

**RESOLUTION TO CLARIFY LANGUAGE IN FACULTY HANDBOOK
ON REMOVAL PROCESSES FOR
RESEARCH FACULTY MEMBERS**

WHEREAS, research is part of the core mission of Virginia Tech, and

WHEREAS, research faculty make significant ongoing contributions to the university mission, and

WHEREAS, Chapter 6 of the Faculty Handbook describes policies and procedures related to the employment of research faculty, and

WHEREAS, language addressing removal of research faculty in Chapter 6 of the Faculty Handbook is in need of clarification, now

THEREFORE, BE IT RESOLVED that section 6.14 of the faculty handbook be modified as outlined below to clarify policies related to removal of research faculty (changes and new language in red).

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 an evaluation of his/her performance 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 and 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 in writing within five working days.

The vice president for research and innovation appoints a committee of three members of the general faculty who make recommendations to the executive vice president and 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 ~~Termination of Appointment for Faculty on Restricted Contracts~~ 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 section 6.9).~~

~~Research faculty members with regular appointment receive written notice of non-reappointment as described in chapter two, section 2.11, "Retirement, Resignation, and Non-Reappointment," should it become necessary to end the appointment.~~

~~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 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 six, "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~~

~~6.14.3 Termination Of Appointment For Faculty On Restricted Contracts 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 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 ~~six "Reappointment"~~ two, section 2.11, "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.

RECOMMENDATION:

That the above resolution be approved.

June 4, 2018