

MINUTES

Commission on Administrative and Professional Faculty Affairs
September 13, 2007

Members present: M. Adcock, K. Eriksson, B. Gittens, L. Gorr, F. Keene, A. Kemp, C. Krause, P. Hyer, C. Lytton, K. Oaks, S. Ott Rowlands, K. Sanders, M. West, and L. Woodard

Members Absent: R. Ali, A. Ayoub, and C. Stafford

Guests: T. Gambill and K. Wehner

1. Re-cap of 2007-2008

F. Keene reviewed activities from the 2006-2007 academic year. Information collected last year regarding A/P faculty performance evaluation practices will be revisited at a later meeting.

2. Leadership Development

T. Gambill discussed leadership development workshops for administrative/professional and teaching/research faculty (with supervisory and managerial responsibilities) and staff (pay band 5 and above). Workshop participants must pay a fee to help cover facilitator costs.

Commission members suggested the following as possible workshop topics: time management, conflict resolution, and project management for researchers. Further suggestions included:

- Scheduling workshops during breaks to increase participation;
- Exploring CEUs or certificates for attendees;
- Expanding advertisement through emails or letters from Dr. McNamee;
- Indicating that the fee to workshop participants covers only 40% of the workshop cost, with 60% of the cost subsidized by university funds.

A leadership advisory group will be formed to broaden input on future offerings. Contact T. Gambill, tgambill@vt.edu, for further information.

3. Higher Education Restructuring Act

L. Woodard reported on progress since the adoption of the Higher Education Restructuring Act (HERA). Virginia Tech, William and Mary, and the University of Virginia have led the restructuring effort. These three institutions created a "mirror image" system for salaried non-faculty employees. Design teams are studying staff opportunities and soliciting feedback to improve the current system.

The definition of administrative/professional (A/P) faculty was established by the state, and it is unclear why some positions are "classified" and others are "professional." Virginia Tech Human Resources is studying language/definitions to differentiate higher-level staff positions (i.e., supervisors and managers) from lower-level staff positions. This raises the following issues:

- Could, or should, the university insist that those in higher-level staff positions move from staff positions to A/P positions?
- Why move staff into A/P positions when A/P policies and practices are not as well known or consistent?
- Are there positive and/or negative aspects for the individual moved into an A/P position? (Sick leave policy, professional scheduling, merit increases, flexibility, job security, annual reappointment, etc.)

P. Hyer, F. Keene, K. Oaks, M. West, and L. Woodard will meet as a CAPFA subcommittee to consider these issues and others related to the affect of HERA on A/P faculty positions. The subcommittee will report to the full commission at a later date.

4. Martin Luther King, Jr. Day

Presidential policy memorandum 221 outlines university policy regarding the observance of Martin Luther King, Jr. Day. Please see <http://www.policies.vt.edu/policymemos/ppm221.pdf>.

The memorandum states that, "The third Monday in January shall be designated a holiday in honor of Dr. Martin Luther King, Jr. There shall be no classes on this holiday." It further states that, "This resolution has no effect on faculty and staff. It remains a workday for faculty and a classified staff holiday. All rules pertaining to classified staff holidays remain in effect."

In practice, this results in a "holiday" for teaching faculty and staff, but not for A/P faculty.

The commission will:

- Conduct an informal survey of other Virginia institutions to learn whether their A/P faculty receive the third Monday in January as a holiday for observance of Martin Luther King, Jr. Day;
- Inquire about the cost to the university of closing on Martin Luther King, Jr. Day;
- Consider whether closing the university on Martin Luther King, Jr. Day might decrease attendance at special events intended to honor Dr. King and his struggle for civil rights.

5. Other Business

Effective September 17, 2007, Brian Glittens is transferring from Continuing and Professional Education to Human Resources. He will continue to serve as an academic support representative on CAPFA for the remainder of this year. In fall 2008, a representative from academic support will be asked to complete Brian's term, which ends in 2010.

Recorder: Pat Hyer, Office of the Provost

MINUTES

Commission on Administrative and Professional Faculty Affairs
October 11, 2007

Members present: K. Eriksson, B. Gittens, L. Gorr, P. Hyer, F. Keene, C. Krause, M. West, and L. Woodard

Members absent: M. Adcock, R. Ali, A. Ayoub, A. Kemp, C. Lytton, K. Oaks, S. Ott Rowlands, K. Sanders, and C. Stafford

Guest: K. Wehner

Recorder: S. Karlin

1. Approval of September 13, 2007 Minutes

- The committee approved the September 13, 2007 minutes as written.
- A copy of the minutes will be sent to T. Gambill to be sure he has a record of suggestions made at the last meeting.

2. Martin Luther King, Jr. Day

- F. Keene surveyed Virginia Tech's peer institutions and found:
 - 22 of our 26 peer institutions are closed in observance of MLK Day.
 - Three institutions (Virginia Tech included) are open, but hold no classes on MLK Day.
 - One institution (Cornell University) does not observe MLK Day, or if so, it is not reflected on their website.
- What would be the cost to the university if it were to close in observance of MLK Day?
 - \$300,000 = the value of A/P faculty salary + fringes – this is simply a calculation of one day's salary and benefits for A/P faculty. Approximately 60 A/P faculty used annual leave on MLK Day in 2007.
 - K. Wehner will determine how many CY leave-accruing faculty used annual leave on MLK Day.
 - K. Wehner will determine how many leave-accruing research faculty and A/P faculty used annual leave on MLK Day.
 - Is there an issue of lost productivity for faculty who wish to work that day, but find there are no staff or graduate students available to provide support in labs?
- Next steps:
 - L. Woodard will poll her peers at Virginia institutions to learn how many of those institutions are closed on MLK Day.
 - F. Keene will draft a resolution proposing that Virginia Tech observe MLK Day with an authorized closing. Existing university policies [4305](#) and [4315](#) would apply.
 - The Commonwealth of Virginia already designates the third Monday in January as a holiday in honor of Dr. Martin Luther King, Jr. (See Code of Virginia, § 2.2-3300, Legal holidays, <http://leg1.state.va.us/cgi-bin/legp504.exe?000+coh+2.2-3300+501729>.)
 - F. Keene will distribute the draft resolution to CAPFA members in advance of their November 1 meeting.

- The idea of an authorized university closing on MLK Day will be shared with key groups listed below. (It is not necessary to have a draft resolution in hand for commission members to present the idea to these groups.)
 - Provost's Council – P. Hyer
 - D. Shelton's Staff Meeting – M. West
 - S. Wilson's Staff Meeting – L. Woodard
 - M. McCann and S. Quisenberry – F. Keene on behalf of R. Ali
 - Commission on Equal Opportunity and Diversity – P. Hyer
- On November 1, P. Hyer, F. Keene, M. West, and L. Woodard will share with CAPFA members the comments gathered at the above-mentioned meetings.
- After the proposed resolution has been approved by the CAPFA membership, K. Eriksson will present it to the Faculty Senate.

3. Update on Restructuring and A/P Faculty Definition

- P. Hyer, F. Keene, K. Wehner, M. West, and L. Woodard met as a CAPFA subcommittee to consider opportunities to redefine A/P faculty positions in light of new authority under the Higher Education Restructuring Act (HERA).
- K. Wehner reported that of the 540 staff in pay band 5, 6, and 7 positions, a majority are in information technology (IT) roles that include both managers and individual contributors.
- A minority of the pay band 5, 6, and 7 positions are in architect/engineer, finance, and general administration managerial roles.
- Since a change to the A/P faculty definition may directly affect certain staff members in level-5 and level-6 positions, it is important to include representative staff in the discussions.
- Following the next CAPFA subcommittee meeting (Hyer, Keene, Oaks, Wehner, West, and Woodard), three to four staff representatives from the Restructuring Employee Advisory Committee will be invited to join the committee in studying—and possibly proposing—a resolution to change the A/P faculty definition.

4. A/P Faculty Reconciliation Committee

- Process:
 - Prior to 2006-07, the Faculty Senate reconciliation process was available to T/R faculty only. (A/P faculty had their own reconciliation mechanism, however it was not utilized and there were not any active leaders in providing this service.)
 - K. Eriksson serves as the chair of Faculty Senate Reconciliation Committee. The Provost's Office has provided 25% of his salary to be engaged in reconciliation efforts for all categories of faculty.
 - The reconciliation process is typically initiated by the faculty member; both the faculty member and the supervisor must agree to participate.
 - Eriksson approaches the reconciliation process as follows:
 - He meets separately with the faculty member and the supervisor. He listens carefully to see if there is any common ground to avoid the grievance process.
 - Eriksson asks another faculty member to join him in these meetings to help facilitate a reconciliation. This co-facilitator must be an absolutely trustworthy and highly regarded faculty member who is willing to listen and to explore creative options.
 - A series of separate meetings is often necessary to achieve a reconciliation that is acceptable to both parties.
 - Eriksson would like to have a pool of A/P faculty members to draw upon for cases that involve A/P faculty reconciliation. Faculty members who are willing to serve as co-facilitators can expect to serve on two cases per year.

- Next Steps:
 - F. Keene will send an e-mail to all A/P faculty asking if any would be willing to serve as co-facilitators in the reconciliation process involving A/P faculty.
 - K. Eriksson will send F. Keene information that explains the reconciliation process and the time commitment required.
 - F. Keene may choose to use the survey.vt.edu process to collect responses.

5. Other Business

- R. Ali has a standing meeting that conflicts with all CAPFA meeting dates.
- S. Karlin will ask Dr. Ali if he wishes to send a representative to the CAPFA meetings.

MINUTES

Commission on Administrative and Professional Faculty Affairs
November 1, 2007

Members present: M. Adcock, K. Ayoub, K. Eriksson, B. Gittens, L. Gorr, P. Hyer, F. Keene, A. Kemp, C. Krause, K. Oaks, K. Sanders, M. West, and L. Woodard

Members absent: R. Ali, C. Lytton, S. Ott Rowlands, and C. Stafford

Guests: K. Beisecker, J. Ridinger, and K. Wehner

Recorder: S. Karlin

1. Martin Luther King, Jr. Day

- L. Woodard polled her peers in Virginia regarding their institution's observation of MLK Day:
 - 7 universities are closed, except for essential personnel;
 - 2 universities are open and celebrate with commemorative events;
 - 3 universities did not respond.
- P. Hyer consulted members of the Commission on Equal Opportunity and Diversity regarding a possible university closing in observation of MLK Day. They expressed:
 - Support of the general concept.
 - Appreciation of the symbolic value in the university's closing.
 - Slight concern about faculty, staff, and student participation in commemorative events if the university is closed.
 - Possible "pushback" from staff if the university is closed and they *must* take the day off. (Although MLK day is currently a staff holiday, many staff choose to work that day and take leave time earned at a later date.)
- M. West consulted D. Shelton's executive staff. There was neither opposition nor support for the proposal. The group thought that there might be significant staff opposition to the proposal.
- **Action:** The following key groups will also be consulted:
 - Provost's Council (P. Hyer)
 - S. Wilson's Executive Staff Meeting (L. Woodard)
 - M. McCann, Director of Cooperative Extension Service (F. Keene on behalf of R. Ali)
 - Faculty Senate (K. Eriksson)
 - Staff Senate (K. Ayoub)
 - Commission on Staff Policies and Affairs (F. Keene)
- Next steps:
 - **Action:** F. Keene and P. Hyer will draft a resolution proposing observation of MLK Day with an authorized university closing. (See Attachment A.)
 - CAPFA members may vote on the resolution at the December 13 meeting.
 - The final resolution will be taken to the University Council in the spring semester.

2. HE Restructuring and A/P Faculty Definition

- **Redefinition:**
 - A redefinition of A/P faculty may affect staff in pay bands 5, 6, and 7. (See Attachment B, prepared by K. Wehner.)
 - The CAPFA subcommittee proposes a redefinition of A/P faculty using three categories: senior administrators, managers and directors, and professional faculty. (See Attachment C, prepared by P. Hyer and Attachment D, prepared by K. Wehner.)
 - The definition and qualification criteria for the senior administrator category remains very similar to the current definition of administrative faculty. The reporting relationship remains no less than three below the president.
 - The managers and directors category is new.
 - The professional faculty definition includes several new vital university functions, i.e., information technology, human resources, budget, finance, public relations, development, architectural, and engineering functions.
 - **Action:** J. Ridinger and K. Wehner will condense Attachments C and D into a two-page handout for meetings with the Staff Senate and the Commission on Staff Policies and Affairs. They will share the draft document by e-mail with subcommittee members for their comment/revision.
- **Rationale for redefinition:**
 - The redefinition allows the university to address long-standing inequities by permitting senior-level staff to move to A/P faculty appointments.
 - Recruitment and retention will be improved by an attractive compensation and benefits package, along with opportunities for career growth.
 - This may improve the "pipeline" so that diverse groups who are currently underrepresented can move into managerial positions.
- **Repercussions:**
 - The number of A/P faculty would increase from 899 to 1,439 if all 540 staff in pay bands 5, 6, and 7 were eligible and chose to become A/P faculty.
 - The number of A/P faculty would then exceed the number of tenured and tenure-track faculty.
 - In years when the state funds A/P faculty salary increases at a rate lower than that for T/R faculty, there may be a greater cost to the university to equalize the salary increases.
 - A/P faculty in the senior administrator category would be subject to periodic administrative reviews, which are required for directors of major organization units. (See section 3.9 of the *Faculty Handbook*.)
- **Implementation:**
 - Staff in pay bands 5, 6, and 7 whose position descriptions meet the redefinition and criteria for A/P positions will be offered a *one-time* opportunity to choose whether they wish to move into an A/P position, or wish to remain in a staff position.
 - The pro's and con's of such a choice must be made clear.
 - Per L. Woodard, it is not possible for staff who move into faculty positions to shift their Virginia Retirement System contributions over to the Optional Retirement Plan.
 - Only new hires into the A/P faculty positions will have the option of choosing between VRS and ORP.
 - Vacant staff positions that qualify as A/P faculty positions will be automatically moved into the A/P faculty status.
 - The opportunity to move to an A/P faculty position will be presented to affected staff before July 1.

- July 1 – September 30 is the window of opportunity for current staff to choose whether they wish to remain in a classified staff position or to move over to a university staff position.
 - L. Woodard hopes to conclude the staff to A/P selection process before the July 1 process for staff selection begins.
- Next Steps:
 - Nov 20, 2007: review proposal with Commission on Staff Affairs and Staff Senate
 - Dec 15, 2007: review proposal with Steering Committee (which includes staff representatives) and EVP
 - January 2008: CAPFA subcommittee meets to determine the group (administrative, managerial, or professional) for each eligible staff employee.
 - January 2008: prepare communications describing what a move to AP faculty would mean in terms of compensation/performance management, benefits (including leave), and job security.
 - March 1, 2008: present proposal to Board of Visitors for review and approval
 - April 1, 2008: "Town Hall Meetings" with band 5-7 employees to communicate process and address questions; send out written communications
 - May1, 2008: implement change

3. Update on Volunteers for Grievances and Reconciliation

- F. Keene received thoughtful responses from 24 A/P faculty who are willing to serve on either a grievance or reconciliation panel.
- Keene will share the responses with K. Eriksson.

4. Other Business

- At the December 13 CAPFA meeting, the following items will be discussed:
 - Payment to A/P faculty for teaching (B. Gittens)
 - Promotion from extension agent to senior extension agent (L. Gorr)

Attachment A

University Closure for Martin Luther King, Jr. Day
Commission on Administrative and Professional Faculty Affairs
CAPFA 20007-08A

Approved by CAPFA:
First Reading by University Council:
Second Reading by University Council:
Approved by University Council:
Approved by the President:
Approved by Board of Visitors:
Effective Date: January 2009

Whereas, the third Monday in January is recognized by both the Commonwealth of Virginia and the Federal Government as a holiday in honor of Martin Luther King, Jr.; and

Whereas, this holiday is of great significance to members of the university community, the state, and the nation; and

Whereas, many members of the university community dedicate their time on this day to celebrating the life and accomplishments of Dr. King, participating in a variety of informative programs on issues that greatly impact minority and majority populations at Virginia Tech; and

Whereas, 22 of 25 SCHEV peer institutions close completely in observance of the holiday; and

Whereas, most Virginia colleges and universities and state government agencies also close in observance of the holiday; and

Whereas, Virginia Tech has recognized Martin Luther King, Jr.'s birthday by canceling classes and providing a paid holiday for staff; however, offices are open, requiring many staff to defer the holiday and administrative and professional faculty and research faculty are expected to be at work; and

Whereas, complete closure to honor the birthday of Martin Luther King, Jr., conveys a powerful, positive symbolic message to both majority and minority members of the university and external community, and closure provides students, faculty, and staff an opportunity to participate in significant educational experiences,

Therefore let it be resolved that policy 4315 be amended to designate the third Monday in January as a holiday where the university is closed and holiday policies apply.

Attachment B

Staff Distribution for Bands 5, 6, & 7

Role Title	Pay Band	Staff	Managers	Total
Information Tech Mgr II	7	1	9	10
Information Tech Spec IV	7	2	2	4
Information Tech Spec III	6	50	37	87
Fin Serv Mgr I	5	6	16	22
General Admin Mgr I	5	6	17	23
Information Tech Spec II	5	143	26	169
Pub Rel & Mkting Spec IV	5	18	7	25
Architect/Engineer I	5	35	7	42
Totals		261	121	382

Note: The above represents only those jobs with over 20 employees with the exception of the band 7 positions. The total number of employees in bands 5, 6 and 7 is 540.

Attachment C

Redefinition of the Administrative and Professional Faculty

Background

One aspect of the overall human resources restructuring initiative approved by the state includes redefining the administrative and professional faculty (see chapter 4.10 of the Restructured Higher Education Financial and Administrative Operations Act), with consequent changes in the status of individual employees. Virginia Tech currently has xxx administrative faculty members and xxx professional faculty members. Administrative faculty members are typically the senior administrative leadership of the university, the colleges, and major administrative units (vice presidents, deans, assistant and associates reporting to these, and directors of major units). Among the professional faculty are extension agents, coaches, librarians, student and academic affairs professionals of many types, development officers, and others. This proposal does not change the status of employees already categorized as "A/P faculty" who are subject to policies included in the Faculty Handbook and the compensation plan approved by the Board of Visitors.

The proposal, in brief, is as follows:

- Positions currently classified in pay bands 5, 6, and 7 within the state system would become part of the Administrative and Professional Faculty structure. There are approximately 540 classified employees currently in bands 5 and above whose positions would be affected. Employees currently occupying those positions would be given an opportunity to move to A/P faculty status during a defined time period. The positions of those who choose to remain classified would be tagged and would be refilled as A/P positions whenever they became vacant.
- The existing state definitions of "administrative" and "professional" faculty would be slightly modified to more accurately reflect the roles and credentials of these faculty members, and those who would be moving into the group from classified positions. The two existing categories would become three to allow better differentiation among this now much larger group. These groupings would be tentatively titled:
 - Senior Administrators
 - Managers and Directors
 - Professional Faculty

(Faculty benefits and policies remain the same regardless of the group.)

Rationale for the Proposed Change

There are two driving reasons for proposing the redefinition of A/P faculty and the transfer of more senior-level classified positions to A/P faculty status:

- Equity issues: There have been issues raised for many years about the equity of appointments for individuals with very similar responsibilities, training, and experiences where some will be in classified positions and others will be A/P faculty. The pay scales for bands 5 and above completely overlap compensation for similarly qualified A/P faculty. Credentials for individuals in these senior-level classified positions are comparable. Restructuring allows the university to address these long-standing inequities by moving senior-level classified appointments, all of which are exempt positions, to A/P faculty appointments.
- Recruitment difficulties: It has been difficult to recruit and retain senior-level classified appointments, particularly in the administrative areas (finance, budget, information technology, and others). Across-the-board raises, controls on opportunities for promotion and

reward for excellent performance, and mandatory participation in VRS rather than a portable retirement program make these positions less attractive for individuals with talent and more attractive options. Positions at band 5 and above are usually recruited on at least a regional, and usually a national basis, and the compensation and benefits package, along with opportunities for career growth need to be competitive to retain administrative talent at VT.

Proposed Redefinition of A/P Faculty

Current state definitions of administrative and professional faculty are available in Appendix A for comparison.

The proposed redefinition creates three categories of A/P faculty members as follows:

Senior Administrators: Senior administrators perform work related to the management of the educational and general activities of the institution at least 50% or more of their contractual time. Incumbents exercise discretion and independent judgment and generally direct the work of others. Senior administrators typically serve in executive-level leadership roles such as vice president, dean, and assistant or associate vice president or dean.

Qualification Criteria:

- Must have an advanced degree, or training and work experience at a level that equates to an advanced degree. (A master's degree would be the typical minimum entry qualification. Many of these positions, particularly academic leadership roles, may require a terminal degree.)
- Must regularly exercise discretionary actions.
- The organization reporting relationship is normally not lower than three levels below the president or the next most senior position(s).

Managers and Directors: Managers and directors typically have responsibility for supervision of a significant number of staff and/or professional faculty, and budgetary responsibility for their unit or a substantive program. Incumbents exercise discretion and independent judgment and they must perform managerial or director functions at least 50% of their contractual appointment.

Qualification Criteria:

- Must have an advanced degree, or training and work experience at a level that equates to an advanced degree. (A master's degree would be the typical entry qualification.)
- Must regularly exercise discretionary actions;
- Managers and directors typically report to a senior administrator and provide leadership and oversight for their unit or a significant program.

Professional Faculty: Professional faculty positions provide direct service to students, other university constituencies, or clients external to the university as part of the university's missions of learning, discovery, or engagement. They may direct or provide support for academic, administrative, outreach, athletic, or other programs. Professional faculty may also provide administrative support for vital university functions such as information technology, human resources, budget or finance, public relations, development, and architectural or engineering functions. Incumbents must regularly exercise professional discretion and judgment, and are expected to take professional initiative in carrying out their primary roles and assignments.

Qualification Criteria:

- Must have an advanced degree, or training and work experience at a level that equates to an advanced degree. (Although a master's degree would be the typical entry qualification,

this category also includes individuals with a bachelor's degree and professional training or certifications critical to their fields. In some rare cases, individuals with substantial professional-level experience or expertise that equates to the minimum educational qualifications may be considered for appointment.)

- The work must be intellectual and varied in character, in contrast to positions that carry out more standardized or routine tasks and activities.
- Professional faculty includes, but is not limited to: extension agents, librarians, coaches, counselors, physicians and lawyers, engineers and architects, student or academic affairs professionals, development officers, and senior level specialists in public relations, information technology, accounting and finance.

Appendix A

Administrative and Professional Faculty: Current definitions from the Consolidated Salary Authorization for Faculty Positions in Institutions of Higher Education, Office of the Secretary of Education

Administrative Faculty: Administrative faculty require the performance of work related to the management of the educational and general activities of the institution, department or subdivision thereof. Incumbents in these positions exercise discretion and independent judgment and generally direct the work of others.

Qualification Criteria:

- Must have advanced degree; or training and work experience at a level that equates to an advanced degree.
- Must perform the duties and responsibilities associated with this category 50 percent or more of the contractual time.
- Must regularly exercise discretionary actions;
- The organization reporting relationship normally must not go lower than three levels below the President for institutions that are doctoral degree granting or have a student headcount enrollment of 10,000 or more, nor two levels below the President for institutions that are non-doctoral degree granting and have a student headcount enrollment less than 10,000. In the two teaching hospitals, the reporting relationship normally must not go lower than three levels below the Chief Executive Officer of the hospital.

Professional Faculty: Professional faculty require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. This category is normally limited to librarians, counselors, coaches, lawyers, physicians, dentists, veterinarians and other professional positions serving education, research, athletic, medical, student affairs, and development functions or activities.

Qualification Criteria:

- Must have advanced degree; or training and work experience at a level that equates to an advanced degree.
- Must perform the duties and responsibilities associated with this category 50 percent or more of the contractual time.
- Must regularly exercise professional discretion and judgment;
- Work produced must be intellectual and varied in character and should not be standardized.

Authority under Higher Education Restructuring regarding faculty definitions

§ [2.2-2901](#). Appointments, promotions and tenure based upon merit and fitness.

E. The Board of Visitors of public institutions of higher education shall establish policies for the designation of administrative and professional faculty positions at institutions of higher education. Those designations shall be reserved for positions that require a high level of administrative independence, responsibility, and oversight within the organization or specialized expertise within a given field as defined by the Board of Visitors. The authority under this subsection to establish policies for the designation of administrative and professional faculty positions shall be granted only to those institutions that meet the conditions prescribed in subsection B of § [23-38.88](#).

Chapter 4.10, Restructured Higher Education Financial and Administrative Operations Act, Subchapter 1: General Provisions.

10. To be allowed to establish policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions provided in subsection E of § [2.2-2901](#).

Attachment D**Implementation Plan for Transition of Staff to AP Faculty**Timeline

November 1, 2007 (CAPFA Meeting) – review our initial recommendation with the committee; discuss parameters, new definitions and timeline for implementation.

“Rules of Engagement”

- Looking at a population of ~540 employees who are currently in classified or university staff positions (see attached for detail)
- Employees will be required to be given the choice to remain as classified staff
- No change to salary for move from staff to AP
- The incumbents in bands 5 through 7 who choose to remain classified will be grandfathered – once they leave the position, new incumbents will be AP faculty
- There are currently 2 nonexempt employees in band 5. Due to the nature of their jobs they can not be moved to an exempt status and therefore would not be moved to AP Faculty
- Staff who choose to move to AP Faculty would be subject to all the policies applied to existing AP faculty
- Need to discuss who would be subject to 5 year review

Nov 20, 2007 – review proposal with Commission on Staff Affairs and Staff Senate.

Dec 15, 2007 – review proposal with Steering Committee and EVP

January 2008 – CAPFA subcommittee meets to determine the group (Administrative, Managerial or Professional) for each eligible staff employee.

January 2008 – Prepare communications describing what a move to AP faculty would mean in terms of Compensation/Performance Management, Benefits (including Leave) and job security.

March 1, 2008 – present proposal to Board of Visitors for review and approval

April 1, 2008 – “Town Hall Meetings” with band 5-7 employees to communicate process and address questions. Send out written communications.

May 1, 2008 – Implement change.

MINUTES

Commission on Administrative and Professional Faculty Affairs
January 10, 2008

Members present: R. Ali, M. Adcock, K. Ayoub, K. Eriksson, B. Gittens, L. Gorr, P. Hyer, F. Keene, A. Kemp, K. Oaks, K. Sanders, M. West, and L. Woodard

Members absent: C. Krause, C. Lytton, S. Ott Rowlands, and C. Stafford

Recorder: S. Karlin

1. Proposed Employee Assistance Program

- The proposed Employee Assistance Program (EAP) is a counseling and referral service available to all faculty, staff, and their dependents who are enrolled in the state's health insurance plan to help them deal with problems that might have an impact on their working and personal lives.
- As part of the commonwealth's health benefits program, EAP provides confidential short-term intervention, assessment, and referral services.
 - Self-referral: An employee may obtain EAP services through self-referral. No aspect of the self-referral or treatment is shared with the university.
 - Informal Referral: An informal referral may be made by a supervisor or manager to the employee. This strong recommendation encourages an employee to use all available means to correct his/her performance or workplace behavior. The decision whether or not to use EAP services rests with the employee.
 - Condition-of-Employment Referral: In extreme cases, an EAP referral may be made by a supervisor or manager as a condition of employment. A supervisor considering such a referral will first consult with Human Resources. A condition-of-employment referral must be approved in advance by the associate vice president of human resources (for staff) or by the provost (for faculty). The employee will be informed of specific reason(s) for the condition-of-employment referral. He/she must also be notified that refusing the referral may result in disciplinary action—up to and including dismissal.
 - Fitness-for-Duty/Risk Evaluation: This type of EAP referral may be made when an employee is unable to perform essential job duties; displays behavior that poses a hazard/risk to themselves or others; behaves in a manner that could endanger people or property, or creates serious disruption in the workplace. A supervisor considering a fitness-for-duty/risk evaluation referral will first consult with Human Resources. The referral must be approved in advance by the associate vice president of human resources (for staff) or by the provost (for faculty).
- Referral to the EAP is neither a substitute for, nor a formal step in, any disciplinary action. EAP participation does not shield an employee from disciplinary action if their unacceptable job performance/personal conduct continues. An employee does not have a "right" to EAP participation before disciplinary action is taken.
- The proposed EAP policy borrows heavily from policies currently in effect at Cornell University and statewide in North Carolina.
- Comments received thus far from the Faculty Senate, Staff Senate, Commission on Faculty Affairs, Commission on Staff Policies and Affairs, and various administrators have been

positive. The Office of Legal Counsel has reviewed the document and is satisfied with the proposed policy.

- The level of prior approval required to make an EAP referral as a condition of employment or a fitness-for-duty/risk evaluation safeguards employees from misuse of the system.
- The EAP process may be very helpful to an employee in terms of documenting a long-term disability and protecting their income.
- In March, the EAP policy will be brought to the Board of Visitors for consideration. If approved, it will be included in the faculty and staff handbooks.

2. Martin Luther King, Jr. Day

- Committee members reported that all key groups have been consulted about the proposed resolution for university closure in honor of Martin Luther King, Jr. Day. Comments received were strongly in favor of the resolution.
- A motion was made and seconded to approve the resolution. The resolution passed with commission members' unanimous support.
- On February 4, F. Keene will present the resolution to University Council for a first reading. Commission members are encouraged to attend the February 4 Council meeting in support of the resolution.

3. HE Restructuring and A/P Faculty Definition

- An update regarding HE restructuring will be provided to the Board of Visitors in March.
- The CAPFA subcommittee (P. Hyer, F. Keene, M. West, K. Oaks, and L. Woodard) continues to work on the A/P faculty redefinition with Human Resources. Two staff employees from the Employee Advisory Committee members will join the CAPFA subcommittee. The subcommittee expects to present a final version of the A/P faculty redefinition to CAPFA in February.

4. Adjunct Pay for A/P Faculty who Teach Credit Courses

- Full-time faculty are not eligible for compensation beyond their regular salary for teaching additional ("overload") credit courses. See Policy No. 4296.
- Staff are compensated for teaching credit courses. See Policy No. 4071.
- Could Policy No. 4071 be modified to include A/P faculty? If so, what issues should be considered? Can special research faculty be included? How would PARs be affected?
- P. Hyer will seek the advice of Provost's Council and will report back to CAPFA in February.

5. Review of Procedures for Promotion from Extension Agent to Senior Extension Agent

- L. Gorr and R. Ali met in advance to discuss the situation of extension agents, employed prior to 1991, who do not have a master's degree and yet wish to apply for senior extension agent status.
- Extension administration strongly feels that the master's degree is a critical requirement for senior extension agent status.

- It was agreed that this issue properly rests with the Extension administration. They will review the existing process and will address the issue by spring/summer 2008.

6. Other Business

- F. Keene: Commission chairs have been asked to bring to the February 4 University Council meeting a list of topics that are on each commission's slate. For CAPFA, these issues include:
 - university closure in honor of MLK Day,
 - redefinition of A/P faculty,
 - adjunct pay for A/P faculty who teach credit courses.
- K. Eriksson: What accounts for the growing number of A/P faculty positions compared to tenure-track faculty positions? Committee members suggested that this may be caused by several factors, such as:
 - a growth in the number of extension agent positions (although numbers are still below those experienced in the 1990's prior to budget reductions);
 - a growth in the number of student affairs positions, which are funded by auxiliary dollars, not E&G dollars;
 - a growth—prompted by the capital campaign—in the number of auxiliary-funded university development positions.
- Further information regarding faculty FTE by funding source is available on the Institutional Research website at www.irpa.vt.edu.

sjk

MINUTES

Commission on Administrative and Professional Faculty Affairs
February 14, 2008

Members present: R. Ali, B. Gittens, L. Gorr, P. Hyer, F. Keene, K. Oaks, D. Stoudt, and M. West

Members absent: M. Adcock, K. Ayoub, K. Eriksson, A. Kemp, C. Krause, C. Lytton, K. Sanders, C. Stafford, and L. Woodard

Guest: K. Anderson, Senior Compensation Manager, Human Resources

Recorder: S. Karlin

1. HE Restructuring and A/P Faculty Definition

- The proposal for moving staff employees in pay bands 5-7 to A/P faculty requires additional consultation and thinking, hence it was not presented for voting at this meeting.
- F. Keene and an HR representative will bring the resolution to the Commission on Staff Affairs, the Employee Advisory Committee, and Academic Council. Some concerns may come from those employees who perceive classified status as offering a sense of security versus A/P faculty status. However, classified employees will be given an option to change or not.
- Human Resources is preparing a list of the differences between the classified and A/P faculty benefits structure. This information will be available for distribution at the meetings with CSPA and EAC.
- What are the fiscal implications of a migration to A/P faculty status? Theoretically, if all of the eligible 540+ classified employees moved from Virginia Retirement System (VRS) to Optional Retirement Plan (ORP), the cost to the university would be slightly less. There would be no change in salaries. A potential financial liability would be the six months of up-front sick leave that is available to A/P faculty, however, this is not expected to be a cost that will actually be incurred.
- The CAPFA subcommittee will reconvene to address two issues: (1) removing the manager concept from the A/P faculty redefinition; and (2) making decisions with regard to the conversion process.
- L. Woodard hopes to bring a final resolution before the June Board of Visitors meeting. To move forward in the approval process, CAPFA may vote on the revised resolution by e-mail.

2. Web Demonstration of an Electronic Faculty Activity Report (e-FARs) System

- Last year, the commission reviewed the e-FARs system as an electronic performance evaluation tool.
- On March 13, 2:15 – 4:15 p.m. in Assembly Auditorium, Alumni Hall a Web demonstration will be presented by the Digital Measures software company of their highly flexible, scalable activity insight (e-FARs) system.
- Representatives from the College of Agriculture and Life Sciences and Extension have been invited to discuss the possibility of migrating the current CALS e-FARs system over to the activity insight system.

- The website for further information is <http://www.digitalmeasures.com/> .
- Rather than holding a separate meeting on March 13, CAPFA members will attend the Web demonstration event.

3. Adjunct Pay for A/P and Research Faculty who Teach For-Credit Courses

- CAPFA members reported on constituency responses to the proposal of adjunct pay for A/P faculty who teach credit courses:
 - B. Gittens: Center for Public Administration and Policy (CPAP) and the Pamplin College of Business are supportive.
 - F. Keene: Some A/P faculty in Student Affairs are receiving professional development funds for teaching self-supporting residence hall based/first-year experience programs.
 - P. Hyer: S. Magliaro, Director of the School of Education, has no problem with the concept, but cannot guarantee that adjunct pay would be available. The Higher Education/Student Affairs (HESA) program cannot afford to pay adjunct faculty for two reasons: (1) program size and (2) the number of adjunct faculty.
 - P. Hyer: Brought the issue before Provost's Council, and it raised no red flags.
- M. West will follow up with the Controller's Office regarding the PARs certification and cost accounting issues.
- B. Gittens and F. Keene will use the Policy for Staff Employed to Teach for-Credit Classes (#4071) as a basis for drafting a proposed policy. They will include research faculty in the draft policy proposal.
- A cover resolution will accompany the new policy proposal. The cover resolution will recommend modifying Adjunct and Wage Faculty Payments Policy (#4296) to allow payment to adjunct A/P and research faculty who teach for-credit courses.

4. Martin Luther King, Jr. Day

- On February 18, the resolution for university closure in honor of Martin Luther King, Jr. Day will go before University Council for a second reading. No opposition is expected.
- On March 31, the resolution will go before the Board of Visitors for approval.

5. Other Business

- During her two years as CAPFA chair, F. Keene has had the opportunity to serve as chair of several A/P faculty grievance panels. Keene suggests a clarification of information in the *Faculty Handbook* and a modification of current procedures for the conduct of CAPFA reconciliation and grievance committees:
 - *Faculty Handbook* section 3.11 refers to the "CAPFA Grievance Committee" and the "CAPFA Reconciliation Committee." Since A/P faculty grievances and requests for reconciliation are infrequent, it has been the practice of CAPFA to constitute *ad hoc* committees for hearing grievances and conducting reconciliation. CAPFA maintains a list of qualified A/P faculty who have volunteered to serve, as needed, on such committees.
 - *Faculty Handbook* section 3.3: "Job performance at a high level or productivity and effectiveness and continued need by the university for the scope and level of services

being provided will be the important determinants of any reappointment decision.” Change “*the* important determinants” to “important determinants.”

- *Faculty Handbook* section 3.6: Add a bullet under “standards of notice of non-reappointment,” which indicates that the reappointment and non-reappointment dates do not necessarily have to coincide. For example, an A/P faculty member with two or more years of service may receive a reappointment notice in June. An issue arises in September, and his or her supervisor sends a notice of non-reappointment. Policy dictates that the employee will have 12 months’ of employment through September in the following year. Receiving a reappointment notice in June does not preclude an issuance of non-reappointment before June of the following year. Likewise, the non-reappointment term of employment cannot be less than the required 12 months for A/P faculty with two or more years of service.
- CAPFA members in attendance unanimously endorsed these clarifications.
- F. Keene will electronically distribute suggestions for modifying procedures for conducting CAPFA reconciliation and grievance hearings.
 - Commission members will review her suggestions prior to the next CAPFA meeting.
 - The procedures for conducting hearings are mailed to each grievant, all administrators involved, and *ad hoc* committee members.
 - Since there is no longer an Executive Vice President (EVP), reference to the EVP as a step-four administrator in the grievance process must be removed.
 - CAPFA suggests that all step-four grievances come to P. Hyer, Associate Provost for Academic Administration. Hyer will engage CAPFA in the grievance process. The CAPFA *ad hoc* grievance committee will forward its recommendation(s) to the relevant vice president.

MINUTES

Commission on Administrative and Professional Faculty Affairs
April 4, 2008

Members present: R. Ali, K. Eriksson, B. Gittens, L. Gorr, P. Hyer, H. Irvin, F. Keene, K. Oaks, D. Stoudt, and M. West

Members absent: M. Adcock, K. Ayoub, A. Kemp, C. Krause, C. Lytton, K. Sanders, and C. Stafford

Guests: J. Ridinger, Director of Staffing and Compensation
D. Robinson, Conflict Resolution Program Manager
T. Tucker, Chair, Commission on Staff Policies and Affairs
K. Wehner, Compensation Manager
L. Woodard, Assistant Vice President for Administrative Services

Recorder: S. Karlin

1. A/P Faculty Definition

- Administrators in Outreach discussed the proposal and raised several concerns, including whether "faculty" status was appropriate for some employees in bands 5-7 who do not have even a bachelor's degree. The concern was based on the view that the Southern Association of Colleges and Schools (SACS) required all A/P faculty to have masters degrees. However, SACS is concerned primarily about the credentials of faculty members *teaching credit courses*. (They also require that the institution certify that academic administrators, librarians, and student affairs personnel are appropriately credentialed.) 20% of the current employees in pay bands 5 - 7 do not hold bachelors degrees. The majority of these employees are in the information technology sector. Although many of these individuals have accumulated enough hours to earn a degree, their valuable experience and expertise has allowed them to directly enter the IT workforce.
- Of the 566 employees in pay bands 5 - 7, it is expected that at least 500 would be eligible to convert to A/P faculty status. It is quite possible that not all eligible employees will choose to become A/P faculty.
- Departments have responded to salary pressures among this group by proposing and self funding in-band adjustments (2 - 3%) annually, over and above the state-appropriate merit adjustments. Greater salary flexibility for high-performing and hard-to-recruit individuals is a major reason for the proposal.
- Review of the proposed resolution for the redefinition of A/P faculty appointments:
 - Commission members suggest that the current categorization of "administrative" faculty remain similarly defined but renamed "senior administrators" to more accurately reflect the nature of these appointments.
 - They further suggest that "professional" faculty be renamed "managers and professionals" to reflect the variety of roles and appointments that will now be included in this category. They also suggest minor changes to the definition and expected qualifications criteria.
 - Commission members suggest removal of the word "rare" from the following qualification criteria statement: "In some ~~rare~~ cases, individuals with substantial professional-level experience or expertise which equates to the minimum educational qualifications may be considered for appointment."
 - **ACTION:** With these changes, the Commission on Administrative and Professional Faculty Affairs unanimously approved the proposed resolution for the redefinition of administrative and professional faculty appointments under HR restructuring (attached).

2. Payment of A/P Faculty for Teaching Credit Courses

- Commission members discussed the attached draft policy regarding additional employment for A/P faculty teaching credit undergraduate or graduate courses at Virginia Tech.
- The proposed policy does not include research faculty whose employment is often subject to federal guidelines and certification of activities. Hyer will meet with the VP for Research to explore the possibility of overload pay that would still be in compliance with certification of effort for those on grants and contracts.
- **ACTION:** Commission members will present the proposal to the following constituencies:
 - B. Gittens – CPAP and Pamplin College of Business
 - P. Hyer – deans and department heads
 - H. Irvin – Vice President for Administrative Services senior staff meeting
 - F. Keene – Student Affairs leadership
 - M. West – Vice President for Finance senior staff meeting
- The commission will continue discussion of the issue at their May 8 meeting and, assuming there is reasonable support for the proposal in the university community, move forward with the policy in the fall.

3. CAPFA Grievance Procedures

- Commission members began a review of proposed changes to the CAPFA reconciliation and grievance procedures.
- A key procedural change involves the selection of a Faculty Reconciliation Committee and its chair. There is no longer a standing committee, which means that each fall the CAPFA chair must solicit nominees to serve as needed on the Faculty Reconciliation Committee.
- A minor procedural change involves the reference to use of "audio tape." Commission members suggest that, "If necessary, other means of testimony will be considered by the Chair."
- Is there better language to convey the meaning of "reprisal" and "discriminatory practice"?
- The group quickly realized that there may be benefit in separating the procedures for the two processes (reconciliation/informal resolution of conflicts, and grievance), and for including mention of the mediation process.
 - **ACTION:** D. Robinson and K. Eriksson will provide a revised document to commission members at the May meeting.

4. Revision to the A/P Faculty Formal Grievance Procedure

- The Board of Visitors recently authorized the President "to delegate authority and responsibility to the Associate Vice President for Human Resources for hearing faculty grievances filed by faculty members reporting through a vice president to the president as the step 4 administrator in accordance with the university's formal grievance procedures, as outlined in the *Faculty Handbook*, 3.11.4."
- A perhaps unintended result of this authorization is that a faculty member in the IT area may never have the opportunity to have his or her grievance considered by the Vice President for Information Technology before it goes to the AVP for Human Resources for a final decision.

- P. Hyer and F. Keene will meet with representatives in the President's Office regarding the matter.

5. Nominations Committee and Elections

- F. Keene, K. Oaks, and L. Gorr agreed to serve on the Nominations Committee.
- The Virginia Extension Service Association (VESA) will not meet until late May. At their May meeting they will arrive at Extension representatives to fill the slate of nominees in the A/P faculty elections.
- F. Keene agreed to be considered as a nominee for the Student Affairs opening on CAPFA and L. Gorr agreed to be considered as a nominee for the Extension opening on CAPFA.
- **ACTION:** Keene and Gorr left the room, and the remaining CAPFA members unanimously agreed to accept their names in nomination to avoid a conflict of interest with their roles on the nomination committee.
- **ACTION:** S. Karlin will notify the A/P faculty who responded to the call for nominations that the slate of nominees will be prepared in late May, with elections expected by mid-June.
- **ACTION:** The Nominations Committee (Keene, Oaks, and Gorr) will meet in early June to determine the slate of candidates for A/P faculty elections.

6. Topics for May 8, 1:30-3:30 p.m. Meeting in 210 Burruss Hall

- Dependents Scholarship Fund, T. Kaloupek
- Payment of A/P Faculty for Teaching Credit Courses
- CAPFA Grievance Procedures

MINUTES

Commission on Administrative and Professional Faculty Affairs
May 8, 2008

- Members present:** M. Adcock, R. Ali, K. Eriksson, B. Gittens, L. Gorr, P. Hyer, H. Irvin, F. Keene, K. Oaks, K. Sanders, K. Wehner, and M. West
- Members absent:** K. Ayoub, A. Kemp, C. Krause, C. Lytton, C. Stafford, and D. Stoudt
- Guest:** Tom Kaloupek, A/P Faculty representative to the VT Employees' Spouse and Dependents Scholarship Fund
- Recorder:** F. Keene

1. Suggested Revisions to CAPFA Grievance Procedures

Commission members continued review of proposed changes to the CAPFA reconciliation and grievance procedures in the faculty handbook. One issue raised was seeking better language to replace the words "reprisal" and "discriminatory practice," which have caused some confusion in grievance hearings. The group discussed changing who is involved in making a grievability ruling to include the CAPFA chair and two A/P faculty members from CAPFA. That would keep the role of the chair of reconciliation out of the grievance process when necessary so he or she could be involved with the grievant as needed. The group reviewed the need for clear information on mediation and reconciliation in the faculty handbook.

ACTION: The CAPFA chair will present a revised document to commission members in the fall. This document will outline proposed faculty handbook changes, some of which will require University Council and BOV approval.

2. Dependents Scholarship Fund: Tom Kaloupek, A/P Faculty representative to the VT Employees' Spouse and Dependents Scholarship Fund

Tom reviewed the scholarship fund with commission members and asked for help in promoting the fund to A/P faculty. The benefit is clearly for the dependents of VT employees. The commission members discussed the awards process, the available funds for scholarships, and potential ways to promote the fund.

ACTION: CAPFA members will send out notices to their constituents notifying them of the fund.

3. Payment of A/P Faculty for Teaching Credit Courses

Commission members presented the proposal to the following constituencies:

- B. Gittens – CPAP and Pamplin College of Business
- P. Hyer – selected deans and department heads
- H. Irvin – Vice President for Administrative Services senior staff meeting
- F. Keene – Student Affairs leadership
- M. West – Vice President for Finance senior staff meeting

There is support for the proposal in the university community. A considerable concern is the inclusion, or not, of payments to special research faculty in addition to A/P. Hyer will contact the Research Division to see if there is any way to address overload payments for these faculty members when they teach for-credit courses. Following further discussion, the commission decided to table the policy for submission to University Council in the fall so the issue of research faculty could be explored.

ACTION: CAPFA will move forward with governance approval of the policy in the fall.

4. Replacement of Brian Gittens as Academic Support A/P faculty representative to CAPFA

The commission thanked Brian for his hard work on the commission and announced that the "runner up" in the election, Marilyn King, agreed to accept and complete Brian's term as a representative to CAPFA.

5. Topics Generated for Fall 2008 CAPFA meetings

- Pursuit of University Council and BOV approval of Payment of A/P Faculty for Teaching Credit Courses
- Pursuit of University Council and BOV approval of Grievance Procedures for A/P faculty
- Participation in the conversation about staff transition to A/P faculty – exploring if the representation of CAPFA should adjust as AP faculty ranks get larger, and policy issues that may arise for this potentially large group of new AP faculty.
- CAPFA will explore adopting the T/R faculty policy that requires of signature on performance evaluations