

CFA Resolution 2006-07F
Career Track for Instructors and General Employment Policies
for Non-Tenure-Track Instructional Faculty Members

Approved by CFA:	February 23, 2007
First Reading, University Council:	April 2, 2007
Approved by University Council:	April 30, 2007
Approved by the President:	April 30, 2007
Approved by Board of Visitors:	June 4, 2007
Effective Date:	Following approval by the Board of Visitors

WHEREAS, long-serving instructors currently have no career path with defined opportunities for promotion or recognition for their accomplishments; and

WHEREAS, the creation of a career ladder from Instructor to Advanced Instructor to Senior Instructor allows review and recognition by colleagues and salary adjustments to reflect the faculty member's increasing experience and contribution to the university's instructional programs; and

WHEREAS, the Faculty Handbook provides little appropriate guidance for employment matters related to non-tenure-track instructional faculty and there will now be a need for explication of a consistent process for consideration for promotion in non-tenure-track instructional ranks, such as the instructor or clinical faculty series;

THEREFORE be it resolved, that the proposed new ranks of Advanced and Senior Instructor be approved and that the affected departments and colleges develop guidelines for the process and criteria for promotion within the instructor ranks with the input of affected faculty members and with approval by the departmental and college promotion and tenure committees, the department head, and dean. Initial recommendations for promotion within the instructor ranks may be submitted during the 2007-08 cycle for approval at the June 2008 Board meeting, effective fall 2008. During a transition period over the next two years, an individual faculty member may be recommended for immediate promotion to Senior Instructor, with commensurate promotion adjustments, if warranted by past experience and achievements. Newly hired faculty members with appropriate credentials and experience may be hired at the new ranks effective July 1 or August 10, 2007.

BE IT FURTHER RESOLVED that the proposed employment policies for non-tenure track faculty be approved effective July 1, 2007 following approval by the Board of Visitors and that other sections of the Faculty Handbook be modified where needed to conform with these newly approved guidelines.

Proposed Career Ladder and New Ranks for Instructors:

The text below in conjunction with the new general material on employment policies for non-tenure-track faculty would replace the current section 2.3.1.4 of the Faculty Handbook.

Instructor Faculty Ranks

The job responsibilities of a person appointed to one of the instructor ranks in an academic department are focused on undergraduate education, with minimal or no expectation for development of an independent program of research or scholarship. A master's degree is the usual minimum educational credential for an appointment to the instructor ranks, and generally a minimum of 18 graduate credits in the teaching discipline are required to meet accreditation standards. While initial appointment is typically at the entry rank, prior experience may be considered for a recommendation of appointment at a higher rank with the approval of the appropriate departmental committee and head. Up to three years of similar instructional service at another institution may be counted toward the designated period required prior to review for promotion in rank.

Tenure will not be awarded at any of these ranks and all service at any instructor rank will be excluded from the probationary period should the faculty member later be appointed to a tenure track position. Faculty members within the instructor ranks may not chair a graduate committee.

Instructor

The instructor rank is the initial rank for appointment of a full or part-time faculty member whose primary responsibilities are to the instructional program. Assignments may vary depending on the faculty member's expertise and experience and departmental needs, but typically they include teaching undergraduate courses, advising students, developing or revising courses and curricula, and fulfilling other instructional, administrative, or service responsibilities. Appointment at this rank consists of a series of one or two-year renewable appointments with a minimum of five years of completed service before consideration for promotion.

Advanced Instructor

Consideration for promotion to the rank of advanced instructor may be requested by the instructor or recommended by the department based on excellence in instructional responsibilities and significant evidence of related professional growth and development. Mentoring more junior colleagues or graduate teaching assistants, student advising, course or curriculum development, or exemplary service or outreach are examples of ways in which instructors can make valuable contributions to the instructional programs in a department. Advanced instructors are expected to demonstrate mastery in teaching with significant impact on student learning and the department's undergraduate programs. Scholarship and publication are not typically an assigned responsibility of instructor positions, but such accomplishments may be considered as part of the evaluation for promotion. Promotion to the advanced instructor rank is generally accompanied by a renewable three-year contract.

A minimum of five years of completed service at the advanced instructor rank is required before consideration for promotion to senior instructor.

Senior Instructor

Senior instructor is the capstone rank in the instructor series and promotion to this rank denotes exemplary instruction, demonstrated continued professional development, and significant contributions to undergraduate education. In addition to teaching courses, senior instructors may have considerable responsibility in mentoring junior colleagues or graduate teaching assistants, overseeing course development or special instructional initiatives, student advising, or other non-teaching responsibilities reflecting their role as instructional leaders. Promotion to the rank of senior instructor is generally accompanied by a renewable five-year contract.

Policies Related to Non-Tenure Track Instructional Appointments

Non-tenure track faculty members fill critical roles in the learning, discovery, and engagement missions at Virginia Tech. They are intended to complement the efforts and qualifications of tenure-track faculty, provide access to specialized faculty resources, and to allow flexibility to address programmatic needs. As valuable contributors to departmental and institutional missions, they are entitled to fair treatment and compensation, access to professional development opportunities, recognition for their accomplishments, and participation in the life of the university community. The following policies address specific aspects of non-tenure-track faculty appointments. Where not otherwise excluded, or addressed in this section, other policies in the Faculty Handbook also apply. The Special Research Faculty Handbook addresses policies for faculty within the special research faculty ranks. In a few cases, faculty members with regular academic rank (assistant, associate, or full professor) hold non-tenure-track appointments because of unusual job responsibilities and historical lack of appropriate alternative ranks. These policies also apply to those individuals.

Ordinarily a graduate or professional degree is required for appointment to one of these ranks. Appointments are made using established university search procedures.

Academic departments retain the authority and responsibility to make decisions about whether to employ non-tenure-track faculty members to deliver aspects of their instructional program. Departmental policies and practices related to the use of non-tenure-track ranks must be approved by an appropriate departmental committee.

Initial Appointment

All initial non-tenure-track faculty appointments are normally for a period of one year, including those appointments at the more senior ranks. Subsequent reappointments may be multi-year, as appropriate for the rank.

Appointments may be regular (renewable) or restricted (with a defined end date), calendar year or academic year, and full or part-time depending on job responsibilities and available funding. Visiting and adjunct appointments are intended to be temporary in nature and are almost always restricted.

Non-tenure-track faculty positions are term appointments eligible for renewal based on quality of performance, continuing need for services in the unit, and available

funding.

Reappointment

Non-tenure-track faculty members on restricted contracts whose appointments are to be continued should be issued a reappointment contract specifying the new ending date for their appointment. Reappointments typically occur on the anniversary of the hire date or may be realigned to coincide with the academic year or other relevant appointment cycle. The practice of issuing repeated one-year restricted contracts for an individual faculty member over many years is explicitly discouraged. It results in exclusion of the faculty member from promotion consideration and can be exploitative over an extended time.

Reappointments for faculty members on regular contracts are usually effective July 1 or August 10, reflecting either calendar-year or an academic year appointment. Notice of *non-reappointment* shall be in accordance with periods identified below.

Annual Evaluations and Merit Adjustments

Continuing faculty members must submit an annual faculty evaluation in accordance with departmental and college procedures and timelines. Timely submission of the annual activity report is required for consideration for a merit adjustment. Annual evaluation of performance by the department head or supervisor (or appropriately charged committee) and feedback to the faculty member are required, and should be consistent with university policies and practices for annual evaluation of tenure-track faculty members.

Non-tenure track faculty members are entitled to full consideration for merit adjustments as available and warranted by their performance.

Promotion Guidelines for Non-Tenure Track Faculty Appointments

Non-tenure track faculty members are eligible for promotion in rank in accordance with guidelines established by academic departments and approved by an appropriate college-level committee and the dean. Such guidelines should outline the process and criteria for promotion in rank; they should be widely available along with other departmental and college documents related to promotion and tenure. Faculty members must be in a *regular* rather than *restricted appointment* to be considered for promotion.

Promotion in rank for any non-tenure track position is not a requirement of continued employment, nor an entitlement for years of service without evidence of exceptional merit, continued professional development, and contribution in the assigned role. An approved promotion in rank is recognized by a change in title, increasing length of appointment contract, and a base salary adjustment as identified in the annual faculty compensation plan approved by the Board of Visitors.

Consideration for promotion in rank shall include preparation of a dossier using a common university format, which may be based on relevant elements of the promotion and tenure dossier format for tenure-track faculty members. Typically such a dossier would include a statement of professional direction and accomplishment, a full vita, and documentation of contributions to the instructional program. Colleges and departments may request supplemental materials. Guidelines for dossier development and departmental policies and procedures for the promotion process must be approved by an appropriate college committee and the

dean. External evaluations of credentials are not necessary for promotion consideration for non-tenure track faculty, except for promotion to clinical professor.

The promotion dossier shall be reviewed at three levels: by an appropriately charged departmental committee and the department head, by an appropriately charged college-level committee and the dean, and by the provost. Given the wide variation in representation of non-tenure-track instructional appointments in the various academic colleges, some latitude is provided in the nature and make up of such committees. For those departments with significant numbers of instructors, it is expected that the committee charged with such reviews would consist of majority representation of advanced and senior instructors (or associate or full clinical professors). In departments with very few such appointments, the existing departmental promotion and tenure committee may review the dossier(s) and make recommendations. Similarly, at the college level, either a special committee may be formed to review promotions of non-tenure-track instructional faculty with majority representation of those in the advanced levels of such ranks, or existing promotion and tenure committees may be assigned such review and recommendation responsibilities. While the procedures may vary to recognize practical issues and varying numbers, the guidelines for review should be in writing and adhered to for consistency and fair treatment of all candidates.

The department head and dean make separate recommendations to the subsequent review levels. The provost reviews college and dean recommendations and makes recommendations to the president. Final approval is granted by the board of visitors.

Given that promotion decisions do not carry the same up or out decision associated with tenure, a negative recommendation on a promotion request need not translate into termination of employment. Indeed, a faculty member may remain at the initial rank as long as their performance warrants continued reappointment and serves departmental needs. If the promotion request is not supported on the first submission, it may not be appealed until at least a second review has taken place in a subsequent or later year.

Following the same pattern as review of tenure-track faculty members, a positive recommendation from either or both the departmental committee and the department head will automatically advance the dossier for promotion to the college committee level. Similarly, at the college level, a positive recommendation from either or both the college committee and the dean will result in automatic advancement of the recommendation to consideration by the provost. The decision of the provost is final and cannot be appealed.

Faculty members should be provided written feedback in the case of a negative recommendation at either the department or college level so that they might improve their performance or dossiers for a later submission.

Appeal procedures: Following a second negative review by both the departmental committee and department head, the decision may be appealed to the college committee, but only on grounds that relevant information was not considered or that the decision was influenced by improper consideration. The appeal must be filed within 14 days of official notification. A negative recommendation from both the college committee and the dean ends the process. There is no appeal when both the college committee and dean have voted no.

Significant ***procedural*** violations may be grieved under the faculty grievance process described in section 2.13.

Termination Procedures for Non-Tenure-Track Faculty

Members of the non-tenure-track faculty may be removed from their position by one of the following three procedures: removal for just cause, non-reappointment, or termination of position because of insufficient funds or no further need for services.

Termination for Cause

Stated causes for removal shall include, but are not limited to professional incompetence; unacceptable or unsatisfactory performance after due notice; unethical conduct or misconduct that interferes with the capacity of the employee to perform effectively the requirements of the position; violation of university policy; falsification of credentials, experience, leave reports or other official university documents. Filing a grievance shall not constitute just cause for termination.

When it becomes necessary to terminate a non-tenure-track faculty member for *unsatisfactory performance* prior to the end of the appointment period, the following procedures will apply:

1. The department head will write a letter to the faculty member detailing the areas of performance that are deficient and setting clear expectations for acceptable performance and continued employment. The college dean will receive a copy. The letter will state the time period in which the deficiencies must be addressed. This time period will be not less than 30 calendar days.
2. At the end of that period, the department head must again write the faculty member with an evaluation of his/her performance with a copy to the college dean. If performance continues to be unsatisfactory, this second letter may contain a notice of termination. The termination notice will have an effective date of 45 calendar days or more from the date of the second letter. In cases where there is a threat to health or safety, the 45-day period may be waived.

For termination for cause for reasons other than unsatisfactory performance, the faculty member shall receive written notification of the reasons for termination and shall be allowed an opportunity to respond within five work days. With the approval of the provost, a faculty member may be suspended with or without pay pending an investigation into allegations of wrong doing.

The faculty member may appeal notification of termination for cause to the college dean and the termination will be held in abeyance until the appeal process is complete. The appeal must be made in writing within five working days of receipt of the notification of termination. The dean must respond in writing within ten working days. If the dean's response is unsatisfactory to the appellant, an appeal may be made to the provost in writing within five working days. The provost will appoint a committee of three members of the general faculty who will review the case and make recommendations to the provost. The decision of the Provost will be final. The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.

Non-Reappointment for Faculty on RESTRICTED Appointments

In the cases of faculty members on temporary or restricted appointments for which there is no indicated opportunity for reappointment, the terms of offer (contract) also serves as notice of the termination of employment. The appointment will be discontinued unless notified otherwise. Reappointments may be possible if funding is available, departmental need remains, and performance is satisfactory, but contract renewal should not be assumed.

Non-Reappointment for Faculty on REGULAR Appointments

Non-reappointment of non-tenure-track faculty members may be for a number of reasons beyond unsatisfactory service, such as modification of programmatic emphasis, a change in enrollment trends, a decision to convert the position to a tenure-track appointment, or simply the intention of seeking an appointee with superior qualifications. Non-reappointment does not require establishment or documentation of just cause.

Notice of non-reappointment for non-tenure-track faculty members on regular appointments is:

1. at least three months before the end of the current contract for those who have been in regular appointments for less than two years
2. at least one semester before the end of the current contract for those on academic year appointments (or six months for those on a calendar-year appointment) for those who have been in regular appointments for two years up to five years.
3. at least one year before the end of the current contract for those on regular appointments for five years or more.

Termination of Appointment during the Contract Period

Occasionally a decline in funding resources makes it necessary to terminate an appointment before the end of a contract. While department heads are encouraged to make every effort to assure continuity of employment to individuals performing satisfactorily, there are circumstances in which this may not be possible or in the best interest of the university. Non-tenure-track faculty appointments may be terminated in the case where there are insufficient funds or no further need for services. Written notice of termination within the contract period shall be at least three months for those who have been in a regular appointment less than two years and at least one semester (if AY) or six months (if CY) for those who have been in regular appointments two years or more. A proposed notice of termination during the contract period because of insufficient funds or lack of need for services must be approved by the dean and provost.

Resignation

Non-tenure-track faculty members are expected to give notice of at least one semester (or a minimum of 90 days if not on a semester teaching assignment) of their intent to resign if this occurs before the end of their contract period.

Participation in Governance:

Salaried non-tenure-track instructional faculty members are eligible to participate in departmental, college, and university committees as appropriate for their assignments. Non-tenure-track faculty members should have meaningful engagement in program planning at the department level, especially as it relates to aspects of the curriculum for which they bear teaching responsibility. Although non-tenure-track instructional faculty members may not be involved in reviewing cases of promotion and tenure for tenure-track or tenured faculty members, they may

otherwise be voting members of the departmental faculty in accordance with the policy set by individual departmental governance.

Those faculty members at the rank of instructor, assistant, associate, or professor, or related rank variations, such as "clinical assistant professor" or "senior instructor", are eligible to serve as voting members of the Faculty Senate.

Participation on Graduate Committees:

Non-tenure-track instructional faculty members with appropriate credentials may serve on graduate advisory committees and interact with graduate students and interns where relevant to their assignment and with approval of the departmental graduate program, head, and graduate school.

Eligibility to Serve as a Principal Investigator

Faculty members in a non-tenure track rank may serve as a principal investigator for a sponsored project or contract with the approval of the department head and the Office of the Vice President for Research. A request for such approval may be initiated on a P-86 form available on the Human Resources website.