

**RESOLUTION TO REVISE THE FACULTY HANDBOOK
EMPLOYMENT POLICIES AND PROCEDURES FOR
ADMINISTRATIVE AND PROFESSIONAL FACULTY**

WHEREAS, the Resolution to Approve the Constitution and Bylaws for the Administrative and Professional (A/P) Faculty Senate was presented by the Commission on Administrative and Professional Faculty was approved by University Council on February 15, 2021; and

WHEREAS, the Joint Resolution to Revise Shared Governance at Virginia Tech was approved by University Council on February 15, 2021; and

WHEREAS, the Administrative/Professional (A/P) Faculty Senate Constitution and Bylaws outline the leadership, membership, and role of the A/P Faculty Senate; and

WHEREAS, chapter seven of the Faculty Handbook – Employment Policies and Procedures for Administrative and Professional Faculty governs A/P faculty at Virginia Tech and does not reflect the A/P Faculty Senate Constitution and Bylaws;

NOW, THEREFORE, BE IT RESOLVED that the Faculty Handbook Employment Policies and Procedures for Administrative and Professional Faculty (currently chapter seven) be revised according to the full text attached; and

BE IT FURTHER RESOLVED, that these revisions are effective with the approval by the Board of Visitors, in August 2021, of the 2021 – 2022 Faculty Handbook.

RECOMMENDATION:

That the Board of Visitors approve the resolution to revise the Faculty Handbook Employment Policies and Procedures for Administrative and Professional Faculty.

June 8, 2021

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. 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 [and the Human Resources online forms page](#).

Step one: 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) within 30 calendar days of the date identified, or the grievant should have known, of the event or action that is the basis for the grievance. 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 [senators](#) from CAPFA [\[Delete:\(selected by the CAPFA chair in consultation with the vice president for human resources of the ethics committee\)\]](#). 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 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 **current A/P Faculty Senate membership, including Senators and Alternates.** ~~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 A/P Faculty Senators or Alternates, an alternate panel member, and the non-voting chair. [Delete:

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 senators who serve on CAPFA to serve as chair of the hearing panel. In the unlikely event that all A/P faculty senators and alternates have a conflict of interest concerning a case, the CAPFA chair, in consultation with the A/P Faculty Senate president and an appropriate senior administrative official (President, Provost, Vice President for Human Resources), will appoint a non-voting chair and panelists from the A/P faculty at large.

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; **Policy 1026 Title IX Sexual Harassment and Responsible Employee Reporting**; *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).

Allegations against an A/P faculty member of unprofessional or unethical conduct will follow the procedures outlined in section 2.23.2 *Allegations of Unprofessional or Unethical Conduct*.

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.

Step one		
Within 30 days of event	1a.	Grievant submits written grievance to step one administrator (for Extension A/P faculty this is usually the district director) and chair of CAPFA.
Within 5 weekdays	1b.	CAPFA chair acknowledges in writing to grievant that copy of grievance has been received
	1c.	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.
	1d.	If the issue is not grievable, the grievance process concludes.
Within 5 weekdays	1e.	If the issue is grievable, the step one administrator responds to grievance in writing on the grievance form.
	1f.	If step one administrator’s response is satisfactory to grievant, that ends the matter.
	1g.	If step one administrator’s response is not satisfactory to the grievant, move to step two within 5 weekdays.
Step two		
Within 5 weekdays	2a.	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 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.
	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 convenes a hearing panel that 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	3h.	Step three administrator notifies grievant in writing of the decision.
	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.
	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.