

**GEORGE MASON UNIVERSITY
MINUTES OF THE FACULTY SENATE
SPECIAL MEETING TO CONSIDER PROPOSED CHANGE TO THE FACULTY HANDBOOK
February 15, 2012
Robinson Hall B113, 3:00 – 4:15 p.m.**

Senators Present: Scott Bauer, Sheryl Beach, Jim Bennett, Alok Berry, Doris Bitler, John Cantiello, Rick Coffinberger, Arie Croitoru, Charlene Douglas, Robert Dudley, Kelly Dunne, Cody Edwards, Daniel Garrison, Mark Houck, Dimitrios Ioannou, Kathryn Jacobsen, David Kuebrich, Howard Kurtz, Linda Monson Star Muir, Susan Allen Nan, Elavie Ndura, Peter Pober, Earle Reybold, Jim Sanford, Suzanne Scott, Suzanne Slayden, Ray Sommer, Peter Stearns, June Tangney, Iosif Vaisman, Halaevalu Vakalahi, Phil Wiest, Stanley Zoltek.

Senators Absent: Ernest Barreto, Jack Censer, Vikas Chandhoke, Lloyd Cohen, Yvonne Demory, Mark Ginsberg, Lloyd Griffiths, Jorge Haddock, Margret Hjalmarson, Bruce Johnsen, Dan Joyce, Ning Li, Jerry Mayer, Alan Merten, James Olds, Paula Petrik, Daniel Polsby, William Reeder, Edward Rhodes, Pierre Rodgers, Joe Scimecca, Lesley Smith, Thomas Speller, Shirley Travis, Susan Trencher, John Zenelis.

Visitors Present: Esther Elstun, Professor Emerita, Modern and Classical Languages; Dolores Gomez-Roman, University Ombudsman; Renate Guilford, Assistant Provost, Enrollment Planning and Administration; Michelle Lim, Human Resources Faculty Liaison, Thomas Moncure, University Counsel. Claudia Rector, Assistant Provost for Academic Affairs.

Note: Only business included in the agenda can be transacted at the Special Meeting.

I. Call to Order: The meeting was called to order at 3:04 p.m. by Chair Peter Pober. He then turned the meeting over to Senator Suzanne Slayden, Chair of the Faculty Handbook Revision Committee.

II. New Business

Motion:

That the Faculty Senate approve the proposed changes to the Faculty Handbook with no further revisions at this time other than those necessary to correct typographical and grammatical errors.

[Note: A motion to "refer to the Faculty Handbook Committee with instructions" is in order.]

The purpose of this meeting is to consider the proposed revisions to the Faculty Handbook (2011). The revisions, which are available on the Faculty Senate website (<http://www.gmu.edu/resources/facstaff/senate/> and http://www.gmu.edu/resources/facstaff/senate/2012_Faculty_Handbook_Revision.pdf), appear as deletions (strikethrough) and insertions (underlined) to the current text. The new text as it would appear if the revisions are approved is also provided.

The group recommending these changes consists of the Faculty Handbook Revision Committee, whose faculty members are elected by the Faculty Senate, and representatives from the administration. The administration has approved the recommendations, and it remains for the Faculty Senate to consider them. All revisions approved by both the administration and the Faculty Senate will be submitted to the Board of Visitors for final approval at their meeting on March 21, 2012.

Geoffrey Birchard	COS		
Lloyd Cohen	SOL	Faculty Senator	
Richard Miller	CEHD		
Suzanne Slayden	COS	Faculty Senator	Chair
Deborah Boehm-Davis	Associate Dean, CHSS		
Renate Guilford	Associate Provost, Enrollment Planning & Administration		
Michelle Lim	Human Resources Faculty Business Partner		

Senator Slayden: The Faculty Handbook Revision Committee, elected by the Faculty Senate, meets by itself and has invited others to meet with it – representatives from the administration, provost office, and the Research Counsel. Only the revisions in front of us today to be discussed. If changes are recommended, they will be referred back to committee. Last year the Handbook revisions approved by the Faculty Senate were presented to the BOV at its May meeting; they did not have time to read them until July, so they asked for them to be received earlier this year. We will look at the revisions sequentially.

Discussion, questions and comments are included in *italics*.

2012 PROPOSED HANDBOOK REVISIONS

KEY

Left Side: 2011 Handbook Text with Proposed Revisions using Tracked changes in Word. New text is underlined and deleted text appears with strike through.

Right Side: Handbook as it will appear if the changes on the left side are approved.

Rationale for changes usually appears at bottom of page/end of the revision in **Bold**.
In some instances, rationales interspersed in text also appear in **Bold** distinct from revision text.

1.3.10 Centers	4
2.1.7 Affiliate Faculty	5
2.1.8 Academic Year Appointments and Fiscal Year Appointments	6
2.3.2 Procedures for Recruitment and Appointment of Tenured and Tenure-Track Faculty	8
2.3.3 Criteria and Procedures for Appointment, Reappointment, and Promotion of Term Faculty	13
2.6.2 Post Tenure Review Policies and Procedures Policy	14
2.8.1 Appeal Board	21
3.3 Summer Salary	24
3.6.2 Leave Programs for Tenured Instructional Faculty	25

1.3.10 Centers

2011 Handbook with Proposed Revisions

A center is a unit of the University intended to advance the University's mission of research and/or public service. Normally housed within a department, college/school or academic institute, a center does not develop or administer academic degree programs, nor does it possess instructional faculty appointed to primary affiliation with it. ~~From time to time, eCenters with large grants or contracts~~ may require the presence of research, clinical, and/or professional faculty whose affiliation with the center is ~~eotermious with the life of the grant or contracts~~ subject to the availability of research funds. Faculty appointed to a center under externally funded grants or contracts may not receive tenure-track or tenured appointments through the center. A center is chartered for a specific period of time by the Provost on the recommendation of appropriate faculty and dean(s) or institute director(s). Renewal of a center's charter, when called for, is subject to favorable review of a center's performance and accomplishments

A center is administered by a director who serves at-will and who is appointed by the local unit administrator of the unit within which the center is housed. Whenever possible, centers are expected to derive most of their operating budgets from a source or sources other than state appropriations.

1.3.10 Centers

2012 Revision

A center is a unit of the University intended to advance the University's mission of research and/or public service. Normally housed within a department, college/school or academic institute, a center does not develop or administer academic degree programs, nor does it possess instructional faculty appointed to primary affiliation with it. Centers may require the presence of research, clinical, and/or professional faculty whose affiliation with the center is subject to the availability of research funds. Faculty appointed to a center under externally funded grants or contracts may not receive tenure-track or tenured appointments through the center. A center is chartered for a specific period of time by the Provost on the recommendation of appropriate faculty and dean(s) or institute director(s). Renewal of a center's charter, when called for, is subject to favorable review of a center's performance and accomplishments

A center is administered by a director who serves at-will and who is appointed by the local unit administrator of the unit within which the center is housed. Whenever possible, centers are expected to derive most of their operating budgets from a source or sources other than state appropriations.

RATIONALE: The revision is proposed by the Research Council to more accurately describe the condition of employment of research term faculty in Centers. The specification of an at-will appointment clarifies that the appointment is not contractual for the charter period of the Center.

Senator comment: The Faculty Senate has no say in the establishment of centers and professors assigned to them.

Senator Slayden: There is no direct relationship to the Faculty Senate, but Research Faculty, who are primarily employed in centers, are covered by the Faculty Handbook, so their conditions of employment are more clearly stated.

2.1.7 Affiliate Faculty 2011 Handbook with Proposed Revisions

The University recognizes two types of affiliate faculty, neither of which is governed by the Faculty Handbook.

Affiliate Faculty

Faculty with ~~significant~~ teaching, research, service, or administrative assignments who are not ~~on~~ employed by the University ~~payroll~~ may be designated with the honorific title of ~~affiliate~~ Affiliate faculty ~~Faculty with an appropriate academic rank~~. Recommendations for affiliate faculty appointments are initiated by a local academic unit and must be approved by the Provost. Affiliate Faculty appointments are honorific only and carry no employee status.

University Affiliate

Faculty who are employed by the University may be designated with the honorific title of University Affiliate. University Affiliate appointments are initiated and approved by a local academic unit. University Affiliate status is considered secondary to the faculty's primary appointment as described in Section 1.3.6.

2.1.7 Affiliate Faculty 2012 Revision

The University recognizes two types of affiliate faculty, neither of which is governed by the Faculty Handbook.

Affiliate Faculty

Faculty with teaching, research, service, or administrative assignments who are not employed by the University may be designated with the honorific title of Affiliate Faculty. Recommendations for affiliate faculty appointments are initiated by a local academic unit and must be approved by the Provost. Affiliate faculty appointments are honorific only and carry no employee status.

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RATIONALE: There has been a desire by both GMU faculty and LAU's for establishing a formal affiliate category for individuals who are employed by the University. Approval of this faculty status is not required by the Provost's office. The word "significant" was omitted from the original wording because of the difficulty of defining the meaning.

Senator question: Doesn't this category already exist?

Senator Slayden: It does; this legitimizes it.

Another Senator: Assume the LAU determines this?

Senator Slayden: There is no meddling in what the LAU wants, and also no direct relationship with the Faculty Senate.

2.1.8 Academic Year Appointments and Fiscal Year Appointments 2011 Handbook with Proposed Revisions

Academic Year Appointments (9 Months)

The academic-year for faculty on a 9-month appointment is the period from August 25 through May 24. This is the period during which salary and benefits are earned. The Governor's Consolidated Salary Authorization obligates instructional faculty on 9-month appointments to be available for work two weeks prior to the beginning of classes until two weeks after the end of classes. Faculty on academic-year appointments who work less than the full 9- month period will be paid the appropriate percentage of their full 9-month salary.

Fiscal Year Appointments (12 months)

Faculty who are required to perform duties year-round are placed on 12-month or fiscal year appointments. Faculty on fiscal year appointments who work less than the full 12-month period will be paid the appropriate percentage of the full 12-month salary.

For faculty who convert from an academic year appointment to a fiscal year appointment, the conversion factor of 1.222222222 will be used to establish the new base salary. For faculty who convert from a fiscal year appointment to an academic year appointment, the conversion factor of .818181818 will be used to establish the new base salary.

2.1.8 Academic Year Appointments and Fiscal Year Appointments 2012 Revision

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[Rationale on the next page.]

[NOTE: The question has been asked about why faculty on 9-month appointments are required to be available 2 weeks before classes begin and 2 weeks after classes end. Using the 2011-2012 academic year as an example, the range would be 8/15/2011 to 5/18/2012, or 278 days. If it is assumed there are ~30.4 days/instructional month, then this is 9.14 months, which includes 1 week of Spring Break, the accumulated holidays during the Fall semester, and the approximately two weeks of Winter Break between the 2 weeks after classes end in the Fall and the 2 weeks before classes begin in the Spring. Thus, the required two weeks before and after classes during the academic year are part of the 9 months covered by the contract.]

Senator Slayden: Supposedly AAUP wants 11 digits, but we cannot find where it is specified. You can show with a spread sheet that you need only 8 digits if salary under \$500K. Why have it written in the Faculty Handbook at all? There is one person who says “where is it written?” and now we can say “it is written here.”

RATIONALE: The conversion factors are calculated on the basis that a fiscal year appointment includes 24 days of leave/year and thus 11 months work/year.

Currently, the academic to fiscal year conversion factor is 1.222 and the fiscal to academic year conversion factor is .818. These two factors only approximate the correct fractional 9-11 conversion. In keeping with AAUP recommendations, the new conversion factors will include eleven digits in order to be more accurate and to benefit the employee.

Examples:

Using the current conversion factors, a 9-month faculty member earning \$100,000 who converts to a 12-month appointment would earn \$100,000 (1.222) = \$122,200.00. If the same faculty member then converts back to a 9-month appointment, s/he would earn \$122,200 (0.818) = \$99,959.60. The discrepancy is \$40.40.

If fractions or eleven digit factors are used, the conversion/reconversion results in \$122,222.22 and \$100,000, as it should.

2.3.2 Procedures for Recruitment and Appointment of Tenured and Tenure-Track Faculty

(page 1 of 4)

2011 Handbook with Proposed Revisions

Requests for new faculty appointments to allocated positions normally originate with the local unit administrator, acting upon the recommendation of the unit's faculty. In particular, the administrator seeks the assistance of the faculty in defining the requirements of the position to be filled and the qualifications to be sought in the appointee. Authorization from the appropriate dean or director and the Provost is necessary before a search is initiated to fill a vacancy or a new position. In unusual cases a waiver of the search process may be requested by the local unit administrator, dean, or director.

The local academic unit establishes a faculty committee to advise and assist the local unit administrator in carrying out a search. After receiving appropriate training from the Office of Equity and Diversity Services, this committee reviews applicant credentials and makes recommendations regarding potential finalists for the position. All full-time faculty of the local academic unit will be provided with an opportunity ~~to examine~~ to review the candidates' application materials, to meet with ~~the candidates the finalists, and offer input to the selection process. to examine the curriculum vitae and letters of reference, and to attend job seminars or formal presentations by the candidates.~~ that includes the opinions of the faculty. The local unit administrator transmits all previous recommendations, together with her or his own, to the collegiate dean, director, or to the Provost. The faculty shall be apprised in writing of the local academic unit administrator's recommendation at the time of its transmittal.

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[Rationale on the next page.]

(page 2 of 4)

Before extending an offer of appointment, the local unit administrator must secure the concurrence of the unit's [eligible](#) faculty, relevant dean or director, the Provost, and the Office of Equity and Diversity Services. ~~All written offers of appointment must include the elements specified in the appropriate offer letter template located on the Mason website.~~

[Note: this last sentence is combined with the second paragraph below and all of it is moved to the end of the section.]

Appointments without term require special review as appropriate to the local unit in conformance with Section 2.7.3 Procedures for Promotion and Tenure.

~~All full-time faculty receive initial letters of appointment specifying terms of employment and stating that such employment is governed by the administrative policies and regulations of the University (currently in force and as amended in the future). Acceptance in writing of these letters constitutes a contract between the University and each individual faculty member. Letters of initial appointment for tenure-track faculty also indicate the expiration date of terms of appointment.~~

[Note: This paragraph is moved to the end of the section since it applies to all instances of faculty appointment.]

(page 2 of 4)

RATIONALE: the paragraph above incorporates language from a later paragraph that gives more detail on faculty-finalist interaction. It also anticipates the next paragraph that requires the "concurrence of the unit's faculty". It seems reasonable that the views of the faculty be known and acknowledged before the process moves to the offer-of-appointment stage.

Before extending an offer of appointment, the local unit administrator must secure the concurrence of the unit's eligible faculty, relevant dean or director, the Provost, and the Office of Equity and Diversity Services.

Appointments without term require special review as appropriate to the local unit in conformance with Section 2.7.3 Procedures for Promotion and Tenure.

(page 3 of 4)

Noncompetitive or direct appointments are appointments in which the search process is waived when appointing term, tenured, and tenure-track faculty. Competitive searches for tenured, tenure-track, and term faculty must be used except in very special circumstances. These circumstances are normally limited to situations in which (a) the candidate has already established a national/international reputation, the program has a unique opportunity to appoint the targeted candidate, and the area of specialization complements those of faculty already in the program; (b) the candidate is a spouse or partner of a candidate being appointed through formal search procedures and the university is attempting to accommodate her or him; or (c) an administrator is appointed and is considered for acceptance in a specific local academic unit. While an administrator is normally appointed using a competitive process at the administrative level, this policy applies because s/he is not part of a competitive process at the LAU level. Instructional term faculty may also be appointed without a search when classes must be staffed immediately due to unexpected circumstances. Waiver of a search in this situation is only valid for one year.

Faculty in the LAU review the credentials of any individual who is a candidate for a noncompetitive appointment using the same procedures as those used to review candidates for competitive appointments. ~~These include at a minimum the opportunity to examine a curriculum vitae, meet with the candidate, attend a job seminar or formal presentation by the candidate and review letters of reference.~~ The appointment process moves forward only when a majority of the LAU faculty who are eligible to vote accept the candidate.

(page 3 of 4)

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Faculty in the LAU review the credentials of any individual who is a candidate for a noncompetitive appointment using the same procedures as those used to review candidates for competitive appointments. The appointment process moves forward only when a majority of the LAU faculty who are eligible to vote accept the candidate.

RATIONALE: since the same procedures are used when reviewing finalists whether they are competitive or non-competitive, the sentences describing the procedures are moved to where they are first mentioned and then only referred to here.

(page 4 of 4)

In the unusual case of an existing term faculty member seeking a noncompetitive appointment to a tenure-track position, the appointment process moves forward only when no fewer than two-thirds (2/3) of the LAU faculty who are eligible to vote accept the candidate.

[See Rationale for this section at the bottom of this page.]

All full-time faculty receive initial letters of appointment specifying terms of employment and stating that such employment is governed by the administrative policies and regulations of the University (currently in force and as amended in the future). Acceptance in writing of these letters constitutes a contract between the University and each individual faculty member. Letters of initial appointment for tenure-track faculty also indicate the expiration date of terms of appointment. All written offers of appointment must include the elements specified in the appropriate offer letter template located on the Mason website.

RATIONALE: There is currently no procedure for considering faculty who change from a term to a tenure/tenure-track appointment. The procedure belongs in the section on tenure/ tenure-track appointments.

It may be in the best interest of the university to facilitate retention of a term faculty member by offering a tenure-track position. A term faculty member whose credentials are excellent could be considered for a tenure-track appointment if they met program needs and goals and it is unlikely a competitive search would result in finding a more suitable candidate. Although a term faculty might have been initially appointed after a competitive search, the search would have been competitive for a term position, not for a tenure-track position.

Changing from a term to a tenure-track appointment is affected by the non-competitive process and the personal relationships among faculty, developed over time within the LAU. The non-competitive nature of the search does not establish a comparison of credentials between individuals with similar expertise (this is the case even if the term appointment involved a search as the pool of candidates for tenure-track position would differ.) The personal relationship issue may make it more likely to accept a candidate on grounds beyond professional capabilities. A very clear recommendation is believed necessary to justify a conversion. Thus it is recommended that there be a 2/3 affirmative vote of the eligible LAU faculty.

(page 4 of 4)

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All full-time faculty receive initial letters of appointment specifying terms of employment and stating that such employment is governed by the administrative policies and regulations of the University (currently in force and as amended in the future). Acceptance in writing of these letters constitutes a contract between the University and each individual faculty member. Letters of initial appointment for tenure-track faculty also indicate the expiration date of terms of appointment. All written offers of appointment must include the elements specified in the appropriate offer letter template located on the Mason website.

RATIONALE: parts of two paragraphs earlier in this section were combined and moved here, with no other changes, since it is the logical conclusion to the procedure.

Questions and Discussion:

Question: *Is there somewhere in the Faculty Handbook which allows faculty to change from tenure-track to term?*

Senator Slayden: *Yes.*

Question: *Why (propose) a supermajority vote for non-competitive (appointment) vs. majority vote for competitive (new colleague)?*

Senator Slayden: *Because existing relationship might give an edge to current term faculty not search for in the first place. There is no prohibition for term faculty to become part of search process for tenured faculty.*

Comment: *Whether to establish a simple majority or allowance for a supermajority should be decided at the LAU level. Some departments may have their own by-laws.*

Comment: *The 2/3 majority could be biased toward a negative outcome given low percentage of faculty voting. For example, if you did not mind a faculty member changing from term to tenure-track, you may not care if you vote or do not vote. Negative bias (more likely) in voting.*

Senator Slayden *noted that a conversion, and not a search, may have no particular deadline or urgency.*

Question: *Did not know this was possible. If someone fails to attain tenure, is there a mechanism to become term faculty?*

Senator Slayden: *Yes, you must ask the Provost Office (about the procedure).*

Chair Pober: *Quick reminder – if you are concerned about wording, you can move to send back to committee for reconsideration.*

Question: *I thought there were two separate issues – that you couldn't work for university for a period of time if you did not receive tenure?*

Senator Slayden: *No.*

2.3.3 Criteria and Procedures for Appointment, Reappointment, and Promotion of Term Faculty

[paragraphs 3-4]

2011 Handbook with Proposed Revisions

A faculty member holding this type of appointment can subsequently be considered for a tenure-track appointment or a tenured appointment; however, prior service on a fixed-term, ~~externally~~ externally-funded appointment is not applied to ~~consideration for~~ tenure consideration unless ~~this is~~ specified in the tenure-track letter of appointment ~~to tenure-track status~~.

A maximum of 35% of all Instructional Term Faculty within the University may be on multi-year contracts and a maximum of 25% of all full-time Instructional Faculty within the University may be Term Faculty.

2.3.3 Criteria and Procedures for Appointment, Reappointment, and Promotion of Term Faculty

[paragraphs 3-4]

2012 Revision

A faculty member holding this type of appointment can subsequently be considered for a tenure-track appointment or a tenured appointment; however, prior service on a fixed-term, externally-funded appointment is not applied to tenure consideration unless specified in the tenure-track letter of appointment.

A maximum of 35% of all Instructional Term Faculty within the University may be on multi-year contracts and a maximum of 25% of all full-time Instructional Faculty within the University may be Term Faculty.

RATIONALE: The changes improve the language in the first paragraph. The changes in the second paragraph make explicit in the Handbook the actual practice of the University.

Senator Slayden noted that the 35% maximum requirement for term faculty across the university was always true. The Provost's Office keeps track of this. The information is available on the IR&R website.

***Question:** The Handbook does not indicate who is keeping track of this. Is there any procedure for checking this?*

***Senator Slayden:** We have asked IR&R for the information in the past. The Senate may want to pursue this.*

**2.6.2 Post Tenure Review Policies and Procedures Policy
2011 Handbook with Proposed Revisions**

(page 1 of 7)

1. George Mason University will use the annual review of all faculty (see Section 2.6.1) as its primary procedure for implementing *Post Tenure Review* within the personnel policies of the Commonwealth of Virginia. The policies and procedures set forth in this document will apply to all tenured instructional faculty, regardless of the nature of the appointment.

- a. Annual reviews will serve as the vehicle for recognizing the positive contributions of faculty in fulfilling their professional obligations.
- b. When overall performance is recognized by the annual review as “unsatisfactory,” the procedures below will be followed for each case.
- c. In accordance with the principles of peer judgment, the faculty of each local academic unit (LAU) will establish its criteria for “satisfactory” and “unsatisfactory” performance.

2. Faculty in honorific positions not evaluated annually by a specific LAU will be evaluated by the Office of the Provost. For faculty holding such appointments the standard of excellence includes contributions to institutional development, which will be addressed for all such appointees as part of their service. Annual evaluation reports for faculty in these categories will be submitted to the Provost. While faculty in these categories are not exempt from other sanctions, sanctions may include the loss of the honorific appointment.

**2.6.2 Post Tenure Review Policies and Procedures Policy
2012 Revision**

(page 1 of 7)

[no changes]

(page 2 of 7)

3. Faculty members who receive an overall unsatisfactory rating by their LAU (as reported in the annual review to the deans or directors, or the Provost by the LAU administrator) must develop a plan of action with the LAU administrator to remedy any stated deficiency. The plan will include a timetable.

4. Tenured faculty members who receive two overall “unsatisfactory” ratings in a four-year period will undergo a peer evaluation process to determine if continued employment with the university is appropriate (as described in the following section).

5. The Provost will review the recommendation from the peer evaluation process and take appropriate action.

Procedure

1. Tenured faculty who receive an overall unsatisfactory rating during any annual review but do not meet the criterion stated in paragraph 3 below will meet with the appropriate LAU administrator to establish a written plan of action. The plan will include a timetable.

2. At the meeting with the LAU administrator, the discussion will include at a minimum:

- a. a discussion of the basis for the evaluation(s) that culminated in an unsatisfactory rating, with particular attention to stated deficiencies or areas of weakness;
- b. an opportunity for the faculty member to respond to negative judgments;
- c. an exploration of the concerns of the university for remediation; and
- d. the development of a plan of action in response to the judgment of “unsatisfactory” performance.

(page 2 of 7)

[no changes]

One copy of the plan of action will be retained by the faculty member and one copy will be placed in the faculty member’s personnel file in the office of the LAU administrator. In addition, the Provost will be notified that the faculty member was given an unsatisfactory evaluation. The LAU administrator and the Office of the Provost will address relevant issues in subsequent annual evaluations during the rolling four-year period. Faculty members pursuing a plan of action for correcting unsatisfactory performance will be encouraged to avail themselves of university resources designed to assist all faculty in professional development.

3. Tenured faculty members who receive two overall “unsatisfactory” ratings in a four-year period will be required to undergo a peer evaluation procedure conducted by the school/college/institute Promotion and Tenure Committee (i.e., the body authorized to conduct second-level review under the provisions of Section 2.7.3), serving as an Evaluation Committee. For faculty not assigned to a LAU, the Evaluation Committee will be the Promotion and Tenure Committee of the school/college/institute most closely aligned with the faculty member’s areas of expertise, as judged by the faculty member.

4. The ~~Evaluation Committee~~ evaluation will ~~operate~~ be conducted according to the following procedures: The Evaluation Committee will maintain the confidentiality of information reviewed in the proceedings, but will release such information to others with the consent of the faculty member, and to other University officials who have a legitimate business need to know such information (for example, to the Office of Equity and Diversity Services for equity review).

Comment (re #4 above): The AAUP suggests (the release of information) be kept confidential.

[no changes]

Comment: Suggestion made about form only: to begin the second sentence of #4 as “a,” then revise the subsequent paragraphs (a through -g) as (b through h).

Senator Slayden: To clarify as a stylistic/typographical change.

4. The evaluation will be conducted according to the following procedures. The Evaluation Committee will maintain the confidentiality of information reviewed in the proceedings, but will release such information to others with the consent of the faculty member, and to other University officials who have a legitimate business need to know such information (for example, to the Office of Equity and Diversity Services for equity review).

RATIONALE: This requirement for confidentiality protects the privacy of the faculty member during the proceedings and is consistent with the recommended practices of the AAUP.

a. The Provost will initiate the evaluation process with a written communication to the faculty member (the “Notice”). The Notice shall include:

1. A statement explaining the current employment status of the faculty member and how that could change as a result of post-tenure review.
2. The procedural rights, in detail, of the faculty member (as outlined below).
3. A statement that to maintain employment the faculty member must submit a portfolio summarizing activities and accomplishments in teaching, research, and service, as appropriate, during the period spanning the two unsatisfactory evaluations. The statement should explicitly note that there is no limit on the amount or type of documentation the faculty member may submit, but that the submitted documentation must include copies of annual evaluation results during the period spanning the two unsatisfactory evaluations.
4. A statement that if the faculty member fails to submit a portfolio within one calendar month of the date the Notice was transmitted, the Provost will make a recommendation for termination to the Board of Visitors without benefit of a committee report.

b. Submitted materials will be reviewed by the Evaluation Committee to determine if the faculty member under review has discharged the duties associated with his or her position conscientiously and with basic professional competence. The Evaluation Committee will not use the standards associated with the awarding of tenure and promotion to conduct this

[no changes]

(page 5 of 7)

evaluation. Instead, the Evaluation Committee will focus on whether there is evidence of sustained overall unsatisfactory performance (including but not limited to incompetence and lack of appropriate expertise).

c. The Evaluation Committee may seek additional clarification from those who made or contributed to the unsatisfactory evaluations that led to the convening of the committee. Any response to such a request must be made in writing to the committee and shared with the faculty member under review.

d. After the committee has received any additional clarifying information, the faculty member under review must be given an opportunity to formally meet with the committee as part of the evaluation process if so requested. Such requests must be made in writing by the faculty member to the Chair of the Evaluation Committee. If the faculty member under review does elect to meet with the Evaluation Committee, a verbatim record of the entire meeting will be made. If the faculty member so requests, a copy will be provided without cost.

e. The faculty member under review must also be given an opportunity to have other individuals speak on his or her behalf to the committee if so requested. Such requests must be made in writing by the faculty member to the Chair of the Evaluation Committee. If a meeting is held in which others speak on behalf of the faculty member, a verbatim record of that meeting will be made. If the faculty member so requests, a copy will be provided without cost.

f. In the interest of avoiding unnecessary expense and to promote a prompt resolution, the Evaluation Committee may set reasonable time limits on speakers.

(page 5 of 7)

[no changes]

(page 6 of 7)

g. The recommendation of the Evaluation Committee must be based only on the complete record as presented to the committee following the above steps, and must be conveyed to the Provost in writing along with ~~a recorded~~the result of a vote taken by secret ballot.

5. ~~Outcomes~~ Recommendations to the Provost from the ~~evaluation~~ Evaluation procedure Committee may include: (a) postponement of sanctions, with another peer review to be conducted within one calendar year; (b) a determination that no sanctions are necessary, with appropriate professional development recommendations; (c) a change in the faculty member's assignment that is better aligned with his or her strengths; (d) imposition of appropriate sanctions other than termination; or (e) termination of employment. Outcome (c) may be recommended in conjunction with outcome (a), (b), or (d). In the event of any outcome other than (e), the faculty member will meet with the appropriate LAU administrator to establish a written plan of action following the guidelines specified in paragraphs 1 and 2 of these procedures. Termination can only be considered by the Provost if a majority of those making a recommendation to the provost vote to recommend termination. If termination is recommended and the provost endorses this recommendation, the faculty member undergoing review must be given at least six months written notice before termination can take effect.

6. The faculty member may appeal the decision within 30 days to the President based on one or more of the following reasons:

(See following page for discussion in which proposed change to #6. "within 30 days" was returned to the Faculty Handbook Revision Committee for further consideration).

(page 6 of 7)

g. The recommendation of the Evaluation Committee must be based only on the complete record as presented to the committee following the above steps, and must be conveyed to the Provost in writing along with the result of a vote taken by secret ballot.

5. Recommendations to the Provost from the Evaluation Committee may include: (a) postponement of sanctions, with another peer review to be conducted within one calendar year; (b) a determination that no sanctions are necessary, with appropriate professional development recommendations; (c) a change in the faculty member's assignment that is better aligned with his or her strengths; (d) imposition of appropriate sanctions other than termination; or (e) termination of employment. Outcome (c) may be recommended in conjunction with outcome (a), (b), or (d). In the event of any outcome other than (e), the faculty member will meet with the appropriate LAU administrator to establish a written plan of action following the guidelines specified in paragraphs 1 and 2 of these procedures. Termination can only be considered by the Provost if a majority of those making a recommendation to the provost vote to recommend termination. If termination is recommended and the provost endorses this recommendation, the faculty member undergoing review must be given at least six months written notice before termination can take effect.

6. The faculty member may appeal the decision ~~within 30 days~~ to the President based on one or more of the following reasons:

RATIONALE: Clarifies that the Evaluation Committee makes recommendations, and is advisory to the Provost. The time limit for appeal is to insure a timely conclusion to the proceedings.

(page 7 of 7)

- a. material procedural irregularity;
- b. violation of federal or state law or university policy;
- c. inadequate or faulty consideration of evidence.

In case of appeal, the President makes the final decision.

7. In the event the faculty member's employment is terminated in accordance with the procedures of this section, such termination shall be final and Section 2.9.3 shall not apply. However, nothing in this section shall act to prevent or prohibit termination of employment of a faculty member for cause in accordance with the procedure set forth in Section 2.9.3.

(page 7 of 7)

[no changes]

Discussion about the proposed insertion of "within 30 days" to #6:
"The faculty member may appeal the decision within 30 days to the President based on one or more of the following reasons:"

A Senator asked: *Within 30 days from what? How does the candidate know? How is the candidate informed of it? Suggested adding "of being notified" so that revised phrase reads "within 30 days of being notified"*

Provost Stearns *is concerned about addition to phrase, can get into many disputes, defers to legal - you can send it out and assume it was received in good faith. An angry person could say it wasn't received.*

Senator follow up: *The burden is on the administration to confirm person notified, using signature (proof) letter received.*

Tom Moncure, University Counsel: ** This is an administrative and not a legal proceeding. While the Supreme Court Rules and statutes are clear, the question here is appropriate notice as a matter of due process. The provost is correct that an issue has arisen with regard to when notice was received for purposes of calculating days to appeal. This would be a matter worth clarifying.*

**Provided by Mr. Moncure in response to email request right after meeting.*

The proposed revision "within 30 days" WAS RETURNED TO THE FACULTY HANDBOOK REVISION COMMITTEE FOR FURTHER CONSIDERATION.

2.8.1 Appeal Board

(page 1 of 3)

2011 Handbook with Proposed Revisions

The petition for appeal should be filed as early as possible and no later than September 1 with the chair of the Faculty Senate and the Provost. The chair of the Senate, no later than October 1, forms an appeal board for the case based on procedures outlined below.

The appeal board will include three tenured members of the faculty, none of whom participated in the original decision. The petitioner selects one appeal board member, who must be a tenured academic administrator that is at the level of ~~department chair~~ a local unit administrator or above. The Provost selects a full-time faculty member who is not an academic administrator. These two appeal board members then select a third member, from among the faculty, who ~~becomes the chair~~ is charged with calling the first meeting of the committee. The names of the three board members are not revealed until all have been chosen.

Discussion:

Senator Slayden noted this suggestion was received from a person who served as chair of an appeal board last year.

A Senator who has served as a chair of an appeals board was not sure he likes this - bias of one person.

Another Senator: This raises question over how much influence the chair has over the outcome. Does it really matter whether chair has bias or not? 2 out of 3 must vote.

Senator Slayden: Third person from the faculty.

Question: asked for clarification about LAU - does this open parameters for associate dept chair, graduate coordinator?

Senator Slayden: LAU administrator could be a dept chair, dean. COS now divided into two huge schools and a number of departments. We have looked at department chairs as functional equivalents of school directors. The person chosen must be at least at the level of department chair/school director, or above.

2.8.1 Appeal Board

(page 1 of 3)

2012 Revision

The petition for appeal should be filed as early as possible and no later than September 1 with the chair of the Faculty Senate and the Provost. The chair of the Senate, no later than October 1, forms an appeal board for the case based on procedures outlined below.

The appeal board will include three tenured members of the faculty, none of whom participated in the original decision. The petitioner selects one appeal board member, who must be a tenured academic administrator that is at the level of a local unit administrator or above. The Provost selects a full-time faculty member who is not an academic administrator. These two appeal board members then select a third member, from among the faculty, who is charged with calling the first meeting of the committee. The names of the three board members are not revealed until all have been chosen.

RATIONALE: The two members who are chosen by the appellant and the Provost have had difficulty finding a third member because of the requirement that the third member be the chair of the committee. It is probably not necessary for a small 3-member committee to formally designate a chair in order to initiate and complete its business.

The term “local unit administrator” is used because directors of schools within colleges are at the same administrative level as department chairs.

(page 2 of 3)

In any appeal alleging discrimination in violation of federal or state law or University regulations, the appeal board must consult and be advised by the Office of Equity and Diversity Services.

The appeal board has the authority to require the submission of sufficient evidence to determine if the allegation appears to have merit. The board must decide upon this issue by majority vote before proceeding with a consideration of the case. The burden of proof rests with the petitioner. At the conclusion of its deliberations, the appeal board will simultaneously forward its report to the President, the chair of the Faculty Senate, and the petitioner.

If the appeal board unanimously supports the administration, the President makes the final decision in the case and simultaneously notifies the chair of the Faculty Senate and the petitioner.

If the appeal board unanimously supports the petitioner, or if the appeal board is not unanimous, the appeal and the appeal board's report are submitted to the President for his or her reconsideration. If the President's decision does not change in favor of the petitioner, then the petitioner may [appeal the President's decision by sending written notice within thirty \(30\) days of the date of the President's decision](#) ~~present the case~~ to the Chair of the Academic ~~Standards~~Programs, Diversity, and University Community Committee of the Board of Visitors. The chair of this Committee, after reviewing the written record of the case, will within ~~twenty-one~~[sixty \(60\) days](#) do one of the following:

Discussion: The proposed revision “may [appeal the President's decision by sending written notice within thirty \(30\) days of the date of the President's decision](#) ~~present the case~~ was **RETURNED TO THE FACULTY HANDBOOK REVISION COMMITTEE FOR FURTHER CONSIDERATION**. See also Section 2.6.2 Post Tenure Review (#6).

(page 2 of 3)

In any appeal alleging discrimination in violation of federal or state law or University regulations, the appeal board must consult and be advised by the Office of Equity and Diversity Services.

The appeal board has the authority to require the submission of sufficient evidence to determine if the allegation appears to have merit. The board must decide upon this issue by majority vote before proceeding with a consideration of the case. The burden of proof rests with the petitioner. At the conclusion of its deliberations, the appeal board will simultaneously forward its report to the President, the chair of the Faculty Senate, and the petitioner.

If the appeal board unanimously supports the administration, the President makes the final decision in the case and simultaneously notifies the chair of the Faculty Senate and the petitioner.

If the appeal board unanimously supports the petitioner, or if the appeal board is not unanimous, the appeal and the appeal board's report are submitted to the President for his or her reconsideration. If the President's decision does not change in favor of the petitioner, then the petitioner may appeal the President's decision by sending written notice within thirty (30) days of the date of the President's decision to the Chair of the Academic Programs, Diversity, and University Community Committee of the Board of Visitors. The chair of this Committee, after reviewing the written record of the case, will within sixty (60) days do one of the following:

[Rationale on the next page.]

- a. deny the appeal for lack of merit; the chair must report a summary of the decision as a matter of information to the Committee at its next regularly scheduled meeting; the Committee may decide to take up the case if it wishes.
- b. find that there appears to be merit in the appeal, and remand it to the appropriate level(s) within the University for reconsideration, giving specific instructions as to how the problems cited in the appeal should be addressed.
- c. bring the case to the Academic ~~Standards~~Programs, Diversity, and University Community Committee of the Board of Visitors, which can take option (a) or (b) above, or can submit the case to the full Board of Visitors [for consideration at its next regularly scheduled meeting.](#)

[If the case is referred to the full Board of Visitors, the time limit for review shall be extended to the date of the next regularly scheduled meeting of the Board of Visitors.](#)

The decision of the Chair of the Board's Academic ~~Standards~~Programs, Diversity, and University Community Committee, of the full Committee, or of the full Board, will be transmitted in writing to the President, the chair of the Faculty Senate, and the petitioner, and is final.

Discussion continued:

Question: Is there a university policy (stating) all official communication is by email?

Assistant Provost Renate Guilford clarified that official communication by email applies to students, not faculty.

Comment: Sixty days replaced 21 days as unrealistic for BOV deadline.

- a. deny the appeal for lack of merit; the chair must report a summary of the decision as a matter of information to the Committee at its next regularly scheduled meeting; the Committee may decide to take up the case if it wishes.
- b. find that there appears to be merit in the appeal, and remand it to the appropriate level(s) within the University for reconsideration, giving specific instructions as to how the problems cited in the appeal should be addressed.
- c. bring the case to the Academic Programs, Diversity, and University Community Committee of the Board of Visitors, which can take option (a) or (b) above, or can submit the case to the full Board of Visitors for consideration at its next regularly scheduled meeting.

If the case is referred to the full Board of Visitors, the time limit for review shall be extended to the date of the next regularly scheduled meeting of the Board of Visitors.

The decision of the Chair of the Board's Academic Programs, Diversity, and University Community Committee, of the full Committee, or of the full Board, will be transmitted in writing to the President, the chair of the Faculty Senate, and the petitioner, and is final.

RATIONALE: The deadline for appeal to the BOV is established to insure a timely hearing of the appeal. The time is lengthened for the BOV committee to act because of the scheduling of BOV meetings, especially at the time of year when the appeal is most likely to take place.

3.3 Summer Salary

2011 Handbook with Proposed Revisions

The University offers a summer program consisting of several sessions. Full-time faculty members assigned to teach a summer course shall be paid 3.33% per credit hour (10% per three-credit course) of their nine-month salary. If a course is valued at a higher or lower amount for workload purposes during the academic year, the summer payment will be assigned by the academic unit accordingly. Every full-time faculty member who wishes to teach in the summer shall be afforded an opportunity to teach one 3-credit course (or equivalent) at 10% of their annual nine-month salary, assuming he or she is qualified to teach the course and that the course meets minimal enrollment criteria and appropriate scheduling, curricular, and pedagogical needs. Furthermore, full-time faculty should not be excluded from teaching additional courses at 10% of their annual nine-month salary when no demonstrated financial constraints exist. Grievances over what constitutes financial constraints should be resolved at the local level, but if no agreement can be reached, then the Provost and the Faculty Senate's Executive Committee will be the designated body to resolve the disagreement. Summer teaching is optional, and in no case may it be required of a faculty member. Faculty may be paid no more than 33% one-third of their prior academic year salary for all summer work, regardless of funding sources.

Faculty and department chairs LAU administrators on 12-month contracts who teach during the summer do not earn additional pay for teaching unless the teaching assignment is an overload assignment. Overload teaching is paid according to the salary matrix and must be approved by the Provost.

3.3 Summer Salary

2012 Revision

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Faculty and LAU administrators on 12-month contracts who teach during the summer do not earn additional pay for teaching unless the teaching assignment is an overload assignment. Overload teaching is paid according to the salary matrix and must be approved by the Provost.

RATIONALE: One-third, not 33%, is the correct figure. If the current handbook language were enforced, faculty summer pay would be slightly less than it should be. School directors are the functional equivalent of department chairs and they are referred together here as LAU administrators.

3.6.2 Leave Programs for Tenured Instructional Faculty

2011 Handbook with Proposed Revisions

Eligibility for the Provost Office Study Leave Program for Tenured Instructional Faculty:

Faculty must be tenured, with six years of service at GMU, and have completed six years of such service since a previous study leave. This six-year period includes time spent on leave of absence, unless such leave includes time worked at another agency or institution, in which case an exception must be approved and granted by the Vice President for Research. An applicant must be a full-time employee of George Mason University who has held a regular faculty rank at Mason for at least four years at the time of application and who is appointed without term, i.e., with tenure.

- ~~• Individuals whose rank is prefixed with Affiliate, Adjunct, Clinical, Research, Visiting, or Term are not eligible.~~
- ~~• A total of seven academic years (which may include time spent on leave of absence) must elapse between successive tenured Study Leave awards.~~
- A faculty member who receives a study leave must agree to remain a full-time employee of the University for at least one academic year after the conclusion of the leave.

A faculty member who accepts a study leave must agree to serve as a reviewer of future applications at least once.

3.6.2 Leave Programs for Tenured Instructional Faculty

2012 Revision

Eligibility for the Provost Office Study Leave Program for Tenured Instructional Faculty:

Faculty must be tenured, with six years of service at GMU, and have completed six years of such service since a previous study leave. This six-year period includes time spent on leave of absence, unless such leave includes time worked at another agency or institution, in which case an exception must be approved and granted by the Vice President for Research.

A faculty member who receives a study leave must agree to remain a full-time employee of the University for at least one academic year after the conclusion of the leave.

A faculty member who accepts a study leave must agree to serve as a reviewer of future applications at least once.

RATIONALE: The Research Council was consulted about changes to the section. Including “instructional” makes it clear that only one category of faculty is eligible. The time elapsed between successive study leaves is established. The types of leaves of absence that qualify as “service at GMU” is clarified. See also the statement included at the end of sections 2.7.3.1, 2.7.3.2, and 2.7.3.3.

Eligibility for LAU Professional Development Leaves:

2011 Handbook with Proposed Revisions

Faculty must be tenured, with six years of service at GMU, and have completed six years of such service since a previous study leave. This six-year period includes time spent on leave of absence, unless such leave includes time worked at another agency or institution, in which case an exception must be approved and granted by the Vice President for Research. An applicant must be a full-time employee of George Mason University who has held a regular faculty rank at Mason for at least ten years at the time of application and who is appointed without term, i.e., with tenure.

- ~~• Individuals whose rank is prefixed with Affiliate, Adjunct, Clinical, Research, Visiting, or Term are not eligible.~~
- ~~• A total of seven academic years (which may include time spent on leave of absence) must elapse between successive professional development leave awards.~~
- A faculty member who receives a professional development leave must agree to remain a full-time employee of the University for at least one academic year after the conclusion of the leave.

Local academic units are responsible for establishing the procedures, criteria and deadlines for submission and review of leave proposals. Local academic units are also responsible for obtaining approval of leave proposals by their Dean/Director and the Provost. The timing of a leave may be delayed if in the judgment of the LAU administrator, the faculty member's services are needed for a particular semester.

~~Faculty who receive an LAUPD leave remain eligible for the competitive study leave programs administered by the Provost's Office. However, unless there is a clear and compelling benefit to the University, seven academic years (which may include time spent on leave of absence) must elapse between successive leave awards of either type.~~

Eligibility for LAU Professional Development Leaves:

2012 Revision

Faculty must be tenured, with six years of service at GMU, and have completed six years of such service since a previous study leave. This six-year period includes time spent on leave of absence, unless such leave includes time worked at another agency or institution, in which case an exception must be approved and granted by the Vice President for Research.

A faculty member who receives a professional development leave must agree to remain a full-time employee of the University for at least one academic year after the conclusion of the leave.

Local academic units are responsible for establishing the procedures, criteria and deadlines for submission and review of leave proposals. Local academic units are also responsible for obtaining approval of leave proposals by their Dean/Director and the Provost. The timing of a leave may be delayed if in the judgment of the LAU administrator, the faculty member's services are needed for a particular semester.

RATIONALE: The changes make the language in this section on LAU leaves consistent with the Provost's study leaves in the previous section.

Discussion:

A Senator: Who keeps track of LAU leaves? If no one is doing this, may provide no impetus to do, but if it happens a lot?

Senator Slayden: Did not drop from Faculty Handbook so that faculty are aware of this benefit.

Follow Up: This provides opportunities for other professional development opportunities beyond research.

A Senator recommended replacing “GMU” with “Mason” throughout the Handbook. A brief discussion expressing concern about faculty involvement in the presidential search and the Faculty Handbook Revision process took place.

Chair Pober quickly clarified the removal of “within 30 days” on p. 16 and revised phrase containing “within 30 days” on p. 19. Otherwise the document is being presented in its entirety. **A motion was made and seconded to move the Faculty Handbook revisions forward (with the removals described above). The motion was approved.**

III. Adjournment: The meeting adjourned at 3:57 p.m.

Respectfully submitted,
Earle Reybold
Secretary