

POLICY MEMORANDUM NO. 218

TO: All Faculty

FROM: Charles W. Steger

DATE: August 5, 2002

SUBJECT: Faculty Handbook Revisions for Special Research Faculty

Approved by Commission on Research: October 24, 2001
Approved by University Council: December 3, 2001
Approved by President: December 3, 2001
Approved by Board of Visitors: March 18, 2002 (sections 2.3.1.2,
2.9.4, and 2.11 required BOV approval)

Effective Date: Sections not requiring Board approval were effective December 2001. Policy revisions requiring Board approval became effective following Board action on March 18, 2002. The requirement for expedited searches will be effective as soon as the respective offices involved are prepared, probably beginning fall term 2002.

Following is the text of the resolution as adopted by University Council and, for specific policy changes noted below, by the Board of Visitors:

WHEREAS, the University Task Force on Special Research Faculty was charged to review existing policies and procedures for such employees and recommend changes or additions as appeared necessary and appropriate; and

WHEREAS, existing material in section 2.2 of the Faculty Handbook for Special Research Faculty was incomplete and not very helpful to supervisors or employees in describing current policies and practices; and

WHEREAS, instituting a requirement for an expedited search for research faculty positions lasting more than six months (other than postdocs) will allow better communication about available jobs and skilled candidates as our research enterprise grows in the future; and

THEREFORE BE IT RESOLVED that section 2.2 of the Faculty Handbook for Special Research Faculty be extensively revised as attached. These revisions include three specific policy changes approved by the Board of Visitors:

- 1) Section 2.3.1.2, Multi-year restricted appointments where documented funding is available and a search has been conducted or an approved exemption obtained; currently restricted appointments are for one year.
- 2) Revision to section 2.9.4 concerning termination of appointment in the case

- where the sponsor terminates funding before the end of the contract or *directs a change in program resulting in the need to terminate services of an employee* (revision in italics);
- 3) Section 2.11, Instructional responsibilities for special research faculty members (new section).

Below is the text of the revised sections of the Faculty Handbook for Special Research Faculty in their entirety:

2.2 Searches for Research Faculty (**New language/requirement**)

Virginia Tech is committed to announcing the availability of positions so that a diverse pool of qualified candidates can be developed for faculty positions of all types. In the case of special research faculty, many of whom are hired on short-term grants and contracts sometimes requiring specialized skills and abilities, there is a need to balance the demands of the sponsored grant or contract with the institution's commitment to open and aggressive recruitment practices to attract a diverse workforce.

Searches are required for salaried appointments to the research faculty, except in a limited number of cases warranting an exemption. Appointments of six months or less are wage appointments (P14) without benefits and do not require a search. Searches are not required to fill a postdoctoral associate position or in the case where the person to be appointed is the author of the grant or is listed as the PI or Co-PI. Consult the EO/AA Office for other very limited exemptions. A simplified search procedure has been adopted to facilitate and expedite posting of positions, candidate review, and documentation requirements in order to balance the needs of research programs and the institution's commitment to open searches for faculty positions whenever possible and appropriate. Specific procedures are available from the EO/AA Office (<http://www.eoaa.vt.edu>).

2.3 Terms of Appointment for Special Research Faculty

The terms of initial appointment, including salary, effective date, rank, and other critical information concerning faculty appointments to the university must be prepared by the department and approved by the department head for each new research faculty member. (Contact the Office of the Provost for Terms of Offer for Special Research Faculty.) The contract must specify if the appointment is RESTRICTED (usual appointment type for research faculty) or REGULAR (see below for special conditions under which research faculty appointments may be regular).

2.3.1 Restricted Appointments

Salary support for special research faculty almost always comes from one or more sponsored projects. While some research faculty may be employed for years on successive grants, particularly in large, on-going research programs, many are employed only for the duration of a specific funded project, in some cases a few

months and in other cases perhaps several years. Sponsored funding is seldom certain and never permanent. As a result, special research faculty are appointed as restricted faculty members whose employment depends on availability of funding, the need for services, and satisfactory performance. Procedures for terminating employees for these reasons are addressed in section 2.8.1.

2.3.1.1 Restricted Appointments of One Year or Less

Restricted appointments are for a fixed length and the initial contract (Terms of Offer) must state the beginning and ending dates of the appointment. There is no presumption of renewal and no further notice of termination is required or expected since the employee has been informed of the end date of the contract at the time of appointment. Typically, contracts for restricted research faculty appointments are one year or less.

2.3.1.2 Multi-year Restricted Appointments (**New policy language**)

An initial appointment, or a reappointment, for a special research faculty member may be for up to three years provided that documented funding for the salary and fringe benefits is available from a multi-year grant or multiple grants and that a search has been conducted or an approved exemption obtained. In such cases, the Terms of Faculty Offer would specify the length of the restricted appointment. Annual evaluation and merit adjustments would occur on the same cycle as all other faculty members.

2.3.2 Regular Appointments (Previously approved by the BOV in March 2001)

A research center or program, including research entities established by state or Board action, may seek approval from the relevant department head, dean (or appropriate administrators as defined in Policy 3020) and the Vice Provost for Research (or designee) to advertise and fill certain special research faculty positions as regular rather than restricted appointments under certain conditions. The criteria and expectations for such approval are as follows:

- The research program or center must have a documented record of substantial past funding, usually from diversified sources, generally over more than five years. In the case of a new center with multi-year funding, documentation of the new funding supported by the history of funding for the principal researchers may be considered. Research programs supported in full or part by state funds are eligible for consideration for regular positions.

For the purposes of this policy, research programs or centers are defined very broadly to include those entities established by state or Board action for the purposes of conducting research, as well as those that meet the definition of departmental, college, or university centers as defined in university policy. Departments intending to support specific research faculty members on state funds, whether or not those individuals participate in a program or center, may

also seek approval to appoint a special research faculty member to a regular position.

- The research program or center must have documented prospects for continued funding at a level equal to or greater than its current funding.
- The unit must be able to guarantee payment of salary and fringe benefits from sponsored grants or contracts (or other appropriate sources) for a minimum of three years in order to advertise a special research faculty position as a regular appointment.
- The unit must be able to guarantee funding of annual leave payout, sick leave, and salary following non-reappointment in the case of insufficient grant funds. The source of such payouts or salary support must be non-sponsored funds, such as indirect or state funds.
- The unit will advertise and conduct a national search for regular positions. Search exemptions may be approved only under certain very limited conditions, such as unique qualifications or unit restructuring. However, a search **MUST** be conducted if there is an intention of supporting an international candidate for permanent residency. In such a cases, the hiring unit should work closely with the Graduate School to ensure compliance with current INS regulations. (A document titled **Search Committee Procedures for Hiring International Faculty** is available from the Graduate School. Appropriate documentation of the search process and selection is a critical element in supporting an application for permanent residency.)
- In supporting the request for a regular faculty appointment, the unit and/or department (or approving unit) is thereby committing itself to covering shortfalls in funding between grants, or whenever there is insufficient funding for the salary, from other sources. Should this occur, duties may be reassigned in order to match the available source of funds.
- The Research Division may grant approval to the unit to conduct searches for regular positions for a period of three to five years at which time the financial capabilities and commitments of the unit would be reviewed and authorization granted for another period of 3-5 years, if appropriate.
- Approval for the unit to advertise and fill some special research faculty positions as regular appointments does not in any way suggest that all positions in the unit should be so designated. Indeed, careful thought should go into the shaping of such positions, the identification of talents and skills needed in the research group, and the availability of qualified individuals that may necessitate this more generous commitment of resources.
- Postdoctoral associates are considered temporary or short-term appointments by definition and are not appropriate for **Regular** appointments.

Special research faculty members on regular appointments are entitled to notice of non-reappointment as specified below.

2.4 Calendar-Year versus Academic-Year Appointments for Special Research Faculty

The nature of the research enterprise generally dictates that research faculty will be appointed to a calendar-year (12 month) position. However, there may be circumstances in which an academic-year appointment (9 months) is justified and appropriate. The justification for an academic-year appointment should accompany the faculty search authorization (or search exemption request). Academic-year research appointments do not earn or accrue annual leave. [Faculty members on AY RESTRICTED appointments earn and accrue sick leave at the rate of five hours per pay period during the academic year; those on REGULAR appointments are entitled to 1040 of paid sick leave upon employment.]

Research faculty members on academic-year appointments may accept faculty wage (P14) or summer-school employment during the summer months in the same department or program, or elsewhere in the university. Those who have documentation of full summer funding from sponsored grants or contracts for multiple years may be eligible for consideration of a calendar-year research conversion under the terms of policy 6200.

2.5 Job Descriptions for Special Research Faculty

Every special research faculty member should have an up-to-date job description which forms the basis for initial hiring and assignment of duties and, through subsequent updates, for annual evaluation. Job descriptions should include a relatively detailed list or narrative description of assigned responsibilities and expectations for performance.

2.6 Annual Evaluations of Special Research Faculty

Supervisors, usually principal investigators, are responsible for conducting an annual evaluation for any and all special research faculty; annual evaluations should be in writing. This documentation supports the request for annual merit and/or special adjustments. Giving regular and constructive feedback is essential to the development of employees, and it is the responsibility of the department head to make certain that special research faculty are appropriately and consistently evaluated. The cycle for evaluation shall be the same as that for all other faculty members.

2.7 Merit and Special Adjustments

Special research faculty members are eligible for annual merit, and for special adjustments when necessary and appropriate, on the same cycle as that for all other faculty members. Following the annual evaluation, supervisors make recommendations to department heads, who in turn make their recommendations to college and university officials. Review and approval by the research division is required for exceptions and promotions. Final recommendations must be approved by the Board of Visitors and the result may then be communicated to the research faculty member. Merit recommendations for research faculty are expected to track, generally, the merit adjustments for regular faculty members. Guidance on this point

will be issued annually by the research division. In some cases, available funds may limit, delay, or even preclude a merit adjustment. However, performance evaluation and feedback to the employee are still required even if a merit adjustment is not possible.

Special adjustments, particularly for promotions in rank, increased responsibility, or equity in relation to faculty members with similar responsibilities and qualifications, should be addressed as part of the annual merit adjustment cycle with only rare and urgent exceptions recommended at other times. A brief justification for such adjustments is required. Off-cycle requests for a special adjustment in order to retain an employee or to adjust a salary that was set too low because of insufficient funds at the time of hire may be addressed, with appropriate justification, to the research division (following approval by the department and college). Adjustments above an annually-defined level must also be approved in advance by the Provost.

2.8 Reappointment

Research 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 in relation to the funding cycle of the grant or contract. Reappointments may be for one year or less. The reappointment date may be adjusted based as a result of other significant actions (e.g. promotion), or by issuing contracts that move the employee to the same effective date as their merit adjustment (currently November 25th). Multi-year reappointments are possible in cases where a search has been conducted for the position (or an approved search exemption has been granted) and the funding is available for the proposed reappointment period.

Research faculty members on regular contracts are typically reappointed on a cycle coinciding with the merit adjustment. Reappointments may be for one or more years. Since faculty members on regular appointments do not have fixed ending dates to their contracts, they must receive written notice of non-reappointment (termination) as described below should it be necessary to end the appointment.

2.9 Termination Procedures for Research Faculty

Members of the research 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.

2.9.1 Removal for Just Cause

Research faculty members may be removed for just cause. Stated causes for removal shall include, but not be 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 employment documents. The filing for prosecution of a grievance shall not constitute just cause for termination.

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

1. When the faculty supervisor determines that performance is unsatisfactory, the supervisor will write a letter to the individual detailing the areas of performance that are deficient. The department head and college dean will receive copies. 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 the above period, the faculty supervisor must again write the research faculty member with an evaluation of his/her performance during the interim since the first letter with copies to the department head and college dean. If performance continues to be unsatisfactory, this second letter may contain a termination notice. The termination notice will have an effective date 45 calendar days from the date of the second letter.
3. In the event of termination, the research faculty member may appeal to the department head. Should the appeal process be initiated, the termination will be held in abeyance until the appeal process is complete. The appeal must be made in writing within 5 working days of receipt of the letter. (If the department head has a conflict of interest, the head will refer the matter to the college dean.) The department head (dean) must respond in writing within 10 working days. If the recommendations of the department head (dean) are unsatisfactory to either party, an appeal may be made to the Vice Provost for Research in writing within 5 working days. The Vice Provost will appoint a committee of three members of the general faculty who will make recommendations to the Provost within 10 working days. The decision of the Provost will be final and will be rendered within 10 working days of receiving the report. The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.
4. If the research faculty member is a member of an interdisciplinary research center, the center director as well as the department head and college dean of the faculty supervisor will be copied on all correspondence.
5. Removal for cause is to be preceded by a letter of unsatisfactory performance 30 days prior to a decision to terminate. In cases where there is some likelihood of threat to health or safety, the 30 day period can be waived.

2.9.2 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.

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Research faculty are ordinarily on restricted appointments for a fixed period because of limitations of external funding. Reappointments may be possible if such funding is renewed, but should not be assumed.

2.9.3 Non-Reappointment for Faculty on REGULAR Appointments (Approved by the Board of Visitors, March 2001)

Notice of non-reappointment for special research faculty on regular appointments is:

1. at least three months for those who have been in regular appointments for less than two years
2. at least six months for those who have been in regular appointments for two years or more.
3. for those special research faculty appointed to regular positions before March 2001, the notice of reappointment shall be the same as that specified in the Faculty Handbook, section 2.10.3.

2.9.4 Termination of Appointment for Those on Restricted Contracts (**Some change in language but no change in notice period**)

2.10 Resignation (**NEW SECTION**)

Special research faculty members are expected to give 30 days notice of their intent to resign if this occurs before the end of their contract period.

2.11 Instructional Responsibilities for Special Research Faculty Members (**NEW SECTION**)

The primary responsibility of a research faculty appointment is the conduct of research and contribution to the institution's research mission through the acquisition of and successful implementation of sponsored grants and contracts. Federal guidelines require truthful and auditable documentation of the faculty member's efforts on a semester basis. If the faculty member's salary is paid for by sponsored grants and contracts then there is a concomitant expectation that the faculty member's time will have been allocated to those projects.

While keeping the primacy of the research role in mind, there are circumstances in which the university and its instructional programs can benefit from the occasional participation of research faculty member with the appropriate credentials, expertise, and interest. The normal limitation on teaching by research faculty members is one (3-credit) course per academic year, or no more than two courses in a two-year period. Exceptions must be approved by the principal investigator/supervisor, department head, and dean. The academic department is expected to provide instructional funding for the teaching appointment and to adjust research duties accordingly. A three-credit course equates to .25 FTE during an academic semester; this would be the usual basis for salary charges to the instructional budget.

Research faculty members with appropriate credentials and experience may serve on graduate student committees in accordance with policies of the Graduate School and the department. Those with appointment to the research professor ranks may chair a committee, if approved by the degree-granting department. Involvement in supervision of graduate student research may be directly related to fulfillment of sponsored grants and contracts and thus may have a synergistic effect.

Contributions to the instructional program should be monitored and evaluated by the academic department and by the supervisor.