



WILLIAM & MARY

CHARTERED 1693

Faculty Assembly Minutes, June 26, 2024

3:30 – 5 pm

Location: virtual (Zoom)

Zoom: <https://cwm.zoom.us/j/7441676700>

Officers Present: K. Scott Swan (Faculty Assembly President), David Feldman (Vice President)

Other Members Present: David Armstrong (Faculty Assembly Rep. to the BOV), Chuck Bailey, Josh Burk, Christopher Del Negro, Jim Dwyer, Marjy Friedrichs, John Gilmour, Katherine Guthrie, John Gilmour, Amber Hardison (substituting for Mark Brush), Erin Hendrickson, Cathy Levesque (substituting for Cristina Stancioiu), Rex Kinkaid (substituting for Sarah Day), Jessica Martin, Terry Meyers (Parliamentarian), Randi Rashkover, Betsy Talbott, Brett Wilson

Members Absent: Aaron Griffith, Nicholas Popper (Secretary), Evgenia Smirni

Others Attending: Adam Gershowitz (Faculty Handbook committee chair), Christy Porter, Matt Smith, Josh Puzey (2024-2025 member), Rachel Stephens (2024-2025 member)

President Swan called the meeting to order at 3:32 pm.

I. Minutes

The draft minutes for the May 14 Assembly meeting were approved.

II. Election of Vice President

Katherine Guthrie was nominated to be Vice President for the coming year. There were no additional nominations from the floor. A vote was held of the continuing members of Assembly, along with the new members for 2024-2025, and Guthrie was elected without dissent.

III. Reconsideration of Emeritus Faculty changes to Faculty Handbook

a) Armstrong raises point of order: the vote from May 14 Assembly meeting on the Emeritus Faculty modifications did not reach the required 2/3 majority of voting Assembly members (14 out of 21 members) to have passed, according to the Handbook rules on Handbook revisions. There were not 14 voting members present at that time of that meeting. Swan rules that we should therefore reconsider this motion.

The proposed modifications come from Faculty Handbook ad-hoc committee, were considered and amended by the Personnel Policy Committee (PPC) and come to Assembly for approval. Swan outlined the substantive proposed changes.

Wilson: Is the elimination of voting rights for Emeritii directly connected to this being something that would define emeriti as university employees? Dwyer: no, this is one of a number of relevant aspects that could legally define employment, but it is not in itself dispositive.

Gershowitz: the Handbook committee agreed with the opinion of University Counsel that voting rights are usually a close connection with employment, and that it was best to make it clear that emeritus status is an honorary position, not a hired (employment) status. He noted that of all the units, only Arts & Sciences allows emeriti to vote, and that there was no support for this from the Schools.

Wilson: does the phrase “Emeritus faculty ... and have no official duties.” mean that, for example, and emeritus faculty member could not serve as Parliamentarian for Assembly? Should we strike that phrase? Feldman: we should avoid wordsmithing, and show that we can be expeditious in dealing with Handbook changes – best to save amendments for substantive matters. Armstrong: in the same way that non-university folks can serve on Ph.D. dissertation committees, advisory boards, *etc.* would not interpret this as barring Assembly from appointing anyone they chose as Parliamentarian.

There was some discussion of possible amendments to the language from PPC, however no amendments were offered.

Swan called the question. The vote was 14 in favor, 2 against, and the motion passed with the required majority.

IV. Handbook revisions to Clarify Delegation of Authority to the Deans and Faculty

These revisions would modify sections IID and IIE of the Handbook, and would clarify the roles of the Deans as the chief administrative and educational officers of their Schools. The revisions clarify that the Deans have authority from multiple sources, including the Faculty Handbook, their Schools’ by-laws, and their Schools’ written policies. It was noted that this makes it explicit that some of the authority of the Deans can be derived from the faculty (through by-laws and School policies). A section on faculty is added that makes it explicit that the faculties of each School collectively have responsibility for the curriculum, educational policy, degrees, and academic requirements and that individual faculty members, *i.e.* instructional officers, are responsible for the design and delivery of their individual classes.

After the brief discussion, a vote was held, and the motion passed unanimously with 16 votes in favor.

References to Dept. Chairs or Program Directors are removed, but include the replacement term “Deans and their designees”.

V. Handbook revisions to Clarify Delegation of Authority to the Deans and Faculty

These revisions would make it clear that the Faculty Handbook clearly operate at the School level. In particular, the Board of Visitors had expressed concern about the dozens of references to departments, programs, chairs, and directors that appear in the Handbook. These references could leave the impression that department chairs and program directors are empowered to act unilaterally and outside the chain of command. In most places these references are replaced by the phrase “Deans or their designees”, *i.e.* administrative officers who report to the Dean and who are delegated certain authority and responsibilities by the Dean.

After brief discussion, the vote was called and these revisions were approved with 15 in favor, and no dissent.

VI. Preliminary discussion of changes to policies relate to Non-Tenure Eligible faculty.

There was general discussion of possible changes to policies governing Non-Tenure Eligible faculty (NTE) in the Handbook.

Gershowitz: it has been made clear to the Faculty Handbook committee by both President Rowe and University Counsel Nee that the stipulation in the present Handbook (in the section discussing full-time NTE faculty) which states “Continuing NTE Positions hold a presumption of continuation” must be removed. The argument seems to be that this is neither clearly defined nor legally enforceable. Instead, NTE faculty must have defined-term contracts. The new A&S Teaching Faculty framework defines contract terms that are longer than one year, which can increase in length after promotion, and defines a clear promotion path and evaluation procedures. The present situation is not as clear in the Schools. Law school has reportedly one-year contracts, but there may be longer terms for some faculty at the other schools.

Questions during discussion: Will those who were hired under “presumption of continuation” have this condition “grandfathered in” if the phrase is removed? Does grandfathering have any meaning if the term is deemed to be not enforceable? Can there be a statement of encouragement in the Handbook to urge the various Deans to provide the possibility of longer-term contracts? Would such a statement be enforceable or simply aspirational?

A suggestion was made by Friedrichs that the term “Non Tenure Eligible Faculty” be replaced by “Tenure Ineligible Faculty”.

VII. Unfinished Business:

There was none.

VIII. New business:

There was none.

Meeting adjourned in 4:36 pm