

Commission on Faculty Affairs

**RESOLUTION TO CODIFY THE FACULTY RECONCILIATION PROCESS WITHIN
THE FACULTY AFFAIRS OFFICE**

CFA 2024-25H

Draft Notice Sent to University Council Cabinet	December 7, 2024
First Reading by Commission	February 28, 2025
Approval by Commission	March 28, 2025
First Reading by Faculty Senate	March 7, 2025
Approval by Faculty Senate	April 4, 2025
Staff Senate Comment	March 5, 2025
Administrative and Professional Faculty Senate Comment	March 17, 2025
Graduate and Professional Student Senate Comment	February 27, 2025
Undergraduate Student Senate Comment	None Received
First Reading, University Council	Date
Approved, University Council	Date
Approved, President	Date
Approved, Board of Visitors	Date
Effective Date	Upon Approval or Date

WHEREAS, the process of reconciliation for mediating issues affecting faculty is of critical importance to the ability of faculty to perform their jobs; and

WHEREAS, reconciliation is a complex process that requires professional training and extensive knowledge of the policies and administrative entities at Virginia Tech; and

WHEREAS, the Faculty Senate has an external Committee on Reconciliation that presently provides consultation for faculty members as part of the reconciliation process; and

WHEREAS, the reconciliation process is better handled through the Office of Faculty Affairs by a trained Director of Faculty Reconciliation;

NOW, THEREFORE, BE IT RESOLVED that the Faculty Handbook be revised as shown below in red to formalize and codify the role of a Director of Faculty Reconciliation (DFR) within the Office of Faculty Affairs and to remove mention of the Faculty Senate Committee on Reconciliation; and

THEREFORE, BE IT FURTHER RESOLVED that Article VIII of the Faculty Senate Constitution be revised as shown below with changes noted in red to remove reference to the Faculty Senate Committee on Reconciliation.

Faculty Handbook (excerpts)

2.31 Faculty Senate Standing Committees on Ethics, ~~Reconciliation~~, and Review

External Faculty Senate Standing Committees report to the vice president of the senate and are summarized in the Faculty Senate Constitution. See [Faculty Senate website](#) for information.

2.31.1 Faculty Senate Committee on Ethics

The [Committee on Faculty Ethics](#) receives and considers charges of violations of faculty ethics that involve the abuse of professional responsibilities as outlined in the principles of ethical behavior as prescribed in the Faculty Handbook. It is the venue for the examination of possible violations of the standards for research, teaching, and appropriate behavior with colleagues and students that do not cross legal thresholds, such as behavior that is offensive but does not meet the standard for discrimination/harassment. The committee has an investigatory and reporting role.

2.31.2 Faculty Senate Review Committee

The [Faculty Review Committee](#) oversees the movement of grievances through the grievance process as prescribed in the Faculty Handbook's grievance process, provides faculty review of faculty grievances that are not resolved at the college level, and considers appeals in the promotion and tenure or continued appointment process when the provost does not concur with a positive recommendation from the University Committee on Promotion and Tenure or the University Committee on Promotion and Continued Appointment. The committee has an investigatory and reporting role.

2.32 Faculty ~~Senate Committee on~~ Reconciliation

The ~~Committee on Reconciliation~~ Office of the Vice Provost for Faculty Affairs provides support for the Director of Faculty Reconciliation. The Director of Faculty Reconciliation (DFR) serves as a private and independent resource to offers advice and counsel to faculty members who seek it, particularly in relation to disputes with immediate supervisors or university administrators. The ~~committee~~ DFR has a designated role within the grievance process to assist in resolving disputes that are eligible for consideration as a grievance if so requested by the faculty member, and can help facilitate conversations between faculty members and their supervisors with the goal of reaching mutually agreeable solutions. Faculty members may also consult the DFR ~~the committee~~ regarding serious disagreements with colleagues, immediate supervisors, or other university administrators over issues that are not eligible for consideration within the grievance process. ~~In contrast to the Faculty Review Committee, the Committee on Reconciliation operates informally as a facilitator, similar to the University Ombuds Office.~~ The DFR operates informally as a facilitator, meetings with the respective parties to determine if there is common ground for resolution of the matter, and facilitating a solution that is agreeable to the principal parties and consistent with university policy and practice. The DFR may consult with the vice provost for faculty affairs but operates independently; any conversations will remain private unless permitted otherwise by the faculty member. For more information, consult [Faculty Reconciliation](#). ~~Contact Faculty Affairs in the provost's office for information on Faculty Reconciliation.~~

2.33 Political Activities

Candidacy for political office, political service on county and state commissions, and active participation in political campaigns are recognized as individual freedoms of each faculty member. The only restriction placed upon such activities is that they do not interfere with the faculty member's academic responsibilities. Faculty members must take care to ensure that their positions in the university are kept separate from their political activities; it must be clear that they act as citizens in such activities, not as representatives of the university. The university encourages interest in civic affairs. However, neither political nor community activities are considered in the annual merit evaluation of a faculty member. If income is obtained for such activities, approval must be first obtained under consulting policies.

2.34 Consulting Activities

Consult the [Conflicts of Interest and Commitment webpage](#) for information. The university recognizes that consulting work for external entities enhances the professional development of faculty members and provides channels for communication and outreach not otherwise available. This policy differentiates between external consulting and professional service.

External consulting is a professional activity related to an individual's area of expertise, where that individual generally receives compensation from a third party and is not acting as an agent of the university. Consulting may take many forms, but the guiding principle is that, in consulting, a person agrees to use their professional capabilities to further the agenda of a third party in return for an immediate or prospective gain. Even in cases without compensation, advance approval is required to document the proposed external activities and to ensure they do not constitute a conflict of commitment, or a conflict of interest where gifts of equipment or donations to the faculty member's laboratory may substitute for direct compensation. Provisions of the consulting policy also apply to external activities where the faculty member has a direct relationship to the external entity, such as personal or family ownership of the company. Consulting does not involve becoming an employee of the external entity.

Professional service includes service on national commissions, on boards of governmental agencies, on granting agency peer review panels, on visiting committees or advisory groups to other universities, on professional associations, and on analogous bodies. Professional service activities may involve a token honorarium and/or expense reimbursement. These activities are considered part of the faculty member's institutional responsibilities for participation in the larger scholarly academic community. Participation in external professional service activities may require supervisor approval depending on departmental or school practice and expectations of the position. Annual leave is not required.

Consulting arrangements may be entered into by faculty members during periods of university employment provided that such advice is not part of their usual responsibility to the university and is not usually provided through Virginia Cooperative Extension, outreach programs, or other component of the university; the work undertaken contributes to their professional development; the work can be accomplished without interference with their assigned duties and does not ordinarily involve more than one day per week and does not exceed five days in any five-week period; university resources and facilities are not involved (except as described in [Policy 5000, "University Facilities Usage and Events,"](#) and in chapter two, ["Use of University Facilities"](#)).

All consulting activities, including those that do not exceed five days in any five-week period, must be documented and approved in writing in advance of the consulting activities. Approval is granted by the department head, chair, school director, or supervisor, and the dean, vice president, or senior management area as appropriate.

Faculty members must disclose and receive approval for all consulting activities including activities that occur within the one-day per week through five-days per five-week period. Department head, chair, school director, or supervisor approval is documented using the [Disclosure and Management System](#) on the website of the Office of Research and Innovation.

Faculty members whose appointments are funded in whole or in part by sponsored projects may participate in consulting when consistent with their responsibilities and in compliance with federal contract compliance and state regulations. University time available for consulting is in proportion to base salary funding from non-sponsored sources. With supervisor approval, additional consulting days may be charged to annual leave.

Consulting work should involve advisory services based on a faculty member's store of knowledge and experience in contrast to programs of research, development, or testing, which may interfere with the performance of the faculty member's duties or conflict with university interests.

In any faculty consulting arrangement, the name of the university must not be used in connection with any product or service developed as a result of such consulting nor in any connection arising out of the arrangement.

Paid consulting by faculty members is not permitted for work done for a group within the university. For example, if a faculty member advises or assists the principal investigator on a grant, there shall be no pay for the services. Such consulting is considered part of the usual duties of faculty members. Faculty members may be paid for participation in non-credit instruction or professional development offered through appropriate university units, in accordance with overload payment policies in the Faculty Handbook.

When a faculty member testifies as an expert witness, the following conditions apply: a disclaimer is given in court indicating that the faculty member is speaking as a professional and not as a representative of the university; when a faculty member is under subpoena, the university civil leave policies apply; and a faculty member may not testify in civil suits involving the Commonwealth of Virginia, except under subpoena.

Consult [Policy 5000, "University Facilities Usage and Event Approval"](#) for information. Except under the provisions specified in that policy, faculty members are not allowed to use university resources in conjunction with consulting or otherwise for private gain. This includes the parallel use of university facilities associated with consulting activities, i.e., when a faculty member is engaged in authorized consulting activities, the consulting employer may not enter into an agreement to use university resources for any purpose related to the consulting activity. Instead, when significant resources of the university are required, the employer may request that an agreement, grant, or contract be drawn up with the university that provides the necessary services, including Human Resources. The faculty member carries out the duties of the agreement as part of their assigned university duties. Because University Libraries facilities are

made available to the public, their use in consulting is not regarded as being in contravention of this policy.

Because of the university's land-grant mission, it may be in the best interest of the university to impose some additional restrictions on the consulting activity of the faculty of one or more of the colleges. Therefore, an academic dean, after consulting with their faculty, may recommend to the provost that the faculty of that college need to satisfy additional requirements for consulting approval. The provost, after consulting with the Commission on Faculty Affairs, and with the approval of the president and the Board of Visitors, may require that the faculty of the affected college satisfy such additional requirements.

Oversight of faculty consulting is a responsibility of the department head, chair, school director, or supervisor and other relevant administrative officers of the university so that a reasonable and appropriate level of external activities is maintained, by the faculty member and usual duties are not neglected.

A consulting request must be approved by the department head, chair, school director, or supervisor and dean and submitted through the Disclosure and Management System available on the webpage maintained by the Office of Research and Innovation.

Approval of consulting or other external activities for faculty members holding nine-month appointments is not necessary during the summer unless there is concern about conflict of interest, or the university employs the faculty member during the consulting period. When the university employs the faculty member in the summer months, university and college consulting policies apply.

Setting the consulting fee is the prerogative of the faculty member. The actual or estimated consulting income is reported on the request form to allow reviewers a full assessment of potential financial conflict of interest. Income received for consulting work is not considered when faculty members are evaluated for annual merit salary increases.

2.34.1 Consulting Activities for Virginia Cooperative Extension Faculty

See chapter seven of this handbook for additional information applicable to Extension faculty members. Consistent with the university's policy and procedures on consulting activities additional restrictions may be imposed on the consulting activity of Virginia Cooperative Extension faculty members. These restrictions are imposed to give further assurance that consulting approval is not granted for assistance, that is the usual responsibility of faculty members within Extension.

2.34.2 Virginia Tech Continuing and Professional Education Technical Assistance Program (TAP)

Consult Continuing and Professional Education, [Technical Assistance Program \(TAP\)](#) for information. Consulting agreements may be negotiated by the individual faculty member and the sponsoring organization, not involving university participation in any way, or they may be negotiated as part of a technical assistance agreement through the university. The technical assistance program was created as part of the university's outreach mission to respond to requests from business and industry for the application of knowledge to a specific process-related or technical situation.

Proposals for technical assistance are small scale (generally less than \$25,000), short-term, require a rapid response, and do not involve the generation of new knowledge or the development of intellectual property. (Projects involving the generation of knowledge and/or faculty buyouts must be handled as sponsored projects.) Continuing and Professional Education negotiates and administers contracts for technical assistance.

Technical assistance contracts typically identify the faculty member who will provide the needed expertise, the amount of time to be devoted to the project, the scope and estimated cost of the work, timelines for the consulting or project, and any required deliverables.

Payment to the faculty member for such consulting is negotiable and provided through university payroll. Faculty earnings for technical assistance agreements must be within the overall limitation of 33 $\frac{1}{3}$ % of annual income during the academic year for nine-month faculty members; summer earnings from all university sources are also capped at an additional 33 $\frac{1}{3}$ % for academic year faculty members. Faculty members on calendar year appointments may earn 33 $\frac{1}{3}$ % of annual income during the fiscal year. The earnings limitation is for payments from all university sources, including approved non-credit Continuing and Professional Education activities. Similarly, total time involved in technical assistance, other approved consulting, and non-credit teaching must be within the constraints of this policy.

For further information on technical assistance agreements, contact Continuing and Professional Education. A technical assistance agreement, completed and approved by the department head, chair, or school director, or supervisor and dean, substitutes for approval of a Request to Engage in External Activity Form 13010 usually required for approval of consulting.

2.35 Outside Employment and External Activities other than Consulting

Prior approval of the supervisor and relevant university official is required for outside employment that does not meet the definition or intent of the consulting policy. Approval is contingent on assurance that the primary commitment to Virginia Tech will be fulfilled and that the proposed employment does not constitute a conflict of interest. Release time from university work is not usually available for paid activities that are primarily personal in nature, do not enhance the faculty member's professional skills, or that are not a potential benefit to the university. The faculty member must use pre-approved leave, or leave without pay, in cases where outside personal work creates a potential conflict with university responsibilities.

2.36 Conflicts of Commitment

Consult the [Conflicts of Interest and Commitment](#) webpage for information and procedures. A conflict of commitment arises when the external activities of a faculty member are so demanding of time, attention, or focus that they interfere with the individual's responsibilities to the university.

Nothing in this policy statement shall be interpreted as interfering with the academic freedom of faculty members, nor with their primary responsibility to direct their own research.

Faculty members have traditionally been allowed wide latitude in defining their professional agendas and their degree of involvement in external activities when those activities advance the mission or prestige of the university. The university encourages active participation by faculty

members in external activities that are integral to and/or enhance their professional skills and standing or that constitute substantive outreach and public service activities.

Such activities are usually expected of faculty members to promote academic development, and to enrich their contributions to the institution, their profession, the state, and national and world societies. Additionally, Virginia Tech encourages entrepreneurial activities by faculty, recognizing that such activities are critical to promoting economic development and meeting society's needs, if participation in those activities complies with federal and state laws and policies, the Virginia Tech conflicts of interest policy, and these guidelines.

Faculty members should make the fulfillment of their responsibilities to the university the focal point of their professional effort. They are expected to arrange their external activities so that they do not impede or compromise their university duties and responsibilities. Responsibility for ensuring commitment to the university and for reporting activities that might be perceived as compromising that commitment rests with each faculty member in consultation with the department head, chair, school director, or supervisor and dean, or relevant senior manager.

The university recognizes that the balance of external activities varies among individuals, from discipline to discipline, and from one type of proposed activity to another. That balance is affected by unit goals and changing needs for teaching, research, creative and artistic activities, Extension, service, and outreach. Primary duties and responsibilities may vary from year to year for individual faculty members. Undergraduate and graduate enrollment demands, faculty-staffing levels, and changes in the nature and scope of outreach, teaching, and research within the unit may affect the primary duties and responsibilities of individual faculty. The primary judgment as to whether a faculty member is meeting professional responsibilities to the unit rests with the department head, chair, school director, or supervisor and dean, or relevant senior manager.

If a faculty member is committed to engaging in an external activity that compromises their ability to meet university responsibilities, a leave of absence or a reduction in their percentage of employment may be appropriate or necessary. Approval of a leave request or change in appointment depends on the needs of the unit and college and protection of university interests.

If a department head, chair, school director and/or dean, observes that a faculty member appears to not be fulfilling their primary responsibilities to the university, the administrator shall immediately address these concerns with the faculty member to ensure that these responsibilities are adequately met. Failure to meet primary departmental or school and university obligations is handled through established university procedures appropriate to the situation (for example, formal reprimand, non-reappointment, post-tenure review, or dismissal for cause).

2.37 Conflicts of Interest

Consult the [Conflicts of Interest and Commitment](#) page and [Policy 13010, "Conflict of Interest"](#) for information. A conflict of interest describes a situation in which an individual's professional judgment is at risk of being biased by a secondary interest, resulting in possible harm or the implication of personal gain. Having a COI does not mean the person is biased or has done something wrong – the term refers to the risk of bias, whether or not bias or harm have actually occurred. A COI assessment is a factual evaluation based on the existence of certain parameters that could lead to biased judgement or inappropriate personal gain in university operations such

as research, contracting, or purchasing. State law and federal research regulations allow for certain conflicts of interest when specified conditions are met, as outlined in this policy.

Virginia Tech recognizes the value and necessity of engaging with external entities to translate research into beneficial products. Transparency and appropriate oversight of relationships with external entities promotes and safeguards the interests and reputation of Virginia Tech and its employees. Transparency and appropriate oversight also assure research sponsors, participants, and the broader public that possible personal gain has not influenced or biased research or decision-making around other university activities.

[Policy 13010 “Conflict of Interest”](#) summarizes professional conduct standards that relate to objectivity and provides the basic framework for disclosing financial interests to ensure university-wide compliance with COI directives. It also establishes standards that provide a reasonable expectation that the design, conduct, and reporting of research will be free from bias resulting from an Investigator’s financial conflict of interest (FCOI).

Because financial interests might stem from an additional commitment other than one’s Virginia Tech employment, this policy must be read in conjunction with section 2.22 Consulting Activities, and section 2.24 Outside Employment and External Activities Other than Consulting, and [Policy 4070, Additional/Outside Employment Policy for Salaried Classified and University Staff.”](#)

Policy 13010 Conflicts of Interest primarily focuses on the disclosure of financial interests, conflicts of interest can be present in many aspects of university business; therefore, this policy should be read in conjunction with other relevant policies related to professional conduct standards and objectivity, including the university’s Statement of Business Conduct Standards. All employees must acknowledge receipt and agree to adhere to the standards in accordance with established university policies and procedures. See the [Conflicts of Interest and Commitment webpage](#) maintained by the Research Conflict of Interest Program for a list of other Virginia Tech policies that touch on conflicts of interest more broadly.

2.37.1 Conflicts of Interest Involving Spouses, Immediate Family Members

As a matter of state law, employees must avoid being in a position of authority over a spouse or a member of the immediate family who is also employed by the university where the spouse or family member earns \$5,000 or more during a fiscal year. An employee and their spouse or another member of the immediate family may both be employed by the university so long as the employee does not exercise any control over the employment conditions and activities (such as initial appointment, retention, promotion, tenure, salary, travel approval, leave of absence, or grievance review) of the spouse or immediate family member and is not in a position to influence those activities. Proposed exceptions and alternate reporting relationships are reviewed and approved by the provost (or relevant vice president for a non-academic appointment) prior to submission to the Board of Visitors for approval.

2.37.2 Conflicts of Interest Training and Disclosure Requirements for All Employees

As outlined in [Policy 13010](#) employees must disclose to Virginia Tech when they or an immediate family member have a financial interest in a contract, a transaction, such as a purchase, or

sponsored project to which Virginia Tech is a party prior to the time at which the contract is entered into. This is an employee-initiated disclosure.

2.37.3 Conflicts of Interest Training and Disclosure Requirements for Certain Employees

[Chapter 31 of Title 2.2 of the Code of Virginia](#) outlines the Commonwealth's State and Local Government Conflict of Interests Act (the Act). Disclosure to the Commonwealth is required by Virginia Tech employees when they 1) are designated by Human Resources as being in a position of trust, or 2) have an approved exception for a financial interest in a business that is party to a contract/transaction with Virginia Tech. Disclosure is required annually on the form prescribed by the Virginia Conflict of Interest and Ethics Advisory Council. See [Policy 13010](#) and the Act for additional information.

[Chapter 31 of Title 2.2 of the Code of Virginia](#) outlines the Commonwealth's State and Local Government Conflict of Interests Act (the Act) requires that certain Virginia Tech employees must take training and disclose financial interests to the Commonwealth of Virginia that they or an immediate family member hold. Training for Statement of Economic Interests (SOEI) filers is provided by the Virginia Conflict of Interest and Ethics Advisory Council and is required initially and every two years. Note that this requirement is in addition to the Virginia Tech-specific COI training required for Investigators on sponsored research projects. SOEI filers must continue to disclose financial interests to Virginia Tech and take research COI training, as needed.

Disclosure to the Commonwealth of Virginia is required by Virginia Tech for certain employees or when they have an approved exception for a financial interest in a business that is a party to a contract/transaction with Virginia Tech.

2.37.4 Conflicts of Interest Training and Disclosure Requirements for Research Investigators

Investigators on sponsored research projects must disclose financial interests at the time of proposal submission and throughout the life of the award, as outlined in Policy 13010 for the university, through its designated institutional official, to identify and manage financial conflicts of interest to promote objectivity in research. The director of the Research Conflict of Interest Program (or designee) is the designated institutional official responsible for making financial conflicts of interest determinations.

Section 3.2.2.2 of [Policy 13010](#) outlines Financial Conflict of Interest (FCOI) Management to Promote Objectivity in Research. If the designated institutional official determines that an FCOI exists, they will develop a plan for managing the FCOI that must be adopted prior to the start of the research. If an FCOI is determined to exist when the research is ongoing, sponsored project funding might be frozen until a management plan is accepted by the Investigator. The designated institutional official will develop the management plan based on state and federal requirements and input from the MPAC, the Investigator with an FCOI, and other relevant stakeholders, as needed. The management plan is designed to mitigate the conflict, promote research objectivity, and provide academic and professional protection of graduate students and postdoctoral scholars, respectively. Mitigations will be based on a risk assessment of the COI scenario.

2.37.5 Training on Disclosures for Research Investigators

Investigators must complete research COI training before engaging in sponsored research, at least every four years. Although the four-year training requirement is Public Health Service (PHS)-specific, Virginia Tech applies the same disclosure and management principles to all Investigators engaged in sponsored research, regardless of sponsor; therefore, the training requirement applies to all Investigators on sponsored research projects. Investigators will be notified when their training requirement is due.

2.37.6 Participation of and Payment to Students in Projects Involving Faculty Owners

[Policy 13010](#) outlines Financial Conflict of Interest Management to Promote Objectivity in Research. The management plan is designed to mitigate the conflict, promote research objectivity, and provide academic and professional protection for graduate and professional students, and postdoctoral scholars respectively. See also the [Graduate Catalog](#) for information for graduate students seeking employment in university employee-owned businesses.

2.38 Workplace Policies

The following are summaries of selected, frequently referenced university policies and procedures pertaining to faculty. These summaries are intended to notify the reader of the existence of a formal policy and where to locate more information. The university policy library is the official repository of university policies.

2.38.1 Indemnity

All university employees, while acting within the course and scope of their employment, are covered by the commonwealth's insurance plan, and will be defended by the Office of the Attorney General in actions brought against them. Questions concerning any specific situation should be addressed to the Office of the University Legal Counsel.

2.38.2 Standards for Acceptable Use of Information Systems and Digital Media Communications Tools

Consult [Policy 7000, "Acceptable Use and Administration of Computer and Communication Systems"](#) governs acceptable use of information systems at Virginia Tech. University employees may not use university systems for partisan political purposes including the use of electronic mail to circulate advertising for political candidates.

Access to computer systems and networks owned or operated by Virginia Tech imposes certain responsibilities and obligations and is granted subject to university policies, and local, state, and federal laws. Acceptable use is always ethical, reflects academic honesty, and shows restraint in the consumption of shared resources. It demonstrates respect for intellectual property, ownership of data, system security mechanisms, and individuals' rights to privacy and to freedom from intimidation, harassment, and unwarranted annoyance.

Policy 7000 applies to the use of any computing or communications device, regardless of ownership, while connected to the university network, and the use of any information technology services provided by or through the university. Every user of these systems and services is expected to know and follow this policy. Refer to Acceptable Use of Information Systems at Virginia Tech that details what are acceptable and not acceptable use of university resources. In

making acceptable use of resources, you must NOT, if you are an employee, use University systems for partisan political purposes, such as using electronic mail to circulate advertising for political candidates.”

University entities or individuals may, as needed, use digital communication tools to communicate with groups of university constituents on matters of official university business that require immediate notification or that are of a sufficient level of importance to warrant special attention. Any such group communications to employees, students, or others must be compliant with all regulations and university policies and should be limited to those matters that affect the majority of the defined group. Text messaging may be used but must not be the sole means of communicating an essential message or announcement. The text message must be supplemented by some other means of communication, e.g. an email or paper notice to ensure that all intended recipients, including those without a mobile phone, receive the message.

2.38.3 Privacy of Electronic Communications

[Department of Human Resource Management Policy 1.75 of the Commonwealth of Virginia](#) states, “no user shall have any expectation of privacy in any message, file, image or data created, sent, retrieved, received, or posted in the use of the commonwealth’s equipment and/or access.” [Policy 7035, “Privacy Policy for Employees’ Electronic Communications,”](#) defines the balance between the university’s business needs and respect for employees’ freedom of inquiry. The policy guides the actions of managers in certain situations and clarifies expectations for all employees about when and how the university may access employees’ communications.

Virginia Tech requires all employees to obey applicable policies and laws in the use of any computing device, regardless of ownership, while connected to the university network. (See [Policy 7010, “Policy for Securing Technology Resources and Services.”](#))

The university does not routinely monitor or access the content of electronic communications, computer files, or voicemail of its employees, whether stored on university equipment or in transit on the university network. Content of employees’ electronic communications or files are not accessed during the execution of routine systems support, network performance, and related security functions.

However, monitoring or access may be necessary under certain circumstances. Legal or administrative circumstances where monitoring and/or access may occur without further authorization are communications or files required to be released by law, by orders of a court, or requested in accordance with the Virginia Freedom of Information Act; approved internal audit reviews; resolution of technical problems, emergency situations involving an imminent threat of irreparable harm to persons or property; and resources assigned to a group or publicly available to any user.

2.38.4 Social Media

Virginia Tech recognizes the value of social media platforms for a range of goals and must balance its support of social media with the preservation of Virginia Tech’s brand identity, integrity, and reputation. The university authorizes the creation and use of university social media accounts, provided their use is professional, protects the reputation and brand of the university, aligns with university priorities, and complies with other Virginia Tech policies and applicable state and

federal laws and regulations, and is guided by the Virginia Tech Principles of Community. [Policy 1030, “Social Media Policy”](#), outlines the obligations, processes, and procedures for the use of social media.

2.38.5 Crowdfunding

Generally, crowdfunding is the practice of funding a project or campaign by soliciting relatively small donations of money from a large number of people, typically via the Internet. The university’s crowdfunding webpage provides crowdfunding guidelines, including the application process, best practices, and team roles and responsibilities. [Policy 12100, “Policy on Coordination of Private Fundraising”](#) provides guidance on using crowdfunding.

2.38.6 Stewardship of Resources and Internal Controls

It is the university’s policy to maintain a robust system of internal controls in order to safeguard assets, identify and correct errors and irregularities in the financial records on a timely basis, and to enhance compliance with university policies and procedures and applicable laws and regulations. The establishment, maintenance, and evaluation of an organization’s system of internal controls is the responsibility of management and creates the foundation for sound business practices within an ethical environment. It is also university policy to assess the effectiveness of the system of internal controls through periodic reviews by management and the services of external and internal auditors.

[Policy 3010, “Internal Controls”](#) applies to all university faculty, staff, and wage employees, hereafter referred to as “employees.” All university employees play a key role in ensuring that the high standards of business and ethical practices and the good stewardship of university resources are adopted in the performance of their duties at Virginia Tech. The establishment of strong internal controls echoes the principles of professional and personal integrity found in the university’s Statement of Business Conduct Standards which requires all employees to be fair, ethical, and honest in all internal and external business dealings and to comply with university policies and procedures and applicable laws and regulations.

2.38.7 Use of University Facilities

Consult [Policy 5000 “University Facilities Usage and Events Approval”](#) and [Policy 6362 “Policy on Continuing and Professional Education.”](#)

The facilities of the university are intended for the use of its faculty, staff, students, and invited guests participating in university-approved programs and activities, sponsored by or under the direction of the university or one of its related agencies or approved organizations, or by other organizations outside the university. Refer to [Policy 5000, “University Facilities Usage and Events Approval”](#), for further guidance regarding approved uses of university facilities. [Policy 6362, “Policy on Continuing and Professional Education”](#), requires that academic colleges, centers, and administrative units designing and delivering continuing and professional educational activities, both on- and off-campus, under the auspices of the Virginia Tech brand must work through Continuing and Professional Education. This includes work conducted by faculty in Blacksburg, as well as faculty delivering continuing education programs at university locations outside Blacksburg. Alternate arrangements may be made in the case of lack of availability of appropriate space or mutual agreement between the sponsoring university entity and Continuing and Professional Education.

University facilities are to be used in a manner consistent with their intended purpose. Priority of use is given to those activities related to the mission of the university. The facilities must be used in a safe, professional manner so as not to endanger the university community or the general public. The university may restrict access to land and buildings to protect individuals, property, and equipment.

The vice president for campus planning, infrastructure, and facilities is responsible for implementing policies and procedures about university facilities, including academic buildings.

Requests for use of rooms in The Inn at Virginia Tech and Skelton Conference Center are submitted to The Inn's space reservationist. Requests for use of the residence halls follow procedures outlined in [Policy 5010 "Residential Camps, Conferences, and Workshops."](#)

Faculty and staff are not allowed to use university resources for private gain. However, under the following conditions, the compensated use of specialized facilities or equipment is allowed in support of approved consulting activities:

The facility or equipment must have a charge rate, established by the Controller's Office, which reflects all direct and indirect costs associated with the use of the facility or equipment and applies to use by parties outside the university. The charge rate is applied to the actual use.

A Request to Engage in Outside Activities must be filed with the [Online Disclosure and Management System](#) specifying the facility or equipment to be used and estimating, in time or charges, the extent of the proposed use. The director, department head, chair, school director, or supervisor of the department or school responsible for the facility or equipment verifies, on the Request to Engage in External Activity Form 13010A, that the proposed use does not interfere with, or have priority over, anticipated university use of the facility or equipment.

In approving the Request to Engage in Outside Activities, the faculty member's department head, chair, school director, or supervisor and dean or vice president (and provost, when appropriate) determine that the consultation is of substantial professional merit and presents no conflict of interest in the use of the facilities or equipment. Particular care is given to the relationship of the consultation with current or potential grants or contracts and to the possibility of unfair competition with local firms and businesses.

If an employee uses equipment of a specialized service center, the employee is charged the "commercial" or "consulting" rate, as determined by the Controller's Office. The employee is billed based on actual use. The deposit is credited to the appropriate service center account established by the Controller's Office.

If the faculty member uses facilities such as those of the Virginia Tech athletic department, Moss Arts Center, or Student Engagement and Campus Life venues, the employee is charged at a rate established by the Controller's Office for such use. The deposit is made to the appropriate venue account.

For facilities other than specialized service centers, or other facilities for which a charge rate has been determined, the use of the facilities must be authorized and reimbursed at a rate determined

by the collaboration of the employee's department head, chair, school director, or supervisor and the Controller's Office.

The use of University Libraries facilities in connection with consulting is exempt from the above regulations since those facilities are available to the public.

2.38.7.1 University Space Management

[Policy 5400, "University Space Management"](#), which describes the formal decision-making and allocation approach to university space management, including all space and land owned or leased by the university. Through this formalized process, the university has the authority and responsibility to allocate space to specific users through organizational hierarches for certain periods of time, to review those allocations periodically, to assess their utilization, and to reallocate as needed to support the university's strategic goals. The policy provides principles that govern the distribution of classroom and lab space scheduling and applicable roles and responsibilities.

2.38.8 Operation of Autonomous Aircraft

Proper operation of unmanned aircraft systems (UAS) on campus and procedures for reporting any incidents is regulated in [Policy 5820, "Operation of Unmanned Aircraft Systems \(UAS\)"](#). The Policy governs (i) the operation of UAS on or over University Facilities, which include the university campus and property owned, rented, leased, and controlled by the university, (ii) the operation of university-owned UAS, and (iii) the operation of UAS by university personnel for university.

2.38.9 Domestic and International Travel

Consult the website of the Controller's Office for information. The university encourages faculty to pursue endeavors that will enhance their professional development and benefit university programs. For details on travel-related business expenses and travel reporting procedures, refer to [Controller's Office Procedures 20335A: Travel Overview](#). Consult [Policy 1070 "Global Travel Policy"](#). The university strongly encourages all members of the university community who are contemplating travel abroad for education, research, or other purposes to plan well in advance and to take precautions to ensure a safe trip.

2.38.10 Use of University Letterhead

As a primary identifier of the university, letterhead should only be used for appropriate university business. As such, university letterhead is not to be used for personal business or where personal gain results. Avoid endorsements of political personages, businesses, or products when using university letterhead. Discretion is advised if correspondence on university letterhead could be construed as a university endorsement.

3.10 Imposition of a Severe Sanction or Dismissal for Cause*

*Note: The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the American Association of University Professors (AAUP).

3.10.1 Adequate Cause

Adequate cause for imposition of a severe sanction or dismissal is related, directly, and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights.

Adequate cause includes: violation of professional ethics (see chapter two of this handbook "Professional Responsibilities and Conduct"); incompetence as determined through post-tenure review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-tenure review) or by the relevant administrator (for example, the department head, chair, or school director, compliance officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include recommendations for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

3.10.2 Imposition of a Severe Sanction

Definition and examples: A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of university policy.

Routine personnel actions such as a recommendation for no or a below-average merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute "sanctions" within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in this Faculty Handbook.

Process for imposing a severe sanction: The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or ad hoc

faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by an appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct policies) and, having determined that in its opinion there is adequate cause for imposing a severe sanction, refers the matter to the administration.

3.10.3 Dismissal for Cause

The following procedures apply to faculty members with tenure or for dismissal of a tenure-track faculty member before the end of their current contract. Dismissal is preceded by:

Step one. Discussions between the faculty member, department head, chair, or school director, dean, and/or provost, looking toward a mutual settlement.

Step two. Informal inquiry by a standing (or, if necessary, ad hoc) faculty committee having concern for personnel matters. This committee attempts to affect an adjustment and, failing to do so, determines whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president's decision whether to proceed.

Step three. The furnishing by the president (in what follows, the president may delegate the provost to serve instead) of a statement of specific charges, in consultation with the department head, chair, or school director and dean. The statement of charges is included in a letter to the faculty member indicating the intention to dismiss, with notification of the right to a formal hearing. The faculty member is given a specified reasonable time limit to request a hearing; that time limit is no less than 10 days.

Procedures for conducting a formal hearing, if requested. If a hearing committee is to be established, the president asks the Faculty Senate, through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members are nominated based on their objectivity, competence, and regard. They must have no bias or untoward interest in the case and be available at the anticipated time of the hearing. The faculty member and the president each have a maximum of two challenges from among the nominees without stated cause. The president then names a five-member hearing committee from the remaining names on the nominated slate. The hearing committee elects its chair.

Pending a final decision on the dismissal, the faculty member is suspended only if immediate harm to him or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation takes place with the ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary continues during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.

Notice of hearing of at least 20 days is made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case,

the hearing committee evaluates all available evidence and makes its recommendation based on the evidence in the record.

The committee, in consultation with the president and the faculty member, exercises its judgment as to whether the hearing is public or private. During the proceedings, the faculty member is permitted to have an academic advisor and legal counsel. At the request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association is permitted to attend the hearing as an observer.

A verbatim record of the hearing is taken.

The burden of proof that adequate cause exists rests with the university.

The hearing committee grants adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. The faculty member is afforded an opportunity to obtain necessary witnesses and documentation or other evidence. The administration cooperates with the hearing committee in securing witnesses and evidence. The faculty member and administration have the right to confront and cross-examine all witnesses. The committee determines the admissibility of statements from unavailable witnesses and, if possible, provides for interrogatories.

The hearing committee is not bound by strict rules of legal evidence and may admit any evidence that is of probative value in determining the issues involved. Every effort is made to obtain the most reliable evidence available.

The findings of fact and the recommendation are based solely on the hearing record. The president and the faculty member are notified of the recommendation in writing and are given a written copy of the recording of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it so reports to the president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the president rejects the recommendation, the hearing committee and the faculty member are so informed in writing, with reasons, and each is given an opportunity to respond.

Appeal to the Board of Visitors. If the president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full record of the case be submitted to the Board of Visitors (or a duly constituted committee of the board).

The board's review is based on the record of the committee hearing, and it provides opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding returns to the committee with specific objections. The committee then reconsiders, taking into account the stated objections and receiving new evidence if necessary. The board makes a final decision only after studying the committee's reconsideration.

Notice of termination/dismissal. In cases where gross misconduct is decided, termination is usually immediate. The standard for gross misconduct is behavior so egregious that it evokes

condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay.

The first faculty committee that considers the case determines gross misconduct. In cases not involving gross misconduct: (a) a faculty member with tenure receives up to one year of salary or notice, and (b) a probationary faculty member receives up to three months' salary or notice. These terms of dismissal begin on the date of final notification of dismissal.

3.11 Faculty Grievance Policy and Procedures

The following procedures are provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by tenured or tenure-track faculty members.

3.11.1 Ombuds, Mediation Services, and Faculty ~~Senate Committee on Reconciliation~~

Informal dialogue. It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

University Ombuds: Any member of the university community may visit the [Virginia Tech Office of Interactive Communication and Empowerment \(VOICE\)](#), the university Ombuds Office. The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the president. The Ombuds Office does not keep permanent records of confidential communications.

Faculty ~~Senate Committee on Reconciliation~~. At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the [Faculty Senate Committee on Reconciliation-Director of Faculty Reconciliation \(DFR\)](#) in fashioning an equitable solution. ~~Faculty members may also contact the provost's office of Faculty Affairs regarding options for reconciliation support.~~ Contacting the ~~Faculty Senate Committee on Reconciliation-DFR~~ is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether the concern

is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained.

For a potential grievance issue to qualify for consideration, the grievant must contact the ~~chair of the Faculty Senate Committee on Reconciliation DFR~~ within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the grievance process. If the grievant requests assistance from the ~~Faculty Senate Committee on Reconciliation DFR~~, ~~they that committee will~~ requests a postponement of the time limits involved in the formal grievance procedure while ~~it they~~ deals with the case. The request is submitted in writing to the vice provost for faculty affairs ~~and the vice president of the faculty senate~~ by the ~~chair of the Faculty Senate Committee on Reconciliation DFR~~. ~~Also~~In addition, the grievant should reach an understanding with the ~~Faculty Senate Committee on Reconciliation DFR~~ of the time frame planned for ~~that committee's~~ working on the case, ~~with~~ such time not to exceed 60 calendar days.

Faculty members may also consult the ~~Faculty Senate Committee on Reconciliation DFR~~ about serious disagreements with ~~colleagues~~, immediate supervisors, or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the ~~committee-DFR~~ contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the office of the provost. For more information, consult [Faculty Reconciliation](#).

Mediation. Conflict resolution and mediation are provided by the [Office for Equity and Accessibility](#). Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

Role of mediators: Mediators do not make judgments, determine facts, or decide the outcome; instead, they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

Requesting mediation: Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. In the event that the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated, and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

3.11.2 The Formal Grievance Procedure

Visit the Faculty Forms on the provost's Faculty Affairs webpage for the [grievance form](#). If the assistance of ~~the director of fFaculty Senate-Committee-on-Reconciliation~~ is not desired or is not requested; or if ~~that committee~~ the DFR determines that ~~it they~~ cannot provide assistance in the matter; or if the grievant finds that the length of time the ~~Committee-on-Reconciliation-DFR~~ plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of ~~that committee-the DFR~~, the grievant may pursue the issue as a formal grievance through the following procedure. Department heads, chairs, or school directors, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case.

Step one. The grievant must meet with the immediate supervisor (usually the department head, chair, or school director) within 30 calendar days of the date that grievant knew or should have known of the event or action that is the basis for the grievance and orally identifies the grievance and the grievant's concerns. The supervisor provides an oral response to the grievant within five weekdays following the meeting. If the supervisor's response is satisfactory to the grievant, that ends the matter.

Step two. If a satisfactory resolution of the grievance is not achieved by the immediate supervisor's oral response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be on the faculty grievance form, must define the grievance and the relief requested specifically and precisely, and must be submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor's oral response to the first step meeting. Faculty grievance forms are available on the [provost's Faculty Forms page](#). Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form, citing reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

Step three. If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for college faculty is usually the college dean. The administrator involved at this next level is hereafter referred to as the second-level administrator. Following receipt of the faculty grievance form, the second-level administrator, or designated representative, meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a representative chosen from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for the decision. If the second-level administrator's written response to the grievance is satisfactory to the grievant it ends the matter.

Step four. If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Senate Review Committee.

Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the Procedures of the Faculty Senate Review Committee to parties in the grievance process. The provost immediately forwards a copy of the grievance to the president of the Faculty Senate, who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Senate Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost's decision, however, may be appealed to the president, as described in step five. If the provost does not accept the petition, the Faculty Senate Review Committee hears the grievance as outlined in these procedures.

The Faculty Senate Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

Hearing panel. A hearing panel consists of five faculty members appointed by the chair of the Faculty Senate Review Committee from among the members of the Faculty Senate Review Committee. The chair of the Faculty Senate Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Senate Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Senate Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Senate Review Committee or their designee serves as the non-voting chair of each hearing panel. If the chair of the Faculty Senate Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Senate Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

Hearing. After a hearing panel is appointed, the chair of the Faculty Senate Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does

not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present, they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel.

Findings and recommendations. The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Senate Review Committee.

Provost's action. The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant the decision in writing concerning the disposition of the grievance. If the provost's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel that ends the matter.

Step five. If the provost's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president's decision is final.

3.11.3 Timeliness of Grievance and Procedural Compliance (see chart below)

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when the event or action should have been known and is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that the last proposed resolution was accepted as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Senate Review Committee in writing, and the chair of the Faculty Senate Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the enforcement of the most

recently proposed resolution. The finding on the matter by the chair of the Faculty Review Senate Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on **Reconciliation Ethics**, and the chair of the Faculty Senate Review Committee (or the vice president of the senate if the president is also chair of the Faculty Senate Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

3.11.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation; unreasonable merit adjustment or salary level; excessive teaching load/work assignments; substantive violations of promotion and tenure procedures including the appeal process (see appeal process in chapter three of this handbook “Appeals of Decisions on Reappointment, Tenure, or Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance. While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, appeals of non-reappointment, promotion and/or tenure decisions); the contents of personnel and other policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures. If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Senate Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on **Reconciliation Ethics**, and the chair of the Faculty Senate Review Committee. The special committee considers the matter (including consultations with both parties if deemed

necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Senate Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

4.4.9 Appeals of Decisions on Reappointment, Continued Appointment, or Promotion

A faculty member who is notified of a negative decision following evaluation for a term reappointment during the probationary period, for continued appointment, or for promotion may appeal for review of the decision under conditions and procedures specified in this section. The appellant has a right to an explanation of the reasons contributing to the denial.

Such an appeal must be filed, in writing, within 14 calendar days of formal notification of the decision, which shall refer to appeal procedures. The appeal can only be based on the grounds that certain relevant information was not provided or considered in the decision, or that the decision was influenced by improper consideration.

In their recommendations, administrators and committees hearing an appeal should address the standards outlined in the previous paragraph. In particular, they shall not substitute their own judgment on the merits for that of the body or individual that made the decision under appeal. The recommendations should address the allegations in the appeal with specificity and cite appropriate evidence.

Appeals should be resolved as quickly as possible without compromising fairness or thoroughness of review. Whenever possible, the goal should be to achieve a final resolution in time to accommodate the first meeting of the Board of Visitors in the fall semester.

A faculty member who believes that the appeal procedures described in this section have been improperly followed may, at any point, seek advice from ~~the Faculty Senate Committee on Reconciliation~~ the Director of Faculty Reconciliation and/or file a grievance in accordance with the grievance procedure in chapter four of this handbook, "Faculty Grievance Policy and Procedures."

4.6 Imposition of a Severe Sanction or Dismissal for Cause*

*The procedures specified follow closely, but differ in occasional detail from, the "1976 Institutional Regulations on Academic Freedom and Tenure" approved by Committee A of the American Association of University Professors (AAUP).

4.6.1 Adequate Cause

Adequate cause for imposition of a severe sanction or dismissal is related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Imposition of a severe sanction or dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

Adequate cause includes: violation of professional ethics (see chapter two of this handbook, "Professional Responsibilities and Conduct"); incompetence as determined through post-continued appointment review; willful failure to carry out professional obligations or assigned responsibilities; willful violation of university and/or government policies; falsification of information relating to professional qualifications; inability to perform assigned duties satisfactorily because of incarceration; or personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol).

Reason to consider the imposition of a severe sanction or dismissal for cause is usually determined by a thorough and careful investigation by an appropriately charged faculty committee (as in the case of allegations of ethical or scholarly misconduct, or through a post-continued appointment review) or by the relevant administrator (for example, the dean, compliance and conflict resolution officer, internal auditor, or Virginia Tech Police). Generally, these investigations result in a report of findings; some reports also include a recommendation for sanctions. The report is directed to the relevant administrator for action; it is also shared with the faculty member. Imposition of a severe sanction or initiation of dismissal for cause proceedings, if warranted, follows the procedures set forth below.

4.6.2 Imposition of a Severe Sanction

Definition and examples. A severe sanction generally involves a significant loss or penalty to a faculty member such as, but not limited to, a demotion in rank and/or a reduction in salary or suspension without pay for a period not to exceed one year, imposed for unacceptable conduct and/or a serious breach of university policy.

Routine personnel actions such as a recommendation for a below average or no merit increase, conversion from a calendar year to an academic year appointment, reassignment, or removal of an administrative stipend do not constitute "sanctions" within the meaning of this policy. A personnel action such as these may be a valid issue for grievance under procedures defined in the Faculty Handbook.

Process for Imposing a Severe Sanction. The conduct of a faculty member, although not constituting adequate cause for dismissal, may be sufficiently grave to justify imposition of a severe sanction. Imposition of a severe sanction follows the same procedures as dismissal for cause beginning with step one. If the matter is not resolved at the first step, a standing or ad hoc faculty committee conducts an informal inquiry (step two). The requirement for such an informal inquiry is satisfied if the investigation was conducted by an appropriately charged faculty committee (as would be the case with an alleged violation of the ethics or scholarly misconduct

policies) and, having determined that in its opinion there is adequate cause for imposing a severe sanction, refers the matter to the administration.

4.6.3 Dismissal for Cause

The following procedures apply to faculty members with continued appointment, or for dismissal of a continued appointment-track faculty member before the end of the current appointment.

Dismissal is preceded by:

Step one: Discussions between the faculty member, dean, and/or provost, looking toward a mutual settlement.

Step two: Informal inquiry by a standing (or, if necessary, ad hoc) faculty committee having concern for personnel matters. This committee attempts to affect an adjustment and, failing to do so, determines whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding on the president's decision whether to proceed.

Step three: The furnishing by the president (in what follows, the president may delegate the provost to serve instead) of a statement of particular charges, in consultation with the dean. The statement of charges is included in a letter to the faculty member indicating the intention to dismiss, with notification of the right to a formal hearing. The faculty member is given a specified reasonable time limit to request a hearing, that time limit is no less than 10 days.

Procedures for conducting a formal hearing, if requested: If a hearing committee is to be established, the president asks the Faculty Senate, through its president, to nominate nine faculty members to serve on the hearing committee. These faculty members should be nominated on the basis of their objectivity, competence, and regard in which they are held in the academic community. They must have no bias or untoward interest in the case and are available at the anticipated time of hearing. The faculty member and the president each have a maximum of two challenges from among the nominees without stated cause. The president then names a five-member hearing committee from the remaining names on the nominated slate. The hearing committee elects its chair.

Pending a final decision on the dismissal, the faculty member is suspended only if immediate harm to him or herself or to others is threatened by continuance. If the president believes such suspension is warranted, consultation takes place with the ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation concerning the propriety, the length, and other conditions of the suspension. Ordinarily, salary continues during such a period of suspension.

The hearing committee may hold joint pre-hearing meetings with both parties to simplify the issues, effect stipulations of facts, provide for the exchange of documentary or other information, and achieve such other appropriate pre-hearing objectives as will make the hearing fair and expeditious.

Notice of hearing of at least 20 days is made in writing. The faculty member may waive appearance at the hearing, instead responding to the charges in writing or otherwise denying the charges or asserting that the charges do not support a finding of adequate cause. In such a case, the hearing committee evaluates all available evidence and rests its recommendation on the evidence in the record.

The committee, in consultation with the president and the faculty member, exercises its judgment as to whether the hearing is public or private. During the proceedings, the faculty member is permitted to have an academic advisor and legal counsel. At the request of either party or on the initiative of the hearing committee, a representative of an appropriate educational association is permitted to attend the hearing as an observer.

A verbatim record of the hearing is taken.

The burden of proof that adequate cause exists rests with the university.

The hearing committee grants adjournment to enable either party to investigate evidence about which a valid claim of surprise is made. The faculty member is afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration cooperates with the hearing committee in securing witnesses and evidence. The faculty member and administration have the right to confront and cross-examine all witnesses. The committee determines the admissibility of statements of unavailable witnesses and, if possible, provides for interrogatories.

The hearing committee is not bound by strict rules of legal evidence and may admit any evidence that is of probative value in determining the issues involved. Every effort is made to obtain the most reliable evidence available.

The findings of fact and the recommendation are based solely on the hearing record. The university president and the faculty member are notified of the recommendation in writing and are given a written copy of the record of the hearing.

If the hearing committee concludes that adequate cause for dismissal has not been established, it so reports to the university president. In such a case, the committee may recommend sanctions short of outright dismissal or may recommend no sanctions. If the university president rejects the recommendation, the hearing committee and the faculty member are so informed in writing, with reasons, and each is given an opportunity for response.

Appeal to the Board of Visitors. If the university president decides to impose dismissal or other severe sanction, whether that is the recommendation of the hearing committee, the faculty member may request that the full record of the case be submitted to the Board of Visitors (or a duly constituted committee of the board). The board's review is based on the record of the committee hearing, and it provides opportunity for argument, written or oral or both, by the principals at the hearing or their representatives. If the recommendation of the hearing committee is not sustained, the proceeding returns to the hearing committee with specific objections. The hearing committee then reconsiders, taking into account the stated objections and receiving new evidence if necessary. The board makes a final decision only after studying the hearing committee's reconsideration.

Notice of Dismissal. In cases where gross misconduct is decided, dismissal is usually immediate. The standard for gross misconduct is behavior so egregious that it evokes condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay. The first faculty committee that considers the case determines gross misconduct. In cases not involving gross misconduct: (a) a faculty member with continued appointment receives up to one year of salary or notice, and (b) a probationary faculty member receives up to three months' salary or notice. These terms of dismissal begin at the date of final notification of dismissal.

4.7 Faculty Grievance Policy and Procedures

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the University Libraries faculty with continued appointment or on the continued appointment-track. [The Faculty Senate Review Committee](#) conducts the step four hearing if requested.

4.7.1 Ombuds, Mediation Services, and Faculty ~~Senate Committee on Reconciliation~~

Informal Dialogue: It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels he or she has a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

University Ombuds. Any member of the university community may visit the [Virginia Tech Office of Interactive Communication and Empowerment \(VOICES\)](#) university Ombuds Office. The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the president. The Ombuds Office does not keep permanent records of confidential communications.

Faculty Reconciliation. At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation (DFR) in fashioning an equitable solution. Contacting the ~~Faculty Senate Committee on Reconciliation~~ DFR is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether the concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained. ~~Contact Faculty Affairs in the provost's office for information on Reconciliation.~~

For a potential grievance issue to qualify for consideration, ~~by the Faculty Senate Committee on Reconciliation,~~ the grievant contacts the ~~chair of the Faculty Senate Committee on Reconciliation~~ DFR within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the grievance process. If the grievant requests assistance from the ~~Faculty Senate Committee on Reconciliation,~~ DFR, ~~that committee~~ the DFR must request a postponement of the time limits involved in the grievance procedure while it deals with the case. The ~~chair of the Faculty Senate Committee on Reconciliation~~ DFR submits the request in writing to the vice provost for faculty

affairs and the vice president of the Faculty Senate. Also In addition, the grievant reaches an understanding with the ~~Faculty Senate Committee on Reconciliation~~ DFR of the time frame planned for ~~that committee's~~ working on the case, with such time not to exceed 60 calendar days.

Faculty members may also consult the ~~Faculty Senate Committee on Reconciliation~~ DFR about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the ~~committee~~ DFR contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the office of the provost. ~~Information on the Faculty Senate Committee on Reconciliation is on the Faculty Senate website.~~ For more information, consult [Faculty Reconciliation](#).

Mediation. Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through the [Office for Equity and Accessibility](#). Because mediation is voluntary, both parties must agree to participate in order for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

Role of Mediators. Mediators do not make judgments, determine facts, or decide the outcome; instead, they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

Requesting Mediation. Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. If the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated, and the process continues.

Mediation differs from reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

4.7.2 The Formal Grievance Procedure

If the assistance of the ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation (DFR) is not desired or is not requested; or if the DFR determines that ~~it~~they cannot provide assistance in the matter; or if the grievant finds that the length of time the ~~Faculty Senate Committee on Reconciliation~~ DFR plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of ~~that committee,~~ the DFR, the grievant may pursue the issue as a formal grievance through the following procedure. Appropriate supervisors, deans, directors, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case. [A grievance form is available on the Faculty Affairs Faculty Forms webpage.](#)

Step one. The grievant must meet with the immediate supervisor within 30 calendar days of the date that grievant knew or should have known of the event or action that is basis for the grievance

and orally identifies the grievance and the grievant's concerns. The supervisor provides an oral response to the grievant within five weekdays following the meeting. If the supervisor's response is satisfactory to the grievant, that ends the matter.

Step two. If a satisfactory resolution of the grievance is not achieved by the immediate supervisor's oral response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be on the faculty grievance form, must define the grievance and the relief requested specifically and precisely, and must be submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor's oral response to the first step meeting. Faculty grievance forms are available on the provost's website.

Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form, citing reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

Step three. If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for faculty in the University Libraries is usually the University Libraries dean. The administrator involved at this next level is hereafter referred to as the second-level administrator.

Following receipt of the faculty grievance form, the second-level administrator or designated representative meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a chosen representative from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for the decision. If the second-level administrator's written response to the grievance is satisfactory to the grievant it ends the matter.

Step four. If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Senate Review Committee of the Faculty Senate. Information about the Faculty Senate Review Committee is in chapter two of this handbook and on the Faculty Senate website.

Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the Procedures of the Faculty Senate Review Committee.

The provost immediately forwards a copy of the grievance to the president of the Faculty Senate, who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Senate Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost's decision, however, may be appealed to the university president, as described in step five. If the provost does not accept the petition, the Faculty Senate Review Committee hears the grievance as outlined in these procedures.

The Faculty Senate Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

Hearing Panel. A hearing panel consists of five members appointed by the chair of the Faculty Senate Review Committee from among the members of the Faculty Senate Review Committee. The chair of the Faculty Senate Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Senate Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Senate Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Senate Review Committee or designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Senate Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Senate Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

Hearings. After a hearing panel is appointed, the chair of the Faculty Senate Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsel is present, they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel. Detailed procedures followed in hearings are specified in the Procedures of the Faculty Senate Review Committee as approved by the Faculty Senate.

Findings and Recommendations. The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Senate Review Committee.

Provost's Action. The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant the decision in writing concerning the disposition of the grievance. If the provost's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel, that ends the matter.

Step five. If the provost's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the university president within 20 calendar days. The president acts as he or she sees fit. The president's decision is final.

4.7.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when he or she knew or should have known of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that he or she accepted the last proposed resolution as satisfactory. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Senate Review Committee in writing, and the chair of the Faculty Senate Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Senate Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee **consisting** of the president of the Faculty Senate, the chair of the Faculty Senate Committee on **Reconciliation Ethics**, and the chair of the Faculty Senate Review Committee (or the vice president of the senate if the president is also chair of the Faculty Senate Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant

procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

4.7.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion and continued appointment procedures (see appeal process in chapter four of this handbook, “Appeals of Decisions on Reappointment, Continued Appointment, or Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance. While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, appeals of non-reappointment, promotion and/or tenure/continued appointment decisions); the contents of personnel and other policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures. If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Senate Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, the chair of the Faculty Senate Committee on **Reconciliation Ethics**, and the chair of the Faculty Senate Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Senate Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

5.4 Faculty Grievance Policy and Procedures

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the non-tenure-track instructional faculty. The grievance process is the same as that for tenured and tenure-track faculty. The [Faculty Senate Review Committee](#) conducts the step four hearing if requested.

5.4.1 Ombuds, Mediation Services, and Faculty ~~Senate Committee on Reconciliation~~

Informal dialogue: It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

University Ombuds. Any member of the university community may visit [the Virginia Tech Office of Interactive Communication and Empowerment](#) (VOICE). The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the president. The Ombuds Office does not keep permanent records of confidential communications.

Faculty Reconciliation. At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation (DFR) in fashioning an equitable solution. Contacting the ~~Faculty Senate Committee on Reconciliation~~ DFR is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether the concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained. ~~Contact Faculty Affairs in the provost's office for information on Reconciliation.~~

For a potential grievance issue to qualify for consideration, ~~by the Faculty Senate Committee on Reconciliation,~~ the grievant must contact the ~~chair of the Faculty Senate Committee on Reconciliation~~ DFR within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the grievance process. If the grievant requests assistance from the ~~Faculty Senate Committee on Reconciliation~~ DFR, that ~~committee~~ unit requests a postponement of the time limits involved in the formal grievance procedure while it deals with the case. The request is submitted in writing to the vice provost for faculty affairs ~~and the vice president of the Faculty Senate~~ by the ~~chair of the Committee on Reconciliation~~ DFR. ~~Also~~ In addition, the grievant should reach an understanding

with the ~~Faculty Senate Committee on Reconciliation~~ DFR of the time frame planned for that ~~committee's unit's~~ work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the ~~Faculty Senate Committee on Reconciliation~~ DFR about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the ~~committee~~ DFR contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the office of the provost. ~~Information on the Faculty Senate Reconciliation Committee is in chapter two of this handbook and on the Faculty Senate website. For more information, consult Faculty Reconciliation.~~

Mediation. Conflict resolution is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through the [Office for Equity and Accessibility](#). Because mediation is voluntary, both parties must agree to participate for mediation to occur. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

Role of mediators. Mediators do not make judgments, determine facts, or decide the outcome; instead, they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

Requesting mediation. Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. If the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated, and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

5.4.2 The Formal Grievance Procedure

If the assistance of the ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation (DFR) is not desired or is not requested; or if ~~that committee~~ the DFR determines that ~~it~~ they cannot provide assistance in the matter; or if the grievant finds that the length of time the ~~Faculty Senate Committee on Reconciliation~~ DFR plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of ~~that committee~~ the DFR, the grievant may pursue the issue as a formal grievance through the following procedure. [A grievance form is available on the provost's webpage](#). Department heads, chairs, school directors, deans, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case.

Step one: The grievant must meet with the immediate supervisor (usually the department head, chair, or school director) within 30 calendar days of the date that grievant knew or should have

known of the event or action that is basis for the grievance and verbally identifies the grievance and the grievant's concerns. The supervisor provides a verbal response to the grievant within five weekdays following the meeting. If the supervisor's response is satisfactory to the grievant, that ends the matter.

Step two: If a satisfactory resolution of the grievance is not achieved by the immediate supervisor's verbal response, the grievant may submit a written statement of the grievance and the relief requested to the immediate supervisor. This statement must be submitted on the faculty grievance form, must define the grievance, and request the relief desired specifically and precisely. The written grievance is submitted to the immediate supervisor within five weekdays of the time when the grievant received the immediate supervisor's verbal response to the first step meeting.

Within five weekdays of receiving the written statement of the grievance, the immediate supervisor, in turn, gives the grievant a written response on the faculty grievance form. The immediate supervisor cites reasons for action taken or not taken. If the written response of the immediate supervisor is satisfactory to the grievant, that ends the matter.

Step three: If the resolution of the grievance proposed in the written response by the immediate supervisor is not acceptable, the grievant may advance the grievance to the next level of university administration by checking the appropriate place on the faculty grievance form, signing and sending the form to the next level administrator within five weekdays of receiving the written response from the immediate supervisor. The next level of administration for college faculty is usually the college dean. The administrator involved at this next level is hereafter referred to as the second-level administrator.

Following receipt of the faculty grievance form, the second-level administrator or designated representative meets with the grievant within five weekdays. The second-level administrator may request the immediate supervisor of the grievant be present; the grievant may similarly request that a chosen representative from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present. The second-level administrator gives the grievant a written decision on the faculty grievance form within five weekdays after the meeting, citing reasons for the decision. If the second-level administrator's written response to the grievance is satisfactory to the grievant it ends the matter.

Step four: If the resolution of the grievance proposed in the written response from the second-level administrator is not acceptable, the grievant may advance the grievance within five weekdays to the level of the provost, including consideration by an impartial hearing panel of the Faculty Senate Review Committee. Information on the Faculty Senate Review Committee is in chapter two of this handbook and on the Faculty Senate website.

Upon receiving the faculty grievance form requesting step four review, the provost, or appropriate designated representative, acknowledges receipt of the grievance within five weekdays and forwards a copy of the Procedures of the Faculty Senate Review Committee to parties in the grievance process. The provost immediately forwards a copy of the grievance to the president of the Faculty Senate, who also writes to the grievant to acknowledge receipt of the grievance within five weekdays of receipt of the faculty grievance form from the provost.

The grievant may petition the provost to bypass the Faculty Senate Review Committee and rule on the grievance. If the provost accepts the request, there is no subsequent opportunity for the grievance to be heard by a hearing panel. The provost's decision, however, may be appealed to the president, as described in step five. If the provost does not accept the petition, the Faculty Senate Review Committee hears the grievance as outlined in these procedures.

The Faculty Senate Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

Hearing panel: A hearing panel consists of five members appointed by the chair of the Faculty Senate Review Committee from among the members of the Faculty Senate Review Committee. The chair of the Faculty Senate Review Committee polls all appointees to ensure that they have no conflict of interest in the case. Both parties to the grievance may challenge one of the appointments, if they so desire, without need to state cause, and the chair of the Faculty Senate Review Committee appoints the needed replacement or replacements. Other replacements are made only for cause. The chair of the Faculty Senate Review Committee rules on issues of cause.

To ensure uniformity in practice, the chair of the Faculty Senate Review Committee or their designee serves as the non-voting chair of each hearing panel. In the event that the chair of the Faculty Senate Review Committee has a conflict of interest concerning a case, the chair appoints a disinterested third party from among the members of the Faculty Senate Review Committee not already appointed to the hearing panel for the case to serve as chair of the hearing panel.

Hearings: After a hearing panel is appointed, the chair of the Faculty Senate Review Committee requests that each party to the grievance provide relevant documentation to be shared among the parties and the hearing panel. The panel holds its initial hearing with both principals present within 15 weekdays of receipt of the grievance by the Faculty Senate president. If the panel feels it needs to investigate the case further, or requires more information, or desires to hear witnesses, the hearing is adjourned until the panel completes the necessary work or scheduling. The hearing is then reconvened as appropriate.

Each party to the grievance may have a representative present during the sessions of the hearing at which testimony is presented. The representative may speak on their behalf if so requested. Representatives may be legal counsel, if both parties are so represented, but if the grievant does not wish to have legal counsel at a hearing, neither party to the grievance may have legal counsel present.

These impartial panel hearings are administrative functions, not adversarial proceedings. Therefore, if legal counsels are present, they must understand that the proceedings do not follow courtroom or trial procedures and rules. Participation by legal counsel is at the invitation of the parties they represent and is subject to the rulings of the chair of the hearing panel. Hearing procedures can be found on the Faculty Senate website.

Findings and Recommendations: The hearing panel concludes its work and makes its recommendations within 45 weekdays of receipt of the grievance by the Faculty Senate president. The time limit for consideration may be extended by agreement of both parties.

The hearing panel formulates written findings and recommendations regarding disposition of the grievance and forwards copies to the provost, the grievant, and the chair of the Faculty Senate Review Committee.

Provost's action: The provost meets with the grievant within 10 weekdays after receiving the findings and recommendations of the hearing panel to discuss the case and advise the grievant about the prospects for disposition of the case. Within 10 weekdays of that meeting, the provost sends to the grievant the decision in writing concerning the disposition of the grievance. If the provost's decision is fully consonant with (or exceeds) the recommendations of the hearing panel, or if it is satisfactory to the grievant even if it differs from the recommendations of the hearing panel that ends the matter.

Step five: If the provost's decision is not acceptable to the grievant and not consonant with the recommendations of the hearing panel, the grievant may appeal in writing to the president within 20 calendar days. The president's decision is final.

5.4.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time of knowledge of the event or action that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure, acceptance of the last proposed resolution as satisfactory is assumed. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the Faculty Senate Review Committee in writing, and the chair of the Faculty Senate Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Senate Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee **consisting** of the president of the Faculty Senate, the chair of the Faculty Senate Committee on **Reconciliation Ethics**, and the chair of the Faculty Senate Review Committee (or the vice president of the senate if the president is also chair of the Faculty Senate Review Committee) is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

5.4.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that

directly affects the grievant. Some examples of valid issues for filing a grievance are improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion procedures (see “Appeals of Decisions on Promotion”); reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance. While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, appeals of non-reappointment or promotion decisions); the contents of personnel and other policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures. If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Senate Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, of the Faculty Senate Committee on ~~Reconciliation~~ Ethics, and the chair of the Faculty Senate Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Senate Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

6.12 Faculty Grievance Policy and Procedures

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the research faculty.

6.12.1 Ombuds, Mediation Services, and Faculty ~~Senate Committee on Reconciliation~~

Informal Dialogue: It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, a faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

University Ombuds. Any member of the university community may visit the [Virginia Tech Office of Interactive Communication and Empowerment \(VOICES\)](#). The university Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the University President. The Ombuds Office does not keep permanent records of confidential communications.

Faculty Reconciliation. At the initiation of the grievance procedure, or at any earlier time, the grievant may request the assistance of the ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation (DFR) in fashioning an equitable solution. Contacting the ~~Faculty Senate Committee on Reconciliation~~ DFR is not required in filing a grievance, but it may be useful if the grievant feels that the issue may be amenable to, but will require time for, negotiation; or if the grievant is unsure whether the concern is a legitimate issue for a grievance; or if personal relations between the parties involved in the grievance have become strained. Contact Faculty Affairs in the provost's office for information on Reconciliation.

For a potential grievance issue to qualify for consideration ~~by the Faculty Senate Committee on Reconciliation~~, the grievant contacts the ~~chair of the Faculty Senate Committee on Reconciliation~~ DFR within 30 calendar days of the time when the grievant knew or should have known of the event or action that is the basis for the potential grievance, just as if beginning the regular grievance process. If the grievant requests assistance from the ~~Faculty Senate Committee on Reconciliation~~ DFR, ~~that committee~~ the DFR requests a postponement of the time limits involved in the grievance procedure while it deals with the case. The ~~chair of the Faculty Senate Committee on Reconciliation~~ DFR submits the request in writing to the vice provost for faculty affairs and the vice president of the Faculty Senate. ~~Also~~ In addition, the grievant reaches an understanding with

the ~~Faculty Senate Committee on Reconciliation~~ DFR of the time frame planned for that ~~committee's unit's~~ work on the case, such time not to exceed 60 calendar days.

Faculty members may also consult the ~~Faculty Senate Committee on Reconciliation~~ DFR about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. In such instances, the ~~committee~~ DFR contacts the relevant administrator to determine if there is an interest and willingness to explore informal resolution of the dispute; it is not necessary to notify the office of the provost. ~~Information on the Faculty Senate Committee on Reconciliation is in chapter two of this handbook and on the Faculty Senate website.~~ For more information, consult [Faculty Reconciliation](#).

Mediation. Mediation is available through the [Office for Equity and Accessibility](#) and is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate. Faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between a faculty member and another member of the Virginia Tech community.

Role of Mediators. Mediators do not make judgments, determine facts, or decide the outcome; instead, they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

Requesting Mediation: Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step four. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. If the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated, and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

6.12.2 The Formal Grievance Procedure

If the assistance of the ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation (DFR) is not desired or is not requested; or if ~~that committee~~ the DFR determines that it cannot provide assistance in the matter; or if the grievant finds that the length of time the ~~Faculty Senate Committee on Reconciliation~~ DFR plans or takes with the case is excessive; or if the grievant is not satisfied with the recommendations of ~~that committee~~ the DFR, the grievant may pursue the issue as a formal grievance through the following procedure. A [grievance form](#) is available on the provost's webpage. The department head, chair, or school director, dean, and other administrative faculty will cooperate with the grievant in the mechanics of processing the grievance, but the grievant alone is responsible for preparation of the case.

Step one: The grievant shall provide a written description of the event or action on the faculty grievance form and relevant supporting documentation of the grievance within 30 calendar days of the date when the event or action should have been known that is the basis of the grievance to the immediate supervisor. [Research faculty grievance forms](#) are available on provost's Faculty Forms page.

The supervisor meets with the grievant and provides a written response within five weekdays to the grievant citing reasons for action taken or not taken and the final decision. If the supervisor's response is satisfactory to the grievant, that ends the matter.

If the response is not satisfactory to the grievant or the supervisor does not respond within five weekdays, the grievant will indicate "no resolution" on the faculty grievance form, return a copy of the form to the immediate supervisor and proceed to step two.

Step two: The grievant advances the written description of the event or action, relevant supporting documentation, research faculty grievance form and the written response of the immediate supervisor (or statement of non-response if the supervisor did not respond within five weekdays at step one) to the next level administrator within five weekdays of receipt of the decision. The next level administrator is the department head, chair, or school director. If the department head, chair, or school director has a conflict of interest, he or she refers the matter is referred to the college dean. The administrator involved at this level is hereafter referred to as the second-level administrator.

Within five weekdays of receipt of the research faculty grievance form, the second-level administrator meets with the grievant and may request the presence of the immediate supervisor. The grievant may similarly request that a chosen representative from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the second-level administrator does not have legal counsel present.

The second-level administrator returns the research faculty grievance form and provides a written response and final decision to the grievant with copies to the immediate supervisor within five weekdays after the meeting. The decision of the second-level administrator takes precedence over the decision of the immediate supervisor. If the response is satisfactory to the grievant, that ends the matter. If the response is not satisfactory or if there is no response within five weekdays by the second level administrator, the grievant may indicate on the grievance form and return a copy to the second-level administrator and proceed to step three.

Step three: The grievant may advance the written description of the event or action, relevant supporting documentation grievance form and written responses of the immediate supervisor and second-level administrator to the dean or equivalent senior-level manager within five weekdays of receipt of the decision in step two.

The dean will inform the immediate supervisor within five weekdays that the procedure has advanced to step three.

Within five weekdays of receipt of the grievance form, the dean meets with the grievant and may request the presence of the immediate supervisor. The grievant may similarly request that a chosen representative from among the university faculty be present. Unless the grievant is represented by a member of the faculty who is also a lawyer, the dean does not have legal counsel present.

The dean shall return the grievance form and provide a written response and final decision to the grievant with copies to the immediate supervisor and second-level administrator within five weekdays after the meeting. The decision of the dean takes precedence over the decision of the second-level administrator. If the response is satisfactory to the grievant, the procedure is terminated. If the response is not satisfactory or if there is no response within five weekdays by the dean, the grievant may so indicate on the research faculty grievance form and return a copy to the dean and proceed to step four.

Step four: The grievant will advance the written description of the event or action, relevant supporting documentation, research faculty grievance form, and written responses of the immediate supervisor, second-level administrator, and dean to the provost within five weekdays of the decision of step four. The provost will make a decision and may wish to consult faculty members unfamiliar with the grievance for an opinion.

The decision of the provost is final and will be rendered to the grievant and immediate supervisor within five weekdays of receipt of the grievance.

The above time limits of the appeal process may be altered by extenuating circumstances and the agreement of both parties.

If the research faculty member is a member of an interdisciplinary research center, the center director as well as the department head, chair, or school director and dean are copied on all correspondence.

6.12.3 Timeliness of Grievance and Procedural Compliance

A grievance must be brought forward in a timely manner. It is the responsibility of the grievant to initiate the grievance process within 30 calendar days of the time when the event or action should have been known that is the basis for the grievance. The university administration is not required to accept a grievance for processing if the grievant does not meet the 30-day deadline, except in cases of demonstrated good cause.

Scheduled commitments made prior to the time of filing or advancement of a grievance that preclude action by either of the parties to the grievance automatically extend time limits for their duration unless this would be demonstrably harmful to the fair processing of the grievance. In such cases, on written request by the grievant to the appropriate office for that step, the grievance is advanced to the next step in the grievance process.

If the grievant does not follow the time limits specified in the grievance procedure it is assumed that the last proposed resolution as satisfactory was accepted. If the grievant desires to advance the grievance after the appropriate specified time limits have lapsed, the administrator who receives the late submission notifies the chair of the [Faculty Senate Review Committee](#) in writing, and the chair of the Faculty Senate Review Committee determines if there was good cause for the delay. If so, the grievance proceeds. If not, the process ends with the most recently proposed resolution in force. The finding on the matter by the chair of the Faculty Senate Review Committee is communicated to both parties in writing.

If either party to a grievance charges the other with procedural violations other than time limit issues, a special committee of two research faculty appointed by the Senior Vice President for Research and Innovation and the chair of the Faculty Senate Review Committee is convened to rule on the question, as in disputes about the validity of issues qualifying for the grievance

procedure. The special committee has the following options. It can either find no significant procedural violation occurred, in which case the grievance process continues unaffected, or that a significant procedural violation did occur. If the administrator committed a significant procedural violation, the grievance automatically qualifies for advancement to the next step in the grievance process. If the grievant committed a significant procedural violation, the grievance process ends at that point with the last proposed resolution established as the final disposition of the case.

The Faculty Senate Review Committee does not normally consider the subject of a grievance while it is simultaneously under review by another committee or panel of the university.

Information on the Faculty Senate Review Committee is in chapter two of this handbook and on the [Faculty Senate website](#).

6.12.4 Valid Issues for Grievance

For this process, a grievance is defined as a complaint by a faculty member alleging a violation, misinterpretation, or incorrect application of a policy, procedure, or practice of the university that directly affects the grievant. Some examples of valid issues for filing a grievance are: improperly or unfairly determined personnel decisions that result in an unsatisfactory annual performance evaluation, unreasonable merit adjustment or salary level, or excessive teaching load/work assignments; substantive violations of promotion procedures; reprisals; substantive error in the application of policy; and matters relating to academic freedom.

Issues not open to grievance. While most faculty disputes with the university administration may be dealt with by this grievance policy, the following issues may not be made the subject of a grievance: determination of policy appropriately promulgated by the university administration or the university governance system; those items falling within the jurisdiction of other university policies and procedures (for example, complaints of unlawful discrimination or harassment, appeals of non-reappointment, and/or promotion decisions); the contents of personnel and other policies, procedures, rules, regulations, ordinances, and statutes; the routine assignment of university resources (e.g., space, operating funds, parking, etc.); usual actions taken, or recommendations made, by administrators or committee members acting in an official capacity in the grievance process; termination of appointment by removal for just cause, non-reappointment, or abolition of position; or allegations of misconduct in scholarly activities.

Adjudication of disputes on the validity of issues qualifying for consideration under the faculty grievance procedures. If a university administrator rules that an issue does not qualify for the grievance process, the grievant may write to the chair of the Faculty Senate Review Committee within five weekdays of receiving such notification and request a ruling from a special committee consisting of the president of the Faculty Senate, ~~the chair of the Faculty Senate Committee on Reconciliation~~ the Director of Faculty Reconciliation, and the chair of the Faculty Senate Review Committee. The special committee considers the matter (including consultations with both parties if deemed necessary) and rules by majority vote on the admissibility of the matter to the grievance process. This special committee is called together by the chair of the Faculty Senate Review Committee, who also sends a written report of the results of the deliberations of the committee to all parties concerned.

7.8 Grievance Policy and Procedures for Administrative and Professional Faculty

The following procedure is provided as the means for resolution of grievances against a supervisor or member(s) of the university administration brought by members of the administrative and professional faculty. The steps in the grievance process will, in part, be guided by the reporting relationships of the employees involved in the grievance. Step one and two administrators involved in responding to a grievance should consult with the vice president for human resources and/or the vice provost for faculty affairs who may involve additional parties as appropriate. The grievant, and those involved in responding to grievances, may consult with the [Administrative and Professional Faculty Senate Vice President](#) for additional information.

7.8.1 Ombuds, Mediation Services, and Faculty ~~Senate Committee on Reconciliation~~

Informal Dialogue: It should be possible to resolve most faculty concerns or complaints through informal communication among colleagues working together in the academic enterprise. Accordingly, an A/P faculty member who feels there is a grievance is encouraged to take it to the immediate supervisor in the collegial spirit of problem solving rather than as a confrontation between adversaries.

University Ombuds: Any member of the university community may visit the [Virginia Tech Office of Interactive Communication and Empowerment \(VOICE\)](#). The Ombuds listens and explores options for addressing and resolving concerns or complaints. The Ombuds Office does not have the authority to make decisions or to reverse any decision made or actions taken by university authorities. The Ombuds Office supplements, but does not replace, the university's existing resources for conflict resolution and its systems of review and adjudication.

Communications with the Ombuds Office are considered confidential. The Ombuds Office will not accept legal notice on behalf of the university, and information provided to the Ombuds Office will not constitute such notice to the university. Should someone wish to make the university formally aware of a particular problem, the Ombuds Office can provide information on how to do so. The only exception to this pledge of confidentiality is where the Ombuds Office determines that there is an imminent risk of serious harm, or if disclosure is required by law.

To preserve independence and neutrality, the Ombuds Office reports directly to the president. The Ombuds Office does not keep permanent records of confidential communications.

Faculty Reconciliation: Reconciliation is useful if the individual feels the issue may be amenable to, but will require time for, negotiation or if the individual is unsure whether the concern is a legitimate issue for a grievance, or if personal relations between the parties involved in the matter have become strained. ~~Contact Faculty Affairs in the provost's office for information on Reconciliation.~~

The ~~Faculty Senate Committee on Reconciliation~~ Director of Faculty Reconciliation (DFR) may conduct reconciliation between an A/P faculty member and the supervisor. Reconciliation may include fact-finding and engaging the appropriate parties in negotiating a resolution. Engaging the ~~Faculty Senate Committee on Reconciliation~~ DFR is not required prior to filing a grievance.

For a potential grievance issue to qualify for consideration by the ~~Faculty Senate Committee on Reconciliation~~ DFR, the A/P faculty member must contact the ~~chair of the Faculty Senate Committee on Reconciliation~~ DFR within 30 calendar days of the date the grievant knew, or should have known, of the event or action that is the basis for the potential grievance.

Administrative and professional faculty members may also consult the ~~Faculty Senate Committee on Reconciliation~~ DFR about serious disagreements with immediate supervisors or other university administrators concerning issues that may not be eligible for consideration within the grievance process. If the ~~chair of the Faculty Senate Committee on Reconciliation~~ DFR is unable to resolve the matter within 30 calendar days, the ~~chair~~ unit sends a letter to the A/P faculty member stating such, providing the appropriate information about the formal grievance procedure if the A/P faculty member should choose to pursue the matter, and documenting that the matter was brought forward within the prescribed 30-day period. A copy of this letter is provided to the vice president for human resources with a copy to the vice provost for faculty affairs when appropriate. The A/P faculty member has five weekdays after receiving the letter from the ~~chair of the Faculty Senate Committee on Reconciliation~~ DFR to initiate a formal grievance, if so choosing, by following the procedures below and providing a copy of the letter from the ~~chair of the reconciliation team~~ DFR to the supervisor, validating the timeliness of the grievance.

Mediation: [Mediation is available through the Office for Equity and Accessibility](#). Mediation is a voluntary, confidential process through which trained neutral third persons (mediators) assist people to express their concerns and develop solutions to the dispute in a safe and structured environment. Assistance with mediation is available through Human Resources. Because mediation is voluntary, both parties must agree to participate for mediation to occur. A/P faculty members and supervisors are encouraged to consider using mediation to resolve disputes or to help address a conflict between an A/P faculty member and another member of the Virginia Tech community.

Role of Mediators: Mediators do not make judgments, determine facts, or decide the outcome; instead, they facilitate discussion between the participants, who identify the solutions best suited to their situation. No agreement is made unless and until it is acceptable to the participants.

Requesting Mediation: Mediation is available at any time, without the filing of a grievance. Additionally, mediation may be requested by any party during the grievance process prior to step three. If, after the initiation of a formal grievance, both parties agree to participate in mediation, the grievance is placed on administrative hold until the mediation process is complete. If the parties come to a resolution of the dispute through mediation, the parties are responsible to each other for ensuring that the provisions of the agreement are followed. If the parties are not able to reach a mutual resolution to the dispute through mediation, the grievant may request that the grievance be reactivated, and the process continues.

Mediation differs from faculty reconciliation in that mediators do not engage in fact-finding or in evaluation of decisions. Both mediation and reconciliation, however, are voluntary; no party is required to participate in either process.

Faculty Senate Constitution (excerpt)

Article VIII. Faculty Senate External and Internal Standing Committees and Work Groups

Section 1. Description

Standing committees and work groups are established to carry out the functions and operation of the Faculty Senate. The actions of all standing committees are subject to review by the Faculty Senate.

There are two types of Faculty Senate standing committees: external and internal. External Faculty Senate standing committees serve in the preservation of academic freedom and the procedural integrity by which scholarly activities are evaluated, and in maintaining standards of professionalism. These committees report to the vice president of the Faculty Senate, are prescribed in the *Faculty Handbook*, and are summarized in the Faculty Senate Constitution (see below). Internal Faculty Senate standing committees serve the internal operations of the Faculty Senate, report to the operations officer, and are prescribed in Article XIII of the Faculty Senate Bylaws.

Internal Faculty Senate standing committees and work groups may be established, dissolved, or modified upon recommendation of the Faculty Senate president, the cabinet, or a senator, and approval by the Faculty Senate. In addition to Senate approval, the establishment, dissolution, or modification of external Faculty Senate standing committees requires approval through the resolution process.

The Committee on Faculty Ethics receives and considers charges of violations of faculty ethics that involve the abuse of professional responsibilities as outlined in the principles of ethical behavior prescribed in the *Faculty Handbook*. It is the venue for the examination of possible violations of the standards for research, teaching, and appropriate behavior with colleagues, students, and other supervisees that do not cross legal thresholds, such as behavior that is offensive but does not meet the standard for discrimination/harassment. The committee has an investigatory and reporting role.

~~The Committee on Reconciliation offers advice and counsel to faculty members who seek it, particularly in relation to disputes with immediate supervisors or university administrators. The committee has a designated role within the grievance process to assist in resolving disputes that are eligible for consideration as a grievance if so requested by the faculty member. Its purpose is to help facilitate conversations between faculty members and their supervisors with the goal of reaching mutually agreeable solutions. The Committee on Reconciliation operates informally as a facilitator. It meets with the respective parties to determine if there is common ground for resolution of the matter, facilitating a solution that is agreeable to the principal parties and consistent with university policy and practice.~~

The Faculty Review Committee oversees the movement of grievances through the grievance process as prescribed in The Faculty Handbook, provides faculty review of faculty grievances that are not resolved at the college level, and considers appeals in the promotion and tenure or continued appointment process when the provost does not concur with a positive recommendation from the University Committee on Promotion and Tenure or the University Committee on Promotion and Continued Appointment. The committee has an investigatory and reporting role.



Graduate and Professional Student Senate (GPSS)

25 Graduate Life Center (0186)

155 Otey Street

Blacksburg, Virginia 24061

Email: gpss@vt.edu

Website: gpss.vt.edu

Comment on CFA 2024-25H:

The Graduate and Professional Student Senate waives its right to comment on CFA 2024-25H: Resolution to Codify the Faculty Reconciliation Process within the Faculty Affairs Office.

On behalf of the Graduate and Professional Student Senate,
Ronnie Mondal
President



**2024-2025
EXECUTIVE BOARD**

President: LaTawnya Burleson
Division of Information Technology
540/231-6381; latawnya@vt.edu

Vice President: Amber Hagan
Equity and Access
540/231-1820; ahagan20@vt.edu

Secretary/Treasurer: Kari Evans
Division of Human Resources
540/231-7784; tuckere@vt.edu

Parliamentarian: Frank Kerr
Grounds
fwk95@vt.edu

Past President: Serena Young
University Ombuds
540/231-9532; young7@vt.edu

STANDING COMMITTEES

Communications
Denise Crawford, Chair
Division of Human Resources
540/231-3852; kdenise@vt.edu

Diversity, Equity, Inclusion, and Belonging
Gabe Petry, Chair
Dining
540/231-6708; gmpetry@vt.edu

Elections and Nominations
Amy Ingram, Chair
School of Education
540/231-3066; amy.ingram@vt.edu

James D. McComas Staff Leadership Seminar
Nikki Gland-Turpin, Chair
University Development
540/231-2190; ngturpin@vt.edu

Policies and Issues
Amber Robinson, Chair
College of Science
540/231-7078; hamb08@vt.edu

ADHOC COMMITTEES

Staff Senate

<http://www.staffsenate.vt.edu/>

March 5, 2025

To: Vice President of Policy and Governance

The Staff Senate Committee on Policy and Issues has reviewed and approves CFA Resolution 2024-25H but we do have a few questions.

It appears that this resolution is creating a new position within Faculty Affairs. Will this position constitute a new hire, or will these duties be added to the duties of an existing position? (Other options for filling this position would include a voluntary or elected position.) Are there enough faculty reconciliation or grievance cases to justify the cost of a new hire?

It appears that some of the activities described for this position are very similar to the efforts of the Ombuds Office. Can you explain what distinguishes this position from the Ombuds Office and when it would be more appropriate to seek the aid of one versus the other? Perhaps this distinction and guidance of which resource to use in which cases should be included more explicitly in the Faculty Handbook as well.

Lastly, as Director of Faculty Reconciliation is a title and the acronym is DFR, should the first letter of each of the words in this title be capitalized in the amended portions of the Faculty Handbook?

We have no further comment.

**Thank you,
Amber Robinson, Chair Staff Senate Policies and
Issues Committee**



Administrative and Professional Faculty Senate

<https://governance.vt.edu/ap-faculty-senate.php>

2024-2025 Officers & Committee Chairs

President:

Janice Austin
Graduate School

Vice President:

Marlena McGlothlin Lester
College of Engineering

Secretary/Treasurer:

Enrique Noyola
Human Resources

Parliamentarian:

Jennifer Jones
Agriculture and Life Sciences

Immediate Past President:

Holli Gardner Drewry
TLOS

Communications Committee Chair:

Julie Carlson
Hokie Wellness

Elections and Nominations

Committee Chair:

Scott Weimer
VT Roanoke Center

Policies and Issues Committee Chair

Nikki Connors
Analytics and Institutional Research

March 17, 2025

To: Vice President of Policy and Governance

From: A/P Faculty Senate Polices and Issues Committee

The A/P Faculty Senate Polices and Issues Committee has reviewed and approves/endorsees the Commission on Faculty Affairs Resolution 2024-25H to Codify the Faculty Reconciliation Process Within the Faculty Affairs Office.

We have no further comment.