

3.0 Employment Policies for Administrative and Professional Faculty

The categories of administrative and professional (A/P) faculty were introduced by the state in 1989. Under the Higher Education Restructuring Act, level-three institutions were given flexibility to redefine and realign university personnel in the A/P categories. In August 2008, the board of visitors adopted slightly modified titles, definitions, and qualification criteria for these positions to address changes that would better meet the university's need to recruit and retain a highly trained workforce by converting higher level classified positions to A/P faculty appointments. The revised titles, definitions, and criteria recognize the professional training and experience required of a wide variety of positions at the university.

Administrative faculty shall now be referred to as **Senior Administrators** to more 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, dean, and assistant or associate vice president or dean. The organizational reporting relationship is normally not lower than three levels below the president or the next most senior position(s).

Qualifications Criteria:

- Must have an advanced degree or training and work experience at a level that equates to an advanced degree. A master's degree would be the typical minimum entry qualification. Many of these positions, particularly academic leadership roles, may require a terminal degree.
- Must regularly exercise discretionary actions.

Professional faculty shall now be referred to as **Managers and Professionals** to reflect the variety of roles and appointments that are included in this category.

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 they must 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 are expected to take professional initiative in carrying out their primary roles and assignments. Professionals include, but are not limited to, extension agents, librarians, coaches, physicians, lawyers, engineers, architects, student or academic affairs professionals, development officers, specialists in public relations, human resources, or information technology, and financial specialists.

Qualifications Criteria:

- Must have an advanced degree or training and work experience at a level that equates to an advanced degree. Although a master's degree would be 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.
- 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.

Policies related to the appointment, promotion, and continued appointment of non-administrative librarians and of a limited number of extension positions on the continued appointment track (excluding extension agents) are covered in sections 2.1.2, 2.1.3, 2.9, and related sections in the *Faculty Handbook*. Professional faculty positions designated as continued appointment track are not governed by policies outlined in this section.

3.1 Faculty Rank and Title

Members of the administrative and professional faculty have the nominal faculty rank of lecturer and a functional title appropriate to the position (e.g., lecturer and assistant dean of students). Professional development will be 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 may maintain such ranks.)

Members of the administrative and professional faculty whose credentials and professional development activities are similar to those of instructional faculty and who are involved in the instructional mission of an academic department may be assigned a standard faculty rank. Initial assignment of a standard faculty rank (assistant, associate, or full professor) for non-tenure-track administrative and professional faculty shall be recommended by using standard personnel appointment or review procedures for that department, such as the departmental promotion and tenure committee or personnel committee. 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 may be considered for promotion in rank by submitting their credentials through the usual department promotion process for collegiate faculty, including consideration by the college and university level committees. The department head or chair should work 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 shall be handled in accordance with appeal procedures for collegiate faculty (see section 2.8.5).

The assignment of, or change in, a standard faculty rank carries no aspect of tenure.

3.2 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.

3.3 Initial Appointment and Reappointment

Search procedures for administrative and professional faculty positions are the same as those for instructional faculty positions; these are described in the *Faculty Search Manual*, available from the Office for Equity and Inclusion and on their website at www.oei.vt.edu. Please refer to this manual for detailed information on the search process. Further guidance for searches involving certain

administrative faculty positions (e.g., dean, vice president, or president) is included in other sections of the *Faculty Handbook*.

Appointments to administrative and professional faculty positions are term appointments. No aspects of tenure (or continued appointment as described in section 2.9) are involved. Initial appointments to an administrative or professional faculty position are normally for a minimum of one calendar year or academic year, as appropriate. Subsequent reappointments are annual.

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 section 2.6.2.

Reappointments are not considered automatic. Job performance at a high level of productivity and effectiveness and continued need by the university for the scope and level of services being provided will be the important determinants of any reappointment decision.

Appointment to an administrative or professional faculty position does not carry any aspect of tenure. Faculty who achieve tenure (or continued appointment) in an academic department retain their tenure. On occasion, requests are made by outside candidates, particularly for administrative appointments in academic areas, for an appointment with tenure and rank in an academic department comparable to that held at the previous institution. 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 shall be sought before a decision is made to extend a firm offer that includes the granting of tenure or continued appointment. (See section 2.5.2.) 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 at a rank other than lecturer to an administrative or professional faculty.

Administrative and professional faculty are required to provide documentation of degrees earned prior to the start of employment. An original transcript from the institution awarding the highest degree satisfies this requirement. Employment is contingent upon presentation of appropriate credentials prior to the start of employment. It is the responsibility of the hiring department to obtain and verify documentation of credentials on all faculty, including adjunct and wage appointments, prior to employment. For salaried faculty, Human Resources retains the transcript cover sheet, original transcript, or other documentation of credentials. For adjunct and wage faculty, the hiring department retains the transcript cover sheet, original transcript, or other documentation of credentials, and submits a copy of these items to Human Resources for data entry. In accordance with federal law, new employees must also provide on the first day of their employment documentation of U.S. citizenship or lawful authorization to work in the United States.

3.4 Academic Year Appointments for Administrative or Professional Faculty

Most administrative and professional faculty positions are calendar year appointments with the appointment period extending from July 1 to June 30. Some administrative and professional faculty positions have been established as academic year appointments based on programmatic need. The normal appointment period for academic year positions is August 10 to May 9, but other appointment periods may be defined based on programmatic need. Administrative and professional faculty members on academic year appointments will earn annual leave only during the period of their appointment at the same rate as A/P faculty members on calendar year positions. 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.

3.5 Leaves

Administrative and professional faculty are eligible for the following types of leaves defined in section 2.16: educational leave, military leave, administrative leave, sick leave, family leave, leave without pay, 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, as well as certain other types of leave, require approval by the board of visitors.

3.6 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: non-reappointment, reassignment, removal for just cause, or abolition of position.

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 term 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 normally expect to be reappointed for another

year. Notice of non-reappointment, or of the intention to recommend non-reappointment, will be given in writing in accordance with the standards of notice below.

Standards of notice of non-reappointment:

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

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 shall be 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 shall be conducted in accordance with the geographical transfer policy (see section 2.20).

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. The effective date of the reassignment shall be no sooner than 90 days following senior administrator approval.

Removal for just cause: Members of the administrative and professional faculty may be removed for just cause. Stated causes for removal shall be documented and shall include, but not be 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 associate vice president for human relations, as appropriate, a faculty member may be suspended with or without pay during an internal or external investigation of any act(s) that could lead to removal.

Removal for cause is to be preceded by a meeting of the supervisor and a next-level administrator with the faculty member to review the reasons for termination, which will be 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 associate vice president for human resources, as appropriate, the supervisor may suspend the faculty member with or without pay until the effective date of termination or until the employee is authorized to return to work.

The faculty member will be given a minimum of three working days to respond to the reasons for termination. The response shall be 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.

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 the *Faculty Handbook*.

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 will be 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 the *Faculty Handbook*.

Process for imposing a severe sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction shall follow the same procedures as dismissal for cause.

Abolition of position: Members of the administrative and professional faculty 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 will be given in such circumstances.

Administrative and professional faculty with tenure or continued appointment and whose A/P position is to be abolished will return to their academic department.

3.7 Resignation

Members of the administrative and professional faculty who wish to resign should give notice as far in advance as possible, taking into account the needs of the program (or academic calendar if teaching). Ordinarily one month is the minimum acceptable notice.

3.8 Annual Evaluations

The supervisor is responsible for maintaining an up-to-date job description for each administrative and professional faculty member in the unit and for determining acceptable standards of performance. Goals and objectives shall be developed annually in consultation with the faculty member. These should relate closely to the functional title and job description of the position and should become criteria for judging professional performance in the subsequent year. 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 year, referencing their goals and objectives and citing their successes, shortfalls, and future directions. Additional items to be mentioned 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 shall be evaluated annually in a discussion with the supervisor and by written response, which may be in conjunction with the annual reappointment letter. The annual faculty activity report and evaluation become part of the basis for salary adjustments and other personnel matters.

3.9 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 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. The president determines the nature and scope of the review, instruments to be used, and the breadth of participation in the review. The results will be shared with the supervisor.

3.10 Salary Adjustments

Salary increases are based on merit; they 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 become involved and 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 will be 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 job description of the position. Annually set expectations become one of the important criteria for judging professional job performance in the subsequent year.

- Service to the university: Historically, Virginia Tech has depended on the administrative and professional faculty for service on a wide variety of committees and as leaders and staff 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 higher-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 have contributed 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.)

3.11 Teaching Credit Classes and Overload Compensation for Administrative and Professional Faculty

Virginia Tech policy 4072 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 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 expectations. It is the responsibility of the teaching department to verify and document appropriate credentials for all teaching faculty. (See section 2.5.3.1.)

The A/P faculty member may receive overload payment for teaching credit courses only when such teaching is not part of the normal expectation for the administrative and professional position. Teaching for supplemental compensation is limited by overall time and income restrictions defined in the consulting policy (section 2.17.1).

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 determines whether the teaching assignment is within the A/P faculty member's normal job responsibilities, and therefore not eligible for additional compensation. 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 would create undue disruption. The benefit to the A/P faculty member for his or her 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.

Further information regarding compensation to administrative and professional faculty for approved supplemental teaching activities is available at www.policies.vt.edu, policy 4072.

Teaching credit courses for another institution while a full-time employee of Virginia Tech is considered to be "regular outside employment," which is prohibited by the university's policy on consulting and outside employment (section 2.17.3).

3.12 Grievance 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.

3.12.1 Informal Resolution of Disputes and Conflicts

It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, an administrative and professional faculty member who feels he or she has a grievance is encouraged to take it to his or her immediate supervisor in the normal collegial spirit of problem solving rather than as a confrontation between adversaries.

Services available to assist with problems in the workplace, including problems beyond the scope of the grievance process, include the Faculty Reconciliation Committee and mediation offered through the Office for Equity and Inclusion. A faculty member may request the assistance of either the Faculty Reconciliation Committee or mediation services. The grievance process does not require that a faculty member use either of these services.

Reconciliation: The Commission on Administrative and Professional Faculty Affairs (CAPFA) will designate the method by which reconciliation services are offered to administrative and professional faculty members. CAPFA may designate the Faculty Reconciliation Committee of the Faculty Senate, which typically includes participation by one or more administrative and professional faculty members as members of the reconciliation team, to conduct reconciliation between a faculty member and his or her supervisor. The designated reconciliation service shall be referred to hereafter as the “reconciliation team.”

Engaging the reconciliation team is not required prior to filing a grievance. Reconciliation may be useful if the individual feels the issue may be amenable to, but will require time for, negotiation or if the individual is unsure whether his or her concern is a legitimate issue for a grievance, or if personal relations between the parties involved in the matter have become strained.

For a potential grievance issue to qualify for consideration by the reconciliation team, the 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. (Either the chair of CAPFA or the Office of the Senior Vice President and Provost can provide the name of the chair of the reconciliation team.)

If the chair of the reconciliation team is unable to resolve the matter within 30 calendar days, the chair will send a letter to the faculty member stating such, providing the appropriate form for initiation of a formal grievance if the faculty member should choose to pursue the matter, and documenting that the matter had been brought forward within the prescribed 30-day period. A copy of this letter shall be provided to the associate provost for academic administration with a copy to the associate vice president for human relations when appropriate. The faculty member shall have five weekdays after receiving the letter to initiate a formal grievance 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.

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. In such instances, the chair may contact the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute.

Mediation: 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.

Mediation is a voluntary process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute. Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes between them, or to help address a conflict between a faculty member and another member of the Virginia Tech community.

Role of Mediators: Mediators do not make judgments, determine facts, or decide the outcome; instead they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

Requesting Mediation: Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party prior to step three during the grievance process. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance will be placed on administrative hold until the mediation process has been completed. If the parties come to a resolution of the dispute through mediation, the parties will be 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 at the step prior to initiating mediation.

To learn more about mediation and other forms of informal conflict resolution processes, contact the conflict resolution program manager in the Office for Equity and Inclusion at 540-231-7500.

3.12.2 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by an administrative or professional faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university directly affecting the grievant. Some examples of valid issues for filing a grievance are improperly or unfairly determined personnel decisions that resulted in an unsatisfactory annual performance evaluation, termination for cause, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance: While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, or an appeal

related to the merits of a promotion and/or tenure decision); the contents of personnel policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); normal actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; non-reappointment or abolition of position; or allegations of misconduct in scholarly activities.

The subject of a grievance will normally not be considered by the grievance committee of the Commission on Administrative and Professional Faculty Affairs while it is simultaneously under review by another committee or panel of the university.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures: If either the step one or step two administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Commission on Administrative and Professional Faculty Affairs (CAPFA) within five weekdays of receiving such notification and request a ruling. The chair of CAPFA, two administrative and professional faculty members from CAPFA selected by the CAPFA chair in consultation with an *ex officio* member of CAPFA, and the chair of the reconciliation team will deliberate and determine the admissibility of the matter to the grievance process. A written report of the deliberations will be sent to all parties concerned.

3.12.3 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 when he or she knew or should have known of the event or action that is the basis for the grievance. No grievance need be accepted for processing by the university administration under the following procedure after this 30-day period except for 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 will be advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it will be assumed that he or she has accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission will notify the chair of CAPFA in writing, who will determine if there was

good cause for the delay. If so, the grievance will proceed. If not, the process is ended with the most recently proposed resolution in force. The finding on the matter by the chair of CAPFA will be communicated to the parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, the chair of CAPFA will rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. He or she will have the following options. The chair of CAPFA 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 will automatically qualify for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process is ended at that point for that grievance with the last proposed resolution established as the final disposition of the case.

3.12.4 The Formal Grievance Procedure

The grievant may pursue the issue as a formal grievance through the following procedure. Supervisors, vice presidents, and other administrative faculty shall cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of his or her case. The number of steps in the process may be shortened given 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 will be used.

1. **Step one:** The grievant must submit a written statement of the grievance to his or her director or department head/chair (for extension, the district director) within 30 calendar days of the date that he or she knew or should have known of the event or action that is the basis for the grievance. The written complaint should use the appropriate form and outline the relief requested. Grievance forms for A/P faculty are available from the provost's website at www.provost.vt.edu.

This statement on the grievance form must define the grievance and the relief requested specifically and precisely. Within five weekdays of receiving the written statement of the grievance, the director or department head/chair shall give the grievant a written response, citing reasons for action taken or not taken. If the written response of the supervisor is satisfactory to the grievant, that ends the matter.

2. **Step two:** If the resolution of the grievance proposed in the written response by the director or department head/chair is not acceptable, the grievant may advance the grievance to the 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 is the dean of the College of Agriculture and Life Sciences.) The administrator involved at this next level will hereafter be referred to as the second-level administrator.

Following receipt of the grievance form, the second-level administrator or designated representative shall meet with the grievant within five weekdays. The grievant may request that a representative of his or her choice 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 second-level administrator shall 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 second-level administrator will consult with the programmatic dean before rendering a decision.

The second-level administrator shall give the grievant a written decision within five weekdays after the meeting, citing reasons for his or her decision. If the second-level administrator's written response to the grievance is satisfactory to the grievant, that ends the matter.

3. **Step three:** If the resolution of the grievance proposed in the written response by the second-level administrator is not acceptable, the grievant may advance the grievance to the level of the provost or associate vice president for human resources within five weekdays of receiving the written response from the second-level administrator. The grievance will be advanced to the appropriate administrator (based on the reporting relationship of the grievant's unit) by checking the appropriate request on the grievance form. The administrator involved in step three will be referred to as the senior administrator in these procedures. Advancement of a grievance to step three shall include consideration by an impartial hearing panel of the Commission on Administrative and Professional Faculty Affairs, unless the grievant petitions the senior administrator to bypass the hearing panel and rule on the grievance. If the senior administrator accepts the request, there shall be no subsequent opportunity for the grievance to be heard by a hearing panel. If the senior administrator does not accept the petition, a hearing panel shall be formed to review the grievance as outlined in these procedures.

Within five weekdays, the senior administrator, or appropriate designated representative will acknowledge receipt of the grievance and forward a copy of the "Hearing Procedures of the Committee on Administrative and Professional Faculty Grievances" to parties in the grievance

process. The senior administrator shall also forward a copy of the grievance immediately to the chair of CAPFA, to initiate the formation of a hearing panel.

- **Hearing Panel:** A hearing panel for A/P faculty will be conducted by an *ad hoc* panel drawn from the A/P faculty at large. The chair of CAPFA will solicit volunteers on a regular basis so that a pool of willing participants is available. A hearing panel shall consist of three members, an alternate, and a non-voting chair. Panel members shall be selected from the volunteers by the CAPFA chair and one or more of the *ex officio* members of CAPFA. The chair will poll all appointees to insure that they have no conflict of interest in the case. Either party may challenge one of the appointments, including the alternate. Other replacements will be made only for cause. The alternate will serve as a replacement panel member should the need arise.

To insure uniformity in practice, the chair of CAPFA will serve 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 shall appoint a replacement from among the administrative and professional faculty at large to serve as chair of the hearing panel.

- **Hearings:** After a hearing panel has been appointed, the chair of CAPFA will request that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. Within 15 weekdays of receipt of the grievance by the chair of CAPFA, the panel shall hold its initial hearing with both principals present. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing will be adjourned until the panel can complete the necessary work or scheduling. The hearing will then be reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present, they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel will be at the invitation of the parties they represent and will be subject to the rulings of the chair of the hearing panel.

- **Findings and Recommendations:** The hearing panel shall conclude its work and make 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 will formulate written findings and recommendations regarding disposition of the grievance and will forward copies to the senior administrator and parties to the grievance.

- **Action of the Senior Administrator:** The senior administrator shall meet 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 senior administrator will send to the grievant his or her decision in writing concerning the disposition of the grievance. If the senior 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.

4. **Step four:** If the senior 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 may act as he or she sees fit. The president's decision is final.

3.12.5 Particular Concerns and Definitions

Timelines stated in the policy indicate the number of days within which the other party should receive notification. Submission by fax from a departmental office within the specified time frame is acceptable. This should immediately be 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 shall be the makers of such agreement.

The principals and the chair of CAPFA, if necessary, shall negotiate extensions of time limits at step three. In case of disagreement, the chair of CAPFA will rule on time extension and procedural questions or recommendations designed to expedite the proceedings while providing peer review of the grievance.

If a faculty member is away from his or her assigned work location at the time he or she discovers the event or action that is the basis for a grievance, the 30-day period during which the grievant must meet with his or her supervisor to initiate the grievance process shall begin when the faculty member returns to his or her assigned work location. If the date of return will cause a delay of such length that the grievance, or its resolution, would not be timely, the grievant may submit the written grievance as prescribed in step one by mail or e-mail attachment in his or her absence from the primary work location.

“Weekdays,” as used in this procedure, include Monday through Friday only—and only when those days are not national, state, or religious holidays relevant to the principals in the grievance.

To protect a grievant from undue pressure in the pursuit of a grievance, if a grievant becomes ill and takes sick leave the grievance process will be stopped until such time as the grievant is able to resume his or her duties. Exceptions to this provision will be 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 has required taking sick leave.

All costs of legal counsel employed by a grievant shall be 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 shall pay all travel costs permitted by state regulations.

In the event that a faculty member discovers he or she has a grievance about actions by an administrator above the level of his or her supervisor that directly involve the faculty member, or with actions by an administrator not in his or her department/unit that directly involve the faculty member, the grievant should initiate the grievance process by seeking the intervention of his or her 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 his or her 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 should then proceed from that level onward in normal fashion.

A grievance filed by an A/P faculty member concerning an action of either the provost or the associate vice president for human resources will be handled by the chair of CAPFA and an impartial hearing panel, but the findings and recommendations of the hearing panel will be sent to the university president for his or her ruling. A grievance filed by a faculty member concerning an action of the

president will be 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 has been 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.