**General Faculty Council**

Wednesday, February 8, 2017
12:00 noon - 1:30 pm*Alderman Library Room 317*

***Present:*** *Ana Abad-Jorge, John Alexander, Stuart Berr, Benjamin Doherty, John Gaskins, Gabrielle (“Posy”) Marzani, Michael Murphy, Esther Poveda, Lynn Price (proxy for Jennifer Stertzer), Kevin, Sauer, Michael Slon, Sarah Ware, Janet Warren, Keith Weimer, Sarah Wells*

*Jeff Sitler, Victor Luftig, Cindy Reed, Paula Sprague, Elizabeth Roberts, Carrie Douglas, Esther Lorenz*

1. Call to Order - John Alexander

2. Round-robin introductions

3. Approval of minutes – Council unanimously approved all minutes taken since start of academic year. (Posy Marzani later registered a correction to the 1-11-17 minutes, noting that only John Alexander made a request to the Provost’s Office for policies to be sent directly to GFC, and for GFC representation on the University Policy Committee.)

4. Joint statement by Faculty Senate Executive Committee and GFC Executive Committee concerning President Trump’s January 27, 2017, Executive Order on Immigration –

Some members expressed concern that the Executive Committee appeared to speak for Council on such a sensitive issue using strong and potentially polarizing language. Council unanimously decided to submit the joint statement to Council membership via email requesting a “yes or no” vote with comments. The vote should be closed by 5 p.m. on 2/13/17. If 50% or more of the members of the GFC respond to the request for a vote by email, we will consider a quorum to have been present.

We discussed amending the bylaws to clarify how we will respond to “emergency” situations that may call for a statement by Council. Though no vote was taken, it was decided that a resolution could be drafted to address this problem. Sarah Ware will work on drafting the resolution and present it at the next Council meeting.

*Regular Reports*

5. GFC standing committees

• Bylaws - Sarah Ware

Sarah proposed three changes to the Bylaws:

* VII. A. -- There is no longer enough representation from Student Affairs to warrant a specific mention in this passage; Student Affairs is understood to be included with “Administration.”
VOTE taken: passed unanimously
* VII. E. 6. -- Clarifies how the Policy Committee chair reports to the Council; the Co-chair of the Policy Committee sits on the Faculty Senate.
VOTE taken: passed unanimously
* VIII F. -- Establishes a quorum for electronic voting (50% of filled council positions) “within a time frame set when the vote is called.”
VOTE taken: passed unanimously

• Elections - Ed Murphy / Sarah Wells –

There is a call for nominations for the open seats on Council. All members of the GFC are encouraged to nominate potential candidates.

Open seats are:

-Health Professionals (currently held by Stuart Berr, he is eligible for reelection)

-Athletics (currently held by Kevin Sauer, he is eligible for reelection)

-Arts and Sciences (currently held by Michael Slon, he is not eligible for reelection)

-Engineering (currently held by Carolyn Vallas, she is not eligible for reelection)

-Education Schools (currently held by Derick Williams, he is not eligible for reelection)

In the spring elections, we will also include the changes above to the bylaws so that we ask the General Faculty to endorse these recommended changes to the bylaws.

6. Open discussion of new Provost Policies on the Non-Tenure Track Faculty:

Ben Doherty noted that the Dean of the Law School informed law librarians that all future librarians hired at the Law School will be hired as University Executive Staff. Law Library faculty think this decision reflects the arbitrary way in which the language of the new policies is being applied. Dean wanted to put them at highest level of university staff even though that category doesn’t fit librarians. The law librarians had wanted to be academic general faculty, as will be the case with new hires at the University Library. (Law, Health Sciences, and Darden have libraries that are administratively part of those schools rather than the University Library.)

The Provost is collecting reports of ways in which the new policies are not working. Bill Keene has submitted a summary of concerns with the new policies (see below) and Council will send a request to general faculty.

The Chair will write to the general faculty asking for specific stories, feedback, concerns. (“How has this impacted you?”) The GFC Policy Committee will collate this feedback into a document to be shared at the next meeting.

A recurring example involves language acquisitions teachers. It appears that the scope of these positions may be narrowing under the new policies. Some of these instructors are also potentially affected because they are in the United States under long-term visa arrangements. Council would like to have the issues in writing in order to fully understand the situation.

Michael Slon mentioned that he has tried to get some language into the Arts and Sciences version of the policy about sabbaticals.

Janet Warren noted that the GFC Policy Committee needs to look at this report of problems with the new policies as an advocacy issue, not just a matter of information.

A proposal was floated to contact deans and chairs to encourage involvement of General Faculty early in the process of developing school-specific policies. Sarah Ware will draft a model email that might be used by individual council members to contact the relevant administrators in the schools they represent.

7. Discussion about Presidential Search – Question about why there is no staff representation on the committee. Is there GFC representation? Not specifically, but Mimi Riley is on the committee as Chair of the Faculty Senate. The search committee is inviting input from the university community. Only two committee members are faculty who teach primarily undergraduates, and they are both from the English Department. Half the committee is composed of members of the Board of Visitors.

*Meeting adjourns.*

**Employment of Academic General Faculty Members (Tenure-Ineligible)**

**Concerns Raised by Bill Keene during GFC Meeting on 17 January 2017**

**Posted, 30 January 2017**

As per Posy Marzani’s request during the General Faculty Council (GFC) meeting on 11 January 2017, I have prepared a summary of the concerns I expressed regarding the Provost’s new policy entitled “Employment of Academic General Faculty Members (Tenure-Ineligible)” dated 3 January 2017 (<http://uvapolicy.virginia.edu/policy/PROV-004>). My concerns relate to both (1) the substance of a fundamental change in provisions for standards of notice and (2) the process by which these provisions were changed. Comments on additional concerns regarding the new policy that were raised by others are also included.

**Background**

Between 1987 and February 2006 employment of non-tenure-track faculty was governed by the Provost’s policy entitled “Policy on the General Faculty.” Between February 2006 and January 2017, employment of non-tenure-track faculty was governed by the Provost’s policy entitled “Employment of Non-Tenure-Track Faculty.” Both policies stipulate virtually identical standards of notice for non-renewal as follows (from the latter (2006) employment policy):

*“****VII. B. Non-Reappointment***

*Notice of non-reappointment must be given in writing in accordance with the following standards:*

*Persons who have been employed in a non-tenure-track faculty position at the University* ***for one year or less*** *should receive notice of non-reappointment three months before the expiration of their appointment. Regardless of when they receive notice, they are entitled to three months of employment following that notice.*

*Persons who have been employed in a non-tenure-track faculty position at the University* ***for more than one year but up to two years*** *should receive notice of non-reappointment six months before the expiration of their appointment . Regardless of when they receive notice, they are entitled to six months of employment following that notice.*

*Persons who have been employed in a non-tenure-track faculty position at the University* ***for more than two years*** *should receive notice of non-reappointment twelve months before the expiration of their appointment. Regardless of when they receive notice, they are entitled to twelve months of employment following that notice.”*

All draft versions of the new employment policy that the Provost shared with the GFC and Faculty Senate (FS) Policy Committees for review and comment (including the final draft version that was distributed on 23 June 2016) contained provisions for notice of non-renewal that were virtually identical to the above. However, the final version of the employment policy that was distributed to the GFC and FS policy committees on 16 December 2016 (at the beginning of Christmas break) and implemented on 3 January 2017 (during Christmas break) contained provisions for notice of non-renewal that differed fundamentally from (1) both of the two preceding employment policies, (2) all draft versions of the new policy that had been circulated for review prior to implementation, and (3) recommendations by the Provost’s Task Force on Non-Tenure-Track Faculty. These new provisions are as follows:

*“Standards of Notice for Non-Renewal:*

*One-year appointments of Academic General Faculty Members (whether paid over nine or twelve months) carry no expectation of renewal and do not require advance notice of nonrenewal.*

*Academic General Faculty Members who hold three-year appointments (whether paid over nine or twelve months) whose appointment (i.e., contract) will not be renewed must receive notice of non-renewal at least twelve months before the expiration of their appointment. Regardless of when they receive notice, they are entitled to twelve months of employment following that notice.”*

**Interrelated Concerns Regarding Substance**

1. Section 2.C of the new policy states*: “Academic General Faculty Members hired with professorial rank will be given an initial appointment of: (1) one three-year term or (2) up to three successive one-year appointments. After the successful completion of the initial three-year appointment term, or the three successive one-year appointments, the Academic General Faculty Member will, if renewed, be offered a three-year appointment.”* Section 3.C of the new policy contains similar provisions governing the initial appointment of lecturers and instructors. For initial appointments (as well as subsequent renewals prior to promotion), both 1-year term contracts and 3-year term contracts carry no “expectation of renewal.” Consequently, the rationale for distinguishing between 1- and 3-year term appointments in the context of eligibility for notice of non-renewal is flawed. In addition, as written, the new provisions imply that 3-year term contracts may carry such an expectation, which is inconsistent with other provisions of the policy and thus misleading. Regardless, provisions governing the “expectation of renewal” or lack thereof are not directly related to those governing standards of notice for non-renewal. These distinct issues should be addressed independently and not conjoined in an illogical and confusing manner in the section stipulating provisions for standards of notice.
2. Policies governing other employees at UVA include provisions for notice of non-renewal starting at the time of the initial appointment. For example, **all** Professional Research Staff are eligible for a notice period of between 2 and 6 months prior to non-renewal. Similarly, **all** University Staff are eligible for a notice period of 3 to 6 month. What is the rationale for requiring notice of non-renewal for all members of the staff but denying eligibility for notice for some members of the faculty?
3. Advance notice of non-renewal represents a benefit that, over at least the past 30 years, had been granted to all UVA GF at the time of hire. These provisions for notice recognize the fact that faculty are professionals who require some period of time to responsibly manage transitions between positions. Provisions for notice in the new policy create a subclass of what I would characterize as “disposable” GF who could be employed for periods of up to 3 years through a series of 1-year term contracts and yet remain ineligible for any advance notice of non-renewal. No other class of University employees would have less job security or be more vulnerable to abusive treatment.
4. Under the previous employment policies for GF (as well as current employment policies for staff), the notice period for non-renewal was (is) based on the duration of employment whereas under the new policy for GF the notice period is dictated by the term of the contract. Since most 1-year contracts are subject to renewal (see item #1 above), the duration of employment rather than the term of the contract is a more appropriate metric by which to specify the relevant standards of notice.
5. Under the previous employment policy for GF (as well as employment policies for the Professional Research Staff and University Staff), notice of non-renewal must be given in writing. However, this provision was dropped during the last round of revision of the new employment policy for GF. Because verbal notice entails no formal record and is subject to misinterpretation, the requirement that notice be given in writing should be restored.
6. Some current GF are (and for many years have been) employed though 1-year term contracts. Under the previous employment policy, all were eligible for (depending on total duration of employment) between 3 to 12 months advance notice of non-renewal. However, the “Procedures” section of the new employment policy states, *“All Academic General Faculty Members will be governed by this policy upon its effective date.”* This provision indicates that GF who were employed through 1-year contracts and thereby eligible for notice under the previous policy lost that eligibility under the new policy. A grandfather clause should be added to the policy to protect the right to notice of non-renewal that GF earned under the previous policy. Provisions should also be added to the new policy that provide for the transition of long-term GF who are currently employed through 1-year term contracts to the new structure that is based on a model of 3-year term contracts for all GF employed for more than 3 years.

**Concerns Regarding Process**

1. The new provisions for notice were implemented subsequent to the last draft version of the employment policy that was circulated for review and comment by faculty. To my knowledge, this change in standards of notice was never proposed to or discussed with the GFC or FS policy committees prior to implementation. A fundamental change in an important provision governing faculty employment such as this should have been subject to the 30-day review and comment period for proposed changes in policy as stipulated in the Faculty Senate’s spring 2006 resolution on policy review. That resolution was endorsed by then President John Casteen, adopted unanimously by the Senate, and has since been considered standard practice for policy development by the University.
2. The new policy was distributed to the GFC and FS policy committees only about 2 weeks prior to implementation and during Christmas break when many faculty were out of town and few were focusing on service-related activities (including policy review) for the institution. In addition, the cover message from the Provost solicited no comment on newly implemented revisions (including those governing standards of notice) and stated that this new policy would be implemented on 3 January 2017. Obviously, the timing and content of this announcement greatly limited the likelihood for any further engagement in the process by faculty prior to implementation.
3. The Provost’s cover message that was distributed with the new employment policy to the GFC and FS policy committees on 16 December 2016 indicates that the new policy is responsive to recommendations by the Provost’s Task Force on Non-Tenure-Track Faculty that were submitted to the Provost in Spring 2015. In fact, most of the changes in the employment policy, including those for notice, were not recommended by the Task Force. Indeed, the standards of notice for non-renewal recommended by the Task Force are virtually identical to those stipulated in both the 2006 employment policy and all previous draft versions of the revised policy that were circulate for comment. In addition, some of the major revisions that were implemented in the new employment policy are in direct conflict with the Task Force’s recommendations. It is misleading to suggest otherwise.
4. Finally, the GFC and FS policy committees submitted to the Provost’s Office many substantive concerns and recommendations regarding draft versions of the new employment policy that were distributed for review. Most recommendations were not implemented and no explanations were provided. In addition, to my knowledge, no representatives from the Provost’s Office met with the policy committees as a whole in an effort to address and resolve concerns that had been raised by those committees. This rather autocratic approach to policy development is inconsistent with the notion of shared governance and contrasts sharply with that employed by the Provost’s Office in developing the previous (2006) employment policy. During that process, the Provost Office and GFC policy committee met on numerous occasions in a good-faith effort to vet concerns and develop mutually acceptable employment provisions. Direct discussions such as these would have minimized problems in the new policy that are now negatively impacting our GF and the university as a whole.

**Recommendation**

Based on the above, I recommend that the GFC and FS policy committees petition the Provost to restore provisions for standards of notice analogous to those in the previous (2006) version of the employment policy and those recommended by the Provost’s Task Force on Non-Tenure-Track Faculty.

**Other Concerns**

I share many of the other concerns and recommendations that have been raised previously regarding draft versions (and now provisions) of the new policy but will limit this summary to those discussed at the recent GFC meeting.

Based on concerns expressed during the GFC meeting by instructors in language departments, it is clear that some units of the university are intentionally circumventing the intended use of lecturer ranks as defined in the new policy. According to section 3.A., *“Schools may use the lecturer or instructor ranks only when the primary teaching responsibilities associated with the position do not require the qualifying terminal degree.”* In practice, some units are simply lowering the stated degree requirements for existing lecturer positions from Ph.D. to M.S. or M.A. and then preferentially retaining (or hiring new) faculty with terminal degrees into those positions thereby maintaining a status quo that the Provost’s Task Force as well as many GF consider problematic. The Provost’s Task Force on Non-Tenure-Track Faculty recommended a different approach to address the widely recognized problems associated with the lecturer rank. The task force recommended that lecturer ranks be limited to short-term hires (<2 years); longer-term faculty should be hired into the professorial ranks. It is unclear why the Provost Office did not revise this component the employment policy based on the Task Force’s recommendation but clearly the current provisions as written are subject to abuse and should be reconsidered.

The Provost’s new employment policy references provisions of “school-specific policies on general faculty” (see Section 1 and Procedures) many of which do not yet exist. Because they are interrelated, members of the GFC and FS policy committees and others (including me) have argued that it is inappropriate for the Provost to implement the new employment policy governing all GF before the associated policies for each school have been drafted and reviewed.

Finally, during the GFC meeting, a member of the GF expressed concern about negative consequences associated with the duration of contract periods stipulated in the new policy. Specifically (according to my notes), this individual had been employed under the previous employment policy through a series of 1-year term contracts that had been renewed annually. The new employment policy stipulates that GF who have been employed for three or more years should be renewed via 3-year term contracts. However, the institutional funds that support this person’s position are subject to re-appropriation annually. Because funding for the position beyond one year was uncertain, her unit would not renew her through a 3-year term contract. Consequently she was rehired as a member of the wage faculty and, as a direct consequence, lost eligibility for benefits. Clearly, this is a serious problem that should be addressed.

According to the Provost’s policy on faculty wage employment (<http://www.virginia.edu/uvapolicies/Policies/PROV-026v1.html>), wage faculty are *“hired to complete a short-term and/or part-time academic work assignment, such as teaching one or more courses for one or two academic terms.”* The policy also stipulates that, *“employment of 0.5 FTE or more that is anticipated to last longer than one semester should be created and searched as non-tenure-track faculty salaried appointments in accordance with the Policy on Employment of Non-Tenure-Track Faculty.”*

Based on what we were told about the position in question, according to the above provisions, a person who was formally employed as a member of the GF through this position should not have been rehired to do essentially the same work as a member of the wage faculty.

Both the past and new employment policies for GF include provisions for exceptions to the specified employment practices. For example, Sections 2.C. and 3.C. allow exceptions to provisions for the terms of both initial and renewal appointments *“… if approved both in writing and in advance by the provost.”* In addition, Section 8, provides for *contracts that supersede* the provost’s employment policy subject to approval by the dean and provost. Based on the information reported at the GFC meeting, the most appropriate course of action under these circumstances would have been for the unit to request the provost’s permission to continue renewing this person as a member of the GF through 1-year term contracts subject to ongoing appropriation of institutional funds for the position, which would be analogous to provisions for renewal for GF supported with “continent funds” through grants, contracts, or private gifts (Section 7 of the new policy).