

REPORT AND RECOMMENDATIONS: STAFFORD FACULTY TRANSITION COMMITTEE

Carter Hudgins, Professor of History, American Studies, and Historic Preservation (Chair)

Raul Chavez-Negrete, Associate Professor of Leadership and Management

Jane Huffman, Associate Professor of Education

Kimberly Kinsley, Assistant Professor of Leadership and Management

David Kolar, Associate Professor of Psychology

Ken Machande, Assistant Professor of Business Administration

Venitta McCall, Professor of Education

Mukesh Srivastava, Associate Professor of Computer Information Systems

Ex Officio

Sabrina Johnson, Associate Vice President for Human Resources

John Morello, Associate Provost

16 July 2010

TABLE OF CONTENTS

I. INTRODUCTION.....	3
II. THE TRANSITION PROCESS.....	6
General Transition Timeline, 2010 – 2015	6
Transition Deadlines, 2010 – 2011	7
The Transition Process	8
III. RECOMMENDATIONS FOR REVISIONS TO FACULTY HANDBOOK	10
Tenure Decisions for Persons Already at the Rank of Professor ..	10
Numerical Limits on Renewable Term Appointments ..	11
IV. APPENDICES	14
President Hurley’s Charge to the Committee	15
Dissenting Opinion	16

I. INTRODUCTION

During the month of June the Stafford Faculty Transition Committee convened at the request of President Rick Hurley to “develop the process to be followed in making the determination for converting particular individuals and positions to new contract types” (See charge to the committee from President Hurley Appendix I: ***Stafford Faculty Transition Committee*** . . .). Composed of faculty from both the Stafford and Fredericksburg campuses and *ex officio* members Sabrina Johnson, Associate Vice President for Human Resources, and John Morello, Associate Provost, the committee met four times and reached consensus on a process that, when approved, will guide the transition of full time members of the Stafford faculty from their current three-year rolling contracts (set to expire August 15, 2012) to new types of contracts.

The report that follows recommends a process that will apply to all full time Stafford faculty now transitioning to the faculties of the College of Business and the College of Education. As outlined in Section II: The Transition Process below, the process itself will be managed by the deans of the University’s two new colleges in consultation with the appropriate department chairs and the provost. It is the committee’s intention that the process outlined below provide opportunities for Stafford faculty to consult openly and frequently with the chairs of the departments they will join in the 2010-2011 academic year and with the dean of their college.

Section II also contains two schedules. The first, “Timeline for Stafford Faculty Transition, 2010 – 2015,” is a summary schedule of the transition process with regard to the deadlines the deans and provost will follow as they determine the types of contracts that will be offered to transitioning faculty at the expiration of their current contracts on August 15, 2012 and, for those faculty appointed to tenure-track positions, important deadlines for the years in which transitioning Stafford faculty may elect to apply for tenure review.

The second, “A Detailed Schedule of 2010 – 2011 Transition Deadlines” describes (1) the decision path transitioning faculty will follow, and (2) deadlines that the faculties of the College of Arts and Sciences, the College of Business, and the College of Education must follow to draft and adopt new guidelines that will govern faculty appointments and the tenure and promotions processes without the respective colleges.

If approved, these schedules, and the recommendations that accompany them, will be quickly referred to the University Faculty Council and the college deans. Our report recommends that all transitioning faculty be notified no later than January 15, 2011 as to of the type of contract they will be offered when their current renewable-term contracts expire. Further, we recommend that transitioning faculty will accept or decline their new contracts by September 1, 2011. The committee agreed that the relatively long interval between notification of new contracts and decisions to accept or decline was necessary so that the colleges can draft, review and adopt new tenure and promotion criteria. Since these new criteria will be applied to transitioning faculty, it

is, as a matter of fairness and transparency, necessary to have these new criteria in place before transitioning faculty decide whether to accept or decline new contracts.

President Hurley also charged the committee with review of the *University Faculty Handbook* to determine if “any existing contractual requirements” would “require modification in order to enable a smooth transition to new contracts.” The committee found that the process it recommends will indeed necessitate two changes to the *Faculty Handbook*. The first recommended change pertains to *Tenure Decisions for Persons already at the Rank of Professor*. The committee agreed that Stafford faculty who are offered and accept a tenure-track contract will retain the current faculty ranks to which they have been appointed by the University’s Board of Visitors.

As explained further in Section III, the committee recommends that the Handbook be changed to require that when a faculty member who already holds the rank of professor is reviewed for tenure, the candidate “must meet the criteria specified for promotion to the rank of professor in addition to fulfilling all the criteria required for tenure.” The *Faculty Handbook* currently anticipates that the normal path to tenure parallels the promotion path from assistant to associate professor and does not anticipate a scenario in which faculty with senior rank would be candidates for tenure. The recommendations for revision to the *Handbook* thus argue that the tenure criteria for a faculty member who already holds the rank of professor should not be less rigorous than the standards that would have been applied to the person when they were evaluated for promotion from assistant professor to associate professor.

The committee’s second recommendation concerning revision to the *Faculty Handbook* concerns *Numerical Limits on Renewable Term Appointments*. As explained in greater detail below the *Faculty Handbook* currently restricts the number of renewable term appointments. The University’s current policy states that faculty who hold renewable term appointments cannot exceed ten percent of the number of all tenured faculty appointments in any of the colleges. Further, the *Handbook* states that portion of RTAs in any one department cannot exceed twenty percent. The committee agrees that there should be a clear limit to the number of RTAs but concluded that existing policy would, during the period Stafford faculty transition to new appointments in the colleges of Business and Education, restrict flexibility in faculty appointments in ways that might restrict course offerings and enrollment.

The remedy recommended by the committee is revision of the Faculty Handbook to allow the Provost to make an exception to current RTAs limits if a request for an exception addresses demonstrated programmatic needs and the exception does not cause the number of RTA appointments to exceed fifteen percent in the college that requests the exception. The committee, agreeing that tenure-track appointments are in the university’s best intellectual and programmatic interest, further recommends that a sunset provision for this change in policy be adopted so that this change would be temporary and terminated on August 16, 2016 at the conclusion of the transition period.

Finally, a few words about the committee's deliberations put its recommendations into the context of both its conversations and the recent history of the university's two campuses. In addressing its task, the committee devoted not a little time to discussing how the university has, since the inception of the Stafford campus and its programs some 15 years ago, evolved to meet the distinct demands of the academic programs offered on the two campuses. The committee's members reminded each other, sometimes sternly and always with conviction, that the two campuses have distinct histories, distinct missions, and distinct academic cultures. These discussions reminded the committee members, in turn, that the two campuses have, until very recently, interacted infrequently. Separated from each other, the two campuses developed, in the case of the Stafford campus for example, new criteria for hiring and promotion, and, in the case of the Fredericksburg campus, refined policies for hiring, promotion and tenure that have been in place for many decades. The committee noted during the course of its discussion other matters of policy and mission that distinguish the campuses and their programs from each other.

There is no need to recite those differences here. It was sufficient for the committee to agree that the two campuses have had distinct and different missions. Now, however, the academic programs offered on the Stafford campus, and their counterparts on the Fredericksburg campus, are merged to form the new Colleges of Business and Education. The plan that follows is the process that the committee recommends for the smooth and efficient transition of Stafford faculty to new faculty appointments in the Colleges of Education and Business as their current appointments expire at the end of the 2011-2012 academic year.

II. STAFFORD FACULTY TRANSITION PROCESS

TIMELINE FOR STAFFORD FACULTY TRANSITION, 2010 - 2015

- 2010 – 2011 Deans' Review Completed by 15 December 2010
Stafford Faculty Notified by 15 January 2011 of New Contracts
- 2011 – 2012 Final Year of Three-Year Rolling Contracts
Transitioning Faculty Accept/Decline New Contracts by 1 Sept 2011
Tenure Clock for Faculty Appointed to Tenure Track Positions
Starts August 2012
- 2012 – 2013 First Year of Tenure Reviews
Petitions for Tenure Review due 1 May 2012*
Tenure Files due 30 August 2012
- 2013 – 2014 Second Year of Tenure Reviews
Petitions for Tenure Review due 1 May 2013
Tenure Files due 30 August 2013
- 2014 – 2015 Final Year for Tenure Review for Transitioning Faculty
Petitions for Tenure Review due 1 May 2014
Tenure Files due 30 August 2014

*N.B.: Affected faculty should consult the Calendar of Important Dates for Faculty maintained by the Provost for the 2012-2013 academic year and following years for exact deadlines for submissions.

2010 – 2011 TRANSITION DEADLINES

- 15 Oct 2010 College Committees Complete New Criteria for Tenure and Promotion
- 15 Nov 2010 Colleges Adopt New Tenure and Promotion Criteria
- 30 Nov 2010 New College Tenure and Promotion Criteria Sent to UFC Oversight Committee
- 7 Dec 2010 Review of Proposed Tenure and Promotion Criteria by UFC Oversight Committee
- 15 Dec 2010 Determination of Type of Appointment by Deans in Cooperation with Department Chairs and Provost
- 15 Jan 2011 Communication by Deans with Transitioning Faculty Members re: Type of Appointment to be Offered (i.e. Tenure Track, RTA, or Administrative Faculty) or whether the position will not be renewed. For faculty appointed to tenure track positions, the year of tenure review will be established.
- [These conversations will, in addition to addressing type of appointment, also discuss mentoring to be made available during the tenure review process]
- Feb 2011 Final UFC Approval of New Tenure and Promotion Criteria
- April 2011 New Tenure and Promotion Criteria Sent to BOV
BOV Approval of New Tenure and Promotion Criteria
- August 2011 New Contracts extended to Transitioning Stafford Faculty
- 1 Sept 2011 Transitioning Stafford Faculty Accept/Decline New Contracts, which go into effect August 2012 at termination of Rolling Contracts
- 16 Aug 2012 Start Date of New Contracts for Transitioning Stafford Faculty

THE TRANSITION PROCESS

DEAN'S REVIEW. The first step in the Transition Process will consist of a case-by-case assessment conducted by the deans of the schools in which the faculty member is engaged. In consultation with the appropriate department chair, the deans will, using the criteria set forth in the University's Faculty Handbook for allocating faculty (cf sections 6.3.4 and 6.7.1), review the faculty member's academic credentials, record of professional accomplishment, and teaching evaluations and then, while addressing the department and school's instructional needs, determine (1) whether the faculty member holds degrees necessary and appropriate for the responsibilities of the position they hold, (2) whether the faculty member is qualified for that position, (3) whether the faculty member has demonstrated that he/she is capable of performing the responsibilities of the position, and (4) whether the faculty member has successfully demonstrated that he has the instructional capabilities the university expects of all its faculty.

The purpose of these reviews is to ascertain which of the following contracts each transitioning Stafford faculty member will be offered at the conclusion of their current three-year rolling appointments:

- Appointment to a Tenure Track 9 month appointment
- Appointment to a Tenure Track 12 month appointment
- Appointment to a Renewable Term Appointment (RTA) 9 month appointment
- Appointment to a Renewable Term Appointment (RTA) 12 month appointment
- Appointment to an Administrative Faculty position
- Non-renewal

The deans will, after this initial determination, seek the Provost's review and approval of the conditions of each appointment. The Dean's Review will be completed by December 15, 2011.

N.B.: During its deliberations the committee agreed that, in general, the preferred transition path was to tenure track appointments. This type of contract, long the norm for faculty appointments on the Fredericksburg campus, offers faculty the benefits of long-term association with the university and the kind of employment stability that renewable term appointments cannot engender. In addition, the university benefits from this type of appointment in that the long-term stability created by tenure allows for longer term planning and more certain predictability in course offerings than short duration contracts offer.

Prior to the new contract decision being considered final, the faculty member will have the opportunity to submit a written comment or to request a reevaluation of the offer by providing a letter of appeal to the Provost by January 31, 2011.

NEW CONTRACTS

TENURE TRACK CONTRACTS. In the case of appointment to a Tenure Track position (either the 9 month or 12 month terms), the deans of the appropriate school will, in conversation with the faculty member, confirm not later than January 15, 2011:

1. Year of Tenure Review.

The academic year during which a transitioning faculty member will undergo tenure review will be determined in consultation with the faculty member, the appropriate department chairs, and the provost. Transitioning Stafford faculty may, if they meet minimum service requirement, petition for tenure no earlier than the 2012-2013 academic year. Transitioning Stafford faculty appointed to tenure track positions must undergo tenure review not later than the 2014-2015 academic year.

2. Mentors

The deans, in conversation with the appropriate department chairperson, will identify a tenured member of the school to serve as a mentor and adviser to the transitioning faculty member during the tenure review process. This faculty should not, in order to protect the tenure process and prevent the creation of conflicts of interest, be a member of the school's tenure and promotion committee.

RENEWABLE TERM APPOINTMENT (RTA). Renewable Term Appointments are non tenure-track appointments. These appointments are at the rank of Lecturer and Senior Lecturer, and the faculty who hold these ranks enjoy the same rights, privileges, and responsibilities as tenure-track faculty members. At the rank of Lecturer, the initial appointment is for two years, followed by a three-year renewal if performance is satisfactory and the position continues to be needed. At the rank of Senior Lecturer, the initial appointment is for two-years and reappointments are for five years. There is no limit to the number or reappointments possible. University policy limits the number of RTA appointments (see *Faculty Handbook* 3.1.3). In the case of appointment to a Renewable Term Appointment (RTA), the deans, following a review of the faculty member's academic credentials, professional accomplishments, and teaching evaluations, determine the faculty member's academic rank (i.e. Lecturer or Senior Lecturer), set the contract for nine month or twelve month terms, and stipulate the length of the new contract.

ADMINISTRATIVE FACULTY. The deans of the colleges of Business and Education may, if a suitable administrative position exists, appoint transitioning faculty to an administrative faculty position. Such a position may or may not involve teaching, and the individual in such a position would be governed by the terms of the *Administrative and Professional Faculty Handbook*. Tenure is not awarded to administrators.

NON-RENEWAL. In the case of decision not to offer a contract at the expiration of the current three-year rolling contracts, the Dean will meet with the affected faculty member to explain the decision.

III. Proposed *Faculty Handbook* Changes

Recommended by the Stafford Faculty Contract Transition Committee

July 1, 2010

One part of the charge presented to the Stafford Campus Contract Transition Committee stated the following:

The committee is requested to examine any existing contractual requirements as specified in the *University Faculty Handbook* that might require modification in order to enable a smooth transition to new contracts. Any such modifications must also be submitted as a recommendation to the University Council and then approved by all required steps involved in the process of amending the *Faculty Handbook* before that option may be employed.

The committee identified two issues, and recommends that these matters be handled as quickly as possible during the 2010-11 academic year by using the new university faculty governance procedures that have been put in place.

A. TENURE DECISIONS FOR PERSONS ALREADY AT THE RANK OF PROFESSOR

Generally, faculty members are reviewed for tenure before standing for review to be promoted to the rank of professor. The standard procedure is that an individual is reviewed for tenure at the same time as they are considered for promotion to associate professor, thus accounting for the similarity in the criteria used to judge these actions.

When a faculty member already at the rank of professor is reviewed for tenure, the tenure criteria are less rigorous than the standards that would have been applied to the person when they were evaluated for promotion to professor. Using the criteria currently outlined in the *University Faculty Handbook* (approved for 2010-11), there are three areas of difference: (1) promotion to professor requires that the candidate **must demonstrate some leadership in the service area**, whereas the tenure standard states only that leadership in service is recognized; (2) promotion to professor requires that the candidate **demonstrate the achievement of recognition within the discipline**, and there is no such requirement stated in the tenure criteria; and (3) current standards

for promotion to professor specify that candidate **will include in the file three or more letters from external evaluators** that address the issue of recognition within the discipline.

While agreeing that the decision to award tenure and the decision to promote are separate actions, the committee concluded that a tenure decision for a person already at the rank of professor is a unique instance requiring the application of a higher standard of performance than would be true in the case of a person tenured at the rank of associate professor. This situation occurs rarely, but it is important to address it clearly. For instance, sometimes the university hires a new faculty member at the rank of professor but without tenure. They are reviewed for tenure after a shortened probationary period. When such a person stands for the tenure review, the groups and individuals acting on that tenure case should verify that this professor does in fact meet the current standards for serving as a professor, for the tenure decision in effect grants this person the rank of professor in perpetuity while at UMW.

Therefore, the Stafford Campus Contract Transition Committee recommends that when each of three colleges develops their specific tenure and promotion criteria that will be reviewed by the new university-level oversight committee on tenure and promotion standards (and ultimately approved by that committee and the UFC), those standards should incorporate the following criterion: **“In cases where the candidate for tenure already holds the rank of professor, he/she must meet the criteria specified for promotion to the rank of professor in addition to fulfilling the all criteria required for tenure.”**

This recommendation addresses an important business need for the university by providing an answer to the question of whether or not an individual who is about to be offered a permanent (tenured) contract as a professor does in fact have the record to continue on indefinitely at UMW at that rank, which is the highest rank awarded by the university. The procedure would apply to all faculty at the rank of professor in all colleges in any cases where the individual was promoted to that rank before the tenure decision was made. This standard would also apply to individuals already at the rank of professor who were formerly on rolling three-year contracts at the College of Graduate and Professional Studies and who are transitioned to a new tenure-track contract and then subsequently evaluated for tenure. Individuals being reviewed for tenure who are not already at the rank of professor will, of course, just have to meet the tenure standards outlined by the college in which they serve.

B. NUMERICAL LIMITS ON RENEWABLE TERM APPOINTMENTS

The *University Faculty Handbook* states that the number of Renewable Term Appointments (RTAs) are to be limited. The statement appears in §3.1.3: “Numbers of faculty appointed at these ranks outside the Health and Physical Education Department will not exceed a total of ten

percent of the number of all tenured faculty appointments in the college. In addition, no more than twenty percent of the faculty in any one department may be appointed at these ranks.” The committee endorses the existence of a limit on the number of RTAs, but believes that the limit must be a workable one for all colleges. To say that conversion from a rolling three-year contract to a RTA contract is one of the conversion options means that it must, in fact, be possible to make such a contract conversion under the terms of the current numerical RTA limits. And that is not possible for the College of Business.

The College of Business on July 1, 2010 will have 5 tenured faculty members (from the former Department of Business Administration), meaning that only one RTA slot would be available (10% of 5, rounding up from .5 to 1). Two existing RTA positions from the Department of Business Administration will move to the new College of Business. Hence, there is no option for any new RTA contracts in business under current rules. The College of Education will have 6 tenured members (from the former Department of Education), giving them one RTA slot. No education faculty are currently on a RTA contract.

In order to provide a flexible approach that maintains the option for converting some contracts to RTA while simultaneously holding to a numerical limit on RTAs, the Stafford Campus Contract Transition Committee recommends the following change to the last two sentences of §3.1.3 in the *University Faculty Handbook*:

Current language: Numbers of faculty appointed at these ranks outside the Health and Physical Education Department will not exceed a total of ten percent of the number of all tenured faculty appointments in the college. In addition, no more than twenty percent of the faculty in any one department may be appointed at these ranks.

Proposed revision (with changes underlined): Numbers of faculty appointed at these ranks (including RTA appointments in the Athletics, Health and Physical Education Department) will not exceed a total of ten percent of the number of all full-time faculty appointments in the college. In addition, no more than twenty percent of the faculty in any one department may be appointed at these ranks. If so requested by the college dean, the Provost may grant an exception to allow the total number of RTA appointments to exceed ten percent of total full time faculty in that college so long as (1) the percentage of RTAs in any department in the college does not exceed twenty percent of the total full-time faculty in the department, and (2) the exception granted does not cause the percentage of RTA faculty in the college to exceed 15 percent of the total full time faculty in the college. All exceptions must be based on sound programmatic needs. The option for an exception will be available until August 16, 2016. After that date, the limits of no more than ten percent of the number of all full-time faculty appointments in the college and no more than twenty percent of the faculty in any one department will apply without exception.

If this new approach to RTA limits were adopted, the College of Business would be eligible for a maximum of four RTA positions, assuming the Provost granted an exception (15% of 25 full time faculty equals 3.75, rounded up to 4). This would enable that college to extend two new RTA contracts as a part of contract transition. The two departments in the College of Business, by application of the “no more than 20%” limit on RTAs in a department, would be eligible for a total of five RTAs -- two in Accounting and Management Information Systems and three in Management and Marketing. Since the college limit even with the exception is four, this college would have four RTA slots, two of which are already used (and both of those will be in the Management and Marketing Department because that’s where those faculty are headed). The two new RTAs could both be in Accounting and Management Information Systems, or one could be in that department and the other in Marketing and Management.

In the College of Education, the new approach would allow for up to three RTAs (15% of a total of 20 full-time faculty, if an exception was asked for and granted). Each department would be able to have a maximum of two RTAs (both departments have 10 full-time faculty positions). With a college limit of three RTAs, one department would be restricted to one RTA while the other could have as many as two.

In the College of Arts and Sciences, changing the way the RTA limit is calculated has no effect. Under the present rule, 10% of the 125 tenured faculty who will be in CAS as of July 1, 2010 means that there could be a maximum of 13 RTAs. There will be five RTAs in CAS as of July 1, not counting the Athletics, Health, and Physical Education Department. Thus, a potential of eight additional RTAs exists under current rules. Under the proposed rule, 10% of 196 full-time faculty means a potential of 20 RTAs. The Athletics, Health, and Physical Education Department has seven current RTAs, which when added to the five other RTAs yields a net of eight potential new RTAs – the same as under the existing rule. Given the flexibility CAS already has, the committee cannot envision any request for an exception being made or supported.

Therefore, the proposed modification to the RTA limit specified in the *University Faculty Handbook* would provide flexibility for the new colleges to move some faculty to RTA contracts while preserving the integrity of the limits UMW has operated under since 1998.

The adoption of the two *Faculty Handbook* modifications outlined are necessary in order to facilitate implementation of the contract transition plans the committee has developed, and we recommend that these changes be adopted.

APPENDIX I
PRESIDENT HURLEY CHARGE TO THE COMMITTEE

Stafford Faculty Transition Committee

The committee is charged to develop the specific plans and decision-making process necessary for moving those faculty members currently employed on the Stafford campus in expiring rolling contracts to a new contractual status. Assuming continued satisfactory performance review a faculty member on an expiring three-year rolling contract will have the opportunity to convert to a new contract type starting as early as August 16, 2011 or at the end of their current contract (August 15, 2012).

The committee is further requested to develop the process to be followed in making the determination for converting particular individuals and positions to new contract types. This process should specify: (1) the persons involved in deciding the contract options that will be available to specific individuals; (2) the date by which all persons holding expiring three-year rolling contracts will be presented with the options for new contract types; (3) the date by which the individual must select the contract option that will replace the expiring contract; and (4) the start date of the new contract (either August 16, 2011 or August 16, 2012).

In the case of a of tenure-track contract, the tenure guidelines to be applied must have been developed by the faculty of the college and approved prior to the time the tenure clock starts.

The length of the probationary period must be specified as a part of the tenure-track contract, and it must be clear whether or not a pre-tenure review will be a part of the process toward the tenure decision.

If the contract transition plans developed by the committee propose to use an employment contract option that is currently not described in the 2010-2011 University Faculty Handbook, that contract option/category must first be submitted as a recommendation to the University Council and then approved by all required steps involved in the process of amending the Faculty Handbook before that option may be employed.

The committee is requested to examine any existing contractual requirements as specified in the University Faculty Handbook that might require modification in order to enable a smooth transition to new contracts. Any such modifications must also be submitted as a recommendation to the University Council and then approved by all required steps involved in the process of amending the Faculty Handbook before that option may be employed.

It is understood that all recommendations from this committee are advisory to the President and Provost.

APPENDIX II

RECOMMENDATION CONCERNING RENEWABLE TERM APPOINTMENTS (RTAs)

DISSENTING OPINION

This dissenting opinion concerning Renewable Term Appointments (RTAs) was submitted by Professor Raul Chavez on behalf of committee members Jane Huffman, Kimberley Kinsley, and Mukesh Srivastava:

We believe that the university should create special RTAs for a finite number of Faculty due to the special circumstances of this transition. We are not ruling for the entire University but for these very unique circumstances and for a limited number of Faculty. The limits of RTAs at the university level shouldn't apply to faculty transitioning into the COB and COE; they are going to need more options for the transition to work. Also, recognition of rank is necessary, especially for Full Professors at the Stafford Campus. A rank that was given by the University and approved by the Board of Visitors. Full Professors deserve special considerations due to this unique set of circumstances.

SIGNED BY: Jane Huffman, Raul Chavez, Kimberley Kinsley, and Mukesh Srivastava.