the annual audit and the internal audit work performed for the Corporation shall be paid by the Corporation.

10. **No Partnership or Joint Venture**

No provision of this Agreement shall be deemed to create a partnership or joint venture between the University and the Corporation.

11. **Dissolution**
Should the Corporation cease to exist or cease to be an organization described in Section 501(c)(3) of the Internal Revenue Code, the Corporation will transfer its assets to the University, or if it is no longer in existence to the Commonwealth of Virginia, any one or more affiliated entities with the University that are organized and operated exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) and 170(c)(2)(B) of the Internal Revenue Code. If none of the University or its affiliated entities are then so described, the Corporation will distribute its assets and property to one or more organizations that are organized and operated exclusively for charitable and educational purposes within the meaning of Sections 501(c)(3) and 170(c)(2)(B) of the Internal Revenue Code. The Corporation agrees to transfer such assets and property in a manner that furthers the best interests of the University, as determined by its Board in consultation with the University.

12. **Term and Termination of Agreement**

This Agreement shall become effective upon execution by both Parties and shall expire on June 30, 2024, but it will remain in effect past the expiration date unless (i) terminated by either Party, with or without cause, upon 90 days' prior written notice to the other, (ii) terminated by mutual written agreement of the Parties, or (iii) replaced by a new agreement.

13. **Waiver**

Failure of either Party to enforce any of the provisions of this Agreement shall not be construed as a waiver of that, or any other, provision or any later breach thereof.

14. **Notices**

Any notice under this Agreement shall be deemed given when deposited in the mail, postage prepaid, and addressed as follows:

**If to the Corporation:**

President  
Virginia Tech Applied Research Corporation  
900 N. Glebe Road, 7th Floor  
Arlington, Virginia 22203

**If to the University:**

President  
Virginia Tech 210 Burruss Hall  
Blacksburg, Virginia 24061

Senior Vice President and Chief Business Officer  
Virginia Tech  
210 Burruss Hall  
Blacksburg, Virginia 24061
With a copy to:
University Legal Counsel
Virginia Tech
236 Burruss Hall
Blacksburg, Virginia 24061

or to such other person, at such addresses, as either party may designate for itself and so notify the other party in writing.

15. **Entire Agreement; Amendments**

This Agreement constitutes the entire agreement between the Corporation and the University concerning the subject matter, and it supersedes all prior written or oral agreements concerning this subject matter. This Agreement may not be amended except by written document executed by both Parties.

16. **Governing Law**

This Agreement shall be governed by the laws of the Commonwealth of Virginia, regardless of its choice of law doctrine.

[Signatures Follow on Next Page]
IN WITNESS THEREOF, the Parties have executed this Agreement as of the date written above.

VIRGINIA TECH APPLIED RESEARCH CORPORATION

By: ____________________________
    (Authorized Officer)

Title: Chief Executive Officer

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

By: ____________________________
    (Authorized Officer)

Title: President
As Chair of the Governing Board at ____________________________,
I attest that: (institution name)

1) Responsibility for the administration of the athletics program has been delegated to the President/Chancellor of the Institution.

2) The President/Chancellor has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, Conference and all other relevant rules and regulations.

3) The President/Chancellor, in consultation with the Faculty Athletics Representative and the Athletics Director, determines how the institutional vote shall be cast on issues of athletics policy presented to the NCAA and the Conference.

Date Presented to the Governing Board: __________________________

Signed: ______________________________________________________
(Chair of the Governing Board)

Signed: ______________________________________________________
(President/Chancellor of Member Institution)

Please return completed form before October 16, 2020 to:

Commissioner John D. Swofford
Atlantic Coast Conference
4512 Weybridge Lane
Greensboro, NC  27407
**Date:** 07/15/2020

**To:** Board of Visitors

**Subject:** Report of open contracts entered into subject to the Code of Virginia “State and Local Government Conflict of Interests Act” (“the Act”) § 2.2-3106 C. 8.

There were two contracts entered into at the time of this report (from 5/20/2020 – 7/15/2020) subject to the Act’s exception for prohibited contracts involving research and development or commercialization of intellectual property. Details as per the Act § 2.2-3106 E. are included below.

<table>
<thead>
<tr>
<th>Contract number</th>
<th>#1 P63SXIGY</th>
<th>#2 PUMQRX4T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Names of parties</td>
<td>Virginia Tech and Conservation X Labs</td>
<td>Virginia Tech and Minerals Refining Company Inc. (MRC)</td>
</tr>
<tr>
<td>Date contract executed</td>
<td>5/19/20</td>
<td>6/1/20</td>
</tr>
<tr>
<td>Contract term</td>
<td>1/1/20-10/15/23</td>
<td>6/1/20-9/30/20</td>
</tr>
<tr>
<td>Subject of contract</td>
<td>&quot;Investigation of Non-thermal Focused Ultrasound for the Rapid Extraction of DNA from Timber and Plant Tissues&quot;</td>
<td>&quot;Pilot-Scale Testing of the Hydrophobic-Hydrophilic Separation (HHS) Process to Produce Value-Added Products from Waste Coals&quot;</td>
</tr>
<tr>
<td>Nature of COI</td>
<td>Hallie Holmes, part-time, non-instructional faculty member within the Department of Biomedical Engineering and Mechanics (BEAM), has reported outside employment with Conservation X Labs and has received compensation in excess of $5,000. Virginia Tech has received an</td>
<td>Roe-Hoan Yoon, Professor within the Department of Mining and Minerals Engineering, has reported an equity/ownership interest in MRC and serves on the Board of Directors. MRC has received an award from the Department of Energy that includes a subaward to Virginia Tech. Roe-Hoan</td>
</tr>
</tbody>
</table>
award from the Gordon and Betty Moore Foundation that includes a subcontract to Conservation X Labs. Eli Vlaisavljevich is the primary investigator for Virginia Tech and Hallie Holmes will serve as a co-investigator for Virginia Tech. As defined by state law, Hallie Holmes has a personal interest in a contract. Yoon will carry out the scope of work as the primary investigator for Virginia Tech. As defined by state law, Roe-Hoan Yoon has a personal interest in a contract.

<table>
<thead>
<tr>
<th>Institution employee responsible for administering contract</th>
<th>Trudy Riley, contract administration signatory</th>
<th>Trudy Riley, contract administration signatory</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Director, Virginia Tech Office of Sponsored Programs</td>
<td>Director, Virginia Tech Office of Sponsored Programs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The institution's commitment of resources or finances for the contract</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
</table>

| Details of how revenues are to be dispersed | N/A (no revenues will be generated) | N/A (no revenues will be generated) |
Closed Session Agenda  

ACADEMIC, RESEARCH AND STUDENT AFFAIRS COMMITTEE  

9:30 – 10:00 a.m.  
Monday, August 24, 2020  
Fralin Biomedical Institute at VTC, Roanoke, VA  

<table>
<thead>
<tr>
<th>Agenda Item</th>
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</tr>
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<tbody>
<tr>
<td>1. Welcome Motion to Begin Closed Session</td>
<td>G. Harris</td>
</tr>
<tr>
<td>2. Resolutions to Approve Appointment to Professor Emeritus/a (9)</td>
<td>C. Clarke</td>
</tr>
<tr>
<td>3. Resolution to Approve Appointments to Endowed Chairs, Professorships, or Fellowships (5)</td>
<td>C. Clarke</td>
</tr>
<tr>
<td>4. Resolution for Appointments to Alumni Distinguished Professor (2)</td>
<td>C. Clarke</td>
</tr>
</tbody>
</table>

* Requires Full Board Approval
Open Session Agenda

ACADEMIC, RESEARCH AND STUDENT AFFAIRS COMMITTEE

10:00 – 11:15 a.m.
Monday, August 24, 2020
Fralin Biomedical Institute at VTC, Roanoke, VA

Agenda Item | Reporting Responsibility
---|---
1. **Motion to Return to Open Session** | G. Harris
2. **Welcome and Acceptance of Agenda** | G. Harris
3. **Report of Closed Session Action Items** | G. Harris
4. **Consent Agenda** | G. Harris
   A. Approval of June 2, 2020 Electronic Meeting Minutes
   B. Report of Reappointments to Endowed Chairs, Professorships, and Fellowships (1)
* C. Ratification of 2020-2021 Faculty Handbook
* D. Resolution to Edit Constitution of the Graduate Honor System to add Revoking Graduate Degree to Penalty Options
* E. Resolution for Exclusion of Certain Officers/Directors
5. **Overview of Academic Affairs** | J. Finney
6. **Council of College Deans Update** | L. Belmonte
7. **Discussion: Global Land Grant** | G. Ghosh, K. Alexander, K. Hosig, T. Archibald, V. Sridhar
8. **Provost’s Update and Discussion** | C. Clarke
9. **Agenda Items for November 2020 Committee Meeting** | G. Harris
10. **Adjourn Committee Meeting** | G. Harris

* Requires Full Board Approval
Joint Closed Session Agenda

ACADEMIC, RESEARCH, AND STUDENT AFFAIRS COMMITTEE
and
FINANCE AND RESOURCE MANAGEMENT COMMITTEE

Latham Ballroom A/B, The Inn at Virginia Tech
8:00 – 8:30 a.m.

August 25, 2020

<table>
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<tr>
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<tr>
<td>* 2. Discussion of Changes to and Ratification of Personnel Changes Report</td>
<td>Ken Miller Cyril Clarke</td>
</tr>
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* Requires full Board approval.
Agenda

BUILDINGS AND GROUNDS COMMITTEE

Latham Ballroom C/D/E/F, The Inn at Virginia Tech
9:30 a.m.
August 25, 2020

Agenda Item Reporting Responsibility
1. Welcome C.T. Hill, Chair

2. Consent Agenda C.T. Hill, Chair
   a. Approval of the Minutes from the May 14, 2020 Meeting
   b. Approval of the Minutes from the May 27, 2020 Meeting
   c. Resolution on the Demolition of a University Greenhouse
   * d. Resolution to Amend the Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act of 2002
   * e. Resolution for Approval of an Update to the Capital Construction Delivery Method Approval Process
   * f. Resolution on Appointment to the Virginia Tech Montgomery Regional Airport Authority
   g. Acceptance of the Capital Project Status Report

3. Panel Discussion on COVID-19 Buildings and Grounds Considerations
   Chris Kiwus
   Lance Franklin
   Rick Sparks
   Frances Keene
   Liza Morris

4. Update on Agricultural Facilities Planning and Construction Alan Grant

* 5. Resolution on the Partial Demolition of the Art and Design Learning Center Liza Morris

* 6. Resolution on the Demolition of Femoyer Hall Liza Morris

7. Design Review of the Data and Decision Sciences Building Liza Morris

8. Future Agenda Items and Closing Remarks C.T. Hill, Chair

* Requires full Board approval.
Open Joint Session Agenda

FINANCE AND RESOURCE MANAGEMENT COMMITTEE
AND BUILDINGS AND GROUNDS COMMITTEE

Latham Ballroom A/B, The Inn at Virginia Tech
11:00 a.m.

August 25, 2020

<table>
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</table>
| * 1. Approval of Resolution for Temporary Supplement for Planning the Undergraduate Science Laboratory Building | Ken Miller  
| | Chris Kiwus |

* Requires full Board approval.
RESOLUTION ON PARTIAL DEMOLITION OF UNIVERSITY BUILDING – BUILDING NO. 0196 (ART AND DESIGN LEARNING CENTER)

The university requests approval to partially demolish Building No. 0196 (Art and Design Learning Center). This facility is a 22,532 gross square foot academic building. It is located at Virginia Tech’s Blacksburg campus in Montgomery County, Virginia. Constructed in 1931, the brick and concrete building was originally a mechanical engineering laboratory.

The basement and sub-structure portion of the facility houses the Boiler Plant water treatment facility; this portion of the building will remain intact and in use. The university seeks to partially demolish the structure to allow for the growth, expansion and support of the University’s Corps of Cadets and ROTC programs.

The university will also obtain approval from the Department of Historic Resources and the Art and Architecture Review Board prior to the demolition of this structure.
RESOLUTION ON PARTIAL DEMOLITION OF UNIVERSITY BUILDING – BUILDING NO. 0196 (ART AND DESIGN LEARNING CENTER)

WHEREAS, under the 2006 Management Agreement between the Commonwealth of Virginia and the university, the Board of Visitors has the authority to approve the disposition of any building; and

WHEREAS, the Building No. 0196, is in excess of eighty years old, and the facility is unable to meet the needs for growth and expansion to support the Corps of Cadets and ROTC programs; and

WHEREAS, the university will obtain the approvals of the Department of Historic Resources and the Art and Architecture Review Board for the demolition of this building prior to demolition;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors approve the partial demolition of Building No. 0196, located at the Blacksburg Virginia Tech Campus in Montgomery County, in accordance with the applicable statues of the Code of Virginia (1950), as amended.

RECOMMENDATION:

That the above resolution authorizing the demolition of Building No. 0196 be approved.

August 25, 2020
RESOLUTION ON DEMOLITION OF UNIVERSITY BUILDING – BUILDING NO. 0013 (FEMOYER HALL)

The university requests approval to demolish Building No. 0013 (Femoyer Hall). This facility is a 35,500 gross square foot academic building. It is located at Virginia Tech's Blacksburg campus in Montgomery County, Virginia. Constructed in 1949, the brick building originally served as a residence hall.

When the facility became obsolete as a residence hall, it was transitioned to academic and program office space through minimal renovations. Overall, the structure has received very few improvements since original construction and without major renovation will continue to require significant, sustained maintenance investment. The university seeks to demolish the structure and replace it with a residential facility.

The university will also obtain approval from the Department of Historic Resources and the Art and Architecture Review Board prior to the demolition of this structure.
RESOLUTION ON DEMOLITION OF UNIVERSITY BUILDING –
BUILDING NO. 0013 (FEMOYER HALL)

WHEREAS, under the 2006 Management Agreement between the Commonwealth of Virginia and the university, the Board of Visitors has the authority to approve the disposition of any building; and

WHEREAS, the Building No. 0013, is in excess of seventy years old, has been identified as requiring significant renovation to allow for effective maintenance; and

WHEREAS, the university will obtain the approvals of the Department of Historic Resources and the Art and Architecture Review Board for the demolition of this building prior to demolition;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors approve the demolition of Building No. 0013, located at the Blacksburg Virginia Tech Campus in Montgomery County, in accordance with the applicable statues of the Code of Virginia (1950), as amended.

RECOMMENDATION:

That the above resolution authorizing the demolition of Building No. 0013 be approved.

August 25, 2020
Capital Project for Temporary Supplement for Planning the Undergraduate Science Laboratory Building

JOINT FINANCE AND RESOURCE MANAGEMENT COMMITTEE
AND BUILDINGS AND GROUNDS COMMITTEE

July 29, 2020

The Undergraduate Science Laboratory Building project (208-18332) is included in the state’s detailed planning pool authorized in item 4.1.A. of Chapter 759 of the 2016 Acts of Assembly with an effective date of July 1, 2017. Item 4.4 of the same Act authorizes each institution to utilize temporary nongeneral funds to complete working drawings for each project listed in Item 4.1.A. Under the state program, temporary nongeneral funds are reimbursed by a subsequent General Fund appropriation for project construction.

The university infused $3.084 million of temporary nongeneral funds in September 2017 to complete preliminary designs for the project. Preliminary designs are complete and the funds were exhausted in January 2020. To ensure continuity of the A/E design team and design process, the university infused $2.432 million of additional temporary funds during fiscal year 2020 to complete working drawings, in accordance with the provisions of Chapter 759. The adjusted total budget to complete planning is $5.516 million.

The state normally administratively adjusts the nongeneral fund authorization levels in the state accounting system for these actions and the expenditures are recorded in their system. The state established the initial $3.084 million in their systems in 2017 using the normal administrative processes. However, the state ceased processing these adjustments administratively in the third quarter of FY2020 and has requested that Virginia Tech hold the $2.432 million supplement authorization locally using its restructuring authority. Pending a request to the Board of Visitors for a capital planning authorization to hold the supplemental $2.432 million of expenditures, the university established a suspense fund and budget for an interim period.

This request is for a capital planning authorization to hold the supplemental $2.432 million of temporary nongeneral fund expenditures for the Undergraduate Science Laboratory Building project. The temporary resources, the entire $5.516 million, will be reimbursed by General Fund resources when the state appropriates construction funding for the project. Construction funds for the project are the university’s first priority capital outlay request for the 2022 budget session.

Under the 2006 Management Agreement between the Commonwealth of Virginia and the university, the Board of Visitors has the authority to approve the budget, size, scope, debt issuance, and overall funding of nongeneral fund capital outlay projects. This request is for a capital planning authorization to hold a $2.432 million supplement to adjust the temporary budget and funding for the Undergraduate Science Laboratory Building project to $5.516 million.
RESOLUTION FOR A CAPITAL PROJECT FOR TEMPORARY SUPPLEMENT FOR PLANNING THE UNDERGRADUATE SCIENCE LABORATORY BUILDING

WHEREAS, the state included the Undergraduate Science Laboratory Building project (208-18332) in the detailed planning pool authorized in 4.1.A. of Chapter 759 of the 2016 Acts of Assembly; and,

WHEREAS, Item 4.4 of Chapter 759 authorizes institutions to utilize nongeneral funds to complete working drawings for each project listed in Item 4.1.A; and,

WHEREAS, under the state program, temporary nongeneral funds are reimbursed by a General Fund appropriation for project construction; and,

WHEREAS, temporary funding of $3.084 million was infused in September 2017 to complete preliminary designs for the project; and,

WHEREAS, to complete working drawings and the design process without interruption, a $2.432 million temporary supplement is necessary, for a total adjusted temporary planning budget of $5.516 million; and,

WHEREAS, the university would place the supplement revenues and expenditures in a local capital project until the state appropriates construction funding for the project; and,

WHEREAS, the temporary nongeneral funds will be reimbursed by a future General Fund appropriation for the capital project; and,

WHEREAS, under the 2006 Management Agreement between the Commonwealth of Virginia and the university, the Board of Visitors has authority to approve the budget, size, scope, debt issuance, and overall funding of nongeneral funded capital outlay projects.

NOW, THEREFORE, BE IT RESOLVED, that the university be authorized to establish a $2.432 million local capital project to supplement the $3.084 million initial planning budget for the Undergraduate Science Laboratory Building project and to fund the budget with temporary nongeneral fund resources that will be reimbursed pending a future state General Fund appropriation for the project.

RECOMMENDATION:

That the resolution authorizing Virginia Tech to supplement temporary planning for the Undergraduate Science Laboratory project be approved.

August 25, 2020
## Agenda Item

1. Motion for Closed Session  
   **Responsibility**: Ms. James

2. Internal Audit Reports  
   a. Physical Security  
   b. IT: Windows Server Security  
   **Responsibility**: Mr. Noble

3. Update on Fraud, Waste, and Abuse Cases  
   **Responsibility**: Ms. Kurek  
   Mr. Hamilton

4. Discussion with the Executive Director of Audit, Risk, and Compliance  
   **Responsibility**: Ms. Kurek
# Open Session Agenda

**COMPLIANCE, AUDIT, AND RISK COMMITTEE**

Latham Ballroom A/B  
5:15 p.m.  
August 24, 2020

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<tr>
<th>Agenda Item</th>
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<tbody>
<tr>
<td>1. Motion to Reconvene in Open Session</td>
<td>Ms. Brickhouse Martin</td>
</tr>
<tr>
<td>2. Welcome and Introductory Remarks</td>
<td>Ms. Long</td>
</tr>
<tr>
<td>3. Consent Agenda</td>
<td>Ms. Long</td>
</tr>
<tr>
<td>a. Minutes from the May 21, 2020 Meeting</td>
<td></td>
</tr>
<tr>
<td>b. Update of Responses to Open Internal Audit Comments</td>
<td></td>
</tr>
<tr>
<td>c. Audit Plan Status Report</td>
<td></td>
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<tr>
<td>d. Internal Audit Reports</td>
<td></td>
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<tr>
<td>i. Center for International Research, Education, and Development</td>
<td></td>
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<tr>
<td>ii. Facilities: Site and Infrastructure Development</td>
<td></td>
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<tr>
<td>iii. Research: Human Research Protection Program</td>
<td></td>
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<tr>
<td>iv. Undergraduate Admissions</td>
<td></td>
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<tr>
<td>v. Virginia Tech Transportation Institute</td>
<td></td>
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<tr>
<td>e. Status Update on the Audit of the University’s Financial Statements</td>
<td></td>
</tr>
<tr>
<td>4. Discussion of Future Topics</td>
<td>Ms. Long</td>
</tr>
</tbody>
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Open Session Agenda
FINANCE AND RESOURCE MANAGEMENT COMMITTEE
Latham Ballroom A/B, The Inn at Virginia Tech
8:30 a.m.
August 25, 2020

Agenda Item

1. Motion to Reconvene in Open Session
   Reporting Responsibility: Preston White

2. Welcome and Opening Remarks
   Reporting Responsibility: Ed Baine

3. Consent Agenda
   a. Approval of Items Discussed in Closed Session
   b. Approval of Minutes of the May 29, 2020 Meeting
   d. Approval of Creativity and Innovation District Living Learning Community 9(c) Debt Financing Resolution
   e. Approval of Resolution to Adjust VT-ARC Affiliation Agreement
   Reporting Responsibility: Ed Baine

4. Comprehensive Update on Advancement
   Reporting Responsibility: Charlie Phlegar

5. Update on Research
   Reporting Responsibility: Don Taylor

6. Financial Update on COVID-19
   Reporting Responsibility: Tim Hodge

7. Approval of Resolution for Additional Lines of Credit
   Reporting Responsibility: Ken Miller, John Cusimano

8. Approval of Year-to-Date Financial Performance Report (July 1, 2019 – June 30, 2020)
   Reporting Responsibility: Tim Hodge, Bob Broyden

9. Approval of Resolution Establishing University Policy 12111, Acceptance of Terms and Conditions Associated with Donations, Gifts, and Other Private Philanthropic Support
   Reporting Responsibility: Ken Miller

10. Update on the Implementation of the JLARC Recommendations
    Reporting Responsibility: Ken Miller, Bryan Garey

11. Discussion of Future Agenda Topics and Closing Remarks
    Reporting Responsibility: Ed Baine

* Requires full Board approval.
* Discusses Enterprise Risk Management topic(s).
# Joint Closed Session Agenda

**ACADEMIC, RESEARCH, AND STUDENT AFFAIRS COMMITTEE**

and

**FINANCE AND RESOURCE MANAGEMENT COMMITTEE**

Latham Ballroom A/B, The Inn at Virginia Tech

8:00 – 8:30 a.m.

August 25, 2020

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* Requires full Board approval.
Open Joint Session Agenda

FINANCE AND RESOURCE MANAGEMENT COMMITTEE
AND BUILDINGS AND GROUNDS COMMITTEE

Latham Ballroom A/B, The Inn at Virginia Tech
11:00 a.m.

August 25, 2020

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</tr>
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<td></td>
<td>Chris Kiwus</td>
</tr>
</tbody>
</table>

* Requires full Board approval.
Resolution on Additional Lines of Credit

FINANCE AND RESOURCE MANAGEMENT COMMITTEE

July 24, 2020

The university currently maintains three bank operating lines of credit representing 45 days of external liquidity in adherence to its liquidity management procedures. Given the FY21 BOV-approved budget of $1.62 billion, the amount of external liquidity maintained for FY21 will be ~$200 million. In addition to the availability of this ~$200 million of external liquidity the university also has operating cash reserves, which at its low point in July totaled ~$335 million.

While the university expects to operate throughout the year within its cash reserves and external lines of credit, it recognizes the possibility that a major demand on cash could occur due to the rapidly changing nature of the COVID-19 pandemic. Accordingly, management is seeking approval to obtain additional lines of credit. These lines of credit will be additive to our existing ongoing lines of credit; will be temporary and not maintained past the current crisis; and will ensure enough time and flexibility for the university to access its longer-termed investments at the Virginia Tech Foundation, if needed.

Five financial institutions have expressed an interest in providing additional short-term operating lines of credit to the university. As a result, the university has been negotiating for additional lines of credit up to $210 million with the financial institutions. This additional up to $210 million will give the university access to a total of $410 million of external liquidity as it manages through the COVID-19 pandemic. Negotiations are ongoing and the final terms will be at least as favorable as the proposed terms provided to the Board.

Board approval is needed to establish and access the up to $210 million of additional lines of credit. The lines will be (a) revolving lines of credit, the principal amount of which may be borrowed, repaid, and re-borrowed, and (b) secured by the university’s general revenue pledge and not considered debt of the Commonwealth of Virginia, either legal, moral, or otherwise. McGuireWoods serves as university bond counsel.

Under the terms of the resolution the university will enter into one or more additional credit agreements that set forth the terms and conditions of the applicable line of credit, in substantially the form provided to the Board. The Board’s approval will (a) authorize the lines of credit for an aggregate amount of up to $210 million, (b) approve the terms of the bank proposals and the form of the credit agreement and promissory note, and (c) identify the Vice President for Finance and University Treasurer, in consultation with the Chief Business Officer, to negotiate, execute and deliver all necessary documents related to the additional operating lines of credit.
Resolution on Additional Lines of Credit

FINANCE AND RESOURCE MANAGEMENT COMMITTEE

WHEREAS, Chapter 26, Title 23.1 of the Code of Virginia of 1950, as amended (the "Virginia Code"), establishes a public corporation under the name and style of Virginia Polytechnic Institute and State University (the "University") which is governed by a Board of Visitors (the "Board"); and

WHEREAS, by Chapter 10, Title 23.1 of the Virginia Code (the "Act"), the University entered into a management agreement with the Commonwealth of Virginia (the "Commonwealth"), which was enacted as Chapter 1 of Chapter 933 of the 2006 Virginia Acts of Assembly, as amended, pursuant to which the University is (a) classified as a public institution of higher education and (b) granted the authority, pursuant to the Act, to issue bonds, notes, or other obligations that are consistent with debt capacity and management policies and guidelines established by the Board; and

WHEREAS, the Act further authorizes the University to provide for the payment of the principal of and the interest on such bonds, notes, or other obligations from any one or more of the following sources: (a) its revenues generally; (b) income and revenues derived from the operation, sale, or lease of a particular project or projects, whether or not they are financed or refinanced from the proceeds of such bonds, notes, or other obligations; (c) funds realized from the enforcement of security interests or other liens or obligations securing such bonds, notes, or other obligations; (d) proceeds from the sale of bonds, notes, or other obligations; (e) payments under letters of credit, policies of municipal bond insurance, guarantees, or other credit enhancements; (f) any reserve or sinking funds created to secure such payment; (g) accounts receivable of the University; or (h) other available funds of the University; and

WHEREAS, under a resolution adopted on June 4, 2018, the University currently maintains three ongoing operating lines of credit for the purpose of maintaining approximately 45 days of external liquidity in conjunction with its liquidity management procedures (the "Existing Lines of Credit"); and

WHEREAS, the Board has determined that it would be in the best interest of the University to enter into one or more additional lines of credit (the "2020 Lines of Credit"), which would be in addition to the Existing Lines of Credit and which would serve as a supplemental source of liquidity to support the general operations of the University as it addresses the COVID-19 pandemic; and

WHEREAS, it is anticipated that the 2020 Lines of Credit will (a) be revolving lines of credit, the principal amount of which may be borrowed, repaid, and re-borrowed and (b) be secured by the University's general revenue pledge and not be in any way a debt of the Commonwealth and shall not create or constitute any indebtedness or obligation of the Commonwealth, either legal, moral, or otherwise; and
WHEREAS, the University has solicited proposals from various financial institutions to provide the 2020 Lines of Credit, including proposals from U.S. Bank National Association, J.P. Morgan Chase Bank, N.A., Atlantic Union Bank, Wells Fargo Bank, N.A., and Truist Bank (collectively, the "Proposals"), the terms of which Proposals were presented to the Board; and

WHEREAS, under the terms of the Proposals, the University intends to enter into one or more credit agreements or similar agreements that set forth the terms and conditions of the applicable Line of Credit, in substantially the form presented to the Board (each a "Credit Agreement"); and

WHEREAS, to evidence its obligations under a Credit Agreement, the University will execute a promissory note in favor of the applicable financial institution, in substantially the form attached as an exhibit to the applicable Credit Agreement (each a "Note"); and

WHEREAS, the Board intends (a) to authorize the 2020 Lines of Credit, (b) approve the terms of the Proposals and the form of the Credit Agreement, which includes a form of the Note, and (c) take such other actions as are authorized in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF VISITORS OF VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY:

1. Authorization of Credit. For the purpose of providing a source of back-up liquidity to support the general operations of the University as it addresses the COVID-19 pandemic, the Board authorizes the 2020 Lines of Credit in an aggregate principal amount of up to $210,000,000. The 2020 Lines of Credit shall bear interest on a taxable basis, and the payment of principal of and interest on the 2020 Lines of Credit shall be from one or more of the sources authorized by the Act, all as more particularly described in the applicable Proposal and Credit Agreement. The Board hereby approves the terms of the Proposals, the form of the Credit Agreement and the form of the Note.

2. Delegation and Execution. The Board authorizes the Vice President for Finance and the University Treasurer, collectively known as the Authorized Officers, in consultation with the Chief Business Officer, to negotiate, execute, and deliver all certificates, documents, and instruments related to the 2020 Lines of Credit with one or more financial institutions on terms at least as favorable as the Proposals. The final approval of the terms and conditions of the 2020 Lines of Credit and the final selection of the financial institutions shall be evidenced by the execution and delivery of the Credit Agreements by one or more Authorized Officers. The Board authorizes other University officers and staff to take such other actions as may be necessary or desirable in connection with entering into the 2020 Lines of Credit.

3. Other Acts. All other acts of the Authorized Officers and other officers and staff of the University that are in conformity with the purpose and intent of this Resolution are hereby approved, ratified and confirmed.
4. **Not a Debt of the Commonwealth.** The 2020 Lines of Credit shall not be in any way a debt of the Commonwealth and shall not create or constitute any indebtedness or obligation of the Commonwealth, either legal, moral, or otherwise.

5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

**RECOMMENDATION:**

That the resolution identifying the authorized officers; approving the terms of the proposals and the form of the credit agreement and note; and authorizing the authorized officers to negotiate, execute and deliver all necessary documents to obtain up to $210 million of additional lines of credit be approved.

August 25, 2020
## Virginia Tech Operating Lines of Credit Indicative Proposals

<table>
<thead>
<tr>
<th>Bank Name:</th>
<th>US Bank*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term:</td>
<td>One Year</td>
</tr>
<tr>
<td>Facility Amount:</td>
<td>up to $125M</td>
</tr>
</tbody>
</table>
| Undrawn Fee:      | 1 year term: 20 basis points  
|                   | 2 year term: 115 basis points  
|                   | 3 year term: 20 basis points |
| Interest Rate (spread in basis points to 1-month LIBOR): | 1 year term: 115 basis points  
|                   | 2 year term: 80 basis points  
|                   | 3 year term: 85 basis points |
| Term-Out Period*: | Three Years  
| Terms:            | Twelve equal quarterly installments over a three year period  
| Rates:            | 1-month LIBOR plus 2.50% |

*The university must maintain a rating above A3/A- for the length of the term-out.

<table>
<thead>
<tr>
<th>Bank Name:</th>
<th>Truist*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term:</td>
<td>One Year</td>
</tr>
<tr>
<td>Facility Amount:</td>
<td>up to $100M</td>
</tr>
</tbody>
</table>
| Undrawn Fee:      | 1 year term: 25 basis points  
|                   | 2 year term: 80 basis points  
|                   | 3 year term: 85 basis points |
| Interest Rate (spread in basis points to 1-month LIBOR): | 1 year term: 80 basis points  
|                   | 2 year term: 85 basis points  
|                   | 3 year term: 85 basis points |
| Term-Out Period:  | Three Years  
| Terms:            | Six equal principal payments with interest rates per below:  
| Rates:            | 1. Base Rate for the first 6 months is the greater  
|                   | - The bank's prime rate plus 1.00%,  
|                   | - The Federal Funds rate plus 2.00%, or  
|                   | - 7.00%  
|                   | 2. Interest rate for the remaining 30 months:  
|                   | - Base Rate plus 1.00%  
|                   | 3. Default Rate:  
|                   | - Base Rate plus 3.00%  
| NOTE:             | See below on the mechanics of the term-out. |

*Would require a depository relationship of $35M.

<table>
<thead>
<tr>
<th>Bank Name:</th>
<th>Atlantic Union*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term:</td>
<td>One Year</td>
</tr>
<tr>
<td>Facility Amount:</td>
<td>up to $20M</td>
</tr>
</tbody>
</table>
| Undrawn Fee:      | 1 year term: 30 basis points  
|                   | 2 year term: 30 basis points  
|                   | 3 year term: 30 basis points |
| Interest Rate (spread in basis points to 1-month LIBOR): | 1 year term: 85 basis points  
|                   | 2 year term: 85 basis points  
|                   | 3 year term: 85 basis points |
| Term-Out Period:  | Three Years  
| Terms:            | Twelve equal quarterly installments over a three year period  
| Rates:            | 1. 1-month LIBOR plus 2.00%  
|                   | 2. Default Rate:  
|                   | - The rate shall increase by 250 basis points per annum and the unused fee shall increase by 20 basis points per annum |

*The university must maintain a rating above A3/A- for the length of the term.

**Term-Out Period:** Principal is paid in six equal payments every six months with 1st payment due 6 months following the Expiration Date. Each principal payment will include an interest payment for the preceding 6 months. The interest rate for the first 6 months is the Base Rate, and interest rate for the remaining 30 months is the Base Rate +1.00%.
Virginia Tech Operating Lines of Credit
Indicative Proposals

<table>
<thead>
<tr>
<th>Bank Name:</th>
<th>Wells Fargo</th>
<th>JP Morgan*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term:</td>
<td>Three Years</td>
<td>One Year</td>
</tr>
<tr>
<td>Facility Amount:</td>
<td>up to $75M</td>
<td>up to $100M</td>
</tr>
<tr>
<td>Undrawn Fee:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 year term</td>
<td>33 basis points</td>
<td>30 basis points</td>
</tr>
<tr>
<td>2 year term</td>
<td>33 basis points</td>
<td></td>
</tr>
<tr>
<td>3 year term</td>
<td>33 basis points</td>
<td></td>
</tr>
<tr>
<td>Interest Rate (spread in basis points to 1-month LIBOR):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 year term</td>
<td>85 basis points*</td>
<td>120 basis points</td>
</tr>
<tr>
<td>2 year term</td>
<td>100 basis points*</td>
<td></td>
</tr>
<tr>
<td>3 year term</td>
<td>100 basis points*</td>
<td></td>
</tr>
<tr>
<td>*Floor</td>
<td>100 basis points</td>
<td></td>
</tr>
<tr>
<td>Term-Out Period:</td>
<td>Three Years</td>
<td>Six Months</td>
</tr>
<tr>
<td>Terms:</td>
<td>Six equal principal payments with interest rates per below:</td>
<td>Six months interest only with principal repaid at the end</td>
</tr>
<tr>
<td>Rates:</td>
<td>1. Base Rate for the first 6 months is the greater of:</td>
<td>Rates: 1. Base Rate for 6-month interest only is the greater of:</td>
</tr>
<tr>
<td></td>
<td>- The bank's prime rate plus 1.00%,</td>
<td>- The bank's prime rate,</td>
</tr>
<tr>
<td></td>
<td>- The Federal Funds rate plus 2.00%, or</td>
<td>- 1-month LIBOR plus 2.50%, or</td>
</tr>
<tr>
<td></td>
<td>- 7.00%</td>
<td>- 7.50%</td>
</tr>
<tr>
<td></td>
<td>2. Interest rate for the remaining 30 months:</td>
<td>2. Pricing in term-out: Base Rate plus 2.00%</td>
</tr>
<tr>
<td></td>
<td>- Base Rate plus 1.00%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Default Rate:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Base Rate plus 3.00%</td>
<td></td>
</tr>
</tbody>
</table>

NOTE:  See below on the mechanics of the term-out.

Term-Out Period: Principal is paid in six equal payments every six months with 1st payment due 6 months following the Expiration Date. Each principal payment will include an interest payment for the preceding 6 months. The interest rate for the first 6 months is the Base Rate, and interest rate for the remaining 30 months is the Base Rate +1.00%.

*Would require $35M-$40M depository relationship and best efforts to have a business process review.
### Additional Line of Credit Costs

1. **CY2021 Facilities for 45-Day External Liquidity:**

<table>
<thead>
<tr>
<th>Bank</th>
<th>Month</th>
<th>Amount</th>
<th>Unused Fee</th>
<th>1st Year Cost</th>
<th>1 Year Draw Fee</th>
<th>LIBOR</th>
<th>Floor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wells Fargo</td>
<td>September-23</td>
<td>$20,000,000</td>
<td>0.33%</td>
<td>$66,000</td>
<td>LIBOR + 1.00%</td>
<td>0.18%</td>
<td>1.00%</td>
<td>2.00%</td>
</tr>
<tr>
<td>Truist</td>
<td>December-21</td>
<td>$85,000,000</td>
<td>0.075%</td>
<td>63,750</td>
<td>LIBOR + 0.45%</td>
<td>0.18%</td>
<td>-</td>
<td>0.63%</td>
</tr>
<tr>
<td>US Bank</td>
<td>September-21</td>
<td>$65,000,000</td>
<td>0.20%</td>
<td>130,000</td>
<td>LIBOR + 1.15%</td>
<td>0.18%</td>
<td>-</td>
<td>1.33%</td>
</tr>
<tr>
<td>FB&amp;T</td>
<td>December-22</td>
<td>$30,000,000</td>
<td>0.00%</td>
<td>-</td>
<td>LIBOR + 2.25%</td>
<td>0.18%</td>
<td>-</td>
<td>2.43%</td>
</tr>
<tr>
<td><strong>2021 Total</strong></td>
<td><strong>$200,000,000</strong></td>
<td>0.151%</td>
<td><strong>$259,750</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.60%</td>
</tr>
</tbody>
</table>

WACC: 0.13%

2. **Additional $120M Liquidity for COVID-19:**

<table>
<thead>
<tr>
<th>Bank</th>
<th>Month</th>
<th>Amount</th>
<th>Unused Fee</th>
<th>1st Year Cost</th>
<th>1 Year Draw Fee</th>
<th>LIBOR</th>
<th>Floor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>US Bank</td>
<td>September-21</td>
<td>$60,000,000</td>
<td>0.20%</td>
<td>$120,000</td>
<td>LIBOR + 1.15%</td>
<td>0.18%</td>
<td>-</td>
<td>0.98%</td>
</tr>
<tr>
<td>Truist</td>
<td>September-21</td>
<td>$100,000,000</td>
<td>0.25%</td>
<td>250,000</td>
<td>LIBOR + .80%</td>
<td>0.18%</td>
<td>-</td>
<td>0.85%</td>
</tr>
<tr>
<td>Atlantic Union</td>
<td>September-21</td>
<td>$20,000,000</td>
<td>0.30%</td>
<td>60,000</td>
<td>LIBOR + .85%</td>
<td>0.18%</td>
<td>1.00%</td>
<td>1.03%</td>
</tr>
<tr>
<td>Wells Fargo</td>
<td>September-21</td>
<td>$30,000,000</td>
<td>0.33%</td>
<td>99,000</td>
<td>LIBOR + .85%</td>
<td>0.18%</td>
<td>1.00%</td>
<td>1.85%</td>
</tr>
<tr>
<td><strong>2021 Total</strong></td>
<td><strong>$210,000,000</strong></td>
<td>0.27%</td>
<td><strong>$529,000</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.30%</td>
</tr>
</tbody>
</table>

WACC: 0.25%

3. **Additional Higher Cost Options:**

<table>
<thead>
<tr>
<th>Bank</th>
<th>Month</th>
<th>Amount</th>
<th>Unused Fee</th>
<th>1st Year Cost</th>
<th>1 Year Draw Fee</th>
<th>LIBOR</th>
<th>Floor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>JP Morgan</td>
<td>September-21</td>
<td>$100,000,000</td>
<td>0.30%</td>
<td>$300,000</td>
<td>LIBOR + 1.20%</td>
<td>0.18%</td>
<td>-</td>
<td>1.38%</td>
</tr>
<tr>
<td>Wells Fargo</td>
<td>September-23</td>
<td>$25,000,000</td>
<td>0.33%</td>
<td>$82,500</td>
<td>LIBOR + 1.00%</td>
<td>0.18%</td>
<td>1.00%</td>
<td>2.00%</td>
</tr>
<tr>
<td><strong>2021 Target</strong></td>
<td><strong>$125,000,000</strong></td>
<td>0.32%</td>
<td><strong>$382,500</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.00%</td>
</tr>
</tbody>
</table>

WACC: 0.31%

**Total Lines of Credit and Costs:**

$410,000,000 $788,750

**NOTE:** Line of credit facilities can be reduced or terminated with 30 days notice prior to the proposed effective date.
REVOLVING CREDIT AGREEMENT

Dated as of __________, 2020

By and Between

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

and

[LENDER NAME]
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Exhibit C – Form of Request for Termination or Reduction
Exhibit D – Form of Request for Extension of Scheduled Expiration Date
Exhibit E – Form of Notice of Extension of Scheduled Expiration Date
REVOLVING CREDIT AGREEMENT

THIS REVOLVING CREDIT AGREEMENT (this "Agreement") is dated as of __________, 2020, by and between VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY, an educational institution established by the Commonwealth of Virginia as a public body and governmental instrumentality for the dissemination of education (the "University"), and [LENDER NAME], a national banking association (together with its successors or assigns the "Bank").

WHEREAS, the University has applied to the Bank for a revolving line of credit in the maximum principal amount of $__________ (as more particularly described herein, the "Facility"), advances under which will be used by the University for working capital, for general corporate and operating purposes, and for any other lawful purpose; and

WHEREAS, the University and the Bank intend that the Facility will be governed by the terms and subject to the conditions contained herein.

NOW, THEREFORE, in consideration of the covenants herein, the University and the Bank hereby agree as follows:

ARTICLE I
DEFINITIONS

Section 1.1. Definitions.

In addition to terms defined above or elsewhere in this Agreement, the following terms shall have the following meanings unless otherwise expressly indicated, or unless the context clearly requires otherwise:

"Act" means Chapter 10, Title 23.1 of the Code of Virginia of 1950, as amended.

"Advance" means an advance under the Facility made pursuant to the terms of Section 2.2, and shall include the Liquidity Draw made pursuant to the terms of Section 2.5(b).

"Advance Date" means any date on which the Bank makes an Advance as described in Section 2.3.

"Applicable Interest Rate" means (a) with respect to each Advance (other than the Liquidity Draw), a per annum rate equal to LIBOR plus the Applicable Margin, with such rate to change (i) on the first day of each LIBOR Period with each change in LIBOR, and (ii) with each change in the Applicable Margin, and (b) with respect to the Liquidity Draw, the Liquidity Rate.

"Applicable Margin" means, initially, _____ basis points per annum.
"Authorized Officer" means the University Treasurer, the Assistant Treasurer, the Assistant Vice President for Finance and University Controller, or any functionally equivalent successor position to any of the aforementioned University positions but which bears a different title, or any other person authorized by resolution of the University to act as an Authorized Officer hereunder and for which a written certificate has been furnished to the Bank containing the specimen signature of such person.

"Available Commitment" means initially $__________, and thereafter shall mean such amount adjusted from time to time as follows: (i) downward by the amount of any reduction of the Available Commitment pursuant to Section 3.4; (ii) downward by the principal amount of any Advance made by the Bank pursuant to Section 2.2; and (iii) upward by the principal amount of any Advance repaid to the Bank pursuant to Section 2.5; provided, that in no event shall the Available Commitment exceed $__________. Any adjustment pursuant to clause (i), (ii) or (iii) above shall occur simultaneously with the event requiring such adjustment.

"Bond Ratings" means the long-term credit ratings assigned from time to time to the University's unenhanced General Revenue Obligations by each of the Rating Agencies. The Bond Ratings will change as of the date of any change in such long-term credit ratings.

"Business Day" means any day other than a Saturday, Sunday or a day on which banking institutions in the Commonwealth or the State of New York are closed.

"Claw Back Amount" means, for any period during which a payment obligation hereunder or under the Note bears interest at a rate in excess of the Maximum Rate, an amount equal to the difference between the amount of interest the Bank would have received hereunder or under the Note during such period, without regard to the limitations imposed by the Maximum Rate, and the amount of interest actually payable to the Bank at the Maximum Rate during such period.

"Commitment Period" means the period from and including the Effective Date to and including the Expiration Date.

"Commonwealth" means the Commonwealth of Virginia.

"Debt" means, with respect to any Person, without duplication, (i) all general obligations of such Person for borrowed money and reimbursement general obligations which are not contingent, (ii) all general obligations of such Person evidenced by bonds, debentures, notes or other similar instruments, (iii) all obligations of such Person to pay the deferred purchase price of property or services which purchase price is due twelve months or more from the date of incurrence of the obligation in respect thereof, (iv) all obligations of such Person as lessee under capital leases, (v) all payment obligations of such Person, in addition to any obligations set forth in clauses (i) through (iv) above, arising under any interest rate swap agreement, interest rate cap agreement, interest rate collar agreement, interest rate futures contract, interest rate option contract or other similar arrangement and under any foreign exchange contract, currency swap agreement,
foreign exchange futures contract, foreign exchange option contract, synthetic cap or other similar agreement, and (vi) all payment obligations set forth in clauses (i) through (v) above of any third party which are Guaranteed by such Person; provided, however, that the term "Debt" shall not include contingent obligations of any Person to reimburse the provider of any surety bonds or letters of credit to the extent that such surety bonds or letters of credit support obligations of such Person that would otherwise be included in the term "Debt" under clauses (i) through (v) above.

"Debt Instrument" and "Debt Instruments" have the meanings assigned to such terms in Section 5.1(d).

"Default" means any event or condition which constitutes an Event of Default or which with the giving of notice or the lapse of time, or both, would, unless cured or waived, become an Event of Default.

"Default Rate" means a per annum rate equal to the rate of interest otherwise applicable to Advances hereunder plus _____ basis points.

"Dollars" or the sign "$" means dollars in the lawful currency of the United States of America.

"Effective Date" has the meaning set forth in Section 4.1.

"Event of Default" has the meaning set forth in Section 7.1.

"Expiration Date" means the earliest to occur of (i) the Scheduled Expiration Date, (ii) the date on which the University terminates this Agreement pursuant to Section 3.4(b), and (iii) the date on which the Bank terminates its obligation to make Advances under the Facility pursuant to Section 7.2(a).

"Facility" means the obligation of the Bank to make Advances which in the aggregate at any one time will not exceed the Available Commitment.

"Fee Letter" means the Fee Letter dated of even date herewith between the Bank and the University regarding the payment of certain fees in connection with the Facility, as the same may be amended, restated, replaced or otherwise modified from time to time.

"Fitch" means Fitch, Inc. and its successors.

"GAAP" means generally accepted accounting principles applicable to governmental colleges and universities, as promulgated by the Governmental Accounting Standards Board from time to time.

"General Revenue Obligations" means Debt of the University to which the General Revenues of the University are pledged.

"General Revenues" has the meaning set forth in Section 3.6.
"Guarantee" means, with respect to any Person, any obligation, contingent or otherwise, of such Person directly or indirectly guaranteeing any Debt of any other Person and, without limiting the generality of the foregoing, any obligation, direct or indirect, contingent or otherwise, of such Person (i) to purchase or pay (or advance or supply funds for the purchase or payment of) such Debt (whether arising by virtue of partnership arrangements, by agreement to keep-well, to purchase assets, goods, securities or services, to take-or-pay, or to maintain financial statement conditions or otherwise), (ii) entered into for the purpose of assuring in any other manner the obligee of such Debt of the payment thereof or to protect such obligee against loss in respect thereof (in whole or in part) or (iii) with respect to any letter of credit issued for the account of such other Person or as to which such other Person is otherwise liable for reimbursement of drawings; provided, that the term "Guarantee" shall not include (1) endorsements for collection or deposit in the ordinary course of business, or (2) performance or completion guarantees. The term "Guarantee" used as a verb has a corresponding meaning.

"LIBOR" means [Lender specific definition to be included].

"LIBOR Period" [Lender specific definition to be included].

"Lien" means, with respect to any asset, (i) any lien, charge, claim, mortgage, security interest, pledge or assignment of revenues of any kind in respect of such asset or (ii) the interest of a vendor or lessor under any conditional sale agreement, capital lease or other title retention agreement relating to such asset.

"Liquidity Draw" has the meaning given to it in Section 2.5(b).

"Liquidity Rate" means [Lender specific definition to be included].

"London Business Day" means any day that is a day for trading by and between banks in Dollar deposits in the London interbank market.

"Material Adverse Effect" means any material adverse effect on (i) the properties, assets, condition (financial or otherwise), results of operations or prospects of the University taken as a whole, or (ii) the ability of the University to perform its obligations under this Agreement or the Note.

"Maximum Rate" means the maximum rate of interest payable by the University on any repayment obligation pursuant to the laws of the Commonwealth.


"Note" means the promissory note of the University issued pursuant to this Agreement, substantially in the form of Exhibit A hereto, which evidences the obligation of the University to repay Advances made under the Facility, as the same may be amended, restated, replaced or otherwise modified from time to time.
"Participant" means any bank or other financial institution to which the Bank has granted a participation in the Bank's commitment to make Advances, pursuant to a Participation Agreement; provided, however, any such Participant shall take such participation subject to the terms of this Agreement.

"Participation Agreement" means any Participation Agreement between the Bank and a Participant, as described in accordance with Section 8.5 of this Agreement.

"Patriot Act" means the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Title III of Pub. L. 107-56 (signed into law October 26, 2001), as amended, or any successor statute.

"Person" means an individual, a corporation, a partnership, a limited liability company, an association, a trust, a government, a political subdivision, a governmental agency or instrumentality or any other entity or organization.

"Rating Agencies" means, collectively, Moody's, S&P and Fitch.

"Request for Advance" means a written request for an Advance in substantially the form of Exhibit B.

"Sanctions" has the meaning set forth in Section 5.1(m).

"Scheduled Expiration Date" means __________, 20__, as such date may be extended pursuant to Section 3.5.


"Taxes" has the meaning set forth in Section 3.3.

Section 1.2. Accounting Terms and Determinations.

Unless otherwise specified herein, all accounting terms used herein shall be interpreted, all accounting determinations hereunder shall be made, and all financial statements required to be delivered hereunder shall be prepared, in accordance with GAAP as in effect from time to time, applied on a basis consistent (except for changes approved by the Auditor of Public Accounts of the Commonwealth) with the most recent financial statements of the University delivered to the Bank.

Section 1.3. Rules of Construction.

When used in this Agreement:

(i) the singular includes the plural and the plural includes the singular;

(ii) the use of the word "or" is not exclusive;

(iii) a reference to a law includes any amendment or modification of such law;
(iv) a reference to a person includes its permitted successors and permitted assigns;

(v) a reference to an agreement, instrument or document shall include such agreement, instrument or document as the same may have been and may from time to time be amended, modified or supplemented in accordance with its terms and as permitted hereby;

(vi) a reference to an Article, Section, paragraph or Exhibit shall mean a reference to an Article, Section or paragraph hereof or Exhibit hereto, unless the context expressly requires otherwise; and

(vii) a reference to "herein" or "hereof" shall mean in or of this Agreement.

ARTICLE II
THE FACILITY

Section 2.1. General.

Upon the terms and subject to the conditions of this Agreement, the Bank agrees to make the Facility available to the University during the Commitment Period.

Section 2.2. Advances by the Bank.

The Bank agrees to make one or more advances (each an "Advance") to the University on any Business Day during the Commitment Period; provided, however, that the principal amount to be advanced at any time does not exceed the Available Commitment at such time. Within the limits specified above, the University may request Advances, repay Advances and request further Advances under the Facility. Subject to Section 2.5(b), each Advance shall be due and payable in full on the Expiration Date.

Section 2.3. Procedure for Requesting Advances.

The University shall give written notice (in the form of a Request for Advance), which may be delivered by facsimile, and telephonic notice to the Bank not later than 11:00 a.m. (New York, New York time) on the proposed date an Advance is to be made (each such date, an "Advance Date"), specifying the principal amount of the proposed Advance and the proposed Advance Date. Upon receipt of a timely Request for Advance by the Bank from the University, the Bank, subject to the terms and conditions of Section 4.2, shall advance to the University or its designee by 3:00 p.m. (New York, New York time) on the Advance Date the amount requested in such Request for Advance, which amount shall not exceed the Available Commitment on such date, after taking into consideration (a) any reduction in the Available Commitment, including any other Advances by the Bank on such Advance Date and (b) any increase in the Available Commitment as a result of any payments of principal made by the University on such Advance Date. Advances may be in any amount. With respect to any Request for Advance received by the Bank after the time required by this Section 2.3, the Bank shall be required to make such Advance by 2:00 p.m. (New York, New York time) on the
Business Day following the Business Day on which the Bank would otherwise be required to make such Advance had such Request for Advance been timely presented. An Authorized Officer of the University shall sign each Request for Advance. Each Advance shall be made by the Bank by wire transfer of immediately available funds to the University or its designee in accordance with written instructions provided by the University.

Section 2.4. Interest on Advances.

(a) Except following the occurrence of an Event of Default hereunder, each Advance shall bear interest at the Applicable Interest Rate. Interest on each Advance shall be due and payable [monthly / quarterly] in arrears on the first (1st) Business Day of each [month / _______ 1, _____ 1, _____ 1, and _____ 1], and upon the maturity of such Advance in accordance with Section 2.2 above, in each case calculated on the basis of the actual number of days elapsed over a year of [360 / 365 or 366] days[, as applicable].

(b) After the occurrence of an Event of Default, all Advances shall bear interest at the Default Rate unless the Bank shall agree otherwise in writing.

(c) In addition to the foregoing, for any period during which any obligation hereunder or under the Note bears interest at a rate in excess of the Maximum Rate, and if, for any subsequent period, the Applicable Interest Rate or the Default Rate, as applicable, is less than the Maximum Rate, the interest payable for such subsequent period on said obligation remaining unpaid shall be increased by the Claw Back Amount, but only to the extent that the interest payable on said obligation remaining unpaid, taking into consideration the Claw Back Amount, would not for such subsequent period exceed the Maximum Rate. The Claw Back Amount which accrues to the extent the Applicable Interest Rate or the Default Rate, as applicable, exceeds the Maximum Rate shall bear interest at the Applicable Interest Rate plus _____ basis points per annum. Any Claw Back Amount not paid in full to the Bank on or prior to the Expiration Date shall, on said Expiration Date but subject to applicable law, become due and payable on such Expiration Date as an additional fee.

Section 2.5. Optional Prepayments.

(a) The University may prepay any Advance in whole or in part, without premium or penalty except as provided below, provided that on the date of each such prepayment, the University shall pay to the Bank the principal amount of the Advance or portion thereof to be prepaid, plus accrued interest thereon to the date of prepayment. In consideration of the Bank providing this prepayment option to the Borrower, or if any Advance shall become due and payable at any time prior to the last day of the LIBOR Period applicable thereto by acceleration or otherwise, the Borrower shall pay to the Bank immediately upon demand a fee which is the sum of the discounted monthly differences for each month from the month of prepayment through the month in which such LIBOR Period matures, calculated as follows for each such month:
(i) Determine the amount of interest which would have accrued on the amount prepaid at the interest rate applicable to such amount had it remained outstanding until the last day of the LIBOR Period applicable thereto.

(ii) Subtract from the amount determined in paragraph (i) above the amount of interest which would have accrued for the same month on the amount prepaid for the remaining term of such LIBOR Period at LIBOR in effect on the date of prepayment for new loans made for such term and in a principal amount equal to the amount prepaid.

(iii) If the result obtained in paragraph (ii) above for any month is greater than zero, discount that difference by LIBOR used in paragraph (ii) above.

The University acknowledges that prepayment of such amount may result in the Bank incurring additional costs, expenses and/or liabilities, and that it is difficult to ascertain the full extent of such costs, expenses and/or liabilities. The University, therefore, agrees to pay the above-described prepayment fee and agrees that said amount represents a reasonable estimate of the prepayment costs, expenses and/or liabilities of the Bank.

(b) On the Expiration Date, if no Event of Default has occurred and is continuing, and if all representations and warranties of the University hereunder are true and correct, the aggregate principal balance of all Advances outstanding under this Agreement shall be repaid with a final Advance referred to as the "Liquidity Draw." Interest on the Liquidity Draw shall continue as provided in Section 2.4. The principal portion of the Liquidity Draw shall be payable on or before the 180th day following the Expiration Date, except as provided in the following sentence. On the 180th day following the Expiration Date, if no Event of Default has occurred and is continuing, and all representations and warranties of the University hereunder are true and correct, any outstanding principal portion of the Liquidity Draw will be repaid semi-annually, in six equal payments, commencing 180 days after the Expiration Date, in an amount sufficient to fully-amortize such outstanding amount over a period of 36 months from the Expiration Date. The unpaid balance of any Liquidity Draw shall be due and payable in full on the third anniversary of the Expiration Date.

Section 2.6. The Note.

The University's obligation to repay outstanding Advances hereunder (and interest in connection therewith) shall be evidenced by the Note. The Note shall (i) be duly completed and payable to the Bank or its assigns, (ii) be dated the Effective Date (or such other date as may be agreed upon between the Bank and the University), (iii) be in a stated principal amount equal to the amount of the initial Available Commitment, and (iv) mature on the Expiration Date. The Bank is hereby authorized by the University to endorse on the Note (or on any schedule attached thereto, or on a continuation of such schedule attached thereto) or otherwise make in the Bank's records an appropriate notation of the date and amount of each Advance and each payment of principal made by the University. Such endorsements or other notations shall, in the absence of manifest
error, be conclusive as to the outstanding principal balance of the Note; provided, however, that any error in making or failure to make any such endorsement or notation shall not limit or otherwise affect the obligations of the University hereunder or under the Note.

Section 2.7. Obligations Absolute.

(a) The obligations of the University under this Agreement and the Note shall be absolute, unconditional and irrevocable and shall be paid and performed strictly in accordance with the terms hereof and thereof, under all circumstances whatsoever, including, without limitation, the following circumstances:

(i) any lack of validity or enforceability of this Agreement or the Note;

(ii) any amendment or waiver of or any consent to departure from the terms of this Agreement or the Note, if not effected in accordance with Section 8.7 hereof;

(iii) the existence of any claim, setoff, defense or other right which the University may have at any time against the Bank or any other Person, whether in connection with this Agreement, the Note or any unrelated transaction;

(iv) any voluntary or involuntary liquidation, dissolution, receivership, insolvency, bankruptcy, proceeding for relief, assignment for benefit of creditors, reorganization, composition or readjustment of, or sale or other disposition of all or substantially all of the assets of, or the marshalling of the assets and liabilities of, or any proceeding for accounting of, the University;

(v) any statement or any other document presented pursuant hereto that proves to be forged, fraudulent, invalid or insufficient in any respect or untrue or inaccurate in any respect whatsoever;

(vi) payment by the Bank hereunder against presentation of a Request for Advance which does not comply with the terms of this Agreement; provided, that such payment shall not constitute gross negligence of the Bank; and

(vii) any other circumstance or happening whatsoever, whether or not similar to any of the foregoing; provided, that such other circumstance or happening shall not have been the result of gross negligence or willful misconduct of the Bank.

(b) Notwithstanding the foregoing, the Bank acknowledges the sovereign status of the University as a public body and governmental instrumentality of the Commonwealth.
ARTICLE III
TERMS

Section 3.1. Fees.

In consideration of the Bank's agreement to make the Facility available to the University hereunder, the University agrees to pay to the Bank the [undrawn / unused] fees (if any), and other fees as set forth in the Fee Letter. Any amounts due and payable under the Fee Letter shall be considered due and payable hereunder for all purposes of this Agreement as if the Fee Letter were set forth herein in full.

Section 3.2. Payment of Interest after Event of Default.

Upon the occurrence and during the continuance of any Event of Default, the Bank may from time to time demand from the University, and the University hereby agrees to pay upon such demand, accrued interest on any or all Advances outstanding at the time of the occurrence or continuance of such Event of Default.

Section 3.3. Taxes.

To the extent permitted by law, any and all payments by the University hereunder shall be made free and clear of and without deduction for any and all taxes, levies, imposts, deductions, charges or withholdings, and all liabilities with respect thereto, excluding taxes imposed on the overall net income of the Bank (and franchise taxes imposed in lieu of net income taxes) by the jurisdiction of the Bank's applicable lending office or any political subdivision thereof (all such non-excluded taxes, levies, imposts, deductions, charges, withholdings and liabilities being hereinafter referred to as "Taxes"). If the University shall be required by law to withhold or deduct any Taxes from or in respect of any sum payable hereunder then, to the extent permitted by law, (i) the sum payable shall be increased as may be necessary so that after making all required withholdings or deductions (including those Taxes payable solely by reason of additional sums payable under this Section 3.4), the Bank receives an amount equal to the sum it would have received had no such withholdings or deductions been made, (ii) the University shall make such withholdings or deductions, and (iii) the University shall pay the full amount withheld or deducted to the relevant taxation authority or other authority in accordance with applicable law.

Section 3.4. Reduction of Available Commitment; Termination of Agreement.

(a) The University may permanently reduce the amount of the Available Commitment, at any time and from time to time, in any integral multiple of $1,000,000, by delivering to the Bank a certificate in substantially the form of Exhibit C at least thirty (30) days' prior to the proposed effective date of such reduction. In connection with any such reduction, the University shall prepay any Advances outstanding under the Facility in excess of the proposed reduced Available Commitment, together with all interest accrued or to accrue through the date of prepayment.
(b) Subject to the payment to the Bank of all amounts due hereunder, including amounts due under Section 3.1 and Section 3.2, the University may terminate this Agreement at any time by delivering to the Bank a certificate in substantially the form of Exhibit C at least thirty (30) days prior to the proposed effective date of such termination.

Section 3.5. Extension of Scheduled Expiration Date.

The Scheduled Expiration Date may be extended by the Bank, in its sole and absolute discretion, upon the written request of the University in the form of Exhibit D given to the Bank at least ninety (90) days prior to the Scheduled Expiration Date. Within thirty (30) days of receipt of a request for extension, the Bank shall either notify the University that the Scheduled Expiration Date will be extended to the new Scheduled Expiration Date set forth in a notice in the form of Exhibit E to the University or notify the University that the Scheduled Expiration Date will not be so extended. Failure of the Bank to so respond to any such request shall constitute a denial of such request. Upon any extension of the Scheduled Expiration Date pursuant to this Section, the Bank and the University reserve the right to renegotiate any provision hereof.

Section 3.6. Payments and Computations.

(a) All payments by the University under this Agreement and the Note shall be made to the Bank in Dollars and in immediately available funds to the account designated by the Bank.

(b) All payments by the University under this Agreement and the Note shall be made to the Bank not later than 1:00 p.m., New York, New York time on the payment date. If any payment hereunder becomes due and payable on a day other than a Business Day, such payment shall be made on the next succeeding Business Day.

(c) All interest and fees payable hereunder and under the Note shall be calculated on the basis of the actual number of days elapsed or to elapse over a year of 360 days. Any change in the Applicable Interest Rate or the Default Rate shall become effective as of the opening of business on the day on which such change shall become effective.

(d) Whenever a payment is due to the Bank under this Agreement, the University shall be deemed to have made such payment at the time such payment is made available to the Bank.
Section 3.7. Source of Payment; Pledge of General Revenues.

The obligations of the University hereunder and under the Note are payable from any or all of the revenues now or hereafter available to the University, including, but not limited to, and subject to guidelines promulgated by the Secretary of Finance of the Commonwealth, moneys appropriated to the University from the general fund of the Commonwealth or from nongeneral funds, without regard to the source of such moneys, and which are not required by law or by binding contract entered into prior to the date of this Agreement to be devoted to some other purpose ("General Revenues"), which General Revenues are hereby pledged to the payment of all obligations of the University hereunder and under the Note on a parity basis with all other General Revenue Obligations.

Section 3.8. Purpose of Advances.

The proceeds of each Advance made under the Facility shall be used by the University for working capital, for general corporate and operating purposes, and for any other lawful purpose.

ARTICLE IV
CONDITIONS PRECEDENT

Section 4.1. Conditions Precedent to Effectiveness.

The Commitment Period shall commence on the date (the "Effective Date") on which each of the following conditions precedent shall have been fulfilled to the satisfaction of the Bank; provided, however, that the Effective Date shall occur no later than __________, 2020:

(a) The Bank shall have received an original counterpart of this Agreement and the original Note, each duly completed and executed by an Authorized Officer on behalf of the University.

(b) The Bank shall have received certified copies of all resolutions and other required approvals authorizing this Agreement and the transactions contemplated hereby (the "Authorizing Resolution").

(c) The Bank shall have received a certificate setting forth the names, titles and specimen signatures of all Authorized Officers expected to effect transactions hereunder, upon which certification the Bank may conclusively rely.

(d) If the Effective Date is later than the date of this Agreement, the Bank shall have received a certificate of the University to the effect that each of the representations and warranties contained in Article V shall, except to the extent that they relate specifically to an earlier date, be true with the same effect as though such representations and warranties had been made on the Effective Date.
(e) The Bank shall have received an opinion of the University’s general counsel, dated the Effective Date, in form and substance satisfactory to the Bank and covering such matters as the Bank may reasonably request including, without limitation, the matters described in paragraphs (a) through (e) (other than clause (ii) thereof) and paragraph (h) of Section 5.1.

(f) The Bank shall have received an opinion of McGuireWoods LLP, as bond counsel to the University, dated the Effective Date, in form and substance satisfactory to the Bank and covering such matters as the Bank may reasonably request including, without limitation, the matters described in paragraphs (f) and (g) of Section 5.1.

(g) All fees and expenses due and payable in accordance with the Fee Letter and the provisions of Section 8.3 shall have been paid.

(h) All other legal matters pertaining to the execution and delivery of this Agreement and the Note shall be satisfactory to the Bank, and the Bank shall have received such other statements, certificates, agreements, documents and information with respect to the University and matters contemplated by this Agreement as the Bank shall have requested.

Section 4.2. Conditions Precedent to Each Advance.

The obligation of the Bank to make an Advance on any Advance Date is subject to the conditions precedent that: (a) the Bank shall have received a timely, complete and duly executed Request for Advance, (b) no Event of Default has occurred and is continuing, and (c) the Expiration Date shall not have occurred. Unless the University shall have otherwise previously advised the Bank in writing, delivery to the Bank of a Request for Advance shall be deemed to constitute a representation and warranty by the University that on the Advance Date all of such conditions have been satisfied.

ARTICLE V
REPRESENTATIONS AND WARRANTIES

Section 5.1. Representations and Warranties of the University.

The University hereby represents and warrants to the Bank, which representations and warranties shall survive the execution and delivery of this Agreement and the Note and the making of each Advance, as follows:

(a) Organization and Authorization. The University is an educational institution established by the Commonwealth as a public body and governmental instrumentality for the dissemination of education, duly organized and validly existing under laws of the Commonwealth.

(b) Authorization to Execute Documents. The University has full power and authority to execute and deliver this Agreement and the Note, and to perform its obligations under each of the foregoing.
(c) **Obligations Legal, Valid and Binding.** This Agreement has been, and the Note once executed and delivered will have been, duly and validly authorized, executed and delivered by the University, and each of this Agreement and the Note constitutes or will constitute the legal, valid and binding obligation of the University enforceable against the University in accordance with its terms, except insofar as the enforceability thereof may be limited by sovereign immunity, by applicable bankruptcy, insolvency, reorganization, moratorium or similar laws affecting the enforcement of creditors’ rights and remedies generally, and by general principles of equity, whether applied by a court of law or equity.

(d) **University Not in Default.** (i) No Default or Event of Default has occurred and is continuing hereunder, and (ii) the University is not in default under any other mortgage, indenture, contract, agreement, bond resolution, instrument or other undertaking evidencing Debt of the University or which purports to be binding on the University or on any of its assets (each such mortgage, indenture, contract, agreement, bond resolution, instrument or other undertaking being referred to individually as a "Debt Instrument" and, collectively, as "Debt Instruments"), which default could reasonably be expected to have a Material Adverse Effect.

(e) **No Violation.** The execution, delivery and performance by the University of this Agreement and the Note do not (i) violate any provision of the Act, any other laws of the Commonwealth or the United States of America or any other applicable law, regulation, order, writ, judgment or decree of any court, arbitrator or governmental authority, or (ii) violate any provision of, constitute a default under, or result in the creation or imposition of any Lien on any of the assets of the University pursuant to the provisions of, any Debt Instrument. The University is not a party to, or otherwise subject to, any provision contained in any Debt Instrument, or any other contract or agreement which limits the amount of, or otherwise imposes restrictions on the incurring of, obligations of the University that could reasonably be expected to result in a Material Adverse Effect.

(f) **Consents.** The University has obtained all consents and approvals of, and has made all filings, registrations and declarations with, all governmental authorities required under the Act or other applicable law for the execution, delivery and performance by the University of this Agreement and the Note and the pledge of General Revenues hereunder, and all such consents, approvals, filings, registrations and declarations remain in full force and effect.

(g) **Obligations of the University.** The obligations of the University hereunder and under the Note are payable from General Revenues of the University, and the pledge of such General Revenues hereunder is a valid and legally binding pledge thereof on a parity basis with all other General Revenue Obligations.

(h) **Litigation.** There is no action, suit, investigation or proceeding pending or, to the best of the University’s knowledge after due inquiry, threatened against or affecting the University, in which an adverse determination could reasonably be expected to have a Material Adverse Effect.
(i) **Disclosure.** The representations and statements made by the University herein, in the Note, and in any other document furnished to the Bank by the University in connection herewith or therewith, are accurate in all material respects. No information, exhibit or report, including, without limitation, the financial statements furnished by or on behalf of the University to the Bank, contains any untrue statement of a material fact or omits any statement of a material fact necessary to make the statements contained herein, in light of the circumstances under which they were made, not misleading, and there are no facts that the University has not disclosed to the Bank that, individually or in the aggregate, could reasonably be expected to have a Material Adverse Effect.

(j) **Financial Condition.** The balance sheet of the University for the fiscal year of the University ended June 30, 2019 (or any subsequent fiscal year if annual financial statements for such fiscal year have been delivered to the Bank as required by Section 6.1(a)), and the related statements of revenues, expenses and changes in fund balances, present fairly the University's financial position as of the end of such fiscal year and the results of its operations and its income, fund balances and changes in financial position for the end of such fiscal year, in conformity with GAAP. No change has occurred relating to such balance sheet and related statements of revenues, expenses and changes (other than as are disclosed by the University to the Bank) that could reasonably be expected to have a Material Adverse Effect.

(k) **Incorporation of Representations and Warranties by Reference.** The representations and warranties of the University set forth in the Debt Instruments are true and accurate in all material respects.

(l) **No Proposed Legal Changes.** There is (i) no amendment or, to the knowledge of the University, proposed amendment to the Constitution of the Commonwealth, (ii) no published administrative interpretation of the Constitution or any other law of the Commonwealth, (iii) no legislation that has passed either house of the General Assembly of the Commonwealth, and (iv) no published judicial decision interpreting any of the foregoing, in any case which could reasonably be expected to have a Material Adverse Effect.

(m) **Patriot Act Compliance.** The University is not the target of any trade or economic sanctions promulgated by the United Nations or the governments of the United States, the United Kingdom, the European Union, or any other jurisdiction in which the University is located or operates (collectively, "Sanctions").

Section 5.2. **Representations and Warranties of the Bank.**

The Bank hereby represents and warrants to the University that this Agreement has been duly authorized by the Bank and, upon its execution and delivery by the Bank, will constitute the legal, valid and binding obligation of the Bank enforceable against the Bank in accordance with its terms except insofar as enforcement may be limited by applicable bankruptcy, insolvency, reorganization, moratorium or similar laws affecting the enforcement of creditors' rights and remedies generally, and by general principles of equity, whether applied by a court of law or equity.
ARTICLE VI
COVENANTS

Section 6.1. Affirmative Covenants.

As long as this Agreement is in effect, and until all Advances and other amounts payable hereunder and under the Note are indefeasibly paid in full, the University will perform and observe the covenants set forth below:

(a) Financial Records; Other Reports. (i) The University shall at all times maintain financial records and furnish to the Bank, as soon as available but no later than 270 days after the end of each fiscal year of the University, financial statements prepared in accordance with GAAP including (i) a balance sheet as of the end of such fiscal year, (ii) the related statements of revenues, expenses and changes in fund balances for such fiscal year, and (iii) statements of cash flows for such fiscal year, setting forth in each case in comparative form the figures for the previous fiscal year of the University, audited by the Auditor of Public Accounts of the Commonwealth and accompanied by a certificate of an Authorized Officer of the University to the effect that no Default or Event of Default has occurred and is continuing. The University shall also provide the Bank promptly upon their becoming available, copies of any non-routine periodic or special reports filed by the University with any governmental authority, if such reports indicate that any event has occurred or condition exists which could reasonably be expected to have a Material Adverse Effect.

(ii) If the University delivers any of the information described in Section 6.1(a)(i) to the Electronic Municipal Market Access established by the Municipal Securities Rulemaking Board (“EMMA”) within the timeframe required under Section 6.1(a)(i), the University shall not be obligated to furnish such information to the Bank.

(b) Notice of Certain Events. The University shall notify the Bank in writing as soon as possible after the University acquires knowledge of (i) the occurrence of any Default, (ii) any change in any Bond Rating, (iii) the occurrence of any default or other event under any Debt Instrument which could reasonably be expected to have a Material Adverse Effect, and (iv) the filing of any action or the occurrence of any activity which could lead to an initiative or referendum or any other similar event which could reasonably be expected to have a Material Adverse Effect.

(c) Other Information. The University shall furnish to the Bank, as the Bank may reasonably request, such additional financial information concerning the University in order to enable the Bank to determine whether the covenants, terms and provisions of this Agreement and the Note have been complied with by the University, and for that purpose, all pertinent books, documents and vouchers relating to the University's business, affairs and properties shall at all reasonable times during regular business hours and upon reasonable prior notice be open to the inspection of such accountants or other agents (who may make copies of all or any part thereof at their own cost and expense) as shall from time to time be designated by the Bank. Without limiting the
foregoing, upon reasonable prior notice, the University will permit the Bank to visit and inspect any of the properties of the University during regular business hours and to discuss the affairs, finances and accounts of the University with its officials and any accounting firm performing services for the University, as often as the Bank may reasonably request.

(d) Compliance with Obligations and Laws. The University shall observe and comply with all of its obligations arising in connection with this Agreement, the Note and the Debt Instruments and all laws of the Commonwealth and the United States of America, including any rules and regulations thereunder, applicable to the University.

(e) Litigation. The University shall forthwith notify the Bank in writing with respect to any pending or threatened litigation with respect to the University the existence of which causes the representation set forth in Section 5.1(h) to be untrue or inaccurate in any material respect.

(f) Licenses, Permits, Etc. The University will take all necessary and appropriate action to ensure the continuance in force of all material consents, licenses, permits, orders, decrees, approvals, authorizations, registrations and filings obtained or made in connection with this Agreement and the Note or necessary to maintain the enforceability against the University of this Agreement or the Note.

(g) Books and Records. The University shall keep or cause to be kept adequate and proper records and books of account with respect to its revenues, expenses and assets in which complete and correct entries shall be made.

(h) Maintenance of Existence. The University shall use its best efforts to preserve and maintain (i) its existence as an educational institution and a public body and governmental instrumentality of the Commonwealth, and (ii) its rights, franchises and privileges material to its ability to repay the obligations hereunder and under the Note.

(i) Other Matters. The University shall execute and deliver to the Bank all such documents and instruments, and do all such acts and things, as may be necessary or reasonably required by the Bank to enable the Bank to exercise and enforce its rights under this Agreement and the Note and to realize thereon, and record and file and re-record and re-file all such documents and instruments, at such time or times, in such manner and at such place or places, all as may be necessary or reasonably required by the Bank to validate, preserve and protect its rights under this Agreement and the Note.

(j) Patriot Act Compliance. The University shall observe and comply with (a) all Sanctions, (b) all laws and regulations that relate to money laundering, any predicate crime to money laundering, or any financial record keeping and reporting requirements related thereto, (c) the U.S. Foreign Corrupt Practices Act of 1977, as amended, (d) the U.K. Bribery Act of 2010, as amended, and (e) any other applicable anti-bribery or anti-corruption laws and regulations.
Section 6.2. Negative Covenants.

As long as this Agreement is in effect, and until all Advances and other amounts payable hereunder and under the Note are indefeasibly paid in full, the University shall not, unless the Bank shall otherwise consent in writing:

(a) amend, supplement, extend, modify, waive, revise or otherwise alter or terminate any Debt Instrument if such amendment, supplement, extension, modification, waiver, revision, alteration or termination could reasonably be expected to result in a Material Adverse Effect;

(b) violate any law, rule, regulation, or governmental order to which it is subject, which violation could reasonably be expected to result in a Material Adverse Effect; or

(c) merge, consolidate, sell, transfer, lease or otherwise dispose of all or any substantial part of its property, other than a merger with or consolidation into any other governmental entity that assumes all obligations of the University under this Agreement and the Note.

ARTICLE VII
EVENTS OF DEFAULT AND REMEDIES

Section 7.1. Events of Default.

Each of the following events shall constitute an event of default (an "Event of Default") hereunder:

(a) **Certain Payments.** The University shall fail to pay the principal of or interest on any Advance (other than accelerated Advances) when the same shall become due and payable, whether at maturity or as otherwise scheduled, and such failure shall continue unremedied for a period of five (5) calendar days or more.

(b) **Default under General Revenue Obligations.** The University shall default in the payment of principal or interest on any General Revenue Obligations; provided that, for purposes of this Section 7.1(b) only, "General Revenue Obligations" shall only include Debt of the University described in clauses (ii) and (iv) of the definition of "Debt" in Section 1.1.

(c) **Invalidity.** The University challenges the validity or enforceability of any material provision of this Agreement or the Note concerning the payment of principal or interest, or any court or governmental authority having jurisdiction over this Agreement or the Note finds or rules that any material provision of this Agreement or Note concerning the payment of principal or interest is not valid and binding on the University.

(d) **Appointment of Receiver, Etc.** (i) An order or decree is entered, with the consent or acquiescence of the University, appointing a receiver or receivers of the University or of the revenues thereof, or if such order or decree, having been entered without the consent or acquiescence of the University, is not vacated or discharged or
stayed on appeal within sixty (60) days after the entry thereof; or (ii) any proceeding is instituted, with the consent or acquiescence of the University, for the purpose of effecting a composition between the University and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or state statute now or hereafter enacted.

(e) Certain Other Payments. The University shall fail to pay accelerated principal of or interest on any Advance, or shall fail to pay any fee or other amount payable hereunder, when the same shall become due and payable.

(f) Representations Untrue. Any representation, warranty, certification or statement made by the University in or pursuant to this Agreement or in any certificate, financial statement or other document delivered pursuant to this Agreement or incorporated herein, shall (in any such case) have been incorrect or untrue in any material respect when made or deemed to have been made.

(g) Covenant Defaults. The University shall default in the due performance or observance of any term, covenant or agreement contained herein (other than those covered by paragraph (a) or (e) above).

(h) Invalidity. Any material provision of this Agreement or the Note concerning the payment of principal or interest shall, for any reason, cease to be valid and binding on the University.

Section 7.2. Remedies.

(a) Upon the occurrence and during the continuance of an Event of Default, the Bank may:

(i) immediately terminate its obligation to make Advances under the Facility; and

(ii) immediately, without presentment, demand, protest, notice of dishonor or any other notice of any kind, all of which are hereby expressly waived, anything contained herein or in the Note to the contrary notwithstanding, declare all outstanding Advances, all interest thereon and all other amounts payable under this Agreement and the Note to be immediately due and payable (and in the case of an Event of Default under Section 7.1(d), such amounts shall automatically become due and payable).

(b) In addition to the rights and remedies set forth in paragraph (a) above, in the case of any Event of Default, the Bank may exercise any or all other rights and remedies existing at law or in equity (including, without limitation, the right to proceed by appropriate court action, either at law or in equity, to enforce performance by the University of the applicable representations and warranties and covenants of this Agreement and the Note or to recover damages for the breach thereof).

(c) The Bank acknowledges that, if at any time there are insufficient funds to pay debt service on the University’s General Revenue Obligations, as described in
Section 7.3 of the University's bond resolution adopted August 31, 2015 (the "Bond Resolution"), a trustee may be appointed to represent the holders of Parity Credit Obligations (as defined in the Bond Resolution) and to provide for a pro-rata distribution of available funds among all Parity Credit Obligations, including the obligations of the University to the Bank under this Agreement. The provisions of such Section 7.3 (which are referred to herein as the "Bond Provisions") are included in substantially similar form in the University's prior bond resolutions, are required to be included in its future bond resolutions, and are hereby incorporated into this Agreement by reference. The Bank, as the holder of a Parity Credit Obligation, agrees to the appointment of such trustee and covenants to cooperate with such trustee in the pro-rata distribution of funds among Parity Credit Obligations as provided in the Bond Provisions.

ARTICLE VIII
MISCELLANEOUS

Section 8.1. Notices.

Unless otherwise specifically provided herein, all notices and other communications hereunder shall be in writing and shall be given by courier, United States certified or registered mail, or facsimile transmission. Notices and communications hereunder shall be effective when received and shall be sent to the following addresses (or to such other address(es) of which either party hereto shall notify the other party in accordance herewith):

If to the Bank, to:

[Lender Name]
[Lender Address]
Attention: 
Telephone:

If to the University, to:

Virginia Polytechnic Institute and State University
210 Burrus Hall
800 Drillfield Drive
Blacksburg, Virginia 24061
Attention: John J. Cusimano, University Treasurer
Telephone: (540) 231-7094

Section 8.2. Liability of the Bank.

The University assumes all risks with respect to the use of the proceeds of each Advance. Neither the Bank nor any of its officers, directors, employees or agents shall be liable or responsible for (i) the use which may be made of the proceeds of any Advance, (ii) the form, validity, sufficiency or genuineness of documents, or of any endorsement(s) thereon (other than the validity as against the Bank of any agreement to
which the Bank is a party), even if such documents should in fact prove to be in any or all respects invalid, insufficient, fraudulent or forged, (iii) the lack of validity or enforceability of this Agreement (other than the validity or enforceability as against the Bank), or (iv) any other circumstances whatsoever in making or failing to make payment under this Agreement or the Note; provided, however, that the University shall have a claim against the Bank, and the Bank shall be liable to the University, to the extent of any direct, as opposed to consequential, damages suffered by the University which the University proves were caused by (a) the Bank's willful misconduct or negligence in determining whether a Request for Advance presented hereunder complied with the terms hereof, or (b) the Bank's willful failure to make an Advance required to be made by it hereunder after receipt by it of a Request for Advance. In furtherance and not in limitation of the foregoing, the Bank may accept documents that appear on their face to be in order, without responsibility for further investigation, regardless of any notice or information to the contrary.

Section 8.3. Costs and Expenses.

The University agrees to pay (a) on or prior to the Effective Date, all reasonable costs and expenses paid or incurred by the Bank, including the reasonable fees and out-of-pocket expenses of counsel for the Bank, in connection with the preparation, review, execution and delivery of this Agreement and the Note, and (b) upon demand and to the extent allowable by law, all other reasonable costs and expenses paid or incurred by the Bank, including the reasonable fees and out-of-pocket expenses of counsel for the Bank, or otherwise arising in connection with this Agreement or the Note, including without limitation, in connection with any transfer, amendment, supplement, modification or waiver with respect to this Agreement or the Note, the enforcement hereof or thereof or the protection of the rights of the Bank hereunder or thereunder.

Section 8.4. Participants.

The Bank shall have the right to grant participations from time to time (to be evidenced by one or more participation agreements or certificates of participation (each a "Participation Agreement")) in this Agreement and the Facility to one or more other persons or entities (each a "Participant"); provided, that the grant of any such participation shall not terminate or otherwise affect any obligation of the Bank hereunder. Each Participant purchasing such a participation shall, in the discretion of the Bank, have all rights of the Bank hereunder to the extent of the participation purchased; provided that the grant of any such participation (1) shall not require the University to deal with any Participant for matters related to this Agreement and the Facility, and (2) shall require the University to deal only with the Bank for matters related to this Agreement and the Facility. In connection with the granting of participations, the Bank may disclose to any proposed Participant any information that the University delivers or discloses, or causes to be delivered or disclosed, pursuant to this Agreement. The Bank shall give notice to the University of each Participant that is granted a participation pursuant to this Section 8.4; provided that the failure to give such notice shall not affect the validity of such participation.
Section 8.5. Successors and Assigns.

This Agreement shall be binding upon and inure to the benefit of the University and the Bank and their respective successors and assigns, except that (a) the University shall not have the right to assign its rights hereunder or any interest herein without the prior written consent of the Bank, and (b) the Bank shall not have the right to assign its rights hereunder or any interest herein except (i) in connection with a participation as provided in Section 8.4, (ii) after the occurrence and during the continuance of an Event of Default, and (iii) otherwise with the prior written consent of the University (such consent not to be unreasonably withheld, conditioned or delayed). If the Bank requests the University's consent to such an assignment under clause (b)(iii) above and (1) the University fails to respond within 120 days of the University's receipt of the request, or (2) the University unreasonably withholds, conditions or delays its consent to such assignment for 120 days after its receipt of the request, then the University shall be deemed to have consented to such assignment.

Section 8.6. Final Agreement; Modification or Waiver of this Agreement.

This Agreement and the Note are intended by the parties hereto as final expressions of their agreement with respect to the subject matter hereof and thereof, are intended as complete and exclusive statements of the terms and conditions of that agreement, and may not be contradicted, modified or supplemented in any way by evidence of any prior or contemporaneous written or oral agreements of the University and the Bank. No modification or waiver of any provision of this Agreement (including this Section 8.6) shall be effective unless the same shall be in writing and signed by the Bank and the University. Any modification or waiver referred to in this Section 8.6 shall be effective only in the specific instance and for the specific purpose for which given. No notice to or demand on the University in any case shall entitle the University to any other or further notice or demand in the same, similar or other circumstances.

Section 8.7. No Waiver of Rights by the Bank; Cumulative Rights.

No course of dealing or failure or delay on the part of the Bank or the University in exercising any right, power or privilege hereunder shall preclude any other or further exercise of any right, power or privilege. The rights of the Bank and the University under this Agreement and the Note are cumulative and not exclusive of any rights or remedies which the Bank or the University would otherwise have.

Section 8.8. Governing Law.

The obligations of the Bank and the University hereunder and under the Note shall be construed in accordance with and governed by the laws of the Commonwealth. Any suits and actions arising out of this Agreement or the Note shall be instituted in a court of competent jurisdiction in the Commonwealth.
Section 8.9. **Severability.**

In case any one or more of the provisions contained in this Agreement should be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby. The parties shall negotiate in good faith to replace any invalid, illegal or unenforceable provision with a valid provision, which, to the extent possible, will preserve the economic effect of the invalid, illegal or unenforceable provisions.

Section 8.10. **Counterparts.**

This Agreement may be executed in two counterparts, each of which shall constitute an original but both of which, when taken together, shall constitute but one document, and shall become effective when copies hereof, when taken together, bear the signatures of each of the parties hereto.

Section 8.11. **Captions.**

The captions in this Agreement are for convenience only and do not define or limit the scope or intent of any provisions of this Agreement.

Section 8.12. **Patriot Act.**

The Bank hereby notifies the University that pursuant to the requirements of the Patriot Act, it is required to obtain, verify and record information that identifies the Issuer, which information includes the name and address of the Issuer and other information that will allow the Bank to identify the University in accordance with the Patriot Act. The University shall promptly provide such information upon request by the Bank.

[Signatures begin on following page]
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed and delivered by their respective representatives thereunto authorized as of the date first above written.

UNIVERSITY:

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

By:________________________
Name:_______________________
Title:________________________

[Signatures continue on following page]
BANK:

[LENDER NAME]

By: ____________________
Name:____________________
Title:____________________
For value received, Virginia Polytechnic Institute and State University, an educational institution established by the Commonwealth of Virginia as a public body and governmental instrumentality for the dissemination of education (the "University"), promises to pay to the order of [LENDER NAME], a national banking association, or its registered assigns (the "Bank"), the lesser of the unpaid principal amounts advanced by the Bank to the University hereunder (the "Advances") and the principal sum of _____ MILLION AND NO/100 DOLLARS ($__________.00) on the Expiration Date (as defined in the Credit Agreement, as hereinafter defined) or in the case of a Liquidity Draw (as defined in the Credit Agreement) in accordance with the terms of the Credit Agreement. The University promises to pay the unpaid principal amount of the Advances and interest thereon on the dates and at the rate or rates provided for in the Credit Agreement. All such payments of principal and interest shall be made in lawful money of the United States of America, in immediately available funds, to such account which the Bank may designate in accordance with the Credit Agreement.

This note is the "Note" referred to in the Revolving Credit Agreement dated as of even date herewith by and between the University and the Bank (as the same may be amended from time to time, the "Credit Agreement"). Terms defined in the Credit Agreement are used herein with the same meanings.

All Advances and repayments of the principal of the Advances may be recorded by the Bank and appropriate notations to evidence the foregoing information with respect to the Advances may be endorsed by the Bank on the schedule attached hereto, or on a continuation of such schedule attached to and made a part hereof; provided, that the failure of the Bank to make any such recordation or endorsement shall not affect the obligations of the University hereunder or under the Credit Agreement.

As provided in the Credit Agreement, this note is payable from General Revenues of the University, which General Revenues have been pledged to the Bank by the University on a parity basis with all other General Revenue Obligations. This note and the interest hereon shall not be deemed to constitute a debt or liability of the Commonwealth of Virginia, legal, moral or otherwise. Neither the Commonwealth of Virginia nor the University shall be obligated to pay the principal of or interest on this note or other costs incident hereto except from the sources noted above, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia are pledged to the payment of the principal of or interest on this note or other costs incident hereto.

It is hereby certified, recited and declared that all conditions, acts and things required by the Constitution and laws of the Commonwealth of Virginia to exist, to have
happened and to have been performed precedent to and in the issuance of this note do exist, have happened and have been performed in due time, form and manner as required by law and that the issuance of this note does not violate any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the University has caused this note to be executed in the name of and for the University, and has caused this note to be dated as of the date set forth above.

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

By:__________________________
Name:________________________
Title:_________________________
<table>
<thead>
<tr>
<th>Date</th>
<th>Amount of Advance</th>
<th>Amount of Principal Repaid</th>
<th>Notation Made By</th>
</tr>
</thead>
</table>

SCHEDULE TO PROMISSORY NOTE

ADVANCES AND PAYMENTS OF PRINCIPAL
EXHIBIT B

FORM OF REQUEST FOR ADVANCE

[Date]

[Lender Name]
[Lender Address]
Attention:

Ladies and Gentlemen:

Reference is made to the Revolving Credit Agreement dated as of __________, 2020 (the "Credit Agreement"), by and between Virginia Polytechnic Institute and State University (the "University") and [Lender Name] (the terms defined therein being used herein as therein defined). The University hereby requests, pursuant to Section 2.3 of the Credit Agreement, that you make an Advance under the Credit Agreement, and in that connection sets forth below the following information relating to such Advance:

(a) The amount of the Advance requested is $____________________.

(b) The Advance Date requested is ____________________.

The University hereby certifies that the proceeds of the Advance will be used by the University for working capital, for general corporate and operating purposes or for another lawful purpose.

This Advance should be made by wire transfer of immediately available funds to the undersigned in accordance with the instructions set forth below:

[Insert wire instructions]

Very truly yours,

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

By: ________________________________
Authorized Officer

B-1
EXHIBIT C

FORM OF REQUEST FOR TERMINATION OR REDUCTION

[Date]

[Lender Name]
[Lender Address]
Attention:

Ladies and Gentlemen:

Reference is made to the Revolving Credit Agreement dated as of __________, 2020 (the "Credit Agreement"), by and between Virginia Polytechnic Institute and State University (the "University") and [Lender Name] (the terms defined therein being used herein as therein defined).

[The University hereby requests that the Credit Agreement be terminated in accordance with, and subject to, the terms thereof.]

OR

[The University hereby requests that the Available Commitment be permanently reduced from [insert amount as of the date of Certificate] to [insert new amount], such reduction to be effective on ________.] The reduction in the Available Commitment is an integral multiple of $1,000,000.

Very truly yours,

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

By: ____________________________
Authorized Officer
[Date]

[Lender Name]
[Lender Address]
Attention:

Ladies and Gentlemen:

Reference is made to the Revolving Credit Agreement dated as of __________, 2020 (the "Credit Agreement"), by and between Virginia Polytechnic Institute and State University (the "University") and [Lender Name] (the terms defined therein being used herein as therein defined). Pursuant to Section 3.5 of the Credit Agreement, the University hereby requests an extension of the Scheduled Expiration Date to __________, __0___.

The University hereby represents and warrants that, except as noted below, no Default or Event of Default has occurred and is continuing and all representations and warranties of the University in the Credit Agreement are true and correct on the date hereof.

[IDENTIFY PENDING DEFAULT OR EVENT OF DEFAULT]

IN WITNESS WHEREOF, the undersigned has executed and delivered this Request for Extension of Scheduled Expiration Date as of the ____ day of __________, __0___.

Very truly yours,

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

By: ________________________________
Authorized Officer
FORM OF NOTICE OF EXTENSION OF SCHEDULED EXPIRATION DATE

[Date]

Virginia Polytechnic Institute and State University
220 Burrus Hall
800 Drillfield Drive
Blacksburg, Virginia 24061
Attention: University Treasurer

Ladies and Gentlemen:

Reference is made to the Revolving Credit Agreement dated as of __________, 2020 (the "Credit Agreement"), by and between Virginia Polytechnic Institute and State University (the "University") and [Lender Name] (the terms defined therein being used herein as therein defined). Pursuant to Section 3.5 of the Credit Agreement, the University has requested an extension of the Scheduled Expiration Date to __________, 20__.

Please be advised that:

[COMPLETE AS APPROPRIATE.]

1. At the request and for the account of the University, the Bank hereby extends the Scheduled Expiration Date to __________, 20__ [INCLUDE ADDITIONAL TERMS IF APPLICABLE].

2. Except as specifically provided in the paragraph 1 above, all of the terms and conditions of the Credit Agreement remain unchanged and in full force and effect.

3. This Notice of Extension of Scheduled Expiration Date is an integral part of the Credit Agreement.

[OR]

The Bank hereby elects not to extend the Scheduled Expiration Date.

E-1
IN WITNESS WHEREOF, the undersigned has executed and delivered this Notice of Extension of Scheduled Expiration Date as of the ____ day of __________, 20___.

Very truly yours,

[LENDER NAME]

By: ______________________
Name: ______________________
Title: ______________________
The Financial Performance Report of income and expenditures is prepared from two sources: actual accounting data as recorded at Virginia Tech and the annual budgets which are also recorded in the university accounting system. The actual accounting data reflect the modified accrual basis of accounting, which recognizes revenues when received rather than when earned and commitments to buy goods and services as encumbrances when obligated and as an expenditure when paid. The Original Budget was approved by the Board of Visitors at the June meeting. The Adjusted Budget reflects adjustments to incorporate actual experience or changes made during the fiscal year. These changes are presented for review and approval by the Finance and Resource Management Committee and the Board of Visitors through this report. Where adjustments impact appropriations at the state level, the university coordinates with the Department of Planning and Budget to ensure appropriations are reflected accurately.

The July to June 2019-20 budget (year-to-date) is prepared from historical data which reflects trends in expenditures from previous years as well as known changes in timing. Differences between the actual income and expenditures and the year-to-date budget may occur for a variety of reasons, such as an accelerated or delayed flow of documents through the accounting system, a change in spending patterns at the college level, or increases in revenues for a particular area.

Quarterly budget estimates are prepared to provide an intermediate measure of income and expenditures. Actual revenues and expenditures may vary from the budget estimates. The projected year-end budgets are, however, the final measure of budgetary performance.

RECOMMENDATION:

That the report of income and expenditures for the University Division and the Cooperative Extension/Agricultural Experiment Station Division for the period of July 1, 2019 through June 30, 2020 and the Capital Outlay report be approved.

August 25, 2020
### Educational and General Programs

#### University Division

<table>
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<tr>
<th></th>
<th>Actual</th>
<th>Budget</th>
<th>Change</th>
<th>Original</th>
<th>Adjusted</th>
<th>Change</th>
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<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
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<tr>
<td>General Fund</td>
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<td>All Other Income</td>
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<td>-4,559</td>
<td>47,309</td>
<td>44,047</td>
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<td>E&amp;G CARES Support</td>
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<td>3,163</td>
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<td><strong>Total Revenues</strong></td>
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<td>$821,958</td>
<td>$-7,683</td>
<td>$809,520</td>
<td>$821,958</td>
<td>$-12,438</td>
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#### Expenses

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<tr>
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<tbody>
<tr>
<td>Academic Programs</td>
<td>$-508,950</td>
<td>$-518,623</td>
<td>$9,673</td>
<td>$-511,690</td>
<td>$-519,357</td>
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<td>Support Programs</td>
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<td>-303,335</td>
<td>137</td>
<td>-297,830</td>
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<td>-4,771</td>
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<td><strong>Total Expenses</strong></td>
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<td>$-821,958</td>
<td>$9,810</td>
<td>$-809,520</td>
<td>$-821,958</td>
<td>$-12,438</td>
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#### NET

|                      | $2,127 | $0     | $2,127 | $0        | $0        | $0     |

#### CE/AES Division

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<tbody>
<tr>
<td><strong>Revenues</strong></td>
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<td></td>
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<tr>
<td>General Fund</td>
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<td>$74,146</td>
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<td>Federal Appropriation</td>
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<td>15,640</td>
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<td>All Other Income</td>
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<td>1,110</td>
<td>93</td>
<td>950</td>
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<td><strong>Total Revenues</strong></td>
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<td>$5,310</td>
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<td>$90,903</td>
<td>$-148</td>
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#### Expenses

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<tbody>
<tr>
<td>Academic Programs</td>
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<td>$-84,541</td>
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<td>-6,510</td>
<td>-6,510</td>
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<td>$1,062</td>
<td>$-91,051</td>
<td>$-90,903</td>
<td>$148</td>
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#### NET

|                      | $6,372 | $0     | $6,372 | $0        | $0        | $0     |

#### Auxiliary Enterprises

<p>| | | | | | | |</p>
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<td>34,512</td>
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<tr>
<td><strong>NET</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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#### Sponsored Programs

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</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
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<td>$-9,584</td>
<td>$354,858</td>
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<td>-353,398</td>
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#### Student Financial Assistance

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#### All Other Programs *

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#### Total University

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* All Other Programs include federal work study, surplus property, local funds, and unique military activities.
OPERATING BUDGET

1. While the net tuition and fee revenues were increased $10.0 million from the original budget, net tuition and fee revenue is $3.1 million lower than projected due to the timing of deferred revenues between university programs.

2. Lower than projected activity in Continuing Education programs and the timing of deferred revenues between university programs to support partnership initiatives.

3. Academic program expenditures are lower than projected due to programs holding back expenditures as well as timing of academic program expenditures.

4. While the Commonwealth requires that revenues and expenditures be balanced for Educational and General Programs, year-end balances are possible for continuing education programs.

5. The budget for federal revenue is established to match projected allotments from the federal government that are expected to be drawn down during the state fiscal year. All expenses in federal programs are covered by drawdowns of federal revenue up to allotted amounts. Federal revenue in the Cooperative Extension/Agriculture Experiment Station Division exceeded the projected budget due to the timing of federal drawdowns.

6. Academic expenditures are lower than projections due to holding back expenditures as well as timing of expenses in the Cooperative Extension/Agriculture Experiment Station Division.

7. While the Commonwealth requires that revenues and expenditures be balanced for Educational and General Programs, year-end balances are possible for federally funded programs.

8. Quarterly and projected annual variances are explained in the Auxiliary Enterprises section of this report.

9. Historical patterns have been used to develop a measure of the revenue and expenditure activity for Sponsored Programs. Actual revenues and expenses may vary from the budget estimates because projects are initiated and concluded on an individual basis without regard to fiscal year. Total sponsored research revenues and expenditures are lower than projected. The sponsored research expenditures are 5.7% greater than June 30, 2019.

10. The federal government provided funding to institutions through the CARES Higher Education Emergency Relief fund to provide emergency financial grants to students whose lives were disrupted, many of whom are facing financial challenges. Virginia Tech’s allocation of the HEERF was $9.7 million; of which $8.9 million was received to reimburse the cost of grants made to students in 2019-20. The remaining $0.8 million will be expended in 2020-21.

11. Revenues for All Other Programs were higher than projected due to increased investment activity and technical realignment of University commitments. Expenses for All Other Programs were less than projected due to timing of initiatives and lower than projected Surplus Property activity.

12. The annual budget for the University Division General Fund was increased $0.4 million for the state share of salary and fringe benefit changes and $2.16 million for the Tech Talent Investment Program.

13. The budget for Tuition and Fees has been increased $7.9 million for higher than projected enrollments, primarily attributable to Fall 2019 undergraduate enrollments and off-campus graduate enrollments. The tuition and fee budget was increased $2.1 million for higher than projected program fee revenues. The corresponding expenditure budgets have been adjusted accordingly.

14. The All Other Income revenue budget for the university division was increased $0.15 million for VTCSOM earmarked sales and services revenues, $0.16 million for higher than projected milk sales and decreased $2.02 million for lower Veterinary Teaching Hospital and Equine Medical Center activity as a result of curtailing services in response to the COVID pandemic. The budget was decreased $1.54 million for the alignment of the VTCSOM Partnership contributions based on programmatic activity and expected actual expenditures in 2019-20. The corresponding expenditure budgets have been adjusted accordingly.
15. The university division revenue budget was increased $3.16 million to recognize the Commonwealth of Virginia’s allocation of federal Coronavirus Relief Funds in support of personal protective equipment, disinfectant, distance learning and telework, and public health costs. The corresponding expenditure budgets have been adjusted accordingly.

16. The Cooperative Extension/Agriculture Experiment State Division General Fund revenue budget was decreased $0.3 million for the state share of salary and fringe benefit changes. The corresponding expenditure budgets have been adjusted accordingly.

17. The Cooperative Extension Federal Funds revenue budget was increased $0.01 million to align with federal appropriations. The corresponding expenditure budgets have been adjusted accordingly.

18. The budget for All Other Income was increased $0.16 million for higher than projected milk sales in Agriculture Experiment Station. The corresponding expenditure budgets have been adjusted accordingly.

19. The annual budget for the Sponsored Programs has been decreased $1.5 million to reflect the transfer of a portion of the Commonwealth Cyber Initiative (CCI) Hub and Node funds from Virginia Tech to other Virginia Public Institutions in support of collaborative efforts.

20. The Student Financial Assistance revenue and expenditure budgets were decreased $1.0 million for a technical accounting change and $0.3 million to revise the estimate of general fund support for the Two Year Transfer grant and Virginia Military Survivors Dependents Program to the actual distribution of funds.

21. The projected annual budgets for All Other Programs were increased $1.5 million to finalize budgets. The projected annual expense budgets were decreased $3.9 million for technical alignment of university initiatives and increased $0.4 million for outstanding 2018-19 commitments that were initiated but not completed before June 30, 2019.
### Residence and Dining Halls *

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<th>Change</th>
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### Parking and Transportation

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### Telecommunications Services

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### University Services * **

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### Intercollegiate Athletics *

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### Electric Service *

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### Inn at Virginia Tech/Skelton Conf. Center

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### Other Enterprise Functions ***

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<table>
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<th>Original</th>
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### TOTAL AUXILIARIES

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**Notes:**

* University Systems include Dormitory and Dining Hall System, University Services System, Intercollegiate Athletics System, and Electric Service System. The Systems were created to provide assurance to bond holders that system revenues are pledged for the payment of debt service and to allow for dedicated repair and replacement that are not subject to liens of any creditor of the university.

** University Services System includes Career & Professional Development, Center for the Arts, Health Services, Recreational Sports, Student Engagement & Campus Life, Cultural and Community Centers, Student Organizations, and the VT Rescue Squad.

*** Other Enterprise Functions include Golf Course, Hokie Passport, Library Café, Library Photocopy, Licensing & Trademark, Little Hokie Hangout, New Student and Family Programs, Pouring Rights, Printing Services, Software Sales, Tailor Shop and Clearing Accounts.

Presentation Date: August 25, 2020
AUXILIARY ENTERPRISE BUDGET

1. Expenses in Residence and Dining Halls are lower than projected due to holding back expenditures and decreased business volume and timing of operating expenses.

2. Expenses for Parking and Transportation are lower due to holding back expenditures and timing of operating expenses and transit equipment purchases.

3. Expenses for Telecommunications Services are lower than projected due to holding back expenditures and timing of network telecommunication projects.

4. Revenues and expenses for the University Services System are lower than projected due to decreased business volume as well as holding back expenditures and the timing of operating and recreational sports facility project expenses.

5. Expenses for Inn at Virginia Tech are lower than projected due to holding back expenditures and timing of operating and hotel software system projects.

6. Revenues for Other Enterprise Functions are higher than projected due to higher than forecasted business volume in New Student Programs, Licensing and Trademark, Software Sales, and Hokie Passport. Expenses are lower than projected due to holding back expenditures and timing of expenses and lower than projected expenses for the board approved Athletics facilities improvements project.

7. The annual revenue budgets for Residence and Dining Halls were increased $9.3 million for residential operations in two additional facilities and increased dining meal plan sales due to increased enrollment. Annual expense budgets were increased $5.1 million for the Inn at Virginia Tech lease, $3.7 million for Holiday Inn lease, $2.4 million for enrollment staffing and operations, $2.9 million for residence hall furniture which will be repurposed in future residence halls, $0.1 million for additional student conduct coordinator, $0.3 million dining facility projects, $2.7 million for expanded dining facility hours, food costs, and wage support, and $1.3 million for residential mail delivery program. Annual revenue and expense budgets were decreased $4.9 million due to lower than anticipated off-campus dining meal plan sales, partially attributable to increased graduation rate, decreased marketing to help accommodate the additional freshman, and demand. Expense budgets were decreased $3.1 million for technical realignment of university expenses. As a result of the COVID-19 pandemic, the annual revenue budgets decreased $18.8 million and expense budget decreased $6.2 million due to housing and dining student rebates/refunds, and decreased business volume during the Spring semester. The university allocated $9.7 million of Federal CARES Act funding to assist with the Residence and Dining Halls refunds, which resulted in a net revenue decrease of $9.1 million.

8. The annual expense budget for Auxiliary Enterprises was increased $7.4 million for outstanding 2018-19 commitments and projects that were initiated but not completed before June 30, 2019. This amount includes $1.2 million in Dining Hall commitments and projects, $1.2 million for Telecommunications and $1.3 million for Electric Service. The remainder is spread across the other auxiliary programs.

9. The annual expense and reserve budgets for Auxiliary Enterprises were decreased $0.7 million to replace placeholder budgets with the university’s approved compensation plan.

10. The annual expense and reserve budgets for Parking and Transportation Services were decreased $0.2 million for Parking Services lease alignment. As a result of the COVID-19 pandemic, the annual revenue and expense budgets were decreased $0.8 million for lower Fleet Services business volume.

11. The annual revenue, expense, and reserve budgets for Telecommunications Services were increased for additional business volume.

12. The annual revenue budget for University Services System were increased $0.4 million to recognize additional enrollment. Annual expense budgets were increased $3.6 million for additional counseling staff, counseling space, nurse practitioner, personnel support, student affairs
operating support, Career and Professional Development one-time projects, Recreational Sports wage support, $1.5 million field storage and venture out facility project, and $1.7 million swing space temporary structure project to assist with space needs during War Memorial closure during the capital project.

13. The annual revenue, expense, and reserve budgets for Intercollegiate Athletics were increased to accommodate additional revenue of $1.0 million for the football team’s participation in the Belk Bowl, $0.3 million in private fundraising for the indoor practice facility, $0.7 million bowl expenses (total bowl expense is $1.7 million), $0.3 million for indoor practice facility capital project, $0.2 million for NCAA academic enhancement, and $0.8 million for football expenses. Annual revenue and reserve budgets were decreased $5.1 million for lower than anticipated ACC conference distributions and timing of ACC Network revenues, and $0.3 million for lower football ticket sales. As a result of the COVID-19 pandemic, the revenue budget was decreased $1.6 million for lower ACC/NCAA revenue and $4.9 million for timing of the IMG Learfield guarantee payment, and the expense budget was increased $0.1 million for COVID-19.

14. The annual revenue and expense budgets for the Electric Services auxiliary were decreased $1.3 million due to lower than projected cost of wholesale electricity from favorable variance in demand and energy components learned after the original budget was developed. The annual expense budget was decreased $2.0 million for the lane substation capital project savings and increased $0.4 million due to higher than projected cost of wholesale electricity. As a result of the COVID-19 pandemic, the annual revenue budget was decreased by $2.5 million and expense budget decreased $1.7 million due to lower demand for electricity.

15. The annual revenue, expense, and reserve budgets for the Inn at Virginia Tech and Skelton Conference Center were increased for technical accounting alignment for tipped employees, personnel support, and student housing at the Inn. As a result of the COVID-19 pandemic, the annual revenue budgets decreased $1.7 million and expense budget decreased $1.0 million due to lower business volume.

16. The annual revenue, expense, and reserve budgets for Other Enterprise Functions were increased for printing services operating expenses, Tailor Shop uniform purchases, $1.4 million internal financing of board approved Athletics facilities improvements project, $3.4 million internal financing of board approved Corp Leadership and Military Sciences project, technical accounting alignments, scholarship expenses in Licensing and Trademark, and Library Photocopy increased business volume and equipment replacement. As a result of the COVID-19 pandemic, the annual revenue budget for Printing Services was decreased by $0.4 million for decreased business volume.
### Educational and General Projects

#### Design Phase

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Fiscal Year</th>
<th>Annual Budget</th>
<th>YTD Expenditures</th>
<th>Total PROJECT Budget</th>
<th>Cumulative PROJECT Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Production Facilities</td>
<td>Oct 2016</td>
<td>$1,300</td>
<td>$359</td>
<td>$25,274</td>
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<td>Corps Leadership and Military Science Building</td>
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#### Construction Phase

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<th>Annual Budget</th>
<th>YTD Expenditures</th>
<th>Total PROJECT Budget</th>
<th>Cumulative PROJECT Budget</th>
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<td>Maintenance Reserve</td>
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<td>Gas-Fired Boiler at the Central Steam Plant</td>
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#### Close-Out

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**Total Educational and General Projects**

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<tr>
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<th>Annual</th>
<th>YTD</th>
<th>Total</th>
<th>Cumulative</th>
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<td>EDUCATIONAL AND GENERAL PROJECTS</td>
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<td>$484,049</td>
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</table>

Presentation Date: August 25, 2020
1. **Agriculture Production Facilities**: This project is the first of two phases to renew existing facilities for the livestock and poultry programs. The scope includes 126,000 gross square feet of facilities at the Blacksburg campus and three nearby university production and research farms. Working drawings are complete and pricing is expected August 2020.

2. **Planning – Hitt Hall (formerly Intelligent Infrastructure and Construction Complex)**: This planning project is for Hitt Hall and houses an expansion of Myers-Lawson School of Construction, a new dining center, and other academic spaces. Procurement for A/E services is underway and the project is moving forward under the new delivery method.

3. **Planning – Undergraduate Science Laboratory Building**: This planning project is for an entirely state funded 102,000 gross square foot science laboratory building adjacent to the new classroom building. The university is temporarily funding the project and will be reimbursed by the state once construction funding is appropriated. Working drawings are expected to be complete August 2020. The university requested construction funding for fiscal year 2021; however, the state has not included an appropriation for the project in the budget. The university will request construction funding for fiscal year 2022 as part of the next state budget call.

4. **Construct Virginia Seafood AREC**: Through a collaborative effort between the University, the Foundation, and the City of Hampton, the existing facility will be replaced with this new 15,000 gross square foot facility. Construction pricing expected July 2020.

5. **Commonwealth Cyber Initiative**: This project makes improvements to support the Commonwealth Cyber Initiative Hub renovations, space enhancements, and equipment. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget.

6. **Corps Leadership and Military Science Building**: The project consolidates the Corps of Cadets and ROTC programs in the northern portion of the Upper Quad project. Working drawings are underway. The design and construction contracts for this project were consolidated with the New Upper Quad Residence Hall project.

7. **Data and Decision Sciences**: This project will design and construct a new 120,000 gross square foot instruction building. Working drawings is underway with construction anticipated December 2020.

8. **Innovation Campus – Academic Building**: This project is a new 300,000 gross square foot academic building as part of the Innovation Campus in Alexandria Virginia. Schematic design is underway.

9. **Maintenance Reserve**: The total project budget reflects $1.8 million of carryforward from fiscal year 2018 and the State’s fiscal year 2019 appropriation of $13.5 million and fiscal year 2020 appropriation of $13.5 million. The university exceeded the state’s 85 percent spending performance requirement for the biennium. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget.

10. **Improve Kentland Facilities**: This project provides a metabolism research laboratory, an applied reproduction facility, and a building for animal demonstration, handling, and holding spaces. The Applied Reproduction Facility is complete. Substantial completion is expected August 2020 for Metabolic Research Lab and October 2020 for the Bovine Extension Teaching & Research Facility. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget.

11. **Health Sciences & Technology**: This project is being delivered under a Public Private Partnership with Carilion Clinic and is located adjacent to the existing Virginia Tech-Carilion Research Institute facility in Roanoke, Virginia. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget. The project reached substantial completion in May 2020.

12. **Chiller Plant Phase II**: This project upgrades of campus utility systems and addresses several strategic needs for shifting the campus to a lower resource consuming cooling service with improved redundancies. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget. Completion expected July 2021.

13. **Holden Hall Renovation**: This project will renovate 20,000 gross square feet, demolish 21,000 gross square feet, and construct an 80,000 gross square foot expansion of Holden Hall to accommodate the instruction and research programs of Materials Science and Engineering, Mining and Minerals Engineering, and Computer Science Engineering. Construction is underway with substantial completion expected December 2021.

14. **Gas-Fired Boiler at the Central Steam Plant**: This project will install a new Gas-Fired Boiler within the Central Steam Plant. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget. Completion expected January 2021.

15. ** Academic Buildings Renewal**: This project is closed and will be removed at the end of the fiscal year.

16. **Renovate Undergraduate Science Laboratories**: This project is closed and will be removed at the end of the fiscal year.

17. **Acquisition – Falls Church UVA Interest**: This project was established to acquire all of UVA’s right, title, and interest in the universities’ shared fee simple title ownership and shared leasehold interest in the Falls Church Center for a total cost of $8.23 million. The transaction process is complete.

18. **Acquisition – Falls Church Property**: This project was established to acquire the fee simple title to the 5.33 acres currently leased from and owned by the City of Falls Church for a net cost of $2.85 million. The exercise date is fiscal year 2021, and the university is working with the City of Falls Church to accelerate the transaction timing.
Capital Outlay Projects Authorized as of June 30, 2020 (Continued)

Dollars in Thousands

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>ANNUAL INITIATED</th>
<th>FISCAL YEAR ACTIVITY</th>
<th>TOTAL PROJECT BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BUDGET</td>
<td>EXPENDITURES</td>
<td>STATE SUPPORT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>FUND</td>
</tr>
</tbody>
</table>

**AUXILIARY ENTERPRISE PROJECTS**

**Design Phase**

- **Student Wellness Improvements**: Jun 2016, 8,500, 1,786, $- $13,310 $44,690 $58,000 $5,043 (1)
- **Athletic Facilities Improvements - Tennis**: Aug 2016, - 17 $809 $0 $809 $225 (2)
- **Dietrick First Floor and Plaza Renovation**: Sept 2017, 1,500 621 $5,000 $3,300 $8,300 $900 (3)
- **Planning: Slusher Replacement**: Jun 2018, 1,500 915 $3,500 $- $3,500 $1,255 (4)
- **Global Business & Analytics Complex Residence Halls**: Jun 2019, 1,800 1,269 $- $84,000 $84,000 $1,269 (5)
- **New Upper Quad Residence Hall**: Jun 2019, 800 834 $- $33,000 $33,000 $834 (6)

**Construction Phase**

- **Maintenance Reserve**: On-going, 9,500 10,378 $9,500 $9,500 $10,378 (7)
- **Creativity & Innovation District Residence Hall**: Oct 2016, 20,000 36,070 $15,880 $89,620 $105,500 $46,701 (8)
- **Student-Athlete Performance Center**: Mar 2018, 7,000 9,597 $20,417 $- $20,417 $11,098 (9)
- **Athletics Weight Room Renovation & Expansion**: Aug 2018, 625 2,163 $4,500 $- $4,500 $2,238 (10)

**Close-Out**

- **Lane Substation Expansion**: Sept 2015, 2,380 261 $2,000 $4,500 $6,500 $3,763 (11)
- **O'Shaughnessy Renovation**: Apr 2016, 445 368 $8,867 $12,633 $21,500 $21,422 (12)
- **Athletic Facilities Improvements - Rector & Baseball**: Aug 2016, 1,035 442 $36,691 $0 $36,691 $36,202 (13)
- **Commonwealth Ballroom Improvements**: Mar 2018, 499 483 $3,246 $- $3,246 $3,230 (14)
- **ACC Network Studio**: Mar 2018, 900 1,408 $- $10,000 $10,000 $8,593 (15)

**TOTAL AUXILIARY ENTERPRISE PROJECTS**

$56,484 $66,610 $- $123,720 $281,743 $405,463 $153,152

**GRAND TOTAL**

$173,853 $184,297 $484,049 $301,235 $381,815 $1,167,099 $378,151

Presentation Date: August 25, 2020
Auxiliary Enterprise Projects

1. **Student Wellness Improvements**: The project scope and budget includes refurbishments to War Memorial Hall and McComas Hall. Whiting-Turner is the construction manager and the Guaranteed Maximum Price received July 15, 2020 is over budget. The university is reviewing program and design alternatives.

2. **Athletic Facilities Improvements - Tennis**: Athletics is ready to move forward with planning for Tennis Improvements and procurement for A/E services is underway. The university may request full project authorization once planning is complete and Athletics has raised the necessary funds to complete construction.

3. **Dietrick First Floor and Plaza Renovation**: This project refurbishes the first floor of Dietrick Hall, inserting a modern food service venue, enclosing a portion of the overhang, and improvements to the outdoor plaza. The low bid received was over budget and the university is reviewing design alternatives.

4. **Planning – Slusher Replacement**: This planning project includes completing preliminary designs for the replacement of Slusher Hall. To ensure bed capacity sufficient for enrollment growth, the timing for construction is being coordinated with the anticipated completion date for the Global Business & Analytics Complex Residential Halls project, anticipated March 2024.

5. **Global Business & Analytics Complex Residence Halls**: This project provides two residence halls in the northwest corner of campus with a minimum of 700 beds. The acquisition strategy is shifting to Invitation for Bid from Design-Build. Procurement for A/E services will begin in August 2020 to move forward under the new delivery method.

6. **New Upper Quad Residence Hall**: This project will provide the Corps of Cadets an additional 313 beds while replacing Femoyer Hall. Preliminary design is underway. The design and construction contracts for this project were consolidated with the Corps Leadership & Military Science project. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget.

7. **Maintenance Reserve**: Projects are scheduled and funded by the auxiliary enterprises during the annual Auxiliary Enterprise budgeting process. The units prepare five-year plans that outline their highest priority deferred maintenance needs. The annual budget and total project budget reflect the spending plans of the auxiliary units on maintenance reserve work scheduled for fiscal year 2020. The auxiliary maintenance reserve program covers 106 assets with a total replacement value of $1.3 billion. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget.

8. **Creativity & Innovation District Residence Hall**: This project is a new residential community with approximately 596 beds, including 176 beds for student-athletes, and academic collaborative spaces to support creativity and innovation programs. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget. Construction is underway with completion expected June 2021.

9. **Student-Athlete Performance Center**: This project renovates the fourth floor of the Jamerson Center, constructs a balcony cantilevered from the fourth floor, and a new elevator tower. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient, and the project remains within the authorized budget. Construction is underway with completion expected November 2020.

10. **Athletics Weight Room Renovation & Expansion**: This project renovates and expands the football weight room in the Merryman Center. Year-to-date expenses exceed the annual budget because construction accelerated. Resources are available and sufficient to cover the shifted cash outflows, and the project remains within the authorized budget. Cash outflows shifted from fiscal year 2021 to fiscal year 2020. Resources are available and sufficient to cover the accelerated cash flows, and the project remains within the authorized budget. Construction is underway with substantial completion expected August 2020.

11. **Lane Substation Expansion**: The project is substantially complete. Electric Services received “cost to serve” credits from AEP and the total cost is expected to be $3.8 million. The project may be closed and financial accounts terminated when final invoices are received and paid.

12. **O’Shaughnessy Renovation**: This project is closed and will be removed at the end of the fiscal year.

13. **Athletic Facilities Improvements - Rector and Baseball**: This project is closed and will be removed at the end of the fiscal year.

14. **Commonwealth Ballroom Improvements**: This project is closed and will be removed at the end of the fiscal year.

15. **ACC Network Studio**: This project is closed and will be removed at the end of the fiscal year.
CAPITAL PROGRAM PROJECTS
Total Number of Active Capital Projects
Fiscal Year 1990 - Fiscal Year 2020

- Total Number of Projects Excluding Maintenance Reserve
- E&G - Excluding Maintenance Reserve
- Aux - Excluding Maintenance Reserve
CAPITAL PROGRAM TOTAL BUDGET
Total Budget Level of Active Projects
Fiscal Year 1990 - Fiscal Year 2020

$ in Thousands

FY 90  FY 91  FY 92  FY 93  FY 94  FY 95  FY 96  FY 97  FY 98  FY 99  FY 00  FY 01  FY 02  FY 03  FY 04  FY 05  FY 06  FY 07  FY 08  FY 09  FY 10  FY 11  FY 12  FY 13  FY 14  FY 15  FY 16  FY 17  FY 18  FY 19  FY 20

Total
E&G
Aux
CAPITAL PROGRAM EXPENDITURE TREND
Total Annual Expenditures for Active Capital Projects
Fiscal Year 1990 - Fiscal Year 2020

$ in Thousands
$0
$20,000
$40,000
$60,000
$80,000
$100,000
$120,000
$140,000
$160,000
$180,000
$200,000

FY 90 FY 91 FY 92 FY 93 FY 94 FY 95 FY 96 FY 97 FY 98 FY 99 FY 00 FY 01 FY 02 FY 03 FY 04 FY 05 FY 06 FY 07 FY 08 FY 09 FY 10 FY 11 FY 12 FY 13 FY 14 FY 15 FY 16 FY 17 FY 18 FY 19 FY 20

Total YTD Expenses
E&G
Aux

Presentation Date: August 25, 2020
RESOLUTION ESTABLISHING UNIVERSITY POLICY 12111, ACCEPTANCE OF TERMS AND CONDITIONS ASSOCIATED WITH DONATIONS, GIFTS, AND OTHER PRIVATE PHILANTHROPIC SUPPORT

FINANCE AND RESOURCE MANAGEMENT COMMITTEE

August 5, 2020

WHEREAS, the 2020 Virginia General Assembly passed legislation codified in the Code of Virginia §23.1-1304.1 requiring boards of visitors to establish a policy for the acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support; and

WHEREAS, the legislation directs that the policy include an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of $1,000,000 or more that impose a new obligation on the institution, excluding gifts for scholarships or other financial aid;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors of Virginia Polytechnic Institute and State University hereby adopts University Policy 12111, as attached, which incorporates the requirements of Code of Virginia §23.1-1304.1.

RECOMMENDATION:

That the above resolution establishing University Policy 12111 on the acceptance of terms and conditions associated with donations, gifts, and other private philanthropic support be approved.

August 25, 2020
1.0 Purpose

To comply with legislation passed by the 2020 Virginia General Assembly, as stated in the Code of Virginia § 23.1-1304.1:

The governing board of each public institution of higher education shall establish a policy for the acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. Each such policy shall include an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of $1,000,000 or more that impose a new obligation on the institution of higher education, excluding gifts for scholarships or other financial aid. Each public institution of higher education shall retain documentation of such terms and conditions in compliance with the Virginia Public Records Act (§ 42.1-76 et seq.) and such documentation shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

2.0 Policy

This policy applies to any donation, gift or other private philanthropic support:

a. that directs academic decision-making, or
b. is in the amount of $1,000,000 or more and imposes any new obligations on Virginia Tech, excluding scholarships or other financial aid;

Such donation, gift, or other private philanthropic support shall be subject to the administrative process described in section 3.0.

A gift review committee shall be established and composed of the following individuals:

a. Vice President for Advancement, or designee;
b. Executive Vice President and Provost, or designee;
c. Senior Vice President and Chief Business Officer, or designee;
d. President of the Faculty Senate;

The gift review committee shall consult with the head(s) of the relevant senior management area(s) as required in Section 3.0 prior to making its recommendation to the President.
3.0 Procedures

1. The gift review committee as defined in Section 2.0 shall review all terms and conditions associated with the provisions of the gift to confirm that such terms and conditions do not violate university policies or are inconsistent with the University’s mission of education, research and service.

2. The gift review committee shall consult with the head(s) of the relevant senior management area(s), sharing the terms and conditions associated with the provisions of the gift and soliciting input as to whether the terms and conditions are acceptable prior to making its recommendation to the President.

3. The gift review committee shall make a recommendation to the President regarding the acceptance of the terms and conditions. The President may accept the committee recommendation or not. The President’s decision will be final; however, if the President does not accept the committee’s recommendation, the President will explain his decision in writing.

4. The University Advancement office will maintain a copy of all terms and conditions for accepted donations, gifts, and other private philanthropic support under this policy. A copy of said documentation shall be subject to public review, if requested, in accordance with the provisions of the Virginia Freedom of Information Act.

4.0 Definitions

5.0 References

6.0 Approval and Revisions

Approved August 25, 2020, by the Virginia Tech Board of Visitors
The Undergraduate Science Laboratory Building project (208-18332) is included in the state’s detailed planning pool authorized in item 4.1.A. of Chapter 759 of the 2016 Acts of Assembly with an effective date of July 1, 2017. Item 4.4 of the same Act authorizes each institution to utilize temporary nongeneral funds to complete working drawings for each project listed in Item 4.1.A. Under the state program, temporary nongeneral funds are reimbursed by a subsequent General Fund appropriation for project construction.

The university infused $3.084 million of temporary nongeneral funds in September 2017 to complete preliminary designs for the project. Preliminary designs are complete and the funds were exhausted in January 2020. To ensure continuity of the A/E design team and design process, the university infused $2.432 million of additional temporary funds during fiscal year 2020 to complete working drawings, in accordance with the provisions of Chapter 759. The adjusted total budget to complete planning is $5.516 million.

The state normally administratively adjusts the nongeneral fund authorization levels in the state accounting system for these actions and the expenditures are recorded in their system. The state established the initial $3.084 million in their systems in 2017 using the normal administrative processes. However, the state ceased processing these adjustments administratively in the third quarter of FY2020 and has requested that Virginia Tech hold the $2.432 million supplement authorization locally using its restructuring authority. Pending a request to the Board of Visitors for a capital planning authorization to hold the supplemental $2.432 million of expenditures, the university established a suspense fund and budget for an interim period.

This request is for a capital planning authorization to hold the supplemental $2.432 million of temporary nongeneral fund expenditures for the Undergraduate Science Laboratory Building project. The temporary resources, the entire $5.516 million, will be reimbursed by General Fund resources when the state appropriates construction funding for the project. Construction funds for the project are the university’s first priority capital outlay request for the 2022 budget session.

Under the 2006 Management Agreement between the Commonwealth of Virginia and the university, the Board of Visitors has the authority to approve the budget, size, scope, debt issuance, and overall funding of nongeneral fund capital outlay projects. This request is for a capital planning authorization to hold a $2.432 million supplement to adjust the temporary budget and funding for the Undergraduate Science Laboratory Building project to $5.516 million.
WHEREAS, the state included the Undergraduate Science Laboratory Building project (208-18332) in the detailed planning pool authorized in 4.1.A. of Chapter 759 of the 2016 Acts of Assembly; and,

WHEREAS, Item 4.4 of Chapter 759 authorizes institutions to utilize nongeneral funds to complete working drawings for each project listed in Item 4.1.A; and,

WHEREAS, under the state program, temporary nongeneral funds are reimbursed by a General Fund appropriation for project construction; and,

WHEREAS, temporary funding of $3.084 million was infused in September 2017 to complete preliminary designs for the project; and,

WHEREAS, to complete working drawings and the design process without interruption, a $2.432 million temporary supplement is necessary, for a total adjusted temporary planning budget of $5.516 million; and,

WHEREAS, the university would place the supplement revenues and expenditures in a local capital project until the state appropriates construction funding for the project; and,

WHEREAS, the temporary nongeneral funds will be reimbursed by a future General Fund appropriation for the capital project; and,

WHEREAS, under the 2006 Management Agreement between the Commonwealth of Virginia and the university, the Board of Visitors has authority to approve the budget, size, scope, debt issuance, and overall funding of nongeneral funded capital outlay projects.

NOW, THEREFORE, BE IT RESOLVED, that the university be authorized to establish a $2.432 million local capital project to supplement the $3.084 million initial planning budget for the Undergraduate Science Laboratory Building project and to fund the budget with temporary nongeneral fund resources that will be reimbursed pending a future state General Fund appropriation for the project.

RECOMMENDATION:

That the resolution authorizing Virginia Tech to supplement temporary planning for the Undergraduate Science Laboratory project be approved.

August 25, 2020
RESOLUTION TO RATIFY ACTIONS OF THE
EXECUTIVE COMMITTEE OF THE BOARD OF VISITORS
ON AUGUST 13, 2020

WHEREAS, the Bylaws of the Virginia Tech Board of Visitors, Article I, Section 6a, stipulate that the Executive Committee of the Board in the interim between meetings of the Board has full power to take actions on behalf of the Board and that all such actions taken by the Executive Committee are subject to ratification by the full Board at its next meeting; and

WHEREAS, the Executive Committee of the Board of Visitors met on August 13, 2020 to approve policy changes to comply with new Title IX regulations that were to become effective on August 14, and to consider other time-sensitive items; and

WHEREAS, the next meeting of the full Board of Visitors is scheduled for August 25, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Visitors of Virginia Polytechnic Institute and State University hereby ratifies the actions taken by the Executive Committee of the Board on August 13, 2020 (attached), which include:

- Approval to change the name of the new School of Communication;
- Approval of resolution to amend policy 1025 and student code of conduct and to create new policy 1026 to comply with new Title IX regulations, including the following:
  - Policy 1026: Policy on Title IX Sexual Harassment and Responsible Employee Reporting (new policy)
  - Policy 1026, Appendix 1 – Procedures for Adjudication of Formal Complaints Against Students
  - Policy 1026, Appendix 2 – Procedures for Adjudication of Formal Complaints Against Employees
  - Revised Policy 1025: Policy on Harassment, Discrimination, and Sexual Assault
  - Revised Student Code of Conduct
- Approval to remove the name of the residence hall located at 570 Washington Street and constructed in 1966;
- Approval to remove the name of the residence hall located at 240 Kent Street and constructed in 1962;
- Approval to name Hoge Hall, the residence hall located at 570 Washington Street, in honor of Janie and William Hoge;
- Approval to name Whitehurst Hall, the residence hall located at 240 Kent Street, in honor of James Leslie Whitehurst, Jr., Class of 1963.

RECOMMENDATION:
That the above resolution ratifying the actions taken by the Executive Committee of the Board of Visitors at a special meeting convened on August 13, 2020, be approved.

August 25, 2020
RESOLUTION TO AMEND NAME OF THE SCHOOL OF COMMUNICATION IN THE COLLEGE OF LIBERAL ARTS AND HUMAN SCIENCES

WHEREAS, on May 6, 2020, the Executive Committee of the Board of Visitors voted to approve a resolution to establish the School of Communication and Digital Media in the College of Liberal Arts and Human Sciences; and

WHEREAS, on June 2, 2020, the full Board of Visitors affirmed the approval of the School of Communication and Digital Media; and

WHEREAS, upon approval by the board, the proposal for the new school was submitted for approval to the State Council of Higher Education for Virginia (SCHEV); and

WHEREAS, a change to the approved name of the school has been requested by SCHEV; and

WHEREAS, the appropriate faculty and dean have agreed to the adjustment in the name of the school;

NOW, THEREFORE, BE IT RESOLVED that the name of the school in the College of Liberal Arts and Human Sciences previously approved by the Board of Visitors be changed to the School of Communication, effective immediately.

RECOMMENDATION

That the name of the school in the College of Liberal Arts and Human Sciences previously approved by the Board of Visitors be changed to the School of Communication.

August 13, 2020
Whereas, Virginia Tech is subject to federal law under Title IX of the Education Amendments of 1972 (Title IX); and

Whereas, Title IX states that, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance”; and

Whereas, the U.S. Department of Education’s Office for Civil Rights (OCR) enforces Title IX and on May 6, 2020, issued Title IX regulations that require university policy and procedures to be in compliance with the regulations by August 14, 2020; and

Whereas, on May 22, 2020, President Sands charged a working group to make recommendations for the changes needed to university policies and procedures to comply with the regulations for responding to reports, conducting investigations and holding hearings, resulting in the recommended adjustments to the university’s policy on Harassment, Discrimination, and Sexual Assault (Policy 1025 attached); and

Whereas, to comply with the regulations, and to complement the adjustments in policy 1025, the work group drafted a policy dedicated exclusively to responding to reports of sexual harassment under the Title IX regulations resulting in the proposed new Policy on Title IX Sexual Harassment and Responsible Employee Reporting (Policy 1026 attached); and

Whereas, the workgroup, led by the Office for Equity and Accessibility, provided a report to the president on July 24, 2020, which, in addition to recommending new and revised policies to meet the deadline for regulatory compliance, recommends subsequent additional university-wide review of policies and procedures to include constituent groups and governance bodies; and

Whereas, the Bylaws of the Virginia Tech Board of Visitors, Article I, Section 6a, stipulate that the Executive Committee of the Board in the interim between meetings of the Board has full power to take actions on behalf of the Board and that all such actions taken by the Executive Committee are subject to ratification by the full Board at its next meeting;
Now, therefore, be it resolved that to comply with the new Title IX regulations issued by the U.S. Department of Education which become effective August 14, 2020, the Executive Committee of the Board of Visitors approves the following new and revised policies, to become effective August 14, 2020:

- Policy 1026: Policy on Title IX Sexual Harassment and Responsible Employee Reporting (new policy)
- Policy 1026, Appendix 1 – Procedures for Adjudication of Formal Complaints Against Students
- Policy 1026, Appendix 2 – Procedures for Adjudication of Formal Complaints Against Employees
- Revised Policy 1025: Policy on Harassment, Discrimination, and Sexual Assault
- Revised Student Code of Conduct

**RECOMMENDATION**

That the resolution to approve changes to University Policy 1025 and the Student Code of Conduct, and to approve new University Policy 1026 be approved effective August 14, 2020, to comply with the May 6, 2020, Title IX regulations issued by the U.S. Department of Education Office for Civil Rights.

August 13, 2020
Policy on Title IX Sexual Harassment and Responsible Employee Reporting (No. 1026)

1.0 Purpose

The university is committed to providing a safe and non-discriminatory environment for living, learning, and working to all members of our community. To that end, the university does not discriminate, nor tolerate discrimination, on the basis of sex or gender. Pursuant to Title IX of the Education Amendments of 1972, this policy exists to eliminate, address, and prevent the recurrence of the prohibited conduct described herein, and provide for a fair and impartial process for making the determination about whether prohibited conduct occurred.

2.0 Policy

The university prohibits Title IX Sexual Harassment and Retaliation, as defined by federal regulations promulgated by the United States Department of Education. In compliance with the Department of Education’s regulations, the university has adopted a grievance procedure for the resolution of formal complaints that includes notice to all parties, prompt and impartial investigations, and live hearings that include an opportunity for cross-examination by advisors. The university also requires those designated as Responsible Employees to promptly report any violation or alleged violation of this policy.

2.1 Application of Policy

This policy applies to all levels and areas of university operations and programs, to undergraduate and graduate students, professional students, administrators, faculty, staff, volunteers, vendors and contractors.

2.2 Scope

This university’s jurisdiction includes any conduct that occurs within the context of a university Education Program or Activity within the United States. Education Program or Activity means any on- or off-campus locations, events, or circumstances over which the university exercises substantial control over both the Respondent and the context in which the sexual harassment occurs and includes any building owned or controlled by a student organization officially recognized by the university. Individuals who are currently participating in, or attempting to participate in, an Educational Program or Activity of the university may file a complaint under this policy.

Virginia Tech is also committed to the free and vigorous discussion of ideas and issues. This policy does not allow curtailment or censorship of constitutionally protected expression, nor does it attempt to address behaviors that do not constitute discrimination or harassment. Offensive behavior that does not violate this policy should be addressed by the appropriate supervisor or administrator.

The university recognizes that prohibited conduct under this policy may also be prohibited by other university policies, including the university’s Policy on Discrimination and Harassment (Policy 1025). In the event other policies may also apply to conduct prohibited under this policy, the procedures as outlined in this policy shall apply.
2.2 Title IX Sexual Harassment

Title IX Sexual Harassment\(^1\) means any of the following conduct on the basis of sex:

- a university employee conditioning an educational benefit or service upon a person’s participation in unwelcome sexual conduct (i.e. *quid pro quo* harassment);

- unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it would effectively deny a person equal access to a university program or activity; or

- Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as each of those terms are defined below.

2.3 Retaliation

This policy incorporates the definition of Retaliation defined in Policy 1025 and prohibits any adverse action taken against a person for making a good faith report of Title IX Sexual Harassment or for participating in an investigation or grievance procedure pursuant to a report of Title IX Sexual Harassment. The prohibition does not prohibit or curtail any constitutionally protected rights.

2.4 Responsible Employee Reporting

Responsible employees include all university officials who have authority to institute corrective measures in response to a report of Title IX Sexual Harassment. A responsible employee who receives notice of behavior that might reasonably be construed as constituting Title IX Sexual Harassment must promptly report the alleged behavior to the Title IX Coordinator. A responsible employee who receives notice of an alleged Title IX Sexual Harassment and fails to report it to the Title IX Coordinator may be subject to discipline up to and including termination.

Responsible employees under this section include university administrators, supervisors, employees with instructional responsibilities (for their respective teaching obligation), academic advisors, and other university employees who have significant responsibility for student and campus activities or implementing the university’s policies related to employee and student discipline.

Virginia Tech has designated several offices on campus as confidential resources. When performing their responsibilities providing services, these offices are not subject to this policy. Confidential resources include the staff at the University Ombuds Office and Graduate School Office of the Ombudsperson, Schiffert Health Center, Cook Counseling Center, and the Virginia Tech Women’s Center. Disclosures made to Athletic Doctors while acting within the scope of his or her license or certification are also confidential.

\(^1\) This definition is found in 34 CFR 106. In the event of a conflict between the definition provided in this policy and the definition as provided in 34 CFR 106, the 34 CFR 106 definition shall prevail.
3.0 Procedures

Complainants who are participating in, or attempting to participate in, Virginia Tech’s programs and activities may file formal complaints alleging conduct prohibited under this policy by undergraduate students, graduate students, professional students, administrators, faculty, staff, volunteers, vendors and contractors. The procedures for investigating and resolving formal complaints depend on the Respondent’s relationship to the university, and specifically whether the Respondent is a student or an employee. Both sets of procedures follow the same general guiding principles. At a minimum, the procedures:

- Provide for a prompt and equitable response to reports of Title IX Sexual Harassment;
- Start with a presumption of non-responsibility for the Respondent;
- Allow for and require objective evaluation of all evidence;
- Include an option for an emergency interim suspension of a student Respondent that includes the opportunity for appeal of that decision;
- Prohibit anyone who has a conflict of interest or a bias for or against a particular Complainant or Respondent, or Complainants and Respondents generally, from participating as an investigator, Title IX Coordinator, hearing officer, or appellate officer;
- Describe the range of possible disciplinary sanctions and remedies that the university may implement following a determination of responsibility;
- Describe the circumstances in which the university will convene a live hearing to resolve a Formal Complaint, as well as the circumstance in which the Title IX Coordinator will dismiss a Formal Complaint prior to the live hearing phase;
- Set forth the process for the live hearing, including by describing the roles of advisors and hearing officers, and describe the procedural rules that apply during the live hearing phase, including the opportunity for cross-examination;
- Describe the process for appealing formal decisions; and
- Do not require, allow, rely upon, or otherwise use any questions or evidence that constitute or seek disclosure of information protected by a legally recognized privilege.

The procedures used for any complaint against a university student are described in Appendix 1.

The procedures used for any complaint against a university employee are described in Appendix 2.

3.1 Title IX Coordinator

The university’s Director of Title IX Compliance is designated as the Title IX Coordinator. The Title IX Coordinator is responsible for monitoring institutional compliance with Title IX and with this policy. Questions about Title IX, as well as any concerns or complaints about possible non-compliance with Title IX or with this policy, should be directed to the Title IX Coordinator:
Director of Title IX Compliance and Title IX Coordinator  
Office for Equity and Accessibility  
Virginia Tech  
North End Center  
300 Turner St.  
Blacksburg, VA 24061  
Phone: (540) 231-1824  
equityandaccess@vt.edu

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures; ensuring the university’s prompt and equitable response to any formal complaint of Title IX Sexual Harassment; coordinating the university’s internal Title IX-related training programs, and maintaining records of Title IX-related complaints and reports and any response thereto in accordance with state and federal laws.

3.2 Supplemental/Alternative Avenues for Complaints

In addition to, or in lieu of, the university’s procedures, individuals may pursue remedies, as appropriate, through the Office for Civil Rights of the U.S. Department of Education.

We encourage victims of sexual violence, including rape, sexual assault, sexual battery, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech’s property, regardless of the status of the complainant. For crimes occurring away from Virginia Tech’s property, victims may contact the local law enforcement in the appropriate jurisdiction.

4.0 Definitions

Complainant means an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

Consent means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.

- Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.

- Previous relationships or prior consent cannot imply consent to future sexual acts.
**Dating Violence** means violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** means felony or misdemeanor crimes of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Virginia; or (e) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Virginia.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

**Sexual Assault** means misconduct that meets the definition of Rape, Fondling, Incest, or Statutory Rape, as defined below:

- **Rape** means penetration, no matter how slight, of the vagina or anus of a person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or mental incapacity.

- **Incest** means sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

- **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s individual safety or the safety of others; or (b) suffer substantial emotional distress.

### 5.0 References

University Policy 1025: Policy on Harassment, Discrimination, and Sexual Assault
[https://policies.vt.edu/assets/1025.pdf](https://policies.vt.edu/assets/1025.pdf)

### 6.0 Approval and Revisions

Policy created as a result of new regulations promulgated by the U.S. Department of Education, effective August 14, 2020.
Approved August 13, 2020, by the Executive Committee of the Board of Visitors.
Policy 1026 – Appendix 1
Adjudication Procedures for Complaints Against Students

The following procedures apply to the adjudication and potential disciplinary actions related to formal complaints against students for Title IX Sexual Harassment as defined in University Policy 1026 on Title IX Sexual Harassment and Responsible Employee Reporting. These procedures are compliant with the U.S. Department of Education’s regulations found in 34 CFR 106. Future changes to these adjudication and disciplinary procedures must receive approval from the Virginia Tech Board of Visitors. These procedures are incorporated into the Student Code of Conduct.

Formal Title IX Adjudication Process

When the Title IX Coordinator refers a case for formal adjudication, the Office of Student Conduct will hold a live hearing with cross-examination to determine whether the respondent is responsible for the alleged conduct and to provide appropriate sanctions, as appropriate.

A. Procedural Guarantees

In formal conduct hearings for Title IX formal complaints, the complainant and respondent are entitled to the following procedural guarantees and opportunities:

- To receive a copy of the final investigation report, including any attachments and supporting documents from the Title IX Coordinator or designee at least ten (10) days in advance of the hearing.
- To receive written notice of the date, time, location, participants, and policies charged at least five (5) business days in advance of the hearing to allow the parties sufficient time to prepare for the hearing.
- To be accompanied by an advisor of their choice, at their own cost, or to have an advisor provided to them by the Office of Student Conduct without fee or charge.
- To inspect and review, during the hearing, all evidence obtained during the investigation that is directly related to the allegations in the formal complaint.
- To present that evidence that supports or refutes the alleged conduct.*
- To present witnesses, including fact and expert witnesses.
- To have their advisor conduct live cross-examination on the other party and any witnesses.
- To remain silent or to participate as they see fit, including full, partial, or no participation; however, they should carefully review the section on cross-examination, below, to understand the potential impacts should they choose to limit participation.
- To challenge the objectivity of a hearing officer(s), given reasonable cause to believe they may be biased or have a conflict of interest.
- To appeal, regardless of the outcome, based on the following grounds: 1) Procedural irregularity; 2) Significant and relevant new information that was not available at the time of the hearing; 3) The Title IX Coordinator, Investigator, or hearing officer(s) had a conflict of interest or bias, which affected the outcome; 4) Unduly harsh or arbitrary findings or sanctions.

*Only evidence and information submitted prior to the final investigation report will be considered during at the hearing.
B. Advisors

At the hearing, each party may be accompanied by an advisor of their choice, at their own cost (e.g., parent, friend, attorney, etc.); if a party does not have an advisor, the university will provide one to them without fee or charge for the purposes of cross-examination. Advisors may not also serve as witnesses.

Advisors will be permitted to cross-examine (i.e., ask relevant questions and follow-up questions) the other party and any witnesses directly, orally, and in real time. The parties must use their advisors in this capacity, as they will not be permitted to ask questions personally.

Aside from cross-examination, advisors may not speak on the student’s behalf or participate actively in the process. Advisors must follow the guidance of the hearing officers.

C. Cross-Examination

During the hearing, the parties’ advisors will be permitted to ask relevant questions and follow-up questions, including those challenging credibility, of the other party and any witnesses. Cross-examination must be conducted directly, orally, and in real time. At no times will the parties directly conduct cross-examination.

Relevance

Questions asked during cross-examination must be relevant to the behavior and situation in question. Hearing officers will determine whether each question is relevant and, if they choose to exclude a question, explain why it is not relevant. The following topics/questions have been identified as automatic exclusions:

- Questions or information about the complainant’s prior sexual behavior, unless they are used to prove someone other than the respondent committed the alleged conduct or if they concern previous sexual activity with the respondent and are used to prove consent.
- Questions or information that discloses or seeks to disclose privileged information, such as medical or psychological records.

For more information about relevant information, please refer to the Relevant Evidence section in section A, above.

Declining to Participate in Cross-Examination

If a party or witness declines to be cross-examined during the hearing, the hearing officers will not consider any statements made by that party or witness during the investigation or hearing when determining whether the respondent is responsible for the alleged conduct. However, the hearing officers will also not draw conclusions regarding responsibility based solely on a party’s or witness’s absence from the hearing or decision to decline to answer questions from the hearing officers or during cross-examination.

D. Recording

The Office of Student Conduct audio records all formal hearings. A copy of the recording is maintained as part of the case file and will be made available to the parties, upon request.

E. Hearing Location and Virtual Participation

At the discretion of the Office of Student Conduct, a hearing may be conducted in a single physical location, with all parties present, or a hearing may be conducted virtually, with participants appearing via videoconference. If the hearing is held in person (i.e., in a single physical location), either party may request to be located in a separate room and to participate via video conference. Regardless of the participation method, the hearing participants will be able to simultaneously see and hear each other.

F. Determination of Responsibility

After the hearing, a determination of whether a respondent is responsible for violating any policy in the Code of Conduct will be made by the hearing officers based on the information presented in the investigation report and at the hearing.
**Standard of Proof.**
The university uses preponderance of the evidence to determine whether or not the respondent is responsible for the alleged conduct. This determination is made based on the information available to determine if it is more likely than not that a violation occurred.

**Decision Letter.**
The hearing officer will simultaneously provide the parties the decision in writing. The decision letter will include the following information: allegations and policies charged, procedural steps taken during the grievance procedure, information used to determine the findings and their application to the policies charged, rationales for each finding, any sanctions imposed on the respondent, any remedies provided to the complainant, and information about the appeal process.

**G. Range of Possible Sanctions**
If a respondent is found responsible for the alleged conduct, the hearing officers will make a determination regarding appropriate sanctions. One or more of the following sanctions may be imposed:

- Formal warning
- Probation
- Deferred Suspension
- Suspension
- Deferred Dismissal (i.e., deferred expulsion)
- Dismissal (i.e., expulsion)
- Denial of privileges or associations
- Educational, Community, and Wellness Activities

When assigning sanctions, hearing officers consider the type and nature of any policy violation(s), including mitigating or aggravating factors, as well as the student’s prior conduct record. Sanctions are generally cumulative in nature.

For definitions and additional information about sanctions in the Student Conduct process, please refer to the [Student Code of Conduct](#).

**H. Remedial Action**
Following a hearing, the Director of Student Conduct shall work with the Title IX Coordinator, who will oversee any necessary remedial action to restore or preserve the complainant’s equal access to the university’s education programs or activities.

**Appeal Process**

Both parties have the opportunity to appeal the outcome of a formal hearing in a Title IX case regardless of the outcome. Sanctions take effect immediately, pending the appellate officer’s decision or the end of the appeal period.

**A. Grounds for Appeal**
Appeals are not re-hearings; therefore, appeal requests are limited to the following grounds:

- Procedural irregularity or denial of procedural guarantees
- Significant and relevant new information that was not available at the time of the hearing
- Conflict of interest or bias by the Title IX Coordinator, Investigator, or hearing officer(s), which affected the outcome
- Unduly harsh or arbitrary findings or sanctions.

Appeals submitted that do not have sufficient grounds in one of these areas will be denied.
B. Potential Outcomes of an Appeal
The appellate officer will review the appeal and may:
- Uphold the original decision and sanctions
- Uphold the original decision and either decrease or increase the sanction
- Vacate a finding
- Send the case back to the Title IX Coordinator for further investigation
- Send the case back to Student Conduct for a new partial or full hearing

C. Time Frame to Submit an Appeal
The parties have seven (7) business days from the date of the decision to submit the appeal. The date the decision is given is considered the first day of the appeal period. Appeals submitted after the deadline will not be accepted except in extenuating circumstances, as determined by Student Conduct.

D. Format of Appeal
The appeal is a written request submitted by the student for a review of the original case. The student should include which grounds for appeal they believe apply, and any information the student wants considered should be included in the written document. The burden is on the appealing party to demonstrate why the finding or sanction should be altered.

E. Notification to the Other Party
When one party submits an appeal, the Office of Student Conduct will notify the other party and provide them with an opportunity to review the appeal and submit a written statement in response, which will be included in the appeal documentation.

F. Appellate Officers
An appellate officer will be designated by the Assistant Vice President for Student Affairs, who serves as the university’s Chief Appellate Officer. All appellate officers are external to the Office of Student Conduct and Title IX. When they are designated to review a case, the Assistant Vice President will ensure they do not have conflicts of interest or bias and are, therefore, able to review the case objectively.

G. Appeal Decision Letter
The appellate officer will issue a decision on the appeal in writing to both parties simultaneously. This notification will include a rationale for the decision.
The following procedures apply to the adjudication and potential disciplinary actions related to formal complaints against employees for Title IX Sexual Harassment as defined in University Policy 1026 on Title IX Sexual Harassment and Responsible Employee Reporting. These procedures are compliant with the U.S. Department of Education’s regulations found in 34 CFR 106. **Future changes to these adjudication and disciplinary procedures must receive approval from the Virginia Tech Board of Visitors.**

**Formal Adjudication Process**

Upon referral of a case for formal adjudication, Office for Equity and Accessibility (OEA) will select from a pool of qualified hearing officers/appellate officers one person to serve as the Hearing Chair and a second person to serve as the Appellate Officer for the case. The designated Hearing Chair will convene and administer a live hearing in accordance with these procedures to determine whether the respondent is responsible for the alleged Title IX Sexual Harassment and, if so, to determine appropriate disciplinary sanctions.

A. Procedural Guarantees
The complainant and respondent are entitled to the following procedural guarantees prior to and throughout the formal adjudication process to:
- receive a copy of the final investigation report, including any attachments and supporting documents at least ten (10) calendar days in advance of the hearing;
- receive written notice of the date, time, location, participants, and policies charged at least five (5) calendar days in advance of the hearing to allow the parties sufficient time to prepare for the hearing;
- be accompanied by an advisor of their choice, at their own cost, or to have an advisor provided to them by the University without fee or charge;
- inspect and review, during the hearing, all evidence obtained during the investigation that is directly relevant to the allegations in the formal complaint;
- present witnesses, including fact and expert witnesses;
- present evidence that supports or refutes the alleged conduct;
- have their advisor cross-examine the other party and any witnesses;
- remain silent or otherwise not participate;
- challenge the objectivity of a hearing officer, given reasonable cause to believe that they may be biased or have a conflict of interest; and
- appeal, regardless of the outcome, based on the following grounds: (1) Procedural irregularity that affected the outcome; (2) New evidence that was not reasonably available at the time of the live hearing that could have affected the outcome; and (3) Conflict of interest or bias of the Title IX Coordinator or deputy Title IX coordinator, the assigned investigator, or hearing officer(s), that affected the outcome.

B. Title IX Hearing Officers
Upon referral of a case for formal adjudication, the Title IX Coordinator or a deputy Title IX coordinator will select a qualified Title IX hearing officer to serve as the Hearing Chair for that case. The Hearing Chair retains responsibility for, and authority over, the following:
Convening and administering the live hearing;
Communicating with participants about the date, time, and location of the hearing;
Ensuring that the live hearing follows the process set forth in these procedures, and that parties are given the procedural protections and guarantees described above;
Designating an advisor from the University to be present at the hearing, in case one or both parties do not bring an advisor to the hearing;
Making determinations about the relevancy of questions posed to witnesses and opposing parties by a party through their advisor;
Issuing the decision letter to parties; and
Informing parties of their appeal rights

C. Advisors
Parties are encouraged to bring an advisor of their choice to the hearing. The purpose of an advisor is to stand in place of their assigned party to ask questions of witnesses and opposing parties, since parties themselves cannot directly ask questions of witnesses and opposing parties. If a party does not have an advisor, the University will provide one to them without fee or charge. Except when asking questions of witnesses and opposing parties, advisors may not speak on a party’s behalf. Advisors must follow the guidance of the Hearing Chair.

D. Hearing Format
Apart from the requirements of these procedures, University policy, and state and federal law, the Hearing Chair retains substantial latitude to control the format and order of the formal adjudication process, including by taking any action necessary to keep or restore decorum during any live hearing. The Hearing Chair will ensure that the chosen format allows parties to present witnesses, including fact and expert witnesses, present evidence that supports or refutes the alleged conduct, and have advisors cross-examine the other party and any witnesses.

E. Witness Testimony and Cross-Examination
The Hearing Chair will ensure that both parties have an equal opportunity to present relevant evidence during the live hearing. Additionally, the Hearing Chair will permit each party’s advisor to ask relevant questions and follow-up questions, including questions that challenge credibility, of the other party and any witnesses.
Cross-examination must be conducted directly, orally, and in real time. Advisors must allow the Hearing Chair to make a determination about whether a witness may proceed to answer a question before pursuing that question further. Advisors, parties, and witnesses must respect the Hearing Chair’s determination with respect to any question that an advisor poses. Parties are prohibited from directly questioning each other or any witness.

Relevance
Certain types of evidence will be excluded from consideration during a Title IX investigation or hearing. The Hearing Chair may exclude evidence that tends to suggest that the complainant’s allegation is part of a pattern of conduct by the respondent, or evidence that is otherwise confidential or protected by some form of privilege. The Hearing Chair will use discretion to determine whether it is appropriate to consider these types of evidence. Determinations will be made based on the following principles:
• **Pattern of Conduct by Respondent:** evidence of a pattern of conduct similar in nature by the respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, may be relevant if: the previous incident was substantially similar to the present allegation; the information indicates a pattern of behavior and substantial conformity with that pattern; or the respondent was previously found responsible for a policy violation.

• **Information protected by legal privilege:** All information that is confidential or protected by a legal privilege is inadmissible in the investigation and hearing, and it will not be considered relevant. This includes all federally recognized legal privileges and any additional privileges recognized by the State of Virginia. These include attorney-client communications, medical and counseling records, and clergy-confessor statements.

When individuals offer their own confidential or privileged information, such as medical records, for an investigation, they will be asked to sign a release for that confidential information. Unless an individual has signed that release, the Hearing Chair will not permit witnesses to answer questions about, request, or share information that is confidential or privileged.

The Hearing Chair has authority to decide whether a witness can answer a question posed by an advisor during a hearing. If the Hearing Chair determines that a particular question is not relevant, then the Hearing Chair will tell the witness not to answer the question and provide a brief rationale for that decision to hearing participants.

The Hearing Chair will automatically prohibit a witness from answering the following kinds of questions:

- Questions that solicit information about or relating to a complainant’s prior sexual behavior, unless:
  - the questions are intended to and will have the effect of proving that someone other than the respondent committed the alleged conduct; or
  - the questions are reasonably calculated to prove the existence of consent for the alleged misconduct.

- Questions or information that disclose or seek to disclose privileged information, such as questions relating to a witness’s medical or psychological records.

If the Hearing Chair determines that a witness cannot answer a question for one of the reasons described above, then the Hearing Chair will instruct the witness not to answer the question and provide a brief rationale for that decision to hearing participants.

**Refusal to Participate in Cross-Examination**

Parties and witnesses are not required to answer questions or otherwise participate in hearings. The Hearing Chair will not draw an inference, positive or negative, from the decision of a party or witness not to participate in the formal adjudication process. A party or witness who chooses not to answer a relevant question posed by a party's advisor will be considered an unresponsive party or witness. When deliberating about the outcome of a case, the Hearing Chair will exclude from consideration all statements made by an unresponsive party or witness, regardless of the stage in the process in which the unresponsive party or witness made statements.
F. Recording
The University will create an audio or video recording of any formal hearings. A copy of the recording will be made available to the parties for inspection and review upon request.

G. Hearing Location and Virtual Participation
At the discretion of the Hearing Chair, a hearing may be conducted in a single physical location, with all parties present, or virtually, with some or all participants appearing via videoconference. If the hearing is held in person (i.e., in a single physical location), either party may request to be located in a separate room and to participate via video conference. Regardless of the participation method, the Hearing Chair will ensure that parties are able to see and hear each other and any witnesses in real time.

H. Determination of Responsibility
The Hearing Chair is responsible for making the determination about whether there is sufficient evidence to conclude that a respondent’s conduct violated the University’s Title IX Sexual Harassment Policy.

I. Standard of Proof
The University uses the preponderance of the evidence to determine whether or not the respondent is responsible for the alleged misconduct. In making the determination about whether there is sufficient evidence to conclude that a respondent’s conduct violated the University’s Title IX Policy, the Hearing Chair will determine whether it is more likely than not that a violation occurred based on the information presented during the live hearing.

J. Decision Letter
The Hearing Chair will provide the parties notice of the outcome of the hearing in writing via a decision letter. The decision letter will include the following information: allegations and policies charged, a description of the process and the steps taken during the grievance procedure, information used to determine the findings and the application of the findings to the policies charged, rationales for each finding, any sanctions imposed on the respondent, any remedies provided to the complainant, and information about the appeal process.

K. Range of Possible Sanctions
The imposition of sanctions is designed to eliminate sexual harassment and prevent future recurrence while supporting the University’s educational mission and legal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved or so deleterious to the educational process that it requires the imposition of severe sanctions, including suspension or termination of employment from the University.
If a respondent is found responsible for the alleged misconduct, one or more of the following sanctions may be imposed:

- Formal warning;
- Probation;
- No contact directives;
- Assignment of alternative worksite;
- Reassignment of position; and
- Recommendation for the imposition of a severe sanction, including demotion, suspension, non-reappointment, and for-cause dismissal.
When assigning sanctions, the Hearing Chair will consider the type and nature of any policy violation(s), including mitigating or aggravating factors. Sanctions are generally cumulative in nature. Nothing in these procedures abrogates post-adjudication rights as provided by state and federal law (i.e., State Grievance Procedure, under Chapter 30 (§2.2-3000 et. seq.) of Title 2.2 of the Code of Virginia; the Office for Civil Rights; and the Equal Opportunity Employment Commission). OEA will coordinate with the respondent’s supervisor to ensure the timely implementation of any sanction.

L. Remedial Action
Following any hearing that results in a finding of responsibility, the Hearing Chair will coordinate with OEA to ensure that the complainant receives any remedial action necessary to restore or preserve the complainant’s equal access to the University’s education programs or activities. OEA will take any steps necessary to ensure that the complainant’s ability to access to the University’s education programs or activities is fully restored.

Appeal Process

Both parties have an equal opportunity to appeal the outcome of a formal hearing in a Title IX case, regardless of the outcome.

A. Title IX Appellate Officers
Upon referral of a case for formal adjudication, the Title IX Coordinator or a deputy Title IX coordinator will select a qualified Title IX appellate officer to serve as the Appellate Officer for that case. The Appellate Officer retains responsibility for, and authority over, the following:

- Administering the appeals process in accordance with this section;
- Communicating with participants about the appeals process;
- Ensuring that parties are given an equal and fair opportunity to appeal in accordance with this section;
- Providing simultaneous notice to parties describing the outcome of an appeal in accordance with this section; and
- In the case of an appeal that merits a new partial or full hearing, coordinating with the Title IX Coordinator or a deputy Title IX coordinator as necessary to ensure that a new or partial hearing is convened and administered in a manner that is fair and impartial to both parties.

B. Grounds for Appeal
Appeals are not re-hearings. Appeal requests must be based on one of the following grounds:

- **Procedural Irregularity:** Procedural irregularity that affected the outcome;
- **New Evidence:** New evidence that was not reasonably available at the time of the live hearing that could have affected the outcome; and
- **Conflict of Interest:** Conflict of interest or bias of the Title IX Coordinator or deputy Title IX coordinator, the assigned investigator, or Hearing Chair, that affected the outcome.

The Appellate Officer will deny any appeal that is not sufficiently grounded in one or more of the bases described above.
C. Timeframe to Submit an Appeal
Parties have seven (7) calendar days from the date of the decision to submit the appeal. The date that the Hearing Chair sends the decision letter to parties is considered the first day of the appeal period. Appeals submitted after the deadline will not be accepted except in extenuating circumstances, as determined by the Appellate Officer.

D. Format of Appeal
To appeal, a party must submit a written request using the Appeal Form. The request must state the grounds on which the party seeks to appeal and include a rationale citing any information the party wants the Appellate Officer to consider and describing why the appeal should be granted. The burden is on the appealing party to demonstrate that the finding or sanction should be altered or a new partial or full hearing should be convened.

E. Notification to the Other Party
When one party submits an appeal, the Appellate Officer will notify the other party and provide them with an opportunity to review the appeal and submit a written statement in response, which will be included in the appeal documentation that the Appellate Officer will consider when making the determination about whether to grant or deny the appeal. The other party will have five (5) calendar days to respond to the appeal. Except in extenuating circumstances the Appellate Officer will not accept a late response.

F. Potential Outcomes of an Appeal
The Appellate Officer will review all information that parties submit in support of and in opposition to the appeal. The Appellate Officer may:
- Deny the appeal and uphold the original decision and any disciplinary sanctions and remedies;
- Grant the appeal and vacate a finding or findings; or
- Grant the appeal and send the case back to the Title IX Coordinator or deputy Title IX coordinator to identify a Hearing Chair to convene and administer a new partial or full hearing.

The Appellate Officer will issue a decision on the appeal via a letter sent to both parties simultaneously. This notification will include a brief rationale for the decision using the identified appeal basis as the standard for determining the appropriate course of action. Appeals are not de novo reviews; instead, the Appellate Officer will rely only on the record and any information that the parties submit in support of or in opposition to the appeal.
Policy on Harassment, Discrimination, and Sexual Assault

No. 1025

1.0 Purpose

The university is subject to Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act, the Equal Pay Act, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Federal Executive Order 11246, Genetic Information Nondiscrimination Act of 2008 (GINA), Virginia Executive Order(s), and all other rules and regulations that are applicable.

2.0 Policy

2.1 University Statement on Non-Discrimination

Virginia Tech does not discriminate against employees, students, or applicants on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status, or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants, or on any other basis protected by law.

2.2 Applicability of Non-Discrimination Statement

The prohibition against discrimination and harassment applies to all levels and areas of university operations and programs, to undergraduate and graduate students, administrators, faculty, staff, volunteers, vendors and contractors. Such behavior is inconsistent with the university’s commitment to excellence and to a community in which mutual respect is a core value as articulated in the Virginia Tech Principles of Community.

2.3 Reference to Policy on Title IX Sexual Harassment

Effective August 14, 2020, sexual misconduct that falls under Title IX Sexual Harassment, as defined by federal law, shall be governed by the university’s Policy on Title IX Sexual Harassment and Responsible Employee Reporting (Policy No. 1026). If both this policy and Policy No. 1026 apply, the procedures as outlined in Policy No. 1026 shall be utilized. For clarification on what sexual misconduct falls under Title IX Sexual Harassment, please see Policy No. 1026.

3.0 Scope

The university’s jurisdiction includes on-campus incidents and off-campus incidents that cause continuing effects on campus and includes complaints filed by students or employees, or others on their behalf, alleging discrimination or discriminatory harassment.
(including sexual harassment and sexual violence) carried out by faculty, staff, other students, or third parties.

Virginia Tech is also committed to the free and vigorous discussion of ideas and issues. This policy does not allow curtailment or censorship of constitutionally protected expression, nor does it attempt to address behaviors that do not constitute discrimination or harassment. Offensive behavior that does not violate this policy should be addressed by the appropriate supervisor or administrator.

3.1 Contact Information

Questions and complaints of discrimination or discriminatory harassment involving faculty, staff, or students should be filed with:

The Assistant Vice President for Equity and Accessibility
Office of Equity and Accessibility
Virginia Tech
North End Center
300 Turner St.
Blacksburg, VA 24061
Phone: (540) 231-2010
equityandaccess@vt.edu

4.0 Procedures

The procedures referenced below provide for prompt and equitable response to reports of prohibited conduct. The procedures also provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The university applies the preponderance of the evidence standard when determining whether this policy has been violated. "Preponderance of the evidence" means that it is more likely than not that a policy violation occurred.

The appropriate university avenue for resolving a complaint covered under this policy is determined by the status of the person accused.

All undergraduate, graduate, and professional students at the university are subject to the university’s student code of conduct as outlined in the Hokie Handbook, accessible at https://www.hokiehandbook.vt.edu/. Procedures for addressing student violations of this policy are available at www.stopabuse.vt.edu.

Faculty members at the university are subject to the rules included in the Faculty Handbook, accessible at https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html. Staff members are subject to the rules included in university policies (https://www.hr.vt.edu/resources/current-employees/policies-handbooks.html) and the Virginia Department of Human Resource Management Policies (http://www.dhrm.virginia.gov/hrpolicy/policy.html#probper), with minor exceptions for University Staff. Procedures for addressing staff and faculty violations of this policy are available from Human Resources.

We encourage victims of sexual violence, including rape, sexual assault, sexual battery, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech’s property, regardless of the status of the complainant. For crimes occurring away from Virginia Tech’s property, victims may contact the local law enforcement in the appropriate jurisdiction.

4.1 Responsibilities of Administrators and Supervisors
University administrators, supervisors, and those performing instructional or academic advising duties have an added responsibility to create and maintain a work and learning environment free of discrimination/harassment.

If an administrator, supervisor or individual with instructional responsibility becomes aware of an incident that might reasonably be construed as constituting discrimination/harassment, he or she must promptly contact the Office for Equity and Accessibility and coordinate with that office to take immediate steps to address the matter. In such cases, the administrator, supervisor or individual with instructional responsibility should promptly contact the Office of Equity and Access in order to coordinate any further action that may be necessary.

Administrators, supervisors and those with instructional responsibility should contact the Office for Equity and Accessibility act whenever they learn—either directly or indirectly—about discrimination/ harassment. This obligation exists even if the complainant requests that no action be taken.

Administrators, supervisors and those with instructional responsibility (for their respective teaching obligation) have the legal responsibility to protect a complainant from continued discrimination, harassment or retaliation, including implementing interim measures necessary to protect the complainant. They must also protect persons accused of discrimination/ harassment from potential damage by false allegations. Administrators and supervisors will be held accountable for dealing with and taking necessary steps to prevent discrimination/harassment. It is not the responsibility of the complainant to correct the situation.

Employees are responsible for informing employees and students under their supervision of this policy and the name and contact information of the person responsible for addressing discrimination complaints covered under this policy.

4.2 Statement on Responsible Employees for Title IX Reports

For reports that are covered by Title IX (including sex discrimination, sexual harassment, sexual violence, dating and domestic violence, and stalking), responsible employees include all individuals that are employed by Virginia Tech who have the authority—or whom an employee or student could reasonably believe have the authority or duty—to redress sex discrimination and sexual harassment. This includes but is not limited to all faculty members; all classified and university staff; any wage employee in a supervisory role; graduate teaching assistants; graduate research assistants; residential advisors; law enforcement; and security officials. Responsible parties are obligated to report acts of sexual violence or any other sexual misconduct by employees or students to the Title IX coordinator. Once a responsible employee is on notice of the sexual misconduct, including sexual violence, the responsible employee must promptly report all information they have to the appropriate Title IX Coordinator. Notice may be received directly or indirectly and could include a grievance, information from a student, another employee, parent or friend, sources in the local community, social networking sites, the media or an anonymous report.

Confidential resources include the staff at the University Ombuds Office and Graduate School Office of the Ombudsman, Schiffert Health Center, Cook Counseling Center, Virginia Tech Mental Health Centers, and the Virginia Tech Women’s Center. Disclosures made to Athletic Doctors while acting within the scope of his or her license or certification are also confidential. The employees in this list are not considered responsible employees.

4.3 Supplemental/Alternative Avenues for Formal Complaints

In addition to, or in lieu of, the procedures set forth above, individuals may pursue those remedies that are available to them, as appropriate, through the following agencies:

Students and applicants for admission may file formal complaints with the Office for Civil Rights of the U.S. Department of Education.

Faculty members or applicants for employment may file a charge with the federal Equal Employment Opportunity Commission and/or the Virginia Council on Human Rights within 300 days of the incident.
The following options are available to staff members or applicants for employment:

a) Non-probationary staff may file a grievance within 30 calendar days of the offense as outlined in the Grievance Procedure for State Employees, or

b) Salaried and wage staff may file a complaint using the Discrimination Complaint Procedure administered by the Office of Equal Employment Services in the state’s Department of Human Resource Management.

c) Salaried and wage staff may file a complaint with the federal Equal Employment Opportunity Commission or the Virginia Council on Human Rights within 300 days of the alleged discrimination/harassment.

Additional information regarding this policy may be obtained from the Department of Human Resources.

Additional assistance and support may be obtained from the Women’s Center, the Office of the Provost (faculty), the Department of Human Resources (staff and AP faculty), the Graduate School (graduate students), the Dean of Students Office, Cook Counseling Center, or Student Conduct (students).

We encourage victims of sexual violence, including rape, sexual assault, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech’s property, regardless of the status of the victim. For crimes occurring away from Virginia Tech’s property, victims may contact the local law enforcement in the appropriate jurisdiction.

5.0 Definitions

Consent means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.

- Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.

- Previous relationships or prior consent cannot imply consent to future sexual acts.

Discrimination and/or Harassment - Conduct means conduct that conditions any element of a person's employment, enrollment as a student, receipt of student financial aid, or participation in university activities on that person's age, color, disability, sex (including pregnancy), gender (including pregnancy), gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status, unless otherwise permitted or required by applicable law. Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law. Discrimination on the basis of sex in education programs and activities receiving federal financial funding as set forth in Title IX of the Education Amendments of 1972, as amended, is included in this definition of prohibited discrimination;

Conduct of any type (oral, written, graphic, electronic or physical) that is based upon a person’s age, color, disability, sex (including pregnancy), gender (including pregnancy), gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, or veteran status and unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning
environment that a reasonable person would find hostile, threatening or intimidating; and/or

Conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual’s employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual.

**Retaliation** means any adverse action taken against a person for making a good faith report of conduct prohibited under this policy or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. The definition of retaliation does not preclude an individual from engaging in good faith actions, lawfully pursued, in response to a report of conduct prohibited under this policy.

**Sex Discrimination and Sexual Harassment**—Conduct of means conduct any type (oral, written, graphic, electronic or physical) that is based upon a person’s sex (including pregnancy), and unreasonably interferes with the person's work or academic performance or limits participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating.

**Sexual Harassment includes conduct** of a sexual nature, including conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual’s employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual. This policy includes sexual violence, gender-based harassment, domestic violence, dating violence and stalking as forms of sexual harassment.

**Retaliation**—It is a violation of this policy to retaliate against any party for participating in a discrimination/harassment investigation (“protected activity”). Retaliation includes any adverse treatment that is reasonably likely to deter the complainant or others from filing a charge of discrimination/harassment or participating in a discrimination/harassment investigation. Retaliation can be verbal, written, graphic, electronic or physical.

**Dating violence**—acts of physical or sexual abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.

**Domestic violence**—a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**Sexual Exploitation**—means an act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.
Sexual Violence—means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol, or is unable to give consent due to an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

- **Rape** means penetration, no matter how slight, of the vagina or anus of a person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or mental incapacity.

- **Incest** means sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

- **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.

- **Sexual Assault** means actual or attempted sexual contact with another person without that person’s consent.

- **Sexual Coercion** means using physical or verbal aggression or pressure to force or attempt to force a person to touch another person’s intimate parts without that person’s consent.

**Sexual Assault**—actual or attempted sexual contact with another person without that person’s consent.

- **Sexual Battery**—intentional touching of another person’s intimate parts without the person’s consent; or other intentional sexual contact with another person without that person’s consent.

- **Sexual Coercion**—using physical or verbal aggression or pressure to force or attempt to force a person to touch another person’s intimate parts without that person’s consent.

- **Rape**—penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

**Dating violence** means violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** means felony or misdemeanor crimes of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Virginia; or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Virginia.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s individual safety or the safety of others; or (b) suffer substantial emotional distress—repeatedly contacting another person when the contact is unwanted. Additionally, the contact may cause the
other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone, or by computer) or remaining in the physical presence of the other person.

**Consent**—knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.

- Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

### 6.0 References

- Presidential Policy Memorandum No. 112, University Non-Discrimination Statement
  [https://policies.vt.edu/assets/112-non-discrimination-statement.pdf](https://policies.vt.edu/assets/112-non-discrimination-statement.pdf)
- University Policy 1026, Policy on Title IX Sexual Harassment and Responsible Employee Reporting
- University Policy 4075, Policy for University Accommodation of Persons with Disabilities
  [http://www.policies.vt.edu/4075.pdf](http://www.policies.vt.edu/4075.pdf)
- Virginia Department of Human Resources Management, Policy 1.60 Standards of Conduct
- Virginia Department of Human Resource Management, Policy 2.05, Equal Employment Opportunity
- Virginia Department of Human Resource Management, Policy 2.30 Workplace Harassment
- Virginia Tech, Classified and University Staff Policies and Handbook
  [https://www.hr.vt.edu/resources/current-employees/policies-handbooks.html](https://www.hr.vt.edu/resources/current-employees/policies-handbooks.html)
- Virginia Tech, Expectations for Graduate Education
  [https://graduateschool.vt.edu/content/dam/graduateschool_vt_edu/expectations-pdfs/expectations-for-graduate-education-may-2017.pdf](https://graduateschool.vt.edu/content/dam/graduateschool_vt_edu/expectations-pdfs/expectations-for-graduate-education-may-2017.pdf)
- Virginia Tech, Faculty Handbook
  [https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html](https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html)
7.0 Approval and Revisions

- Revision 1

- Revision 2

- Revision 3

- Revision 4

- Revision 5
  Section 4 – “faculty member” replaced with “individual with instructional responsibility.” Approved March 16, 2011 by Charles W. Steger, University President.

- Revision 6
  April 24, 2013: Technical updates to:
  - reflect regulations, particularly those that add genetic information to the list of protected statuses;
  - clarify oversight responsibilities for sexual harassment complaints involving any student who is not acting in the capacity of an employee, volunteer, or contractor;
  - clarify that non-probationary employees have 30 “calendar” days to file a grievance; and
  - update references and hyperlinks.
  Approved June 3, 2013, by Charles W. Steger, University President, and the Board of Visitors.

- Revision 7
  Revised to include the addition of terms “gender identity” and “gender expression” in sections 1. Purpose, first paragraph, and 2.1 Prohibited Acts, first and second paragraphs.
Approved September 15, 2014 by University President, Timothy D. Sands, and the Board of Visitors.

- **Revision 8**
  Revised to include definitions approved by the Board of Visitors on June 1, 2015, and add contact information for the Title IX Coordinator, and language encouraging victims to file a complaint with the appropriate law enforcement agency.

  Approved June 1, 2015 by University President, Timothy D. Sands, and the Board of Visitors.

- **Revision 9**
  Revised section 2.1 to include the sentence, “Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law.” This is added to comply with Federal Executive Order 13665, issued by President Obama.

  Approved November 9, 2015 by University President, Timothy D. Sands, and the Board of Visitors.

- **Revision 10**
  Significant reorganization of information and to update Procedures section to reflect status of the individual(s) involved in the complaint/potential complaint. Policy name was also changed.

  Approved June 30, 2016 by University President, Timothy D. Sands.

- **Revision 11**
  - Revised section 2.1 to add “sex” to the non-discrimination statement, in accordance with Governor Northam’s Executive Order Number One.
  - Revised section 3.1 to have all questions and complaints filed with The Assistant Vice President for Equity and Accessibility, who can further redirect the filing, if appropriate.

  Approved February 12, 2018 by University President, Timothy D. Sands.

- **Revision 12**
  Revised section 4.2 to include the University Ombuds Office (new office) and Graduate School Office of the Ombudsperson as confidential resources.

  Approved October 8, 2019 by University President, Timothy D. Sands.

- **Revision 13**
  Revisions throughout document to reflect new Title IX regulations promulgated by the United States Department of Education, effective August 14, 2020, which also resulted in the creation of a new University Policy on Title IX Sexual Harassment and Responsible Employee Reporting (No. 1026). Revision effective August 14, 2020.

  Approved August 13, 2020, by the Executive Committee of the Board of Visitors.
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I. INTRODUCTION

The Virginia Tech community is guided by the university’s motto, Ut Prosim (That I May Serve), and is based on the fundamental values expressed in the Principles of Community: to nurture learning and growth for all community members, to encourage open expression, and to respect our differences and common humanity.

When a student accepts admission to Virginia Tech as an undergraduate, graduate, or professional student, they also accept membership in the university community and responsibility for upholding its shared values and expectations. The Student Code of Conduct outlines policies established by the university that set standards for students’ behavior, along with procedures for adjudicating and sanctioning violations of these standards. The code applies to all students and student organizations at Virginia Tech, as defined in this document. The university reserves the right to make changes to the code at any time.

Authority to approve policies and procedures for student discipline, as outlined in the Student Code of Conduct, lies with Virginia Tech’s governing body, the Board of Visitors, as authorized under the Code of Virginia. The Vice President for Student Affairs has responsibility for the university conduct system, with direct supervisory oversight of disciplinary matters assumed by the Office of Student Conduct, under the direction of the Director of Student Conduct. The director serves as the Chief Student Conduct Officer for the university.

The Student Code of Conduct does not apply to matters of academic integrity. For information on policies and procedures related to student academic integrity, please refer to the following:

- Undergraduate Academic Integrity
- Graduate Honor System
- Doctor of Veterinary Medicine Honor Code (Virginia-Maryland School of Veterinary Medicine)
- Doctor of Medicine Honor Code (Virginia Tech Carilion School of Medicine)

The Office of Student Conduct and the University Conduct System

The Student Code of Conduct is overseen by the Office of Student Conduct. The university’s conduct system supports the educational mission of the university by educating students about appropriate behavior and fostering a community in which students can flourish academically and personally.

The system assumes that students and student organizations have the capacity to assume responsibility for their own behavior and that the university has the authority to establish an internal structure for the enforcement of its policies and procedures, which students have agreed to accept by enrolling in the university. As part of its authority, Student Conduct may suspend or dismiss students from the university.

Conduct matters are addressed by Student Affairs professionals who have been appointed as hearing
officers by the Director of Student Conduct. These individuals each have significant education and training on student development, student discipline, and university policies and procedures.

Additional Community-Specific Regulations
As part of their education and life at Virginia Tech, students may also be involved in organizations, programs, or other entities for which additional and separate standards and policies, including potential sanctions for violations, have been established. Students should be aware of additional policies that may apply to their involvement in certain programs, organizations, or communities, including but not limited to students in the Corps of Cadets, student athletes, members of certain Greek-letter organizations under the Office of Fraternity and Sorority Life, and students in certain colleges or programs, such as the Virginia Tech Carilion School of Medicine or the Virginia-Maryland College of Veterinary Medicine.

These policies and processes do not supersede a student’s responsibilities under the Student Code of Conduct. In situations involving potential violations of policies in the Student Code of Conduct and community-specific policies, the student is accountable first to the university’s Code. Additional sanctions may be issued by programs/organizations that address a student’s participation or membership in those communities, specifically. Student Conduct is responsible for coordinating adjudication processes with these various entities, when appropriate.

II. STUDENT RIGHTS AND RESPONSIBILITIES

As individuals, Virginia Tech students enjoy basic rights. As members of the university community, they also accept certain responsibilities.

Rights
1. Students at Virginia Tech will be treated fairly and with dignity regardless of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status as described in university policy 1025.
2. Students at Virginia Tech enjoy those rights guaranteed by the Constitutions of the United States and the Commonwealth of Virginia. This includes activities protected under the First Amendment. In accordance with the Code of Virginia, incidents of disruption of constitutionally protected speech may be reported via the Speech on Campus webpage.
3. The Student Code of Conduct and the policies and procedures it outlines, under the administration of the Office of Student Conduct, provides an administrative process for resolving allegations of misconduct. This process includes certain procedural guarantees to ensure that students receive a fair and equitable resolution.

Responsibilities
1. Students are responsible for understanding and following university policies and procedures, including the Student Code of Conduct, and for abiding by all applicable state, federal, and local laws.
2. University email is the primary means by which the university communicates with students; therefore, students are responsible for reading all official communications delivered to their university email address.

3. Students who are offered admission to Virginia Tech and choose to matriculate have a continuing duty to report to the Office of Student Conduct any arrests or convictions, other than minor traffic violations, as well as any protective orders issued against them. This duty applies regardless of where the arrest occurred and regardless of whether the university is in session at the time of the arrest or conviction. Students must notify Student Conduct in writing, using the Arrest Disclosure and Conviction Form, within 10 business days of the incident that led to their arrest or within five business days of the incident that led to their conviction. Failure to comply with this continuing duty may result in disciplinary action under the Student Code of Conduct.

III. JURISDICTION

Enrollment Status
For the purposes of disciplinary action, a “student” is defined as any individual who has accepted an offer of admission as an undergraduate, graduate, or professional student and who has not yet graduated or officially transferred to another institution.

If a student’s enrollment lapses for more than one calendar year, based on a student’s voluntary decision not to enroll, that student will no longer be subject to disciplinary action. However, students who are separated from the university for academic or disciplinary reasons are still considered students for disciplinary purposes, regardless of the duration of the separation.

Student Organizations
A student organization, as defined in this document (below), may be considered for disciplinary action if an incident(s) is determined to be an organizational activity, based on at least two of the criteria listed below. Student Conduct will consider the entirety of the information to determine whether to charge an organization.

- Any student serving as an executive officer of the organization who is aware of the incident sufficiently in advance of its occurrence to prohibit its taking place and takes no action to prohibit it.
- The incident involves the expenditure of any organizational funds.
- The incident involves or is actively or passively endorsed by a majority of the members of the organization.
- The incident occurs in property owned, rented, reserved, or used by the organization.
- Members and/or non-members of the organization learned about the event where the incident occurred through members or communication associated with the organization.
- The incident occurred as a result of individual members of the organization acting in the capacity as members of the organization.
Student leaders and members of organizations who are complicit in any violation of the Student Code of Conduct or who permit or condone behavior that violates the code may also be held accountable as individuals in addition to the organization.

Location of Incidents
Students and student organizations that violate the Student Code of Conduct may be considered for disciplinary action whether the conduct occurs on or off university property.

The Student Code of Conduct may also apply to behavior conducted online or through an electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. The university does not regularly search for this information but may take action if and when such information is brought to the attention of university officials.

Alleged Violations of Criminal Law
When conduct violates both criminal law and the Student Code of Conduct, disciplinary action may be taken by the university, irrespective and separate from criminal action. At the university’s discretion, the Office of Student Conduct may proceed with disciplinary action prior to a criminal trial or postpone action until after trial.

IV. DEFINITIONS

The following terms as used throughout the Student Code of Conduct are defined below. In the context of the Student Code of Conduct, the terms below are defined as follows listed below. For definitions related to cases referred for formal adjudication under Title IX, refer to Appendix II.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>Advisor</td>
<td>An advisor is one person of a student’s choosing and cost who may accompany a student throughout the conduct process. They may consult with the student but not speak on the student’s behalf or participate actively in the process.</td>
</tr>
<tr>
<td>Aggravating Factors</td>
<td>An aggravating factor is information, used during sanctioning (i.e., after a violation has been determined to have occurred), that may increase the sanction. Some factors may include but are not limited to a student’s past conduct record and the nature and severity of the behavior and its impact.</td>
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<tr>
<td>Appeal</td>
<td>An appeal is a written request for review of a hearing and findings, based on specific grounds.</td>
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<td>Appellate Officer</td>
<td>An appellate officer is an employee of Virginia Tech, external to the Office of Student Conduct staff, designated by the Vice President of Student Affairs to review and respond to appeals.</td>
</tr>
<tr>
<td>Charge(s)</td>
<td>A potential violation of the Student Code of Conduct.</td>
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<tr>
<td>Complainant</td>
<td>Any individual who has reported a potential violation of the Student Code of Conduct. In cases involving gender-based violence that are referred by Title IX, “complainant” means an individual who reports experiencing gender-based harassment or violence.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>Conduct Officer or Hearing Officer</td>
<td>A conduct or hearing officer is an individual designated by the Director of Student Conduct to adjudicate cases involving allegations of conduct violations.</td>
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<tr>
<td>Conduct Referral</td>
<td>A report or complaint that alleges violations of the <em>Student Code of Conduct</em> by a student(s) or student organization(s).</td>
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<tr>
<td>Consent (general)*</td>
<td>Consent is generally defined as knowing, voluntary, and clear permission for something to occur. *For a more specific definition of consent in the context of sexual activity, please see the definition below.</td>
</tr>
</tbody>
</table>
| Consent (in the context of sexual activity, as defined in Policy 1025)) | Consent is defined as knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.  
  - Consent cannot be given where a person is incapacitated; or where a person has a disability; or is not of legal age to consent as defined by law.  
  - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.  
  - Previous relationships or prior consent cannot imply consent to future sexual acts. |
| Incapacitation                            | Incapacitation includes but is not limited to being asleep, drugged, intoxicated, or unconscious.                                          |
| Mitigating Factors                        | A mitigating factor is information, used during sanctioning (i.e., after a violation has been determined to have occurred), that may decrease the sanction. Some factors may include but are not limited to a student’s past conduct record and steps taken to remedy their behavior. |
| Notice                                    | Written notice of the alleged violations of the Code. Notice will be presumed to have been furnished when the notice is sent to the student’s Virginia Tech email address or, when appropriate, provided at a prehearing meeting. |
| Preponderance of the evidence             | The Office of Student Conduct uses preponderance of the evidence to determine whether or not a student has violated a policy in the *Student Code of Conduct*. This determination is made based on the information available to determine if it is more likely than not that a violation occurred. |
| Respondent                                | Any student or student organization alleged to have violated the *Student Code of Conduct*. In cases involving gender-based violence that are referred by Title IX, “respondent” means a Virginia Tech student who is alleged to have participated in gender-based harassment or violence. |
| Student                                   | For the purposes of disciplinary action, a “student” is defined as any individual who has accepted an offer of admission as an undergraduate, graduate, or professional student and who has not yet graduated or officially transferred to another institution. |
| Student Organization                      | For the purposes of disciplinary action, a “student organization” includes Registered Student Organizations (RSO), Extended Campus Student Organizations (ECSO), and University Chartered Organizations (UCSO), as defined in university policy 8010. |
| University Official                       | A university official is any person given authority by the University to perform
Proposed Student Code of Conduct for 2020-2021, effective August 14, 2020

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>administrative or professional responsibilities, including, but not limited to university police officers, resident advisors, graduate/teaching assistants, administrative support staff, faculty, etc.</td>
<td></td>
</tr>
<tr>
<td>University Property or University Facilities</td>
<td>University property or university facilities are any location, either permanent or temporary, owned or leased by Virginia Tech, and includes satellite campuses and offices. This includes, but is not limited to, the buildings, grounds, and the surrounding perimeters, including the parking lots, field locations, classrooms, alternate work or class locations, and university owned or leased vehicles.</td>
</tr>
<tr>
<td>Witness</td>
<td>A witness is a person who provides relevant information about an incident in a hearing or through a written statement. Character witnesses are not generally considered relevant.</td>
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</tbody>
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V. PROHIBITED CONDUCT

Alcohol and Other Drug Offenses

- **Alcoholic Beverage**: Improper use of alcohol as defined by the regulations of the Commonwealth of Virginia and the university, including but not limited to underage possession/consumption, public intoxication (regardless of age), providing alcohol to any underage person, or any violation of university alcohol regulations, as outlined in Appendix I.
- **Illegal Drugs**: Possessing, using, manufacturing, selling, or misusing any substance and/or possession of drug paraphernalia in violation of state or federal law.
- **Driving Under the Influence**: Operating or attempting to operate a motor vehicle, bicycle, or other personal transportation device while intoxicated or impaired by alcohol or other drugs.

Offenses Against People

- **Abusive Conduct**: The use of physical force against an individual or any acts that cause physical harm; threats, including words or actions, that may cause a person reasonable apprehension of imminent physical harm.
- **Endangerment**: Actions that intentionally or recklessly endanger the health, safety, or well-being of oneself or another person or group.
- **Harassment**: Unwelcome conduct not of a sexual nature that is sufficiently severe, pervasive, or persistent that it could reasonably be expected to create an intimidating, threatening, or hostile environment that limits the ability of an individual to work, study, or participate in the activities of the university. Note: the Code also includes a Gender-Based Harassment policy.
- **Hazing**: Any mental or physical requirement, request, or obligation placed upon any person for the purpose of admission, initiation, or continued association with a group or organization that could cause discomfort, pain, fright, disgrace, or injury; that is personally degrading; or that violates any federal, state, local statute, or university policy, the willingness of an individual to participate in such activity notwithstanding. Additional information is available in Appendix III.
- **Stalking**: Repeated contact of another person not based on gender when the contact is unwanted and may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person’s ability to perform the activities of daily life. Note: the Code also includes a Gender-Based Stalking policy.
• **Recording and/or Distribution of Audio/Visual Material Without Consent:** Making, attempting to make, sharing, or distributing an audio and/or visual recording of any person(s) without the knowledge and consent of all participants subject to such recordings, in locations where there is a reasonable expectation of privacy, and when the action is likely to cause injury, distress, or damage to one’s reputation.

• **Gender-Based Violence** *(these policies apply in cases outside of the jurisdiction of Title IX; for Title IX policy definitions, refer to [Appendix II for additional information]):*
  
  o **Sexual Violence:** Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.
    
    ▪ **Sexual Assault:** Actual or attempted sexual contact with another person without that person’s consent.
    
    ▪ **Sexual Battery:** Intentional touching of another person’s intimate parts without the person’s consent; or other intentional sexual contact with another person without that person’s consent.
    
    ▪ **Sexual Coercion:** Using physical or verbal aggression or pressure to force or attempt to force a person to touch another person’s intimate parts without that person’s consent.
    
    ▪ **Rape:** Penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.
  
  o **Gender-based Harassment:** Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

  o **Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person’s sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even if the behavior does not constitute one of the other sexual misconduct offenses.

  o **Domestic Violence:** A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

  o **Dating Violence:** Acts of physical or sexual abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
      
      ▪ The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
      
      ▪ Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.
Gender-Based Stalking: Repeatedly contacting another person when the contact is unwanted. Additionally, the contact may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person’s ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone, or by computer) or remaining in the physical presence of the other person.

Offenses Against Property
- **Damage or Destruction**: Intentional, reckless, and/or unauthorized damage to, destruction of, tampering with, or vandalism of property.
- **Fire Safety**: The misuse of or tampering with firefighting equipment, unauthorized burning, disregarding fire alarm signals, deliberately initiating a false alarm or, tampering with fire detection or suppression equipment.
- **Theft**: Theft, attempted theft, or possession of stolen property.
- **Unauthorized Entry**: Entering, attempting to enter, or being present in buildings, residences, public or private property, and/or facilities or other areas without proper authority.

Offenses Against the Community
- **Disorderly or Disruptive Conduct**: Engaging in disorderly or disruptive conduct that interferes with university, community, or individual activities, including but not limited to studying, teaching, research, and university administration.
- **Public Exposure**: Any act or attempted act of public nudity or urinating/defecating in public.
- **Hazardous Materials**: Unauthorized possession or use of fireworks, explosives, or hazardous and potentially hazardous materials.
- **Weapons**: Unauthorized possession, use, or storage of firearms, ammunition, or weapons on university property at any location, either permanent or temporary, owned or leased by Virginia Tech. Refer to Virginia Polytechnic Institute and State University Policy and Procedures No. 5616 for additional information.

Offenses Against the University
- **Failure to Comply**: Failure to comply with a request and directives of university officials acting within the scope of their authority, including but not limited to the following: failure of a student to present their university identification card, failure to keep or attend a required meeting, and failure to leave an area when requested by an authorized university official. Upon the request of the student questioned, university officials must identify themselves and state the source of their authority.
- **Furnishing False Information**: Knowingly giving false information to a university official who is performing their official duties, including but not limited to perjury in a conduct hearing.
- **Interference with University Complaint Processes**: Attempting or actively influencing, impeding, intimidating, interfering, coercing, or retaliating against any person involved in a potential, actual, or past student complaint in a formal university complaint process.
- **Involvement in a University Violation**: Presence during any violation of the Student Code of Conduct and/or other university policies in such a way as to condone, support, or encourage that violation. Students who anticipate or observe a violation of university policy are expected to remove themselves from participation and are encouraged to report the violation.
• Visitation/Guest Policies: Students or student organizations will be held responsible for the conduct of their guests and are expected to inform them of all university regulations, including but not limited to Housing and Residence Life policies.

Other Prohibited Conduct
• Actions Leading to the Conviction of Criminal Offenses: Any student convicted of a criminal offense is subject to university disciplinary action.
• Failure to Observe Rules and Regulations: Failure to observe rules and regulations issued by the university that are not listed specifically as “Prohibited Conduct” in the document, including but not limited to regulations linked above in the “Additional University Policies for which Students are Responsible” and “Additional Community Specific Regulations” sections.
• Forgery or Fraud: Forgery or fraud, including attempts to obtain any item of value under false pretenses, falsification of official university documents, or possession of forged or altered identification or another person’s identification.
• Gambling: Participation in any form of illegal gambling.

Statement on Sanction Enhancements for Policy Violations Motivated by Bias
Any violation of the Virginia Tech Student Code of Conduct found to be motivated by an individual’s age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status (as stated in Virginia Polytechnic Institute and State University Policy and Procedures No. 1025) will be deemed an aggravating factor and will subject the student to a sanction more severe than would be imposed in the absence of such motivation. This sanction enhancement will not apply in cases in which protected classes are specifically addressed within the language of the policy, such as gender-based violence or gender-based stalking.

Statement on Self-Reporting and Bystander Intervention
Virginia Tech recognizes that the health and safety of students is of utmost importance. Therefore, if someone requires assistance for themselves or others because of alcohol or drug use, we want them to call for help. If medical assistance is sought, Student Conduct will not pursue conduct charges against the individual or organization who sought assistance, or the individual in need of assistance. However, Student Conduct will still require students to attend a meeting with a hearing officer to discuss the incident and will assign substance-related and other educational assignments to the involved parties.

Violations having a significant individual or community impact and students with prior violations that demonstrate an actual, potential, or perceived pattern of behavior are not likely to have outcomes that are mitigated and are not likely to be protected under this policy.

Statement on Reports of Sexual Harassment and Gender-Based Violence and Immunity for Use of Alcohol or Other Drugs
Virginia Tech seeks to remove any barriers to reporting incidents of sexual harassment and gender-based violence. Therefore, any student, whether the complainant or a third party, who makes a good-
faith report of sexual harassment or gender-based violence will be immune from disciplinary action for their personal consumption of alcohol or other drugs occurring at the time of the reported incident.

VI. ADDITIONAL UNIVERSITY POLICIES FOR WHICH STUDENTS ARE RESPONSIBLE

The Student Code of Conduct is intended to include other rules, regulations, and policies issued by the university that pertain to students and student organizations. Violations of these policies are actionable under the Student Code of Conduct when the violation warrants a process or sanction beyond what is available in these policies. Additional policies include but are not limited to the following:

- Dining policies
- Housing and Residence Life Policies
- Housing and Dining Contract
- Mail Services Procedures for Receipt of Parcel Packages and Mailings
- Parking and traffic regulations
- Student ID Cards
- University-level policies (see the university’s policy library at https://policies.vt.edu/policy-library.html for a full list of policies relevant to students; the following policies are those most frequently referenced):
  - Acceptable Use and Administration of Computer and Communications Systems
  - Arrest, Conviction, and Protective Order Disclosures
  - Bicycles and Personal Transportation Devices
  - Campus and Workplace Violence Prevention
  - Facilities Usage and Events
  - Harassment, Discrimination, and Sexual Assault
  - Operation of Unmanned Aircraft Systems
  - Sales, Solicitation, and Advertising on Campus
  - Serving Alcohol
  - Smoking
  - Social Media
- University Names and Trademarks

VII. STUDENT CONDUCT PROCESS

The Office of Student Conduct uses the following procedures to address behavior that is alleged to have violated university policy. It should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible and are not exactly the same in every situation, though consistency in similar situations is a priority. The procedures used in particular cases are determined at the sole discretion of the Office of Student Conduct.

The university conduct process is an administrative function and differs from civil or criminal legal proceedings. In some situations, students may be involved in both legal and university systems.
Step 1: Submitting a Conduct Referral/Complaint

Any student, faculty member, staff member, administrator, community member, or concerned party may submit a complaint, known as a “conduct referral,” to the Office of Student Conduct. While there is no time limit for referrals, Student Conduct encourages people who plan to bring a complaint against a Virginia Tech student to do so as quickly and prudently as possible.

Student Conduct will review the conduct referral to determine if there is information regarding behavior that may violate the Student Code of Conduct and thus warrants resolution within the conduct system. This review may include a meeting with the person(s) who submitted the complaint and/or an investigation to gather additional information.

Potential outcomes of the review include the following:

- A determination that interim measures or administrative actions should be imposed in order to maintain safety or order.
- A determination that an investigation is needed to gather additional information to identify an appropriate avenue for resolution.
- A determination that the matter should be referred to another office or process.
- A determination that there may be a potential violation of the Student Code of Conduct and that an agreed resolution is the appropriate avenue for resolution.
- A determination that there may be a potential violation of the Student Code of Conduct and that a formal hearing is the appropriate avenue for resolution.
- A determination that the complaint may not involve a potential policy violation but is related to a conflict; in this case, Student Conduct may offer voluntary mediation, facilitated dialogue, or conflict coaching.
- In some cases, at Student Conduct’s discretion, students will be invited to participate in and educational conversation about the concerns raised in the complaint, even when Student Conduct determines that adjudication is not appropriate.
- A determination that there is insufficient information to pursue the complaint.
- A determination that the behavior alleged, even if proven, would not violate the Student Code of Conduct.

Formal Complaints of Sexual Harassment and Gender-Based Violence

Formal complaints of sexual harassment and/or gender-based violence should be reported to the university’s Title IX Coordinator. They will follow the steps detailed in Virginia Tech’s Title IX Reporting and Grievance Procedures for Sexual Harassment and Violence (INSERT LINK) to offer supportive measures and to determine whether a complaint falls within the scope of Title IX, as defined by the federal Department of Education, or under the policies in Virginia Tech’s Student Code of Conduct.

Complaints that have been determined to fall under the policies in the Student Code of Conduct will be referred to the Director of Student Conduct. Per the process outlined above, the Director will review
the complaint and, if appropriate, may request the Office for Equity and Accessibility conduct a thorough, impartial investigation into the complaint. Upon completion of an investigation, the Director will determine how the matter should be resolved.

Step 2: Resolution
After reviewing a conduct referral, Student Conduct will determine an appropriate resolution process from among the following:

Agreed Resolution: An agreed resolution is an informal resolution option in which the respondent meets with a hearing officer to discuss an incident and collaborates with the hearing officer to determine whether they violated a policy and, if so, what sanctions may be appropriate. If the respondent agrees to the resolution, they waive the right to a formal hearing, and the resolution is final. If an agreement cannot be reached, the respondent has the option to move forward to a formal hearing with a new hearing officer.

Formal Hearing: In a formal hearing, the hearing officer(s) determines whether the respondent violated policies in the Student Code of Conduct, along with appropriate sanctions, if necessary. In formal conduct hearings, the respondent is entitled to the following procedural guarantees and opportunities:

- To receive written notice of charges at least five (5) business days in advance of the hearing and in reasonable detail to allow the respondent to prepare for the hearing.
- To share their version of events and refute any information presented.
- To present witnesses/witness statements and question any witnesses present.
- To remain silent or not participate.
- To be accompanied by an advisor.
- To challenge the objectivity of a hearing officer(s), given reasonable cause to believe that they may be biased or have a conflict of interest.
- To appeal if there is a loss of privilege (i.e., suspension, dismissal, denial of housing, etc.), provided there are appropriate grounds as found in the Student Conduct Formal Hearing Appeals section.

In addition to witnesses who may be called by respondents participating in formal hearings, hearing officers may also call witnesses whom they believe are relevant for determining outcomes in a given case. The outcome of a formal hearing is final unless it qualifies for appeal, as outlined in the Formal Hearing Appeals section. If a respondent or complainant fails to attend a formal hearing after receiving proper notice, the case may be heard in their absence.

Formal Title IX Adjudication and Gender-Based Violence Hearings: Gender-based violence complaints are generally reviewed, and/or investigated, and referred to Student Conduct by the Title IX Coordinator in the Office of Equity and Accessibility. The Title IX Coordinator, Katie Polidoro, can be reached at 540-231-1824 or polidoro@vt.edu. The information referred by Title IX serves as the basis of the conduct referral. Cases referred for adjudication by the Title IX Coordinator for a formal Title IX hearing are
conducted in accordance with the policies and procedures outlined in Appendix II, as required by the U.S. Department of Education.

Gender-based violence cases that fall outside of the jurisdiction of Title IX are adjudicated through the gender-based violence policies and formal hearing process outlined by the Student Code of Conduct, as described above. These formal hearings are conducted by a team of two hearing officers. In these hearings, both the complainant and respondent receive the same procedural guarantees outlined above, and both parties may appeal, regardless of the outcome. However, the opportunity to appeal is expanded in cases involving allegations of gender-based violence: both parties may appeal, regardless of whether there is a loss of privilege. Appeals must still be based on appropriate grounds.

Adaptable Conflict Resolution (ACR): When complaints/referrals to Student Conduct are based in conflict between individuals or groups, Student Conduct may offer adaptable conflict resolution (ACR) options to students, including mediation, facilitated dialogue, or conflict coaching. Participation in ACR is optional, and in the case of mediation or facilitated dialogue, all parties must agree to participate. ACR options may result in a mutually satisfactory agreement between the parties, but it is not required.

Educational Conversation: An educational conversation is a discussion between a student and hearing officer in Student Conduct regarding behavior that does not rise to the level of a policy violation but is, nevertheless, inappropriate or having a negative impact on the student or others or, if it continues, may become a policy violation. These conversations are educational and supportive in nature and are intended to help the student reflect and to connect them with resources, when needed.

Additional Information

Standard of Proof
The preponderance of the evidence standard will be used to determine responsibility for violations of policies in the Student Code of Conduct. Preponderance of the evidence means that based on the information available to determine if it is “more likely than not” that a violation occurred.

VIII. SANCTIONS

Student Conduct sanctions are designed to promote safety, individual accountability, and reflection. Whenever possible, Student Conduct makes efforts to educate students and to foster personal and academic success. When assigning sanctions, hearing officers consider the type and nature of any policy violation(s), including mitigating or aggravating factors, as well as the student’s prior conduct record. Sanctions are generally cumulative in nature. One or more of the following sanctions may be imposed when a student or student organization is found responsible for violating the Student Code of Conduct:

<table>
<thead>
<tr>
<th>Sanction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal Warning</td>
<td>A formal written notice that the student or student organization has violated a policy in the Student Code of Conduct and that further violations</td>
</tr>
<tr>
<td>Sanction</td>
<td>Description</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>may result in more serious conduct action. Students or student organizations who receive a formal warning are still considered in good conduct standing with the university.</td>
</tr>
<tr>
<td>Probation</td>
<td>A specified period of time during which the student or student organization is considered not in good conduct standing with the university. Further violations during that time period may result in more serious conduct action, including a potential separation from the university.</td>
</tr>
<tr>
<td>Deferred Suspension</td>
<td>A specified period of time during which the student or student organization is considered not in good conduct standing with the university. Violations for which deferred suspension is assigned are those that are serious enough to warrant suspension from the university, but due to mitigating factors, the student or student organization is given the opportunity to remain enrolled at the university, provided they do not violate further policies. The suspension may take effect if they violate additional policies during the period of deferred suspension.</td>
</tr>
<tr>
<td>Suspension</td>
<td>A specified period of time during which the student or student organization is separated from the university. During the suspension period, the student does not have the rights and access to privileges associated with being a student, which includes eligibility to be academically enrolled at Virginia Tech or transfer credits earned at other institutions during the period of disciplinary suspension. For student organizations, the university will withdraw recognition for the duration of the suspension. A student or student organization must complete all assigned sanctions and receive permission from Student Conduct to be eligible to re-enroll. For a student who has completed their academic work but whose degree has not yet been conferred, their degree may be withheld for the duration of the suspension period.</td>
</tr>
<tr>
<td>Deferred Dismissal</td>
<td>A specified period of time during which the student or student organization is considered not in good conduct standing with the university. Violations for which deferred dismissal is assigned are those that may warrant permanent dismissal, or expulsion, from the university, but due to mitigating factors, the student is given the opportunity to maintain student status with the university, provided they do not violate further policies. The dismissal may take effect if the student violates additional policies during the period of deferred dismissal. A deferred dismissal is often accompanied by a suspension or other conduct sanctions.</td>
</tr>
<tr>
<td>Dismissal</td>
<td>A formal notice that the student or student organization is permanently dismissed, or expelled, from the university, with no opportunity to re-enroll. For student organizations, the university permanently withdraws recognition.</td>
</tr>
<tr>
<td>Denial of Privileges or Associations</td>
<td>A specified period of time during which the student is denied certain privileges or associations, including but not limited to termination of the housing contract, removal from athletic events, loss of recreational-sports programs.</td>
</tr>
</tbody>
</table>
Proposed Student Code of Conduct for 2020-2021, effective August 14, 2020

<table>
<thead>
<tr>
<th>Sanction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privileges, Network Access, Access to Markets</td>
<td>Privileges, network access, or access to certain university facilities. Student organizations may also have their social-function privileges revoked.</td>
</tr>
<tr>
<td>Restitution</td>
<td>Requirement for the student to make restitution for damage to university property, which, at the discretion of Student Conduct and the associated university department, may be in the form of monetary payment or community service.</td>
</tr>
<tr>
<td>Educational, Community, and Wellness Activities</td>
<td>Assignments or activities designed to provide opportunities for reflection, learning, and growth as well as to connect the student with resources to support their well-being and personal and academic success.</td>
</tr>
</tbody>
</table>

Failure to complete sanctions
Students are expected to complete their conduct sanctions, including educational sanctions, within the timeframe and guidelines specified by their hearing officer. Failure to complete sanctions may result in additional conduct action and sanctions.

IX. FORMAL HEARING APPEALS

The respondent has the opportunity to appeal the outcome of a formal hearing if it results in a loss of privilege, including suspension, dismissal, or denial of certain university privileges, including but not limited to housing, network access, or athletic privileges. For gender-based violence hearings, both the complainant and respondent have the opportunity to appeal, regardless of the outcome of the hearing and whether or not there is a loss of privilege. Sanctions take effect immediately, pending the appellate officer’s decision or the end of the appeal period.

The appeal process for formal Title IX hearings is outlined in Appendix II.

Grounds for appeal
Appeals are not re-hearings; therefore, appeal requests are limited to the following grounds:

a. Denial of procedural guarantees
b. Significant and relevant new information that was not available at the time of the hearing
c. Unduly harsh or arbitrary findings or sanctions.

Appeals submitted that do not have sufficient grounds in one of these areas will be denied.

Potential Outcomes of an Appeal
The appellate officer will review the appeal and may:

a. Uphold the original decision and sanctions
b. Uphold the original decision and either decrease or increase the sanction
c. Vacate a finding
d. Send the case back to Student Conduct for a new partial or full hearing.

Timeframe to submit an appeal
The respondents (and complainants, in the case of gender-based violence hearings) has seven (7) business days from the date of the decision to submit the appeal. The date the decision is given is considered the first day of the appeal period. Appeals submitted after the deadline will not be accepted except in extenuating circumstances, as determined by Student Conduct.

**Format of appeal**
The appeal is a written request submitted by the student for a review of the original case. The student should include which grounds for appeal they believe apply and any information the student wants considered should be included in the written document. The burden is on the appealing student or student organization to demonstrate why the finding or sanction should be altered.

**Appellate Officers**
An appellate officer will be designated by the Assistant Vice President for Student Affairs, who serves as the university’s Chief Appellate Officer. All appellate officers are external to the Office of Student Conduct.

**X. INTERIM MEASURES AND ADMINISTRATIVE ACTIONS**

Based on the nature and circumstances of the referral, the university may authorize interim measures or take administrative action to maintain safety and order and to ensure compliance with university processes and directives, including the following:

**Holds on Student Account:** Student Conduct may apply a hold on a student’s account, which will prevent course registration, graduation, and access to transcripts. Situations in which holds may be applied include but are not limited to the following:

1. The student fails to complete sanctions by assigned deadlines
2. The student has been issued an interim suspension
3. The student is suspended and has a pending re-enrollment meeting
4. The student has a pending conduct matter that must be resolved

**Interim Suspension:** The university retains the authority to impose an interim (immediate) suspension from the university and/or selected campus facilities with proper notice if such action is necessary to preserve the safety of persons or property. During an interim suspension, a student may not participate in academic, extracurricular, or other activities of the university except as may be authorized by the Assistant Vice President for Student Affairs or their designee. In this instance, the students will be afforded an interim suspension meeting and the opportunity to show why their continued presence on campus does not constitute a threat to themselves, others, or property. The interim suspension meeting is separate from the student-conduct process. The student will have five (5) business days within which to request an interim-suspension meeting. An opportunity to meet with Student Conduct for a final resolution will be provided as soon as possible.
• **Procedures:** The following steps explain the procedure for imposing an interim suspension:
  - **Initiating an interim suspension:** When a situation, as defined above, occurs, the responding university official contacts the Threat Assessment Team or the Assistant Vice President for Student Affairs or their designee to assess the situation and determine if an interim suspension is appropriate.
  - **Notification of an interim suspension:** The student will be sent an interim suspension letter immediately, which states that the student is either suspended from the university and/or suspended from all or selected campus residential facilities until a final resolution is determined through the Student Conduct process.
  - **Interim-Suspension Meeting:** The student can immediately request an interim suspension meeting to be conducted by the Assistant Vice President for Student Affairs or his/her designee. The interim suspension letter will contain instructions on how to request a review. Those present at the meeting may include the responding university official and other witnesses as deemed appropriate by the Assistant Vice President for Student Affairs. During the review, the student will be given an opportunity to demonstrate why his or her continued presence on campus does not constitute a threat to themselves, others, or property. As part of the review, the student may be required to submit to an immediate medical/psychological evaluation. The student will be evaluated by the director of the Cook Counseling Center or his/her designee.
  - **Timeframe to Request Interim-Suspension Review:** A student must request a meeting within five (5) business days; after that time frame, the interim suspension and/or suspension from campus residential facilities and all student activities will remain in effect until the matter is resolved through the student conduct process.
  - **Decision:** The decision made after the interim suspension meeting will be final. There will be no additional appeal.
  - **Student Conduct Process/Resolution:** Interim suspension information will be shared with Student Conduct and others who need to know. Student Conduct will determine and schedule, as soon as possible, the appropriate resolution process to determine whether the student is responsible for violating university policy and, if so, appropriate sanctions.

**No Contact Order:** In certain situations, Student Conduct may issue no contact orders to students for a period of time to prevent communication between two or more students if it is determined that contact between the parties may perpetuate or escalate behavior that may interfere with a person’s rightful actions, including but not limited to their safety and security. No contact orders prevent students from face-to-face, electronic, or third-party contact. If a no contact order is issued, all parties involved will receive the order. A student who violates a no-contact order may be subject to conduct action; if a violation of the order threatens the safety of persons or property, an *interim suspension* may be imposed.

The process for no contact orders includes the following:

1. No contact orders may be requested by students, or Student Conduct may issue them independently of a request.
2. Before issuing an order, Student Conduct may request additional information to determine whether it is warranted.
3. Student Conduct may decline to issue an order.
4. A student who has requested an order be issued may subsequently request that it be lifted.
5. Student Conduct has the discretion to lift a no contact order at any time if it is determined that the circumstances under which it was issued are no longer present.

Cease Operations Order: In certain situations involving allegations of policy violations by student organizations that may involve potential impacts on the safety of persons or property or significant disruption to the community, Student Conduct may issue a cease operations order, which places restrictions on the organization while the matter is resolved. Examples of situations in which cease operations are issued include but are not limited to the following: hazing; alcohol distributed to underage members or guests; and disorderly or disruptive behavior, such as serious or ongoing violations of noise regulations in the Town of Blacksburg. The cease operations will remain in place until the matter is resolved by Student Conduct. Cease operations restrictions may include but are not limited to the following:

1. The organization is to stop operating in full, including meetings, communication, events, etc.
2. The organization is to stop hosting events with alcohol present.
3. The organization is to stop recruitment or holding meetings, events, or activities with new or prospective members.

XI. STUDENT CONDUCT RECORDS

Violations of the Student Code of Conduct are maintained in a student’s conduct record for a period of five years from the date of the incident. This record is maintained electronically by the Office of Student Conduct and is separate from a student’s academic transcript, though it is considered part of a student’s educational record. Records of formal Title IX hearings will also be maintained by the Office of Equity and Accessibility for a period of seven years, as described in the Title IX Reporting and Grievance Procedures for Sexual Harassment and Violence (INSERT LINK).

Student conduct cases involving student organizations are not private. Accordingly, hearing notification and sanction letters are sent to organizational advisors and (inter)national headquarters.

Information Sharing within the University
Notification of student conduct outcomes or decisions is given to individuals in the university with a need to know. Other university agencies or organizations may be required to obtain a written release from students before they can receive notification.

Notification to Victims of Crimes of Violence
Victims of crimes of violence (including abusive conduct and gender-based violence) involving student respondents will be notified of the outcome and sanction(s). In Title IX matters, complainants will also
be notified of the outcome and relevant sanctions for non-violent violations of gender-based violence policies.

**Parental Notification**
Parents/guardians of students under age 21 will be notified if their student is found responsible for a violation of the alcoholic beverage or illegal drug policies.

**Student Conduct Transcript Notations in Cases of Suspension and Dismissal**
When a student is suspended or permanently dismissed from Virginia Tech, a notation will be included on the student’s academic transcript stating, “suspended [or dismissed] for a violation of the Student Code of Conduct.” Suspension notations will be removed once the student completes the term and conditions of the suspension, including all assigned sanctions. In cases involving allegations of gender-based violence, a notation will also be placed on the transcript of a student who withdraws from Virginia Tech while under investigation. This notation will be removed if the student is subsequently found not responsible for violating policies in the *Student Code of Conduct*. Students may also petition to have transcript notations expunged, as outlined in the following section.

Lesser sanctions, such as warnings and probation, do not affect a student's academic standing and do not appear on the official transcript.

**Petitions for Expungement**
The university offers two opportunities for students to petition for expungement of documentation related to their disciplinary record:

1. In cases involving low-level violations of the *Student Code of Conduct*, such as cases in which a student received probation, the student may petition the Office of Student Conduct to have the record of that case expunged prior to the end of the five-year period (early record expungement).

2. In cases involving sanctions of suspension or permanent dismissal resulting in a notation on the academic transcript, the student may petition the Office of Student Conduct to have the notation on their academic transcript expunged. Expungement of the notation is not the same as expungement of the entire case record.

The process and timeline for each opportunity is outlined below.
1. **Early Record Expungement for Low-Level Policy Violations:** Students or graduates may petition Student Conduct to have the documentation of their cases involving low-level policy violations, such as those resulting in probation, “expunged” from their conduct record prior to the end of the five-year period. “Expungement” in this situation means that while the record is maintained by Student Conduct, per state and federal law, the record will not be shared with third parties, except as required by law. For example, a student applying to transfer to another institution may need to obtain a certified copy of their disciplinary record as part of an admissions application; if a record has been expunged, the documentation provided for the application will not include information about that incident.

The opportunity to request expungement reflects the student-centered and learning-focused values on which the Student Conduct process is based. Namely, we believe that students can learn and grow by reflecting on their decisions and examining their values.

Cases involving more serious violations of policy and more significant sanctions may not be considered for early record expungement, including but not limited to the following cases: those resulting in suspension or dismissal, gender-based violence and gender-based stalking, drug distribution, or other offenses against people.

An early record expungement applies only to records maintained by the Office of Student Conduct; records maintained by other offices or units, such as law enforcement and other university departments are not subject to expungement under this process.

**Eligibility:** A student may petition to have cases expunged from their conduct record in the following circumstances:

- a. An undergraduate student is classified as a senior, is not on an active status sanction (e.g., probation), and has completed all assigned educational sanctions.
- b. An undergraduate student is classified as a freshman, sophomore, or junior, has been off of an active sanction (e.g., probation) for at least one full semester (i.e., fall or spring), and has completed all assigned educational sanctions.
- c. A graduate or professional student is not on an active status sanction (e.g., probation) and has completed all assigned educational sanctions.

2. **Transcript Notation Expungement for Cases Involving Suspension or Dismissal:**
A student or former student may petition for a transcript notation to be expunged—or removed—from the academic transcript after a period of three years from the final resolution of the case if the student can show good cause. In cases involving suspension, the student must have completed the term of the suspension and all educational sanctions prior to submitting their petition. The Office of Student Conduct will work with former students who have outstanding educational sanctions to determine options, which could include alternate sanctions that are mutually agreed upon, for fulfilling sanction requirements so that the individual may petition to have the transcript notation expunged.
Expungement of the transcript notation is not the same as expungement of the entire case record.

Evaluation of Expungement Petitions
The Director of Student Conduct or their designee will review petitions for early record expungements as well as transcript notation expungements based on the criteria above and will submit a recommendation to the Assistant Vice President for Student Affairs or their designee for final approval. The decision will be based upon the following criteria, as outlined in the petition application available on the Student Conduct website:

1. The nature of the violation(s) and the resulting impacts
2. The student’s behavior after the violation(s) and their present demeanor
3. The student’s demonstrated level of reflection and growth

After a petition is evaluated, the student will receive written notification of the decision. That decision will be final.

It is important to note that a student with an expunged record or transcript notation may still need to disclose information about their disciplinary history to third parties, including potential employers, other universities’ admissions offices, a professional board, etc.

XII. APPENDICES

Appendix 1: Additional Policies and Procedures Governing the Use of Alcoholic Beverages

Virginia Tech recognizes that the misuse and abuse of alcohol is a persistent social and health problem in our society and that it interferes with the goals and objectives of any educational institution. The university fully complies with the alcohol regulations of the Commonwealth of Virginia, and all state laws apply to Virginia Tech students and student organizations. Students or student organizations who violate the Alcoholic Beverage Policy in the Student Code of Conduct and any associated policies or guidelines will face disciplinary action. Sanctions will likely include substance-related education.

In compliance with the laws of the Commonwealth, and to maintain conditions conducive to learning, possession or consumption of alcoholic beverages on campus is only permitted according to the following provisions:

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence hall room</td>
<td>In the privacy of a student room, alcoholic beverages are permitted for those persons 21 years of age or older in accordance with state law, provided that at least one of the 21-year-old residents of the room is present.</td>
</tr>
<tr>
<td>Other locations in residence halls</td>
<td>Aside from the privacy of a student’s room, possession or consumption of alcoholic beverages in any area of residence halls, including suite living rooms, is forbidden.</td>
</tr>
</tbody>
</table>
Oak Lane
The Director of Fraternity and Sorority Life, in conjunction with the Director of Housing and Residence Life, determines regulations concerning the use of alcoholic beverages in the “Oak Lane Community” (also known as Special Purpose Housing) during events.

Corps of Cadets
The Commandant of Cadets establishes and publishes regulations to be observed by cadets regarding the possession and consumption of alcoholic beverages. This information is published in the Cadet Regulations Manual.

All residential locations
Kegs of any description in student rooms or residence halls, including Oak Lane, are prohibited.

All other university property
The possession and use of alcoholic beverages is prohibited on all other university property except in certain facilities that are fully registered with the Virginia Alcoholic Beverage Control Board (ABC).

Alcoholic beverages are further governed by Virginia Polytechnic Institute and State University Policy and Procedures No. 1015.

For more information related to federal and state laws and regulations regarding alcohol or illegal drugs or prevention and substance-use programs available at Virginia Tech, please consult the university’s Drug and Alcohol Prevention Program document.

Appendix 2: Title IX Definitions and Formal Title IX Adjudication Process Additional Information Regarding Gender-Based Violence

The process for formal Title IX complaints, including definitions of terms and policies, reporting, investigations, and adjudication, is outlined fully in the university’s Title IX Reporting and Grievance Procedures for Sexual Harassment and Violence (INSERT LINK). The following excerpts include the policy definitions under Title IX, as well as the formal Title IX adjudication process for students, which is conducted by the Office of Student Conduct.

Title IX Definitions

Complainant means an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

Consent means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.

- Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
Dating Violence means violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2), the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Domestic Violence means felony or misdemeanor crimes of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Virginia; or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Virginia.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

Sexual Assault means misconduct that meets the definition of Rape, Fondling, Incest, or Statutory Rape, as defined below:

- **Rape** means penetration, no matter how slight, of the vagina or anus of a person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or mental incapacity.
- **Incest** means sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
- **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s individual safety or the safety of others; or (b) suffer substantial emotional distress.

Formal Title IX Adjudication Process
When the Title IX Coordinator refers a case for formal adjudication, the Office of Student Conduct will hold a live hearing with cross examination to determine whether the respondent is responsible for the alleged conduct and to provide appropriate sanctions, as appropriate.

A. **Procedural Guarantees**
In formal conduct hearings for Title IX formal complaints, the complainant and respondent are entitled to the following procedural guarantees and opportunities:
• To receive a copy of the final investigation report, including any attachments and supporting
documents from the Title IX Coordinator or designee at least ten (10) days in advance of the
hearing.
• To receive written notice of the date, time, location, participants, and policies charged at least
five (5) business days in advance of the hearing to allow the parties sufficient time to prepare for
the hearing.
• To be accompanied by an advisor of their choice, at their own cost, or to have an advisor
provided to them by the Office of Student Conduct without fee or charge.
• To inspect and review, during the hearing, all evidence obtained during the investigation that is
directly related to the allegations in the formal complaint.
• To present that evidence that supports or refutes the alleged conduct.*
• To present witnesses, including fact and expert witnesses.
• To have their advisor conduct live cross-examination on the other party and any witnesses.
• To remain silent or to participate as they see fit, including full, partial, or no participation;
however, they should carefully review the section on cross-examination, below, to understand the
potential impacts should they choose to limit participation.
• To challenge the objectivity of a hearing officer(s), given reasonable cause to believe they may
be biased or have a conflict of interest.
• To appeal, regardless of the outcome, based on the following grounds: 1) Procedural
irregularity; 2) Significant and relevant new information that was not available at the time of the
hearing; 3) The Title IX Coordinator, Investigator, or hearing officer(s) had a conflict of interest
or bias, which affected the outcome; 4) Unduly harsh or arbitrary findings or sanctions.

*Only evidence and information submitted prior to the final investigation report will be considered
during at the hearing.

B. Advisors
At the hearing, each party may be accompanied by an advisor of their choice, at their own cost (e.g.,
parent, friend, attorney, etc.); if a party does not have an advisor, the university will provide one to
them without fee or charge for the purposes of cross-examination. Advisors may not also serve as
witnesses.

Advisors will be permitted to cross-examine (i.e., ask relevant questions and follow-up questions) the
other party and any witnesses directly, orally, and in real time. The parties must use their advisors in this
capacity, as they will not be permitted to ask questions personally.

Aside from cross-examination, advisors may not speak on the student’s behalf or participate actively in
the process. Advisors must follow the guidance of the hearing officers.
C. Cross-Examination
During the hearing, the parties’ advisors will be permitted to ask relevant questions and follow-up questions, including those challenging credibility, of the other party and any witnesses. Cross-examination must be conducted directly, orally, and in real time. At no times will the parties directly conduct cross-examination.

Relevance
Questions asked during cross-examination must be relevant to the behavior and situation in question. Hearing officers will determine whether each question is relevant and, if they choose to exclude a question, explain why it is not relevant. The following topics/questions have been identified as automatic exclusions:

- Questions or information about the complainant’s prior sexual behavior, unless they are used to prove someone other than the respondent committed the alleged conduct or if they concern previous sexual activity with the respondent and are used to prove consent.
- Questions or information that disclose or seeks to disclose privileged information, such as medical or psychological records.

For more information about relevant information, please refer to the Relevant Evidence section in the Title IX Reporting and Grievance Procedures for Sexual Harassment and Violence (INSERT LINK).

Declining to Participate in Cross-Examination
If a party or witness declines to be cross-examined during the hearing, the hearing officers will not consider any statements made by that party or witness during the investigation or hearing when determining whether the respondent is responsible for the alleged conduct. However, the hearing officers will also not draw conclusions regarding responsibility based solely on a party’s or witness’s absence from the hearing or decision to decline to answer questions from the hearing officers or during cross-examination.

D. Recording
The Office of Student Conduct audio records all formal hearings. A copy of the recording is maintained as part of the case file and will be made available to the parties, upon request.

E. Hearing Location and Virtual Participation
At the discretion of the Office of Student Conduct, a hearing may be conducted in a single physical location, with all parties present, or a hearing may be conducted virtually, with participants appearing via videoconference. If the hearing is held in person (i.e., in a single physical location), either party may request to be located in a separate room and to participate via video conference. Regardless of the participation method, the hearing participants will be able to simultaneously see and hear each other.

F. Determination of Responsibility
After the hearing, a determination of whether a respondent is responsible for violating any policy in the Student Code of Conduct will be made by the hearing officers based on the information presented in the
investigation report and at the hearing.

Standard of Proof
The university uses preponderance of the evidence to determine whether or not the respondent is responsible for the alleged conduct. This determination is made based on the information available to determine if it is more likely than not that a violation occurred.

Decision Letter
The hearing officer will simultaneously provide the parties the decision in writing. The decision letter will include the following information: allegations and policies charged, procedural steps taken during the grievance procedure, information used to determine the findings and their application to the policies charged, rationales for each finding, any sanctions imposed on the respondent, any remedies provided to the complainant, and information about the appeal process.

Range of Possible Sanctions
If a respondent is found responsible for the alleged conduct, the hearing officers will make a determination regarding appropriate sanctions. One or more of the following sanctions may be imposed:

- Formal warning
- Probation
- Deferred Suspension
- Suspension
- Deferred Dismissal (i.e., deferred expulsion)
- Dismissal (i.e., expulsion)
- Denial of privileges or associations
- Educational, Community, and Wellness Activities

When assigning sanctions, hearing officers consider the type and nature of any policy violation(s), including mitigating or aggravating factors, as well as the student’s prior conduct record. Sanctions are generally cumulative in nature.

For definitions and additional information about sanctions in the Student Conduct process, please refer to the Student Code of Conduct.

Remedial Action
Following a hearing, the Director of Student Conduct shall work with the Title IX Coordinator, who will oversee any necessary remedial action to restore or preserve the complainant’s equal access to the university’s education programs or activities.
Appeal Process
Both parties have the opportunity to appeal the outcome of a formal hearing in a Title IX case regardless of the outcome. Sanctions take effect immediately, pending the appellate officer’s decision or the end of the appeal period.

A. Grounds for Appeal
Appeals are not re-hearings; therefore, appeal requests are limited to the following grounds:
- Procedural irregularity or denial of procedural guarantees
- Significant and relevant new information that was not available at the time of the hearing
- Conflict of interest or bias by the Title IX Coordinator, Investigator, or hearing officer(s), which affected the outcome
- Unduly harsh or arbitrary findings or sanctions.

Appeals submitted that do not have sufficient grounds in one of these areas will be denied.

B. Potential Outcomes of an Appeal
The appellate officer will review the appeal and may:
- Uphold the original decision and sanctions
- Uphold the original decision and either decrease or increase the sanction
- Vacate a finding
- Send the case back to the Title IX Coordinator for further investigation
- Send the case back to Student Conduct for a new partial or full hearing

C. Time Frame to Submit an Appeal
The parties have seven (7) business days from the date of the decision to submit the appeal. The date the decision is given is considered the first day of the appeal period. Appeals submitted after the deadline will not be accepted except in extenuating circumstances, as determined by Student Conduct.

D. Format of Appeal
The appeal is a written request submitted by the student for a review of the original case. The student should include which grounds for appeal they believe apply, and any information the student wants considered should be included in the written document. The burden is on the appealing party to demonstrate why the finding or sanction should be altered.

E. Notification to the Other Party
When one party submits an appeal, the Office of Student Conduct will notify the other party and provide them with an opportunity to review the appeal and submit a written statement in response, which will be included in the appeal documentation.
F. Appellate Officers

An appellate officer will be designated by the Assistant Vice President for Student Affairs, who serves as the university’s Chief Appellate Officer. All appellate officers are external to the Office of Student Conduct and Title IX. When they are designated to review a case, the Assistant Vice President will ensure they do not have conflicts of interest or bias and are, therefore, able to review the case objectively.

G. Appeal Decision Letter

The appellate officer will issue a decision on the appeal in writing to both parties simultaneously. This notification will include a rationale for the decision.

Gender-based violence includes the following prohibited acts: sexual violence-assault, sexual violence-battery, sexual violence-sexual coercion, sexual violence-rape, gender-based harassment, sexual exploitation, dating and domestic violence, and stalking.

Complaints of gender-based violence should be reported to the Office of Equity and Accessibility:
Katie Polidoro, Title IX Coordinator
North End Center, 300 Turner Street
Blacksburg, VA 24016
540-231-2010 and

Virginia Tech encourages victims of sexual violence, including rape, sexual assault, sexual battery, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs on Virginia Tech’s property, regardless of the status of the complainant. For crimes occurring away from Virginia Tech’s property, victims may contact the local law enforcement in the appropriate jurisdiction.

Discrimination and harassment are further governed by University.

Appendix 3: Additional Information Regarding the Hazing Policy

Hazing is a criminal offense in the Commonwealth of Virginia, as defined in § 18.2-56 in the Code of Virginia, and is prohibited at Virginia Tech in all forms. This policy is based on the proposition that students are entitled to be treated with consideration and respect at all times. It applies to all student organizations and individuals.

The Student Code of Conduct defines hazing as follows:

Any mental or physical requirement, request, or obligation placed upon any person that could cause discomfort, pain, fright, disgrace, or injury; that is personally degrading; or that violates any federal, state, or local statute or university policy, the willingness of an individual to participate in such activity notwithstanding.
Hazing shall include, but not be limited to, forcing, compelling, requiring, encouraging, or expecting, whether direct or implied, any individual to participate in any of the following actions or activities. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in these acts:

- **Physical Acts**
  - Encouraging or requiring persons to consume alcohol or other substances regardless of the age of the participant.
  - Encouraging or requiring that a person do or submit to any act that will alter his or her physical appearance in any significant degree for any substantial period of time (e.g. burning, branding, tattooing, using makeup, paint or markers on a person, or shaving the head or body).
  - Encouraging or requiring activities that disrupt a person’s normal schedule. A normal schedule includes three reasonably spaced meals per day, the opportunity for sufficient rest at night (at least six full hours) and reasonable time for personal hygiene.
  - Encouraging or requiring a person to engage in physical activity of unusual kind or duration, such as: calisthenics, overly difficult work assignments, activities that may be excessive for a person, activities that require a person to remain in a fixed position for an extended period of time, binding or restricting an individual in any way that would prohibit them from moving on their own, confining a person or exposing participants to uncomfortable elements like in environments that are too hot, cold, noisy, small, or threatening/intimidating.
  - Hitting, pretending, or misleading a prospective member into believing that they will be hit, hurt, or physically altered.
  - Encouraging or requiring acts that are or seem to be dangerous.

- **Psychological Acts**
  - Encouraging or requiring a person to pretend to or actually violate a law.
  - Encouraging or requiring an individual to obtain or possess items or complete tasks in an unlawful manner (i.e. for a scavenger hunt).
  - Verbally abusing prospective members. Examples include but are not limited to yelling or screaming, calling individuals demeaning names, booing, hissing, or demeaning individuals when they make mistakes.
  - Encouraging or requiring a person to perform acts of servitude, perform personal errands for others, or engage in activities that are demeaning.
  - Misleading prospective members in an effort to convince them that they will not become members unless they complete tasks, follow instructions, or act in a certain way.
  - Misleading prospective members into believing that they will be hurt during induction or initiation.
Encouraging or requiring a person to publicly carry objects or wear apparel that is abnormal, not normally in good taste, conspicuous and/or indecent.

Encouraging or requiring a person to appear nude or reveal body parts.

Encouraging or requiring an individual or group to remain in a certain place or transporting them to a location without their knowledge (e.g. taking a person on a road trip or excursion to an unknown destination or kidnapping).

Parading individuals in public areas, transporting individuals in a motor vehicle while blindfolded, or privately conducting blindfolding activities that serve no constructive purpose.

Requiring an individual to “pledge” or “associate” for a period of unusual length (more than 10-12 weeks) for reasons other than achieving academic requirements or extraordinary circumstances.

As it is impossible to anticipate every situation that could involve hazing, this list does not, and cannot, encompass every circumstance that will cause the institution to discipline for hazing. This policy is not intended to prohibit the following conduct:

a. Customary athletic events, contests, or competitions that are sponsored by the institution or the organized and supervised practices associated with such events.

b. Any activity or conduct that furthers the goals of a legitimate educational curriculum, extracurricular program or military training program, as approved by the institution.

Note: An individual may not consent to being hazed, and their voluntary or willful participation in hazing activities will not be considered as a defense against a violation of the institution’s hazing policy by an individual or organization.

University Reporting, Investigation, and Adjudication: The university encourages individuals who report any potential hazing activities. The initial report of a suspected violation may be reported in person, by phone or by electronic communication, and may be done anonymously. Alleged violations of this policy can be reported through an online reporting system or to the following offices:

- Student Conduct
- Student Engagement and Campus Life
- Fraternity and Sorority Life (for Greek organizations)
- Recreational Sports (for club sports)
- Virginia Tech Police Department

Credible and sufficiently detailed reports of hazing will be referred to Student Conduct for further investigation and potential adjudication. Both individuals and organizations may be held responsible for their actions and participation in incidents of hazing. If an investigation concludes that an individual or individuals directed, engaged in, aided or otherwise participated in, actively or passively, an incident of hazing, disciplinary action may be imposed against the individual(s). If the investigation concludes that an organization knowingly permitted, authorized, or condoned hazing, disciplinary action may be imposed against the entire organization.
Proposed Student Code of Conduct for 2020-2021, effective August 14, 2020

Reporting to the Commonwealth’s Attorney: Per § 18.2-56 in the Code of Virginia, the university must report incidents of hazing that cause bodily injury to the Commonwealth’s Attorney, who may take separate action.
RESOLUTION TO REMOVE THE NAME OF THE RESIDENCE HALL LOCATED AT 570 WASHINGTON STREET, SW, ON THE CAMPUS OF VIRGINIA TECH

WHEREAS, the residence hall located on the Blacksburg campus of Virginia Tech at 570 Washington Street was built in 1966 and named officially for Claudius Lee in 1968; and

WHEREAS, Claudius Lee was born in 1872, the founding year of Virginia Polytechnic Institute and State University, and was proven to be a key figure on the electrical engineering faculty at Virginia Polytechnic Institute from the 1890s to the 1940s; and

WHEREAS, Claudius Lee was deemed a worthy recipient of having this campus building named in his honor six years after his death at the age of 90 in 1962; and

WHEREAS, in fall 1997, students in a History of Virginia Tech class discovered a page in the 1896 student yearbook, The Bugle, of which Claudius Lee was editor in his graduating year, and in which he was presented as president — “father of terror” — of a group that called itself the “K.K.K”; and

WHEREAS, the appropriateness of having a building bearing Lee’s name has continued to be challenged from that day to the present; and

WHEREAS, according to the university’s Principles of Community and commitment to inclusion and diversity, Virginia Tech rejects all forms of prejudice and discrimination; strives to maintain a climate of civility, sensitivity, and mutual respect conducive to positive learning, working, and living; and acknowledges the inherent dignity and value of every individual; and

WHEREAS, any building honoring Claudius Lee is contradictory to the values and principles that have become an integral component of the institution’s responsibility to current and future students, faculty, staff, and university partners to uphold a welcoming environment for all;

NOW, THEREFORE, BE IT RESOLVED that in acknowledgement of the university’s pledge to diversity and commitment to an inclusive and welcoming community, the name Claudius Lee will be removed from the residence hall built in 1966 and located at 570 Washington Street, SW, and the residence hall will no longer be referred to as Lee Hall.

RECOMMENDATION:

That the above resolution removing the name Claudius Lee from the residence hall built in 1966 and located at 570 Washington Street, SW, be approved.

August 13, 2020
RESOLUTION TO REMOVE THE NAME OF THE RESIDENCE HALL LOCATED AT 240 KENT STREET ON THE CAMPUS OF VIRGINIA TECH

WHEREAS, the residence hall located on the Blacksburg campus of Virginia Tech at 240 Kent Street was built in 1962 and that year was named officially for Paul Brandon Barringer, a medical doctor, professor and academic administrator who served Virginia Polytechnic Institute as president from 1907 to 1913; and

WHEREAS, at the time, Paul Barringer was deemed a worthy recipient of having this campus building named in his honor as acknowledgement of his service as the institution’s leader; and

WHEREAS, an in-depth review of Barringer’s presidency reveals a record that can be deemed controversial, marred by conflict with the alumni association, engineering faculty, and the governor that prompted Barringer to resign his post; and

WHEREAS, the Council on Virginia Tech History recently conducted a further review of Paul Barringer’s activities, public speeches and writings that were popular throughout the south prior to, during, and for a period subsequent to his time as university president, which demonstrated and celebrated his personal views in support of slavery; and

WHEREAS, Barringer’s major claim to fame in his time relates to statements he made to wide audiences on race—statements that are blatantly incongruous with the mission of a modern teaching college or research university—including his unapologetic defense of slavery decades after the Confederacy had suffered military defeat and slavery had been declared at an end, and his insistence that schooling for black southerners be left to whites to handle, and be aimed only at training docile workers, modeled after enslaved workers of an earlier generation; and

WHEREAS, the appropriateness of having a building bearing Barringer’s name is counter to the university’s commitment to inclusion and diversity and the Principles of Community, which reject all forms of prejudice and discrimination; strive to maintain a climate of civility, sensitivity, and mutual respect conducive to positive learning, working, and living; and acknowledge the inherent dignity and value of every individual;

NOW, THEREFORE, BE IT RESOLVED, that in acknowledgement of the university’s pledge to diversity and commitment to an inclusive and welcoming community, the name Paul Barringer will be removed from the residence hall built in 1962 and located at 240 Kent Street and the residence hall will no longer be referred to as Barringer Hall.

RECOMMENDATION:
That the above resolution removing the name Paul Barringer from the residence hall built in 1962 and located at 240 Kent Street be approved.

August 13, 2020
RESOLUTION TO NAME THE RESIDENCE HALL LOCATED AT 
570 WASHINGTON STREET, SW, FOR JANIE AND WILLIAM HOGE

WHEREAS, Mrs. Janie Hoge and Mr. William Hoge, Sr. have been documented in the 
 writings of Virginia Tech history as allies and heroes to the first African-American students 
enrolled at Virginia Tech; and

WHEREAS, Janie and William Hoge, both born in the 1880s and the children of former 
slaves, had limited education: Mr. Hoge was educated through the third grade and Mrs. 
Hoge’s formal schooling ended with the seventh grade; and

WHEREAS, Janie and William Hoge resided at 306 East Clay Street, adjacent to the 
Virginia Tech campus, and opened their home, providing room and board to the first 
African-American students enrolled at Virginia Tech, who studied engineering and were 
members of the Corps of Cadets, yet were denied housing on campus in the barracks; and

WHEREAS, in the twilight of their lives in the 1950s and 1960s, Janie and William Hoge 
provided great care to students Irving Peddrew; Lindsay Cherry; Floyd Wilson; Charlie 
Yates; Matthew Winston, Sr.; Essex Finney, Jr.; Robert G. Wells; and James L. 
Whitehurst, Jr., and played a key role in opening up this institution of higher education to 
a much younger generation of black Virginians, offering love, compassion, and guidance 
to those young trailblazers; and

WHEREAS, the residence hall built in 1966 and located at 570 Washington Street, SW, 
today houses Virginia Tech engineering living-learning communities, and naming this 
residence hall for Janie and William Hoge would be a fitting tribute to their legacy and 
influence on early engineering students from diverse backgrounds; and

WHEREAS, this naming will serve as a reminder of the unselfish care and dedication of 
Janie and William Hoge to a cause that continues to reverberate through the years since 
the first African-Americans enrolled at Virginia Tech, and further recognizes the reach of 
the university beyond campus borders and into the surrounding community in a spirit of 
partnership, inclusiveness, and compassion to create a welcoming environment for all;

NOW, THEREFORE, BE IT RESOLVED that in acknowledgement of the personal 
contributions and sacrifices of Janie and William Hoge toward the integration of Virginia 
Tech and their roles as valued, yet unsung members of the university community, the 
residence hall built in 1966 and located at 570 Washington Street, SW, will henceforth be 
known as Hoge Hall.

RECOMMENDATION:
That the above resolution naming the residence hall built in 1966 and located at 570 
Washington Street, SW, as Hoge Hall to honor Janie and William Hoge be approved.

August 13, 2020
WHEREAS, James Leslie Whitehurst, Jr. was a member of the early cohort of the first African-American engineering students to enroll at Virginia Tech; and

WHEREAS, James Whitehurst received his bachelor of science degree in electrical engineering in 1963, and his juris doctorate from the University of Virginia School of Law in 1975; and

WHEREAS, James Whitehurst was a fighter pilot in the Vietnam War, major in the Air Force Reserve in Virginia, member of the Air National Guard, and attorney in private practice, demonstrating the value of a Virginia Tech education by serving his country and his community through the personification of the university’s motto, *Ut Prosim*, that *I may serve*; and

WHEREAS, a forceful voice for effective change, James Whitehurst had a history of “firsts”: He compelled the university to permit him to be the first African-American student to live in a residence hall in 1961, and attesting to his life of service and professional accomplishments, he was appointed by the Governor of Virginia as the first African-American to serve on the Virginia Tech Board of Visitors from 1970 to 1974; and

WHEREAS, it would be a most appropriate and fitting tribute to name the residence hall built in 1962 and located at 240 Kent Street for James L. Whitehurst, Jr., a pioneering student committed to a life of serving others who blazed a trail for generations of students of color coming after him to live and learn in a space that was initially denied him;

NOW, THEREFORE, BE IT RESOLVED that in acknowledgement of the personal journey and contributions of time, service, and influence of James Leslie Whitehurst, Jr., Class of 1963, on the integration of Virginia Tech and his legacy of firsts at the institution, the residence hall built in 1962 and located at 240 Kent Street will henceforth be known as Whitehurst Hall.

RECOMMENDATION:

That the above resolution naming the residence hall built in 1962 and located at 240 Kent Street as Whitehurst Hall for James Leslie Whitehurst, Jr. ‘63, be approved.

August 13, 2020
President Sands will provide an update to the Board on Tuesday, August 25, 2020.
RESOLUTION OF APPRECIATION HONORING DENNIS H. TREACY

WHEREAS, Mr. Dennis H. Treacy, an alumnus of the Class of 1978 with a bachelor’s degree in Forestry and Wildlife, was appointed by Governor McDonnell to the Board of Visitors of Virginia Tech in 2012 and was reappointed by Governor McAuliffe in 2016; and

WHEREAS, Mr. Treacy is a prominent leader in Virginia’s public and private sectors, having held positions in the Virginia Attorney General’s Office, the Virginia Department of Environmental Quality, Smithfield Foods, and most recently as Senior Council in Government Relations and Administration Law at the Reed Smith, LLP, law firm; and

WHEREAS, passionate about the arts and humanities and the environment as well as higher education, he has served the state of Virginia in the spirit of Ut Prosim in various capacities, including as chairman of the Virginia Chamber of Commerce, vice chairman of the Virginia Business Higher Education Council, and as a member of the Chesapeake Bay Commission, VIRGINIAforever, Virginia Humanities, and the Virginia Museum of Natural History, and is also a strong advocate for the Rural Virginia Initiative; and

WHEREAS, during his tenure on the Board of Visitors, Mr. Treacy served as a member and chair of the Board’s Executive Committee, the Academic Affairs, and the Finance and Audit Committees; and as a member of the Research Committee, the Compliance Audit and Risk Committee, the Buildings and Grounds Committee, and the Governance and Administration Committee; and he represented the Board on the university’s Beyond Boundaries Steering Committee in 2015-16; and

WHEREAS, he was elected Rector of the Board from 2017 to 2019 when the Board implemented the new committee structure he helped define as a member of the BOV Taskforce on Board Structure and Governance in 2016-17 when he was Vice Rector; and

WHEREAS, the members of the Board have thoroughly enjoyed getting to know Dennis, and his wife, Donna, and have enjoyed their company at Board meetings, football games, and other university events over the course of the past eight years;

NOW, THEREFORE, BE IT RESOLVED that the members of the Board of Visitors of Virginia Polytechnic Institute and State University hereby extend their sincere appreciation to Mr. Dennis H. Treacy for his outstanding loyalty and devoted service, and for his faithful dedication to the university and its missions.

RECOMMENDATION:
That the resolution recognizing Dennis H. Treacy for his service as a member and Rector of the Board of Visitors be approved.

August 25, 2020
Constituent Report by Undergraduate Student Representative to the Board, Camellia Pastore, will be presented at Monday’s Information Session
Constituent Report by Graduate Student Representative to the Board, Sabrina Sturgeon, will be presented at Monday’s Information Session
Constituent Report by President of Staff Senate, Tamarah Smith, will be presented at Monday’s Information Session
Pursuing the Modern Land-Grant Mission
Presented by Eric Kaufman, Faculty Representative to Virginia Tech’s Board of Visitors

Twelve years ago, my son was beginning a preschool program here in Blacksburg, and I was grateful to have support. Like so many Virginia Tech faculty, the closest member of my extended family lives hours away, which makes dependent care a critical factor in allowing me to fulfill my role as a faculty member. That same year, Virginia Tech expanded an agreement with Rainbow Riders Childcare Center, allowing faculty, staff, and graduate students more access to local day care services. For Dr. Linsey Marr, though, placing her son in the day care offered more than time to work; the experience altered the trajectory of her research. Dr. Marr used her expertise as a civil and environmental engineer to study airborne transmission of viruses, first with the seasonal flu and more recently with the novel coronavirus. As one of our University Distinguished Professors, Dr. X.J. Meng, shared with the New York Times: “There are not many people who are trained engineers who also study infectious disease…. She’s really the star in the field right now.”

You have likely seen Dr. Linsey Marr quoted and interviewed in a variety of media outlets. My own spouse highlighted the connection for me during the news one evening, when she saw Linsey on TV and said, “I think that’s one of our neighbors.” While we are proud to know such a renowned scientist, it is important to understand the environment and support that allowed Dr. Marr to emerge as a trusted scientist when the entire world is looking for guidance. Her story includes Virginia Tech policies that allow for modified duties, but her story may be better characterized by Virginia Tech’s motto of Ut Prosim (that I may serve).

Earlier this month, I met with Dr. Marr on the deck outside her home. Her spouse, Erich Hester, is also a faculty member at Virginia Tech and successful in his own right; but that evening, he stayed inside with their children. I asked Linsey what has allowed her to be successful at Virginia Tech, and she highlighted several mentors and programs, including Virginia Tech’s internal funding for interdisciplinary projects—things like ICTAS (the Institute for Critical Technology and Applied Science), as well as IGEPs (Interdisciplinary Graduate Education Programs). She particularly emphasized the collaborative and collegial environment, within her own department, but also when working across departments. I asked Linsey what attracted her to Virginia Tech, and she noted how important it was that she was not going to be the only female faculty member in her department. If we want more faculty like Linsey Marr, we need to take care of the faculty we have and support them in ways that allow them to address the world’s most pressing challenges.

Personally, my admiration for Linsey Marr relates to her reflection of Virginia Tech’s land-grant mission. As a land-grant institution, Virginia Tech was founded with a tripartite mission, including learning, discovery, and engagement. On the learning front, Dr. Marr teaches courses on air pollution and environmental engineering. In 2019, she earned the Excellence in Teaching Award from Virginia Tech’s Center for Excellence in Teaching and Learning (CETL). Related to discovery, Dr. Marr leads the Applied Interdisciplinary Research in Air (AIR2) laboratory. She is
especially interested in emerging or non-traditional aerosols such as engineered nanomaterials and viral aerosols. She collaborates broadly with others to understand how changes at the microscopic to global scale affect public and environmental health. On the engagement front, Linsey remains committed to public communication and combating misinformation. Part of the reason Marr has become so popular in public forums is her ability to explain difficult scientific concepts in easy-to-understand terms. The engagement mission is about more than just communicating research, though, it is about addressing meaningful problems. And that takes me back to Linsey’s experience with the community day care. She noticed her son kept getting sick with minor illnesses that seemed to be spread through the air, and that practical problem guided her research. Considering Linsey’s persistent commitment to learning, discovery, and engagement, I believe she represents the epitome of Virginia Tech’s land-grant mission.

Within the Commonwealth of Virginia, there are many higher education institutions, yet Virginia Tech has a unique heritage as the “people’s university,” because of its founding as a land-grant institution. As we head into Virginia Tech’s sesquicentennial celebration, let’s reclaim the tripartite land-grant mission of learning, discovery, and engagement. Yes, faculty share this responsibility, but it is critical that the faculty who are investing in interdisciplinary work and engaged scholarship are recognized and rewarded for their efforts. The needed support cannot be achieved at a department or program level; it must be a commitment at the university level. It is critical that the Board of Visitors embrace engaged scholarship as a core mission of the University and ask Virginia Tech administrators questions about how such work can be better supported.

I will close with a statement by a senior administrator, quoted in a recent book on Land-Grant Universities for the Future: Higher Education for the Public Good: Faculty will be most active where they see themselves as being rewarded. Out of all the things we have figured out in higher education and land-grant universities regarding faculty rewards, we probably have failed most miserably on engagement. I think we have figured out how to reward great teaching, and certainly we have figured out how to reward great research and scholarship. But when it comes to engagement, I don’t think we do a very good job. And we can give a lot of lip service to it as a land-grant university, and we often do just that. But when it comes right down to it, to evaluating faculty and giving them rewards, I think engagement is undervalued. In fact, it is often just ignored. (p. 123)

I am asking for your help to ensure that engagement is not ignored at Virginia Tech. Thank you.
I move that the Board convene in a closed meeting, pursuant to § 2.2-3711, Code of Virginia, as amended, for the purposes of discussing:

1. Appointment of faculty to Emeritus status, the consideration of individual salaries of faculty, consideration of Endowed Professors, review of departments where specific individuals’ performance will be discussed, and consideration of personnel changes including appointments, resignations, tenure, and salary adjustments of specific employees and faculty leave approvals.

2. The status of current litigation and briefing on actual or probable litigation.

3. Fundraising activities.

all pursuant to the following subparts of 2.2-3711 (A), Code of Virginia, as amended, .1, .7, and .9.
MOTION TO RETURN TO OPEN SESSION

August 25, 2020

WHEREAS, the Board of Visitors of Virginia Polytechnic Institute and State University has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board of Visitors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors of Virginia Polytechnic Institute and State University hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Visitors.