

Administrative and Professional Faculty Senate Business Meeting Minutes

May 15, 2024 at 3:00 p.m.
Heth 43/RUC 3rd Floor Board Room

Present: Staci Allen, Tom Bennett, Sandra Bond, Ashlee Claud, Vanessa Conner, Mary Francis, David Halpin, Kay Johnson, Mark Lambert, Eric Lovik, Deana Sentman, Malinda Tasler, Meghan Viet

Not Present: Charley Cosmato, Emily Fitzgerald, Matt Harman, Stephanie Hovsepian, Chad Hyatt, Debra Johnson, Jess Rothe, Scott Shull, Tom Snediker, Juan Urista

Guests: Damien Allen, Teresa Anders, Samantha Blevins, Avraham Boruchowitz, Trisha Calhoun, Brandon Cohen, Phil Crigger, Mary Fowler-Hughes, Melanie Fox, Renée Huth, Adam Neal, Connie Phillips, Chris Stafford

1. **Call to Order:** The meeting was called to order at 3:00 pm by President Ashlee Claud.

2. **Approval of Minutes:** The minutes from April 10, 2024 were approved.

3. **Discussion: Proposed Changes to the AP Handbook Regarding Annual Contracts and Annual Leave (Rob Hoover, Vice President for Finance and Administration):**

(See the proposed changes at the bottom of these meeting minutes.)

Hoover consulted with HR and University Counsel. The original language of the handbook was retained as much as possible. The version from the February AP Senate Meeting would have required additional changes in the manual that would stall progress on the contract changes. The current changes are in line with Virginia Tech's policy of an assumption of contract renewal, but not an automatic renewal. The length of notice of 12 months is equivalent to a contract year. The last sentence of the second paragraph in Section 1.2 was recommended by University Counsel.

Hoover sees job performance as a protection for the employee because performance must be documented, as written in all state policies. Adding "unsatisfactory job performance" to the sanctions in Section 1.2 makes it grievable.

If the policy receives an endorsement today, it can be presented to the Cabinet. Claud stated a unanimous vote is required by the Senators.

Q&A

Q. Is length of service total years of service at Radford, or just total years of service as AP?

A. It is total years of consecutive service at Radford, regardless of staff or faculty positions. (If an employee separates from Radford and then returns, the clock starts over.)

After additional discussion, the second sentence of the fourth paragraph was clarified to: The length of the notice is determined by the length of the AP member's Radford University *consecutive* years of service *in any classification* as follows... Hoover will confirm the wording with HR.

Q. What does it mean that a length of notice is 12 months if our contract year runs June 25 through June 24? What if you are notified in January?

A. If the contract ends before the 12 months, you receive a terminal contract that extends to the 12-month period.

Q. Do you get notice if you are dismissed because of sanctions?

A. No, if you are dismissed because of sanctions, you are cut off immediately. Sanctions, however, are grievable. A notice is not grievable.

Q. What about initial contracts if you are not hired in June?

A. Someone hired in April may have a 14-month contract initially. (Hoover will check on this.)

Q. Will we get a notification of the automatic renewal?

A. This is to be determined. One reason HR is supportive of the change is because the administrative burden is lessened.

Q. What is a high level of productivity and effectiveness? Is it an average?

A. This is not referencing the performance evaluation. The evaluation is only one piece of productivity and effectiveness. If we go back and see performance evaluations are high, it's hard to terminate someone.

Sandra Bond raised the motion: Approve the changes presented to the handbook as documented in the handout and discussed.

The motion was seconded, voted, and passed unanimously.

Next steps – Hoover will present the proposed changes to the Cabinet on Monday, then it will go to the BOV for approval to be approved at the June meeting. He will work with HR about communicating this change. The contract letters are usually drafted on May 15 (today). An announcement will be made about the new letter, and the changes will be in effect immediately.

Other questions for Rob Hoover:

Q. Are there any updates on the compensation study?

A. HR just edited an email that will go out. The study is completed, and the compensation structure approved. The email will go out in June about your compensation grade. You will be able to look at the grades, but will not have info about a specific adjustment to your salary until after the state 3% raise, which is effective in July.

Q. How will Radford be affected by the FLSA legislation?

A. We do not know yet. HR is closely monitoring the FLSA legislation.

4. Administrative and Professional Faculty Recognition (Stephanie Hovsepian):

(Ashlee Claud stepped in for Stephanie, who was unable to attend.)

We agreed on the language and criteria of the awards and reached out to the Foundation about the monetary award. The Foundation has the \$1,000 for the AP Faculty, but there is not funding

for the \$500 award for student nominated by the recipient. It would be awkward to have awards that are different from the others. Do we go forward in nominating a student?

Discussion:

- If we delay the student piece, we might lose out on the other part.
- Does AP Senate have the money? Ashlee – We have \$300, but haven't spent it.
- It makes sense to give the student award, especially since this is for student success.

The awards are paused until further funding sources are explored.

5. Elections Update (Ashlee Claud):

None of the divisions had contested elections. Terms start July 1. Enrollment Management & Strategic Communications, and Economic Development are new divisions to Radford. Tom Bennett is now in Economic Development, Stephanie Hovsepian in Academic Affairs, and Mark Lambert in Enrollment Management & Strategic Communications.

Newly elected/re-elected senators are:

- Academic Affairs – Tom Snediker
- Central Administration – Malinda Tasler and Chad Hyatt. Another senator is needed since Tom Bennett's division changed.
- Economic Development – Another senator is needed.
- RUC – David Halpin
- Library – Kay Johnson
- Finance & Administration – Avraham Boruchowitz and Sean Ramsey
- Student Affairs – Mary Francis is leaving, so we will need another senator.
- University Advancement – Vanessa Conner volunteered to be senator.

Please send your senator recommendations to Ashlee for the unfilled positions.

6. Morale Survey: Ashlee announced this year's morale survey will be sent out sometime over the summer. Since there is not much feedback about changes, the survey will be the same as last year's.

7. Discussion: Zoom Option for AP Senate: Ashlee has received a request from an out-of-state Radford University employee for the option to Zoom AP Senate Meetings. Other senates have a Zoom option.

Feedback:

- The university officially sanctions telework. Teleworkers should be able to attend.
- I appreciate the benefits of being in person with my colleagues at RUC, but I can see and hear people better if they are all zooming. I'm happy meeting with my colleagues if we don't want a Zoom option, but if I must be away from the office, I would like a Zoom option.
- The Zoom option is more inclusive. My department offers almost everything as hybrid.
- There are only two of us. Only one of us can be out at a time, so if I'm away, my colleague can't leave.
- We could say that only the Senators need to be present.

- Would a webinar style link be better? It is a separate license.
- If someone has extenuating circumstances, it would be nice to have a Zoom link.
- We can meet people by Zoom.

Ashlee acted on Sandra Bond's suggestion to take feedback on Zoom to the AP Senate Executive Committee to discuss, then present at a future meeting. Please send feedback to Ashlee by June 5.

8. Adjournment: The meeting adjourned at 4:02 pm.

Future Meeting Dates:

- June 12
- July 10
- August 14

Following Pages:

Radford University Administrative and Professional Faculty Handbook

Only the edited pages are below. The full handbook is available at:

<https://www.radford.edu/content/dam/departments/administrative/human-resources/handbooks/APHandbook120817.pdf>

Proposed changes for meeting discussion are in red.

Proposed changes after meeting discussion are in blue.

1.2 TERMS AND CONDITIONS OF APPOINTMENT AND CONTINUING EMPLOYMENT

~~Initial a~~ Appointments to AP positions are typically 12 month term contracts. In some cases, the appointment can be of 9, 10, or 11 or 12-months depending on programmatic needs. To the extent that specific terms and conditions set out by a University approved ~~any~~ appointment letter are in addition to, contrary to, or inconsistent with the provisions of this Handbook, the terms and conditions of the appointment letter shall supersede this Handbook. If the appointment letter deviates from the standard template letter in the AP Recruitment Guide, the hiring supervisor must provide the Chief Human Resource Officer with a copy of the letter for review and approval prior to making an offer or renewing a contract that has special terms and conditions.

Typically, an AP faculty member can expect to continue employment each year if Contract renewals are not considered automatic. Job performance remains at a high level of productivity, effectiveness, and there is a continued need for the position by the University. will be some of the determinants of any reappointment decision. However, non-renewal does not require establishment or documentation of just cause.

The 12-month contract period is from June 25 to June 24. All AP members are paid over 24 pay periods regardless of the length of their contracts. Starting and ending dates for the 9-, 10-, and 11-month contracts are dependent on the programmatic need. Typically, the initial contract will cover the period from the date of the appointment to the beginning of the normal contract period (e.g. June 25 is the beginning of the normal contract period for 12-month contracts).

AP members whose contracts are not being renewed will receive written notice of the non-renewal. The length of the notice is determined by the length of the AP member's Radford University consecutive years of service in any classification as follows:

<u>Length of Notice</u>	year of service	1 month notice
	1 to 5 years of service	3 months notice
	More than 5 years of service	<u>12 months notice</u> the full term of one contract period

(NOTE: Restricted AP positions are covered under section 1.1.4 and are not subject to provisions of this section.)

If the contract of an AP member is not being renewed, he or she will be presented with a notification of non-renewal of the contract from the office offering the contract through their supervisor. The notice of non-renewal will specify the notice period required for the AP member based on his or her length of service. If the notice period extends beyond the current contract period, the AP member will receive a terminal appointment letter for the period between the ending date of the current contract and the ending date of the required notice. For example, if an individual on a 12-month contract with four years of service is notified on May 25 that his or her contract is not being renewed, he or she will receive a terminal appointment letter for the period of June 25 to August 24 to meet the notice requirement of three months. However, if the same AP member is notified on March 25 that his or her contract is not being renewed, he or she will have been given the required notice of three months by the end of the current contract and a terminal appointment letter for a period beyond the current contract will not be necessary. The non-renewal of a contract with the appropriate notice is not grievable as defined in Section 1.10 of this Handbook and does not fall under the AP grievance procedure.

1.3 SANCTIONS AND TERMINATION FOR CAUSE

Distinguished from the non-renewal of a contract or continuation of employment beyond a specified date which is governed by Section 1.2 of this Handbook, termination means the dismissal of any AP member during the term of the individual's contract of employment. Cause for termination includes, but is not limited to, unsatisfactory job performance, unethical conduct, unsatisfactory attendance, falsifying credentials or records, unauthorized removal or damage to University property or another employee's property, acts of violence, violation of the University's policies, criminal convictions relating to job responsibilities or of such a nature that continuing the employee in his or her position may constitute negligence on the part of the University.

Termination of an AP member for cause does not require the advance notice for the non-renewal of a contract as described in Section 1.2 of this Handbook. However, if a supervisory administrative officer has determined that the termination of an AP member is warranted, the AP member shall be informed in writing of the charges on which the decision to terminate is based. In turn, the AP member will be afforded the opportunity to respond to the charges within a defined period of time of not less than two business days after the day of receipt of the notice of termination.

If the AP member elects to respond to the notice of intended termination, and the response is deemed unsatisfactory by the supervisory administrative officer, the AP member will be notified in writing of the termination action and the effective date thereof within ten (10) business days. The written notification will state specifically the reasons for the termination and

1.3.1 Suspension

In cases where the severity of the offense does not meet the standard for termination, or when mitigating factors are present, a lesser disciplinary action may be taken (e.g., counseling, oral or written notices, or suspension). Suspension may be partial, total, short-term or long-term, and may be with or without pay in accordance with FLSA guidelines.

An AP member may be placed on administrative leave for any portion or the remainder of his or her appointment during an internal and/or external investigation or pending court action when the charges are job-related or of such a nature that to continue the employee in his or her assigned duties could constitute negligence on the part of the University. Upon completion of the investigation or court action, the AP member may be reinstated or terminated.

If a supervisory administrative officer decides to suspend an AP member without pay in lieu of termination, he or she must ensure that the AP member has been notified of the charges which are resulting in the suspension and has been afforded the opportunity to respond to those charges within a period of not less than two business days. The AP member will be informed in writing of the period of the suspension and his or her right to access the grievance procedure for AP to appeal the suspension decision.

1.4 ABOLITION OF POSITION OR FISCAL EXIGENCY

1.4.1 Abolition of Position

AP positions may be removed in the event of financial hardship with a department that cannot be alleviated by ordinary budgeting practices, or upon reduction of the specific services for which they were employed. A minimum of 90 calendar days' notice is given in such circumstances. If an AP member is separated involuntarily due to budget reduction, reorganization, or workforce downsizing, the employee may be eligible for severance benefits under the Code of Virginia, Workforce Transition Act of 1995, 2.2-3202.

This section does not apply to restricted AP appointments.

1.4.2 Fiscal Exigency

AP members may be removed in the event of financial hardship which cannot be alleviated by ordinary budgeting practices if a state of fiscal exigency is declared by the Board of Visitors.

1.5 REASSIGNMENT

AP members may be reassigned at any time. Reassignment may involve ~~change~~ change in administrative title or supervisory responsibilities, reassignment to another position or department, or salary adjustment commensurate with responsibilities. Neither notice of non-reappointment nor removal for cause is required to ~~effect~~ affect a reassignment.

Tenured and tenure-track administrators holding rank may be assigned full-time teaching duties with appropriate adjustments in salary should their administrative assignments be terminated.

1.6 RANK AND PROMOTION

AP positions carry functional titles which are descriptive of their duties and responsibilities. AP normally do not have academic faculty rank. However, tenured and tenure-track faculty who transfer from instructional faculty positions to AP positions retain their academic faculty rank. Those hired with academic departmental appointments and library faculty also have academic faculty rank. AP without academic faculty rank are assigned a nominal faculty-equivalent rank of lecturer.

AP who have rank because of their appointments in academic departments can apply through their academic department for promotion. The normal procedures for Teaching and Research faculty promotions shall apply.

Criteria for initial rank and promotion of library faculty are provided in Section 3 of this document. Related procedures are given in the Library Faculty Personnel Procedures Manual.

1.7 TENURE ELIGIBILITY

The granting of tenure on initial appointment for persons in AP positions typically is limited to those serving as Provost/Vice President for Academic Affairs and College Deans. Tenure-track faculty who transfer from Teaching and Research Faculty positions to AP positions may continue to work towards tenure according to the conditions outlined in the Teaching and Research Faculty Handbook.

AP members with less than five consecutive years of service at Radford University may accrue annual leave and carry over up to a maximum of 240 hours of leave from one calendar year to the next. AP members with five or more consecutive years of service at Radford University may accrue annual leave and carry over up to a maximum of 280 hours of leave from one calendar year to the next.

Upon voluntary separation of employment AP members are eligible for payment of unused annual leave following the below scale based on their most recent~~total~~ Radford University service.

Annual Leave Payout upon voluntary separation:

Less than 5 years	Zero payout of unused Annual Leave
5 – 9 years	240 hours maximum payout of unused Annual Leave
10 years or more	280 hours maximum payout of unused Annual Leave

Annual leave is administered on a leave year which begins January 10 and ends on January 9.

The last day an employee actually works is considered the separation date unless leave has been approved by the Division Head.

1.11.3 Family Medical Leave

Under qualifying circumstances, federal law provides full-time AP members with unpaid and job protected leave. Further information on this type of leave may be obtained from the Department of Human Resources.

1.11.4 Leave Sharing

AP members who exhaust all leave balances due to an accident or illness qualify for annual leave donations from the leave sharing program if they are not enrolled in the Virginia Sickness and Disability Program (VSDP). To be eligible to receive leave sharing, the employee must complete an application from Human Resources and submit a doctor's statement showing the dates she/he is not able to work. The application is normally signed by the employee but may be signed on his/her behalf by a member of his/her family if circumstances warrant. All AP members, including those covered by VSDP, may request donated annual leave if the employee experiences leave without pay due to a family member's illness or injury for which the employee is using Family and Medical Leave.

AP members may donate annual leave to other AP members who qualify for the additional leave.

1.11.5 Community Service Leave

AP members are granted up to 16 hours of paid leave in any leave year to provide volunteer services to non-profit organizations. Such service may be provided as a member of a service organization or through authorized school assistance.

AP members are granted an additional 8 hours of community service leave to serve with a volunteer fire department and rescue squad or auxiliary unit thereof.

Employees must receive prior approval from their supervisor before using community service leave.

1.11.6 Donate Bone Marrow or Organs Leave

AP members are allowed up to 30 workdays of paid leave in any calendar year, in addition to other paid leave, to donate bone marrow or organs.

This leave applies to AP members who present medical certification to donate bone marrow or organs except for the following:

- Employees who are on disciplinary suspension are not eligible to participate in this program.
- Restricted employees whose positions are contingent upon project grants as defined in the Catalog of Federal Domestic Assistance may receive paid leave for bone marrow or organ donation only if the funding source has agreed to assume all financial responsibility for this benefit in its written contract with the Commonwealth of Virginia (Commonwealth).