

III. POLICIES AFFECTING THE FACULTIES

This section of *The Faculty Handbook* details the policies and procedures by which the College of William and Mary protects those rights of instructional faculty members and ensures that faculty members fulfill those responsibilities enumerated in Section I. The term "faculty" as used in Section III designates those persons who have teaching and/or research responsibilities and who hold academic appointments in a department, program, or school of the College of William and Mary, as well as those administrators who hold an academic appointment in a program, school or department (faculty appointment categories are enumerated in III.B.1. below).¹ Any professional faculty members who are required to conduct research or who are directly involved in the education of students are subject to all relevant Handbook policies

Comment: I've added "program" since this Handbook will now cover part-time faculty

Comment: The sentence about how the faculties are organized has been moved to II.D.

A. ACADEMIC FREEDOM AND PROFESSIONAL ETHICS

The College of William and Mary subscribes to the Statement of Principles on Academic Freedom and Tenure, adopted jointly in 1940 and interpreted in 1970 by the Association of American Colleges and by the American Association of University Professors. According to these principles, the purpose of academic freedom is to ensure the "common good" by encouraging the "advancement of truth" via the cultivation of academic inquiry in both research and teaching. To that end, faculty members must be free to conduct research ~~in their designated fields~~ and to publish the results of the research (subject to the adequate performance of their other academic duties and compliance with College policies). Because controversy is often at the heart of academic inquiry, they must also be free to foster open discussion, but with the understanding that they should be careful not to introduce into their teaching controversial matters that have no relation to course content².

Comment: FAFAC: Remove "in their designated fields"; rationale provided in a separate memo.

The faculty member's right to academic freedom entails the concomitant ethical responsibility to foster an environment conducive to the advancement of knowledge. The creation of new knowledge is one of the intrinsic functions of the university: research extends faculty members' knowledge and sets an example of proper academic inquiry for colleagues and students. Faculty members must maintain the highest ethical standards when conducting research: they must "avoid fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the [academic] community for proposing, conducting, and reporting research"³; and they

¹When a tenured or tenure-eligible faculty member is also an administrator, the policies governing the administrative appointment are set forth in *Policies and Procedures Regarding Employment and Performance Review of Administrative and Professional Faculty* (as may be amended).

² "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments." . American Association of University Professors. 1 June 2006. <<http://www.aaup.org/statements/Redbook/1940stat.htm>>

³"Model Procedures for Responding to Allegations of Scientific Misconduct," Office of Research Integrity.

must adhere to the relevant policies of any granting agency as well as of the College⁴ (see, e.g., Appendices E & J on “External Paid Employment” and “Intellectual Property,” hyperlink).

Comment: Per John Wells request, we will add a reference to this footnote to federal regulation about retention of data—Dennis has provided a couple of references and is working on getting those into one accessible document

Freedom to teach and freedom to learn are inseparable components of academic freedom⁵. Faculty members should encourage free discussion, inquiry, and expression—student performance should be evaluated solely on an academic basis, and not on opinions or conduct in matters unrelated to academic standards. Faculty members must adhere to their proper professional roles as instructors and counselors, and must ensure that their evaluation of students’ performance fairly reflects each student’s true merit. By the same token, faculty members can expect that they themselves will be evaluated—and accept responsibility for evaluating their colleagues, administrators, and other personnel—based solely on classroom and/or job performance. All members of the College community are protected from illegal or unconstitutional discrimination, including discriminatory harassment.

Comment: Part of this paragraph is from I.E.1, p.40.—much of that section, however, has been deleted as some of the recs seem to apply strictly to the sciences

Faculty members are also entitled to their political rights and should be free from institutional censorship or discipline for exercising them; however, their special position in the community imposes special obligations. As members of a learned profession and officers of an educational institution, when representing that institution they should at all times endeavor to be accurate in their assertions, they should exercise appropriate restraint, they should show respect for the opinions of others, and they should make every effort to indicate that they are not institutional spokespersons.

Comment: FAFAC: add “performance”, as we don’t claim to evaluate the student’s intrinsic worth, just how well they do in class, etc.

Comment: FAFAC: stylistic suggestion: this seems a bit awkward. Perhaps “...students’ performance is fair and impartial”?

Comment: FAFAC: stylistic suggestion: “they themselves” is awkward. Perhaps “... can expect they will also be evaluated...”, or some other rephrasing?

Comment: Moved from III.C.1. on sexual harassment; the next sentence restates in brief I.2.

Comment: Suggested by PRC

B. APPOINTMENT CATEGORIES AND CONTRACTS AND NOTICES

All appointments incorporate, and are subject to, the policies of the Board of Visitors. All appointments require approval of the Board of Visitors.

1. Faculty Appointment Categories.

Although differences in mission and organization among the several faculties of the College necessitate variations in procedures, the College recognizes the fundamental principle that both faculty members and administrative officers should participate in the recruitment and appointment of faculty. All tenure-eligible and tenured appointments must be made in either a department or School; however, faculty members may hold one or more joint appointments with another program, department, or School (see Appendix K, “Policy on Joint Appointments,” hyperlink).

Comment: Most of this section was moved from former III.F.3. “Recruiting and Appointments”

The College of William and Mary is an equal opportunity employer (see the College’s Affirmative Action Plan, Appendix C). The College recruits, appoints,

Comment: SUBSTANTIVE: This one probably needs to be taken up by PPC and Assembly. The phrase “makes positive efforts to recruit and retain minority and women faculty” may be redundant of “in accordance with federal and state regulations” UNLESS we’ve added something—but our own AA policy is still in draft stages, so it’s hard to tell.

⁴ See “Institutional and Federal Compliance Requirements,” <http://www.wm.edu/grants/>

⁵ Student Rights and Freedoms: Joint Statement on Rights and Freedoms of Students” (1967; revised 1992). American Association of University Professors. 2 June 2006. <<http://www.aaup.org/statements/Redbook/Studentrights.htm>>

retains and promotes faculty members in accordance with all federal and state non-discrimination laws and regulations. Failure to comply with federal and state non-discrimination laws and regulations shall be handled in accordance with provisions in the *Faculty Handbook* Sections III.C.1.d. and III.F.2.

Comment: FAFAC: will need to add explicit reference to non-discrimination on basis of sexual orientation to follow requirement of Verkuil in Section I.

Faculty appointments at the College are held under one of the following categories:

a. Tenured and Tenure-Eligible Appointments.

The College of William and Mary accepts the principle of tenure and adheres to it as a moral, professional, and legal obligation. Tenured faculty members are those persons who have been affirmatively confirmed in such status by action of the Board of Visitors on recommendation of the President subsequent to appropriate peer and administrative review.

Tenure-eligible appointments must carry one of the following titles:

Instructor, Assistant Professor, Associate Professor, or Professor.

Tenured appointments must carry one of the following titles:

Associate Professor, Professor.

An appointment with tenure may be terminated by the College only for adequate cause (see Section III.B.2.d.).

Faculty who hold tenure-eligible probationary appointments may be considered for tenure under the provisions of Section III.C.1.b.ii. These probationary faculty appointments may be terminated at the end of any contract period following the standards and procedures defined in Section III.B.2.a.

A faculty member holding a tenured or tenure-eligible appointment at the College of William and Mary shall not hold a tenured or tenure-eligible position at any other college, university, or institution of higher learning. The Provost may make an exception when an individual is sufficiently distinguished to make such an appointment beneficial to the College.

Comment: FAFAC: stylistic DSA: (inserted hyphen)

Comment: FAFAC: What about one-year leave of absence cases? Seems to be inconsistent with current practice, i.e. tenured faculty who take up a tenure-eligible position at another university, and remain here on a one-year leave of absence. There are such cases this year in A&S. Perhaps this should be viewed as different than tenured at two places. Perhaps it could be limited to not holding a tenured position at another institution?

b. Specified-Term Appointments.

A specified-term faculty appointment is a full-time appointment that is not tenure-eligible and terminates on the date specified in the contract. Persons in such appointments must carry one of the following titles, which

Comment: FAFAC: Discussed whether should be Assembly? Decided Provost is OK.

Comment: Per PRC's recommendation

may be modified, as appropriate, with “Research,” “Clinical,” “Visiting,” “Executive,” or “of the Practice”:

Comment: Per Deans’ request

Instructor, Lecturer, Senior Lecturer, Post-doctoral Fellow, Assistant Professor, Associate Professor, or Professor.

Comment: I’ve deleted the old note about specified-term faculty hired before 1996 retaining their former titles unless someone determines we need it—but I’ve put in a new note per PRC’s suggestion restricting the unmodified use of “Professor”

Specified-term appointments may be made for a cumulative period of no more than five years, except under one of the following circumstances:

Comment: Substantive—I think “total” in the next sentence implies cumulative rather than consecutive, but this probably needs discussion

* when the position is funded for a specific project or projects by an external granting agency; or

* when the position is funded for a specific project or projects by the Commonwealth and a Dean certifies to the Provost that the needs of the Commonwealth require the award of a new contract.

* In unusual circumstances, the instructional or research needs of a particular program may justify the renewal of the specified-term appointment for more than a total of five years. For such a renewal to occur, a Dean must, with the agreement of the faculty of the appropriate department, school, or program,⁷ demonstrate to the Provost that a renewable term appointment, rather than a tenured or tenure-eligible appointment, best meets those instructional or research needs. Before he or she determines whether such a renewal is appropriate, the Provost shall provide the Executive Committee of the Faculty Assembly with a written explanation of the critical instructional or research need, as well as the nature and vote of the appropriate academic unit in support of the Dean’s recommendation. The Executive Committee shall issue a written response, including a recommendation to accept or deny the exemption based upon the principles of this *Handbook*, within 14 calendar days of receiving the Provost’s request. Not later than 30 calendar days after reaching a decision, the Provost shall report his or her decision in writing to the Executive Committee.

Comment: FAFAC – suggestion, we have made this a third “starred” circumstance, as it seems parallel to the first two.

Specified-term appointments made for at least one year may be terminated at the end of any annual contract period following the standards and procedures defined in Section III.B.2.a. (governing Contracts and Notices), except that faculty holding specified-term appointments that are contingent on receipt of funds from an external granting agency or agencies are not entitled to notice under the provisions of III.B.2.a. No

Comment: Controversial: The Dean of the Business School finds this 5-year rule counter to best practice in Business. However, the faculty I’ve spoken with do not want to waive approval by the Executive Committee or to establish a category of appointment to which the 5-year rule does not apply. AAUP makes no distinction between professional schools and other faculties; they do acknowledge that PART-time faculty who are professionals elsewhere are not the contingent faculty they’re concerned about, but that applies only to PART time, while this policy applies to full time.

Comment: FAFAC: 14 days seems rather short?

⁶Normally, all specified-term appointments carrying the title “Assistant Professor,” “Associate Professor,” or “Professor” must be modified (e.g., by “Visiting”) except as approved by the Provost.

⁷In the case of such renewals, the primary department or school continues to retain its traditional authority over its appointments and retention policies and procedures.

person in a specified-term appointment may receive a tenure-eligible or tenured appointment unless he or she is selected as a result of a search to fill a tenure-eligible or tenured appointment consistent with Handbook III.B.1.

Comment: Checking with Kiersten about any legal issues—this language may depend on what our Affirmative Action policy says

Each fall the Provost shall submit to the Faculty Assembly a report on specified-term appointments. That report shall include information (provided in such a way that no individual may be identified) on teaching loads, salary ranges, the provision of benefits to those having such appointments, and other relevant financial and instructional information. During the fall semester, the Faculty Assembly, or its designated university-wide committee(s), shall review the report to determine whether the conditions pertaining to such appointments are equitable and whether the appointments are in compliance with the *Faculty Handbook*, and report its recommendations to the Provost.

Comment: Does the Assembly actually do this? Are there consequences to the report? Do we want to add an additional step here?

i. Post-doctoral fellows.

Post-doctoral fellows hold specified-term appointments as defined in and subject to the conditions of II.B.1.b. above, except that the appointments may be either full- or part-time. Also, because post-doctoral fellows are typically funded by external agencies, they are typically hired and evaluated by the Principle Investigator, who may be a faculty member or a program director, chair, or Dean, and they are evaluated within the terms of the specific grants or contracts used to create their positions.

Comment: FAFAC: “c” corrected to “b”

Comment: New language

c. Part-time Appointments.

A part-time faculty appointment is not tenure-eligible and terminates on the date specified in the contract. Part-time faculty are paid by the course or for specific contracted services; they normally do not receive benefits. Persons in such appointments must carry one of the titles listed in III.B.1.b., modified (according to the practice of the unit in which the appointment is made) by “part-time,” “adjunct,” “visiting,” “executive,” or “of the practice.”

Comment: FAFAC: corrected to III.B.1.b (was II.B.1.c)

Comment: Per Deans’ request

The College may, but is not required to, renew part-time appointments; there is no limit on the number of terms an individual may be employed in part-time appointments. No person in a part-time appointment will receive a tenure-eligible position unless he or she is selected as a result of a search to fill such an appointment consistent with Handbook III.B. 1.

Comment: New language, adapted from the current “Part-Time Handbook”

d. Retirement Transition. Retired faculty members with at least ten years of full-time service at the College may, with the approval of the

appropriate program director, department chair, and/or Dean and of the Provost, be re-employed part-time after retirement for a period of 1-5 years. For all the terms of these appointments, eligibility, restrictions, and benefits, see “Faculty Retirement Transition Program,” Appendix G, hyperlink.

Comment: FAFAC: Remove “part-time” so as to avoid confusion with the “Part-time” appointments in category c) above, which are very different than the retirement transition faculty.

e. Affiliated Scholars

Certain individuals who hold academic credentials equivalent to those of William and Mary faculty may be designated Affiliated Scholars (for more information, see Appendix B, “Affiliated Scholars Program”). Appointment as an Affiliated Scholar is non-salaried, carries no university duties, and implies no university support.

Comment: FAFAC: remove the explicit term limit here, as it is redundant (already in appendix G), and it thus makes it cleaner if the FRTP is revised, the term limits only have to be updated in one place.

Comment: FAFAC: redundant language removed, since all of these seem to be included under “all terms of these appointments”.

Comment: New language, adapted from new policy

Comment: Possibly substantive, though Alan and Katherine have both pointed out that some people who hold such positions, or who we might want to include, aren’t “local”

Comment: New language, adapted from the Affiliated Scholars document currently appended to the Handbook

Comment: FAFAC: suggest replacing “current” by “most recent”.

2. Contracts and Notices

The terms and conditions of all initial appointments to a faculty of the College, with or without tenure, shall be stated in a written contract, one signed copy of which must be in possession of the College and the other in the possession of the faculty member before the appointment is effected. The current edition of the *Faculty Handbook* is incorporated by reference into all the appointments, subject to the lawful authority of the Board of Visitors.

a. Full-time faculty. In accordance with the definitions in Section III.B.1.a. & b. above, written notice that an appointment is not to be renewed shall be given to those faculty members having tenured, tenure-eligible, or specified-term appointments in advance of the expiration of the appointment, as follows:

- i. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that academic year.
- ii. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that academic year.
- iii. At least twelve months before the expiration of an appointment after two or more years at the College.

Normally, the College will issue salary letters to tenured or tenure-eligible faculty members, and notify specified-term faculty members of the terms and conditions of their renewal, by April 15. Late action by the General Assembly on the College's budget occasionally may delay this process.

Comment: Changed to reflect the fact that tenured faculty now receive salary letters.

Comment: Formerly Section III.B.4.

b. Part-time faculty. Contracts for part-time faculty are issued at the time of hire and specify the conditions and duration of employment (usually one or two semesters). An appointment may be renewed for a subsequent term given appropriate administrative approval of a new contract; however, there is no

presumption of continuance or renewal based on prior service, and the College may decide not to renew a contract without explanation.

Comment: New language, adapted from the current "Part-time Handbook"

c. Resignation by Faculty Members

Comment: Formerly III.B.6.

A faculty member may resign from a continuing appointment effective at the end of an academic year provided that notice is given in writing at the earliest possible opportunity, but not later than May 15, or thirty days after receiving notification of the terms of appointment for the coming year, whichever date occurs later.⁸ A part-time faculty member may resign from a continuing appointment effective at the end of an academic semester, provided that notice is given in writing at the earliest possible opportunity, but not later than December 15 of the Fall semester or May 15 of the Spring semester, or thirty days after receiving notification of the terms of appointment for the coming term, whichever date occurs later. Any faculty member may request a waiver of this requirement of notice from the Provost in case of hardship or in a situation where significant professional advancement or other opportunity would otherwise be denied.

d. Termination of an Appointment With Tenure, or of a Non-Tenured Appointment Before the End of the Term Specified in the Faculty Member's Contract.

Termination of an appointment with tenure or of a non-tenured appointment before the end of the period specified in the faculty member's current annual or semester contract may be effected only for adequate cause. Adequate cause is defined as:

- i.** Incompetence, neglect of duty, or misconduct of such a nature as to render the individual unfit to continue as a member of the faculty. Adequate cause for dismissal must be related directly and substantially to the fitness of faculty members in their professional capacity as academicians. Dismissal shall not be used to restrain faculty members in their exercise of academic freedom or other rights of U.S. citizens.
- ii.** Medical reasons of such a nature as to render faculty members unable to fulfill their professional responsibilities; or
- iii.** Bona fide financial exigency on the part of the College or discontinuance of a program, department, or school of instruction.

⁸ Also, see "Faculty Clearance Policy," Appendix F, [hyperlink](#).

Standards for each of the above grounds are listed in III.F., III.H. And III.I. below.

Comment: This section was moved from current Handbook III.B.7

e. Retirement. In accordance with the 1986 Amendments to the Age Discrimination in Employment Act (1967), there is no mandatory retirement age for any member of the instructional faculty. When possible, full-time faculty members should notify their department chair and/or Dean at least three years in advance of their projected retirement date so that they might be apprised of the full range of retirement options and benefits.

Comment: Checking with Kiersten about more recent legislation

Comment: Moved from current III.F.5, new language reflects 8-7 practice