

**Report to the University Faculty Council
April 5, 2017**

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EDITORIAL CHANGES TO SEVERAL SECTIONS OF THE FACULTY HANDBOOK

The following changes are necessary to revise several statements in the *Handbook* that have become outdated because of policy changes affecting all employees. Additionally, a few language changes are needed in order to clarify some sections that have been a source of confusion in a few cases during the past year. These language changes do not change faculty policy; the changes simply better explain the policy in the interests of minimizing confusion. These changes are reported to the University Faculty Council to see if there are questions or concerns. Assuming the UFC concurs, these changes, along with all other *Handbook* revisions that the UFC will have acted on this academic year, will be presented to the Board of Visitors for final approval at their meeting on April 19-20, 2017.

Red text indicates new language and ~~strikethrough~~ indicates deletions.

3.1.2 Tenure-track A tenure-track appointment carries a probationary period leading to tenure. In the time period prior to the awarding of tenure, regular, tenure-track faculty are appointed or reappointed for one, two, or three academic years. Ordinarily, a newly-appointed faculty member will receive an initial one-year appointment. Renewal of that initial appointment (the second contract) is normally for two years, and the subsequent renewal (the third contract) for three years or for whatever period of time remains of the probationary period prior to the tenure decision. If an extension of the probationary period is approved, at the conclusion of the existing appointment period a new appointment will be issued for the appropriate period until the next scheduled review (see §3.14). Renewal of tenure-track appointments is always preceded by a careful and thorough performance evaluation carried out by the department chair and reviewed by the dean and Provost (see §6.1). If, in the judgment of the chair and the dean, normal reappointment is not warranted (see §4.2), reappointment for less than the normal period may be recommended to the Provost; the Provost will then make final recommendations on all tenure track faculty appointments to the President, and the President makes final recommendations to the Board of Visitors; a one-year reappointment may be specified by the Board as terminal.

3.1.4.4. Overload contracts Full-time faculty assigned to teach courses in excess of the maximum teaching load will receive a letter specifying the teaching assignment, the length of the overload assignment period, and the compensation. Overload teaching assignments must be approved by the **College Dean** and the Provost before an overload letter is issued. By signing and returning a copy of the overload letter, the faculty member indicates acceptance of the overload assignment and thereby establishes his or her overload contract. Overloads are approved sparingly, and as a last resort. (**See §5.4.2, Teaching Load.**)

3.13.3.4 Alternative Part-Time Infant Care Leave A faculty member may propose to the department chair and dean that he or she work part-time for one or two consecutive semesters upon the birth or adoption of a child rather than taking the standard infant care leave arrangement described above. This option applies only to the extended infant care leave, not the short-term disability leave. A request for part-time infant care leave must be made in writing and requires approval of the **College Dean**. **In a part-time infant care leave arrangement, the salary reduction is based upon the amount of teaching to be done during the leave as stated in the written arrangements made between the faculty member and the College Dean. A faculty member electing this form of leave receives a half salary for the semester plus an additional pay increment equal of one-half of the portion of the full teaching load being taught during the part-time leave. For example, if the faculty member proposed to teach half time during the semester of an extended infant care leave, the leave would be compensated at 3/4 pay and full benefits for the semester rather than the half pay and full benefits for the semester that would be provided if the person took a full extended infant care leave for the semester.**

5.4.2 Teaching Load Part of a typical faculty member's time is spent in scheduled classroom instruction, part on research and individual direction of students, and part on departmental and other professional activities. Faculty members are expected to participate in the work of their departments and colleges outside of the classroom, to provide academic advising to students, to serve in governance of the University, to engage in professional development, and to contribute to the creative and/or scholarly advancement of their disciplines. Individual teaching loads will vary accordingly, and it is the responsibility of the department chair in consultation with individual faculty and with approval of the dean to determine teaching loads each semester. The standard full teaching load for a faculty member on a nine-month contract is 24 credits or the equivalent spread over the fall and spring semesters. ~~For a faculty member on a twelve-month contract, the standard full teaching load is 30 credits or the equivalent spread over the fall and spring semesters and the summer session.~~ **Overload teaching assignments, for which the faculty member was compensated and received an overload contract or special payment form, are excluded from the calculation of what constitutes the faculty member's assigned standard teaching load.**

4.3.2 Principles and Definitions This section of the *Faculty Handbook* describes the general principles and definitions of terms applying in instances in which the University investigates alleged violations of University policy by a faculty member and imposes sanctions should clear and convincing evidence support the allegation. In certain cases, violation of University policy may also entail violation of the policies of external organizations; consequently, cases alleging discrimination/ discriminatory harassment or misconduct in scholarly activity or research require special procedures to ensure compliance with external agencies and regulations (see §5.3). Nevertheless, the following general procedures and principles apply for **all** allegations against a faculty member for violation of a University policy. **Complaints involving sex or gender based harassment and discrimination shall be addressed under UMW's Policy on Sex and Gender-Based Harassment and Other forms of Interpersonal Violence and the procedures and principles contained therein, including any appeal.**

4.3.2.2 Initiation of Allegations Allegation means any written or oral complaint of violation of University policy made to an appropriate administrative officer. A good faith allegation is one made with the honest belief that a violation may have occurred. According to the U.S. Office of Research Integrity, an allegation is not made in good faith “if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.” The Administrative Officers empowered to receive allegations and to initiate inquiries are the program director, chair, and/or dean to whom the faculty member reports; and the Provost. Allegations of discrimination or discriminatory harassment may also be made to the AA/EEO Officer **or, in the case of gender discrimination, to the Title IX Coordinator.**

4.7 ALLEGATIONS OF DISCRIMINATION OR HARASSMENT The University prohibits discrimination. See the University’s policies on Discrimination, on Workplace Harassment, and ~~Sexual Harassment and Consensual Relations Policy (§5.3)~~, **the *Policy on Sex and Gender-Based Harassment and Other forms of Interpersonal Violence* (§5.3).** Allegations of violations of these policies are handled via the mechanisms outlined within each of those policies. In the event of repeated allegations within the same academic unit or against the same faculty member, the University reserves the right to use previous good faith reports of discrimination to identify patterns of behavior. In such cases, the AA/EEO Officer, with the approval of the Provost, may initiate an informal investigation following the procedures outlined in §4.4 (above). Should this occur, the faculty member is entitled to the notification requirements outlined in §4.3.3.7.

5.3.2 Statement of Nondiscrimination At the University of Mary Washington the principles of equal opportunity and affirmative action are practiced. The University does not discriminate on the basis of race, color, religion, disability, national origin, political affiliations, marital status, sex, age, or sexual orientation in recruiting, admitting, or enrolling students or hiring and promoting faculty and staff members. The University will not recognize or condone student, faculty, or staff organizations that discriminate in selecting members. Complaints of discrimination should be directed to the AA/EEO Officer ~~at the university~~ **or, if it involves gender discrimination, the Title IX Coordinator.**

5.3.5 Workplace Harassment Policy The University strictly forbids harassment of any employee, applicant for employment, vendor, contractor or volunteer on the basis of an individual’s race, color, national origin, age, sex, sexual orientation, political affiliation, religion, disability, marital status or pregnancy. Harassment is defined as any unwelcome verbal, written and/or physical conduct that either denigrates or shows hostility or aversion towards a person, on the basis of one or more of that person’s protected characteristics or statuses, and that 1) has the purpose or effect of creating an intimidating, hostile or offensive work environment, 2) has the purpose or effect of unreasonably interfering with an employee’s work performance, or 3) affects an employee’s employment opportunities or compensation. It is the responsibility of the AA/EEO officer, **and the Title IX Coordinator,** to establish and enforce policies and procedures, consistent with applicable federal and state laws, for preventing harassment and for addressing complaints of harassment. All students and employees of the University have the right to file a complaint of harassment. Policies for preventing and addressing harassment shall not allow curtailment or censorship of constitutionally protected expression. The University’s policies regarding harassment and

additional information are available at <http://adminfinance.umw.edu/hr/policies-and-procedures/respectful-workplace-policies/workplace-harassment-policy/> and <http://diversity.umw.edu/title-ix/policy>.

~~**5.3.5.1 Sexual Harassment** The University of Mary Washington does not tolerate sexual harassment. Sexual harassment is a form of sexual discrimination and as such is illegal behavior. Moreover, sexual harassment subverts the mission of the University by undermining the positive working and educational environment the University is committed to providing for all students, University personnel, and visitors. The University's policies for preventing and addressing sexual harassment and additional information are available at <http://adminfinance.umw.edu/hr/policies-and-procedures/respectful-workplace-policies/university-sexual-harassment-and-consensual-relations/>.~~

5.3.5.1 Sex or Gender Based Discrimination or Harassment The University of Mary Washington does not tolerate sexual assault, sexual harassment, sexual exploitation, stalking, intimate partner violence, retaliation, or complicity. These forms of Prohibited Conduct subvert the mission of the University by undermining the positive working and educational environment the University is committed to providing for all students, University personnel, and visitors. The University adopted the *Policy on Sex and Gender Based Harassment and Other forms of Interpersonal Violence* with a commitment to: (1) eliminate, prevent, and address the effects of Prohibited Conduct; (2) foster a community of trust and mutual respect in which Prohibited Conduct is not tolerated; (3) cultivate a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) provide a fair and impartial process for all parties; and (5) identify the standards by which violations of this Policy will be evaluated and disciplinary action may be imposed. Employees who violate this Policy may face disciplinary action up to and including termination. The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for employees and students to facilitate the goals of this Policy. The University's policy for preventing, addressing, investigating, and resolving Prohibited Conduct is available at <http://diversity.umw.edu/title-ix/policy>.

5.3.5.1.1 Responsible Employees All faculty members are considered "responsible employees" and are required to report to the University's Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any student as a Complainant, Respondent, or witness. Faculty members that are in a supervisory capacity (such as Deans, Chairs, and other unit administrators) are required to report to the University's Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any faculty member or employee as a Complainant, Respondent, or witness. See the *Policy on Sex and Gender-Based Harassment and Other forms of Interpersonal Violence*.

5.3.5.2 Consensual Relations Although consensual relationships between persons of different power levels (e.g., between a faculty member and a student or between a supervisor and an employee) do not constitute sexual harassment, they raise serious concerns and may give rise to claims of sexual harassment. The University's policies and additional information

regarding consensual relations are available at

<http://adminfinance.umw.edu/hr/files/2017/03/Consensual-Relationships-Policy.pdf>

5.4.1 The Academic Year The calendar of the academic year is published at least a year in advance. Faculty with 9-month appointments are expected to be available to meet their contractual responsibilities to their respective college during the entire academic year between August 16 and May 15, ~~for those faculty with 9-month appointments, and between August 16 and August 15 for those faculty with 12-month appointments.~~ Any exceptions are considered to be leaves of absence, and must be approved under the appropriate leave policy in section 3.13. The various breaks and vacation times listed on the University Academic Calendar, and as published in the current *Academic Catalogs*, are to be strictly observed.

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