

Longwood University Faculty  
Senate  
**PROPOSAL/POLICY COVER  
SHEET**

This cover sheet is intended to provide information to members of the Faculty Senate about a new proposal/policy or about revisions to an existing proposal/policy. **If you are proposing a new policy, then attach the text of the policy to this form. If you are proposing a change to an existing policy, then attach the text of the current policy with any deleted language marked by a strikethrough and with new language marked by an underline. If you are deleting a policy, then attach the text of the policy to be deleted.**

**COMMITTEE(S)** that authored or sponsored this proposal: **Faculty Senate Executive Committee and Committee on Promotion and Tenure Policies and Procedures**

**TOPIC: Changes to FPPM Organization and Section III R, X, and Z**

**BACKGROUND** (Provide a brief statement describing the origins of this proposal, the nature of the problem it addresses, and the work completed to devise the proposal):

Changes made to the Faculty Status and Grievance Committee (approved at Senate on [3/6/2017](#)) clarified the role of the Board of Visitors in the appeals process. Specifically it was made clear that the President would be the last level of appeal. Language elsewhere in the FPPM regarding the tenure and/or promotion process was updated to reflect those changes and to be consistent with the FSG policy. The changes were made in the new sections of the FPPM, which were revised in 2016 and passed by Senate on 3/2/2016.

**SUMMARY OF NEW POLICY OR PROPOSED CHANGES OR DELETIONS TO AN EXISTING POLICY** (Provide a brief list or statement describing the content of the policy or the proposed changes or deletions):

Please see attached documentation.

**RATIONALE FOR THE POLICY OR PROPOSED CHANGES** (Provide a brief statement as to why the new policy, the changes, or the deletion is needed):

Changes are made to make P&T timelines consistent with policy in the grievance process.

Date submitted to Senate Executive Committee for Consideration: \_\_\_\_\_  
Action(s) Taken:

Date first read at Faculty Senate: \_\_\_\_\_ Action(s) Taken:

Date final action taken by Faculty Senate: \_\_\_\_\_ Final action(s) Taken:

## R. PROBATIONARY REVIEW OF TENURE-TRACK FACULTY

The standard probationary period for new faculty members is six years but may be altered at the time of appointment. Because instructors reside in tenure-track lines, the review of instructors follows the procedures and timelines below. Refer to Section H. Selection, Appointment and Reappointment of Faculty for more information.

The purpose of this review is to evaluate the probationary faculty member's professional skills and to enable the reviewing committee to make accurate and constructive reports to the candidate, the Department Chair, the Dean, and the Provost and Vice President for Academic Affairs (PVPAA). The Department Promotion and Tenure Committee and the Department Chair review probationary faculty under the conditions described below.

1. **Professional Portfolio:** Each probationary faculty member shall establish in his or her first year of service, and shall update annually, a professional portfolio for the use of the committees and individuals involved in review. The portfolio shall contain evidence of the candidate's credentials, teaching proficiency, and professional growth. Details about the items to be included in the portfolio are in Section III, P. Professional Portfolio and Curriculum Vitae.
2. **Electronic Portfolio:** Departments may choose to allow or require electronic submission of materials for the portfolio. The format chosen for submission of electronic portfolios by the department must conform to privacy policies established by the University. Access must be limited at each stage of the process to those with authority in the promotion and tenure process at that point (the candidate, members of the Department Promotion and Tenure Committee, Department Chair, Dean, PVPAA, President, Board of Visitors). When electronic portfolios are used, letters from the Department Promotion and Tenure Committee, Department Chair, Dean, PVPAA, President, and Board of Visitors will be provided in hard copy as well as electronically.
3. **First-Year Review:** During the first semester, the Department Promotion and Tenure Committee meets with the probationary faculty member to set expectations and to discuss the probationary review process. The Department Chair may assign a faculty member to mentor the probationary faculty member during the first year. The first-year review shall be limited to a consideration of teaching effectiveness and participation in department activities as defined by departmental standards in Section IV Guidelines for Faculty Evaluation and Review. The timetable for the first-year review is found at the end of this section.
4. **Review Criteria:** The Department Promotion and Tenure Committee and the Department Chair shall separately review the probationary faculty member during the first, second, third, fourth, and fifth years of full time teaching. The review shall discuss the candidate's credentials and performance, identifying strengths and making suggestions for improvement. Except for the first year, the review shall be in terms of the following criteria:
  - a. Possession of the recognized terminal degree.
  - b. Quality teaching, service and scholarship as defined by University and departmental standards in Section IV Guidelines for Faculty Evaluation and Review.
5. All probationary reviews shall be conducted by the dates specified on the timetable found at the end of this section. Probationary faculty members may not decline

probationary reviews nor prevent the specified communication of the reports of those reviews. The Department Chair and the Department Promotion and Tenure Committee address their recommendations to the faculty member. The chair and the committee exchange these letters of recommendation and forward copies of their respective letters to the candidate. Following any necessary appeals as specified in the timetable, the Department Chair and the Department Promotion and Tenure Committee each forward copies of their final recommendation letters to the appropriate dean and the PVPAA. These copies will be maintained in those offices.

6. Classroom Performance: In addition to reviewing materials contained in the candidate's professional portfolio, the Department Promotion and Tenure Committee members shall observe the candidate's classroom performance within the following guidelines:
  - a. Normally, classroom visits should be scheduled in advance. The full class period should be observed. The candidate may wish to brief the visitor concerning the plans for that period.
  - b. The committee's recommendations shall include a detailed report on the observation(s).
7. Written Report: The probationary review by the Department Promotion and Tenure Committee shall result in a written report. The written report shall contain at least the committee's findings as to the probationary faculty member's professionally relevant strengths and any aspects of the member's performance which might discourage the eventual making of an offer of tenure if not corrected. In first-year review, the review will be confined to the considerations set forth above.
8. Members of the department, including the chair, may provide signed information in writing to the Department Promotion and Tenure Committee on the candidate's performance and activities. The committee shall share such information with the candidate.
9. The Department Chair's and the Department Promotion and Tenure Committee's reports summarizing their reviews shall contain explicit recommendations as to whether the probationary faculty member's contract should be renewed.
10. Reconsideration of Review: A probationary faculty member may request that the Department Promotion and Tenure Committee and/or the Department Chair reconsider their respective conclusions before the letters are forwarded to the Dean. The faculty member may also enter a statement of exception or clarification into the review portfolio, and such letter shall become a part of the portfolio.
  - a. A request for a reconsideration must be made in writing and within five calendar days of the faculty member's receipt of the Department Promotion and Tenure Committee's or the Department Chair's report, whichever is to be the subject of the reconsideration. The request shall be delivered to the committee chair if the committee's report is to be reconsidered or to the department chair if the chair's report is to be reconsidered. No initial report is to be forwarded to the Dean before the expiration of such five-day period. If amendments to the initial report/s of the committee and/or chair are ultimately made, the amended report shall become part of the file and the original report shall be purged immediately.

- b. A letter of exception or clarification may be entered by the faculty member within five calendar days of his or her having received an original or amended department-level review report, whichever occurs later. The department-level report shall not be forwarded to the dean prior to the expiration of such five day period, notwithstanding. Further, no review summary to which such letter pertains shall be forwarded to either the dean or the PVPAA without being accompanied by the letter of clarification or of exception. The faculty member shall provide copies of the letter to all persons who had previously participated in that particular review.
11. Access to Documents: Probationary faculty members shall have access to the documents which comprise their respective review files according to the following provisions:
- a. The faculty member involved may retain originals or copies of all probationary review reports or other pertinent review materials. The department chair shall retain copies or originals, which were submitted to or gathered by the department tenure committee during the course of the reviews.
  - b. Except when needed by the Department Promotion and Tenure Committee/s, the Dean, and/or the PVPAA for purposes of either considering whether to renew a probationary contract or for purposes of a promotion or final tenure review, all such retention by the Department Chair shall continue until at least such time as:
    - (1) The probationary faculty member is promoted or is awarded tenure, or
    - (2) All procedures or opportunities, whether provided by the University directly or otherwise under state law, for appealing a final decision not to award tenure or a continuing probationary contract have expired, been exhausted, or been waived by the faculty member, whichever occurs last.
  - c. Prior to the destruction of any documents in the file, they shall be offered without charge to the faculty member for his or her own purposes; in the case of materials submitted electronically, documents will be archived.
  - d. The faculty member shall have access to, and may make copies of, all other materials obtained by the Department Promotion and Tenure Committee during the course of its probationary reviews of that faculty member. Student evaluation forms shall be considered the property of the faculty member and shall be promptly returned to the faculty member by the Department Promotion and Tenure Committee following the conclusion of each annual probationary review. Statistical summaries of the evaluations may be retained in the file.
  - e. No person or organization other than the probationary faculty member, the members of the Department Promotion and Tenure Committee, the Department Chair, the primary department secretary, the Dean, the PVPAA, the President, the members of the Board of Visitors, or the University's legal representation may have access to the file without the written consent of the faculty member.

*References: Faculty Handbook, 1982, 1986; Organization of Teaching Faculty, December 5, 1985; December 4, 1986; March 5, 1987; January 14, 1988; November 10, 1988; Longwood College Board of Visitors, July 16, 1982; April 7, 1988, April 23, 1999; Board of Visitors, June 15, 2001, June 18, 2004, June 14, 2013; Faculty Senate, April 8, 2004; April 26, 2012, April 11, 2013; February 4, 2016.*

*Timetable for Probationary Review of Tenure-Track Faculty in Their  
First Year of the Probationary Period*

If any date falls on a weekend or University recognized holiday, the due date is the next business day.

<i>Fall Semester</i>	<i>Action</i>
Beginning of contract period	Department Chair gives all new faculty copies of department policies on and observation timeframe for probationary review. Department Promotion and Tenure Committee meets with the probationary faculty member during the first semester to set expectations and to discuss the probationary review process.
By August 29	Department Chair provides to Chair of Department Promotion and Tenure Committee a list of tenure-track faculty in their first year of teaching.
By December 9	Probationary candidates submit files to Department Chair (or to Chair of the Department Promotion and Tenure Committee if candidate is the Department Chair).
By December 10	Department Chair provides the Chair of the Department Promotion and Tenure Committee the files of probationary tenure-track faculty in their first year of teaching.
By December 15	Department Promotion and Tenure Committee circulates files of probationary review faculty to members and notifies probationary faculty members of any missing items. All missing materials must be submitted by the candidate within one week of notification.
By December 22	The file is now considered complete; no new materials may be added except for a letter of exception or clarification as provided in Section III, W. Procedures for Promotion and Tenure, item 1.i, and student evaluations as soon as they are available.
<i>Spring Semester</i>	<i>Action</i>
By January 27	Department Chair and Department Promotion and Tenure Committee exchange letters of recommendation for first-year probationary tenure-track faculty members. The recommendation letter is to be addressed to the faculty member. Department Chair forwards copies of both letters to the probationary faculty member.
By February 3	Department Promotion and Tenure Committee and/or Department Chair meets with any first-year probationary faculty member receiving negative recommendation, if requested.

By February 8	Candidate files written request of reconsideration of a negative recommendation with Department Promotion and Tenure Committee and/or Department Chair.
By February 15	Department Promotion and Tenure Committee and/or Department Chair replies in writing to any written requests for reconsideration of negative recommendations.
By February 21	Copies of probationary review letters from the Department Chair and the Department Promotion and Tenure Committee for first-year probationary faculty members are sent by the Department Chair to the Dean and PVPAA.
By February 28	If recommending that a contract not be renewed for tenure-track faculty in their <i>first year</i> of employment, the Dean writes a letter to the PVPAA with a copy to the candidate, Department Chair, and Department Promotion and Tenure Committee.
By March 5	Candidate may file a written request for reconsideration of terminating contract with Dean.
By March 12	Dean replies in writing to any written request for reconsideration. Dean sends recommendations and files to the PVPAA.
By March 19	For candidates who have not filed for reconsideration of their cases, the PVPAA sends contract recommendations to the President, with a copy to the candidate, Department Chair, Department Promotion and Tenure Committee Chair, and respective Dean. For candidates with a recommendation from the Dean for a terminating contract or for not renewing a contract, the PVPAA completes recommendation and writes letter to candidate, Department Chair, Department Promotion and Tenure Committee Chair, and respective Dean. Letters are to be addressed to the candidate.
March Board Meeting	Board of Visitors acts on contract recommendations from President.
By March 24	If applicable, candidate files written request for reconsideration of terminating contract with PVPAA.
By March 31	PVPAA replies in writing to any written request for reconsideration of terminating contract.
By April 5	Candidate may request a hearing by the Faculty Status and Grievances Committee regarding the recommendation for terminating contract.

By April 20	If the Faculty Status and Grievances Committee has granted a hearing, it provides its report to the President, with a copy to the PVPAA. If the candidate has requested a hearing by April 5, but the Status and Grievances Committee believes it will be unable to complete its report by April 20, the Committee and the candidate may jointly ask for a delay. In such cases, the PVPAA and the President will normally postpone action on the case until the Status and Grievances Committee has completed its report, and the Board of Visitors will postpone action on the case until its summer Board meeting.
By April 27	PVPAA sends contract recommendation to the President, with a copy to the candidate, Department Chair, Department Promotion and Tenure Committee Chair, and the respective Dean.
By May 1	Completion of any delayed appeal by candidate(s) to PVPAA or President.  Completion of election of members and officers of Department Promotion and Tenure Committee for following year.
By May 2	PVPAA provides Dean of the college and Department Chair list of faculty eligible for promotion and/or tenure the following year, and Department Chair provides list to department members and Chair of Department Promotion and Tenure Committee.
By May 5	President notifies candidate, Department Chair, Department Promotion and Tenure Committee Chair, and the respective Dean of the disposition of the case. The letter is to be addressed to the candidate.
<del>By May 10</del>	<del>Candidate files written request for reconsideration of terminating contract with the Board of Visitors to the Administrative Assistant to the Board of Visitors. A copy of the written request must be sent to the Faculty Status and Grievances Committee. The Faculty Status and Grievances Committee will provide the Administrative Assistant to the Board of Visitors and the candidate an audio recording of the hearing for review with a cover letter reminding the Rector that the chair of the Faculty Status and Grievances Committee or one of its members can be available to answer questions.</del>
Summer Board Meeting	Board of Visitors acts on contract recommendations from President.

NEW PAGE

*Timetable for Probationary Review of Tenure-Track Faculty in Their  
Second through Fifth Years of Probationary Period*

If any date falls on a weekend or University recognized holiday, the due date is the next business day.

<i>Fall Semester</i>	<i>Action</i>
Beginning of contract period	Department Chair gives to all faculty copies of the department policies on probationary review and promotion and tenure review. <b>Department Promotion and Tenure Committee</b> meets with probationary faculty members during the first semester to set expectations and to discuss the probationary review process.
By August 29	Department Chair provides to Chair of Department Promotion and Tenure Committee a list of tenure-track faculty in their first year of teaching, faculty in the probationary review period, and faculty who wish to be considered for tenure and promotion.
By September 3	Promotion and tenure candidates and probationary candidates in their second through fifth year submit files to <b>Department Chair</b> (or to <b>Chair of the Department</b> Promotion and Tenure Committee if candidate is the Department Chair).
By September 8	Department Promotion and Tenure Committee circulates files of promotion and tenure candidates and probationary candidates to members and notifies candidates of any missing items. All missing materials must be submitted by the candidate within one week of notification.
By September 15	Files are now considered complete; no new materials may be added except for a letter of exception or clarification as provided in Section III, W. Procedures for Promotion and Tenure, item 1.i.
By October 22	Department Promotion and Tenure Committee returns file of probationary candidates to Department Chair.
By October 29	Department Chair and Department Promotion and Tenure Committee exchange letters of recommendation for probationary faculty members in their second through fifth years. Department Chair forwards copies of both letters to the probationary faculty member. The recommendation letter is to be addressed to the probationary faculty member.
By November 3	<b>Department Promotion and Tenure Committee</b> and/or <b>Department Chair</b> meets with any probationary faculty member receiving negative recommendation, if requested.
By November 10	Probationary candidate files written request for reconsideration of a recommendation with Department Promotion and Tenure Committee and/or Department Chair.
By November 17	Department Promotion and Tenure Committee and/or Department Chair replies in writing to any written requests for reconsideration of negative recommendations for probationary candidates.



By November 22	A letter of exception or clarification may be entered by the probationary candidate within five calendar days of his or her having received an original or amended department-level review report, whichever occurs later. The faculty member shall provide copies of the letter to the Department Promotion and Tenure Committee and Department Chair.
By November 23	Copies of probationary review letters from the Department Chair and Department Promotion and Tenure Committee for probationary faculty members in their second through fifth years are sent by the Department Chair to the Dean and PVPAA, accompanied by any letters of exception or clarification provided by the candidate.
By November 30	If recommending that a contract not be renewed for tenure-track faculty in their <i>second year</i> of employment, or if recommending a terminating contract for tenure-track faculty in their third through fifth years of employment, the Dean writes a letter to the PVPAA with a copy to the candidate, Department Chair, and Department Promotion and Tenure Committee.
By December 7	Probationary candidates may file a written request for reconsideration of terminating contract with Dean.
By December 14	Dean replies in writing to any written requests for reconsideration of terminating contracts for probationary candidates. Dean sends recommendations and files to the PVPAA.
<b><i>Spring Semester</i></b>	<i>Action</i>
By January 4	For candidates in their second through fifth year with a recommendation for a terminating contract or for not renewing a contract from the Dean, the PVPAA completes recommendation and writes letter to candidate, Department Chair, Department Promotion and Tenure Committee Chair, and respective Dean. Letters are to be addressed to the candidate.
By January 7	If applicable, candidate files written request for reconsideration of terminating contract with PVPAA.
By January 12	PVPAA replies in writing to any written request for reconsideration of terminating contract.
By January 17	Candidate may request a hearing by the Faculty Status and Grievances Committee regarding the recommendation for terminating contract.

By February 7	If the Faculty Status and Grievances Committee has granted a hearing, it provides its report to the President, with a copy to the PVPAA. If the candidate has requested a hearing by January 17, but the Status and Grievances Committee believes it will be unable to complete its report by February 7, the Committee and the candidate may jointly ask for a delay. In such cases, the PVPAA and the President will normally postpone action on the case until the Status and Grievances Committee has completed its report, and the Board of Visitors will postpone action on the case until its summer Board meeting.
By February 12	PVPAA sends contract recommendation to the President, with a copy to the candidate, Department Chair, Department Promotion and Tenure Committee Chair, and the respective Dean.
By February 17	President notifies candidate, Department Chair, Department Tenure Committee Chair, and the respective Dean of the disposition of the case. The letter is to be addressed to the candidate.
<del>By March 7</del>	<del>Candidate files written request for reconsideration of terminating contract with the Board of Visitors to the Administrative Assistant to the Board of Visitors. A copy of the written request must be sent to the Faculty Status and Grievances Committee. The Faculty Status and Grievances Committee will provide the Administrative Assistant to the Board of Visitors and the candidate an audio recording of the hearing for review with a cover letter reminding the Rector that the chair of the Faculty Status and Grievances Committee or one of its members can be available to answer questions.</del>
March Board Meeting	Board of Visitors acts on contract recommendations from President.
By May 1	Completion of any delayed appeal by candidate(s) to PVPAA or President.  Completion of election of members and officers of Department Promotion and Tenure Committee for following year.
By May 2	PVPAA provides Dean of the college and Department Chair list of faculty eligible for promotion and/or tenure the following year, and Department Chair provides list to department members and Chair of Department Promotion and Tenure Committee.

## X.TIMETABLE FOR TENURE AND PROMOTION TO ALL RANKS

If any date falls on a weekend or University recognized holiday, the due date is the next business day.

<i>Fall Semester</i>	<i>Action</i>
Beginning of contract period	Department Chair gives to all faculty copies of the department policies on probationary review and promotion and tenure review.
By August 29	Department Chair provides to Chair of Department Promotion and Tenure Committee a list of faculty who will be considered for tenure and promotion.
By September 3	Candidates submit files to <b>Department Chair</b> (or to <b>Chair of the Department</b> Promotion and Tenure Committee if candidate is the Department Chair).
By September 8	Department Promotion and Tenure Committee circulates files of candidates to members and notifies candidates of any missing items. All missing materials must be submitted by the candidate within one week of notification.
By September 15	Files are now considered complete; no new materials may be added except for a letter of exception or clarification as provided in Section III, W. Procedures for Promotion and Tenure, item 1.i.
By October 14	Department Chair and Department Promotion and Tenure Committee exchange letters of recommendation. Department Chair provides copies of both letters to candidate. Both letters are to be addressed to the candidate. All candidate files are returned to Department Chair or assigned location.
By October 21	<b>Department Promotion and Tenure Committee</b> and/or <b>Department Chair</b> meets with any candidate receiving negative recommendation, if requested.
By October 27	Candidate files written request for reconsideration with Department Promotion and Tenure Committee and/or Department Chair.
By November 3	Department Promotion and Tenure Committee and/or Department Chair replies in writing to any written requests for reconsideration.
By November 4	Department Chair and Department Promotion and Tenure Committee send to college Dean candidate's files and recommendations.
By November 27	Dean completes recommendation and sends letter to candidate, Department Chair, and Department Promotion and Tenure Committee Chair. The recommendation letter is to be addressed to the candidate.

By December 4	Candidate may file a written request for reconsideration of terminating contract with Dean.
By December 10	Dean replies in writing to any written requests for reconsideration.
By December 11	Dean sends recommendations and files to the PVPAA.
<i>Spring Semester</i>	<i>Action</i>
By January 5	PVPAA completes recommendation and sends letter to candidate, Department Chair, Department Tenure Committee Chair, and respective Dean. The recommendation letter is to be addressed to the candidate.
By January 12	If applicable, candidate files written request for reconsideration of negative recommendation with PVPAA.
By January 14	PVPAA replies in writing to any written request for reconsideration of negative recommendation.
By January 17	Candidate may request a hearing by the Faculty Status and Grievances Committee regarding a negative recommendation.
By February 7	If the Faculty Status and Grievances Committee has granted a hearing, it provides its report to the PVPAA. If the candidate has requested a hearing by January 17, but the Status and Grievances Committee believes it will be unable to complete its report by February 7, the Committee and the candidate may jointly ask for a delay. In such cases, the PVPAA and the President will normally postpone action on the case until the Status and Grievances Committee has completed its report, and the Board of Visitors will postpone action on the case until its summer Board meeting.
By February 10	PVPAA sends his/her recommendation to the President.
By February 28	President completes recommendation and sends letter to candidate, Department Chair, Department Promotion and Tenure Committee Chair, and the respective Dean. The recommendation letter is to be addressed to the candidate.
<del>By March 7</del>	<del>If applicable, candidate files written request for reconsideration of negative recommendation with the Board of Visitors to the Administrative Assistant to the Board of Visitors. A copy of the written request must be sent to the Faculty Status and Grievances Committee. The Faculty Status and Grievances Committee will provide the Administrative Assistant to the Board of Visitors and the Candidate an audio recording of the hearing for review with a cover letter reminding the Rector that the chair of the Faculty Status and Grievances Committee or one of its members can be available to answer questions.</del>
March Board Meeting	Board of Visitors acts on recommendation from President.

By May 1	Completion of any delayed appeal by candidate(s) to PVPAA or President.  Completion of election of members and officers of Department Promotion and Tenure Committee for following year.
By May 2	PVPAA provides Dean of the college and Department Chair list of faculty eligible for promotion and/or tenure the following year, and Department Chair provides list to department members and Chair of Department Promotion and Tenure Committee.

## Z. DISCIPLINARY ACTION AND TERMINATION

1. Provisions for censure or dismissal of faculty.
  - a. Tenure is not a license for misconduct or incompetence (see item 3 for examples of these). Disciplinary action up to and including dismissal may be taken against a faculty member for serious misconduct or incompetence. A complaint involving serious misconduct or incompetence may be initiated by any member of the faculty or administration by submitting a written complaint to the Provost and Vice President for Academic Affairs (PVPAA).
  - b. When a complaint is lodged against a member of the faculty, the PVPAA must inform the member of the nature of the complaint, the identity of the complainant, and the member's right to have an investigative committee appointed to determine the validity of the complaint.
  - c. A faculty member who desires the appointment of an investigative committee must inform the PVPAA in writing within seven days of being notified of the complaint. The PVPAA shall then appoint a committee of three tenured members of the faculty (at least one of whom shall normally be from the faculty member's department) and designate one to serve as chair. The committee shall investigate the complaint and report to the PVPAA. The report shall include a statement of the complaint, a determination of its validity, and a recommendation for appropriate action to be taken. The PVPAA shall review the complaints and the committee findings and shall take appropriate action.
  - d. If the faculty member does not formally request the appointment of an investigative committee, the PVPAA may either:
    - (1) investigate the complaint and take appropriate action, or
    - (2) appoint an investigative committee in the same manner as if the faculty member had formally requested such an appointment.
  - e. Should a complaint arise against a Department Chair as a member of the faculty, the complainant shall register the complaint in writing with the PVPAA, who shall then follow the preceding procedure of informing the chair of the nature of the complaint, the identity of the complainant, and the chair's right to have an investigative committee appointed. If the chair does not request such an appointment within seven days, the PVPAA shall investigate the matter or appoint an investigative committee in the same manner as above.
2. The Investigative Committee
  - a. The authority of the committee is to seek and evaluate evidence pertinent to the specific complaint.
  - b. If any of the following procedures need modification in a particular case, the committee shall specify them in writing to all involved parties before the investigation begins.
  - c. All deliberations of the committee are confidential, and all materials reviewed by the committee shall be held in confidence.
  - d. All meetings shall be attended by the full membership of the committee.
  - e. The deliberations of the committee shall be restricted to facts from the record and by direct testimony. The committee shall keep confidential records of the evidence examined. The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but

the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses and provide for interrogatories. The hearing committee will not be bound by strict rule of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

- f. The committee members may ask questions of any party to clarify the evidence.
- g. The recommendation of the committee shall be determined by majority vote. The vote shall be by secret ballot.
- h. A letter approved by the whole committee shall make recommendations to the PVPAA. The letter shall contain all reasons for the recommendations agreed to by a majority of committee members. A minority report may accompany the majority report.
- i. In the event of an appeal to the Committee on Faculty Status and Grievances the Committee records shall be made available to the appeal body.

### 3. Examples of Serious Misconduct and Incompetence

The following lists are intended as guidelines and are not intended to be all-inclusive.

#### Misconduct

- a. Repeated defamation of colleagues, students, departments, members of the administration, the Board of Visitors or its members, or the University.
- b. Repeated violent emotional or physical outbursts.
- c. Regular use of obscene language or gestures.
- d. Intoxication or dispensing of or use of drugs in ways adversely affecting the University.
- e. Sexual harassment.
- f. Disrupting orderly conduct of classes or meetings.
- g. Falsifying or forging an official document or record.
- h. Lying, cheating, plagiarizing, or stealing.
- i. Repeated intimidation of another person.
- j. Intentionally injuring another person.
- k. Wanton misuse or destruction of personal or University property.
- l. Conviction of a felony adversely affecting professional performance or the University.

#### Incompetence

- a. Failure to present effectively the content of a course as described in the catalog.
- b. Failure to evaluate adequately student achievement.
- c. Repeated unreasonable assignments in terms of length or prior notice.
- d. Failure to maintain discipline.
- e. Failure to perform teaching duties and other departmental or University responsibilities.
- f. Failure to correct professional problems brought to the attention of the individual through accepted channels such as committees, department chair, school dean, and the PVPAA.

### 4. Termination of Employment due to Academic or Financial Exigency

- a. Tenured and non-tenured faculty members may be terminated in cases of academic or financial exigency. Academic exigency is defined as an academic need which cannot be met by existing department personnel. Such an exigency arises when a change in enrollment or offerings in curricula or departments requires review and reduction of faculty staffing levels. A financial exigency is a financial condition which threatens the well-being of the institution as a whole or in part and which cannot reasonably and responsibly be alleviated by any less drastic means than terminating tenured faculty.
- b. If the problem confronts the whole institution, the Executive Committee of the Senate shall meet with the President prior to the decision that an exigency exists or is imminent. The Executive Committee of the Faculty Senate shall then appoint an ad hoc committee on exigency to recommend to the PVPAA criteria for identifying positions to be terminated, and this committee shall make any other appropriate recommendations to the PVPAA.
- c. If the exigency applies to a department or discipline within the University, that department or discipline should recommend to the PVPAA criteria for identifying positions to be terminated.
- d. In either case, the PVPAA shall meet formally with the committee, department, or discipline to discuss their recommendations before any formal action.
- e. If the administration notifies a particular member of its intention to terminate employment because of financial or academic exigencies, the faculty member shall:
  - (1) Have a right to a full hearing before the Committee on Faculty Status and Grievances. The Committee on Faculty Status and Grievances shall consider the existence and extent of the condition of exigency, and the administration shall provide to the committee information that demonstrates the validity of the condition of exigency. The committee may offer alternative plans for resolving the exigency. The Committee on Faculty Status and Grievances will ascertain that the criteria for identification of positions to be terminated were properly applied in the individual case.
  - (2) Be given by the PVPAA a written statement of the grounds for terminating employment.
  - (3) Have the right to appeal the decision to the ~~Board of Visitors~~ President.
  - (4) Be given a terminating contract of one academic year if the faculty member is tenured.
  - (5) Not have the position filled by a replacement within a period of two years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.
- f. If a decision to terminate employment is reversed, the PVPAA shall so state in writing to the faculty member and shall place a copy of this letter in the faculty member's file.

*2References: Longwood Faculty Handbook 1982, 1986; minutes of the Board of Visitors, July 16, 1982; Faculty Senate, February 2, 1998.*