

# **George Mason University**

## **ADMINISTRATIVE/PROFESSIONAL FACULTY HANDBOOK**

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## **INTRODUCTION**

The Board of Visitors originally approved the Administrative/Professional Faculty Handbook in January 2001.

This handbook outlines the policies and procedures that govern the terms and conditions of appointments of Administrative/Professional Faculty (A/P faculty) of George Mason University (university). The revised policies and procedures contained herein supersede all previous editions of this handbook and apply to all A/P faculty. This handbook does not create any vested rights or benefits. It is not a contract of employment and does not confer contractual rights, either expressed or implied, upon any employee, and the handbook does not guarantee employment for any period of time. All A/P faculty are employed at-will and either the employee or the university may terminate the employment relationship at any time, with or without cause. In cases where there is a conflict between this handbook and federal and state laws, such laws will prevail.

The Human Resources & Payroll Department maintains the Administrative/Professional Faculty Handbook and administers the policies and procedures outlined herein, unless otherwise noted. Any questions or comments regarding the handbook should be directed to the Chief Human Resources Officer (CHRO).

### **I. APPLICATION**

This handbook applies only to A/P faculty in their performance of A/P faculty duties. University Librarians are subject to all sections of this handbook except for Section III (Appointments), certain sections of Section VII (Discipline), and certain sections of Section X (Grievance Procedure), and also are subject to the Librarians' Handbook located in Appendix A of this handbook. For employees of the Department of Intercollegiate Athletics who have an Employment Contract, the terms of that Employment Contract take precedence over this handbook and this handbook will only apply to matters not superseded by their Employment Contract.

This handbook sets university level policy. Individual units may implement additional standards which affect A/P faculty in that unit, and must consult with the Human Resources & Payroll Department prior to implementation. In addition to this handbook, A/P faculty are subject to all other applicable administrative policies of the university and the Virginia Department of Human Resource Management (DHRM), unless specifically excluded.

#### ***A. Administrative Organization***

##### **The Rector and Board of Visitors**

Responsibility for the governance of George Mason University is vested by the laws of the Commonwealth of Virginia in the Rector and Board of Visitors. Members of the Board of Visitors are appointed by the Governor of the Commonwealth to serve fixed terms of four years. The Rector is a member of the Board, elected by the Board to serve as its chair.

Without limiting the generality of its powers, the Board of Visitors exercises its authority principally in policy making and oversight. With the exception of meetings convened in executive session, meetings of the Board of Visitors and its committees are open to the public.

##### **The President**

The Board of Visitors appoints the President of the university, who serves at its pleasure. The President is the Chief Executive Officer of the university and reports to the Rector and Board of Visitors. As Chief Executive Officer, the President is charged with carrying out the policies of the Board of Visitors and providing leadership to the university's faculty, staff, and students in achieving major objectives. Within guidelines established by the laws of the Commonwealth of Virginia and the Board of Visitors, the President is in charge of the day-to-day administration and the operation of the university.

### **The Provost**

The Provost and Executive Vice President (hereafter referred to as Provost) is the chief academic officer of the university and is responsible for all educational matters. The Provost is appointed by the President and serves at the President's pleasure.

### **The Executive Council**

The Executive Council is the President's advisory group. Members of the Executive Council have overall responsibility for monitoring university projects and for sharing information about major developments. The current members of the Executive Council can be found at: <https://www2.gmu.edu/about-mason/university-leadership>. The members are appointed by and serve at the pleasure of the President.

### **President's Council**

The function of the President's Council is to keep members informed about initiatives and activities, and to participate in discussions of basic policy.

The President's Council consists of college and school deans and directors who are appointed by the President, individuals who serve at the President's pleasure, and individuals who report to the Provost. The Current members of the President's Council can be found at: <https://www2.gmu.edu/about-mason/university-leadership>.

## ***B. Commitment to Diversity, Equity and Inclusion***

George Mason University strongly believes that diversity enriches the educational and scholarly environment by bringing varied interests, perspectives and experiences to the learning, teaching, research and creative activities that make up our core mission. The university is dedicated to fostering an inclusive environment that ensures access, fairness and equity for the entire Mason community (as covered by law) in its educational programs, related activities and employment.

The university shall adhere to all applicable state and federal equal opportunity statutes and regulations and continue to take affirmative steps to identify and eliminate discriminatory practices in every phase of university operations. Retaliation against an individual who has raised claims of illegal discrimination or has cooperated with an investigation of such claims is prohibited.

## **II. DEFINITIONS**

### ***A. Administrative and Professional Faculty (A/P faculty)***

Administrative faculty and professional faculty are normally referred to collectively, as both require advanced learning acquired by prolonged formal instruction and/or specialized training and work experience. However, the university recognizes administrative faculty and professional faculty as distinct position types.

Administrative Faculty positions are generally senior administrators who perform work related to the management of the educational and general activities of the university, for at least fifty percent (50%) of their work. Typically, administrative faculty serve in executive leadership roles such as vice president, provost, dean, assistant or associate vice president or dean, assistant or associate vice provost. Other administrative faculty roles can include (1) those responsible for the administrative direction of separately designated divisions or departments of institutional activity; (2) positions whose primary responsibility is to attract external funds; or (3) positions that are characterized by active, continuing involvement in formulating, interpreting and implementing institutional policy, and exercise substantial independence, authority and discretion in areas such as program planning, design and allocation of resources. The organizational reporting relationship for administrative faculty is normally not lower than three levels below Executive Council positions.



No A/P faculty member or Instructional/Research faculty member who has reasonably questionable objectivity in the employment status of another employee may participate in the hiring, supervision, promotion, or evaluation of such employee. Every employee of the university has a continuing affirmative obligation to disclose to his or her supervisor(s) any relationship that may reasonably affect their objectivity in such matters.

If an A/P faculty member or Instructional/Research faculty member might exercise or appear to exercise control over any personnel action associated with a person with whom he or she has a family or close personal relationship, the supervisor of the A/P faculty member or Instructional/Research faculty member must designate a disinterested person to substitute for the individual who might have a personal interest. Additional safeguards may also be required if colleagues or subordinates of the individual with a personal interest are involved in those personnel actions. "Appearance of exercising control" includes but is not limited to assigning responsibility for personnel actions or supervision to a colleague or subordinate. If the personnel action involves a faculty member or administrator in a local academic unit, the faculty in that unit and all other interested parties must be fully apprised of the relationship and the safeguards that have been taken to ensure that the individual with a relationship is not involved in the personnel decision.

Relationships constituting a personal interest under the Conflict of Interest Act (S2.2-3100, et seq.), of the Code of Virginia will be handled by the Board of Visitors in accordance with the Act. Family or other relationships reasonably suggesting favoritism under this provision will be fully disclosed to the Board of Visitors incident to promotion, tenure, and hiring decisions. Prior to consideration of a personnel action involving a family member or other relationship reasonably suggesting favoritism, the Provost, or his or her designee, will fully apprise the Board of Visitors of the relationship and the safeguards taken to ensure that the individual with a personal interest was not involved in the action. Only after the Board is satisfied that the present policy was implemented and that safeguards were adequate should the personnel action be approved.

## **IV. COMPENSATION POLICIES**

### ***A. Regular Compensation***

In general, A/P faculty are paid semi-monthly. There are some A/P faculty who are paid bi-weekly. A/P faculty are expected and encouraged to regularly support academic and student programs under their supervisor's direction with no additional compensation.

### ***B. Other Compensation***

#### **1. Administrative/Professional Faculty Not Holding Academic Tenure**

##### **(i) Occasional Teaching**

A/P faculty are permitted to teach no more than one (1) course per semester with approval. All faculty assignments must be approved by the individual's supervisor, and the Office of the Provost at least two weeks in advance of the course start date. The one (1) course limit may be waived if a justification has been submitted to and approved by the individual's supervisor and the Office of the Provost. Absent a flexible work arrangement that is mutually agreed to by the A/P faculty and their supervisor, the course assignment must occur outside an individual's working hours, and the course work may not be considered a part of the normal tasks/duties. A/P faculty may receive additional compensation for teaching, if there is no adjustment in the regular administrative responsibilities of the position. The compensation shall be based upon the adjunct salary matrix in effect at the time.

##### **(ii) Expectation of Teaching**

A/P faculty who are expected to and/or regularly teach up to one course per semester as part of their full-time A/P faculty position will normally have this teaching effort reflected in their base salary. This expectation of teaching responsibilities must be specified in the offer letter/contract.

## **2. A/P Faculty Holding Academic Tenure**

These individuals will not be additionally compensated for teaching a course. However, they may be eligible for overload compensation in an emergency, or one-time only circumstance. This teaching assignment must be approved at least 2 weeks prior to the start of the semester by the individual's supervisor and the Provost's Office. Contractual obligations may preclude an individual's eligibility and participation.

## **3. Acting Pay/Stipends**

Additional compensation for temporary additional duties may be approved on an ad hoc basis, subject to budgetary limitations and internal equity. The appropriate Executive Council member must approve such requests. Such additional compensation must be for a fixed term, usually no more than 6 to 12 months, as described in writing in an additional assignment letter and reviewed annually by the appointing official. Additional compensation must be approved prior to start of the assignment, absent exigent circumstances.

## ***C. Other Compensation Issues***

### **1. Annual Salary Raise Process**

Subject to annual appropriations, A/P faculty may be eligible to receive a salary increase. The specific process and eligibility criteria are established by the Executive Council when funds are appropriated.

### **2. Conversion Factors**

Instructional faculty who convert from a 9-month contract to a 12-month administrative contract will be converted at a rate of 1.222222222. Additionally, an administrative stipend may be given and will remain in effect for the duration of the appointment. When the faculty member returns to a 9-month instructional contract, the new salary will be calculated at a conversion rate of 0.8181818181 and the administrative stipend will be removed.

## ***D. Employment Outside of the University***

An A/P faculty member may engage in certain employment outside the university, only with prior approval of their supervisor and as permitted by University Policy 2227, Outside Employment. An example includes providing consulting services on an individual basis to other individuals or institutions provided that the A/P faculty member does not engage in full-time outside employment and has obtained prior written approval of his or her supervisor.

A/P faculty members who hold tenure may engage in outside employment only in accordance with the provisions of the Faculty Handbook, and University Policy 2227.

## ***E. Political Activity and Candidacy***

A/P faculty who intend to seek public office must inform their supervisor and the President of the University in advance. Furthermore, A/P faculty must comply with University Policy 1126, university policies regarding conflicts of interest, leave, and any other applicable laws and university policies.

## **V. LEAVE**

A/P faculty earn or may be eligible for various types of leave. Refer to the leave information located at <https://hr.gmu.edu/benefits/leave/> and to the University Policy 2205 regarding recording and submitting hours worked and/or leave taken for more detailed information.

## **VI. PERFORMANCE MANAGEMENT**

Performance Management is the process of defining performance expectations, linking them to organizational needs, maintaining open communication between the supervisor and employee, and evaluating performance. This process is carried out by the A/P faculty member, the supervisor, the reviewer and as appropriate, a Human Resources & Payroll Department representative.

### ***A. Self-Evaluation***

All A/P faculty are encouraged to complete a self-evaluation form to assist the supervisor with the evaluation process. The supervisor may require the A/P faculty to complete a self-evaluation form, available on the Human Resources & Payroll Department website or other form approved by the Human Resources & Payroll Department.

### ***B. Performance Evaluation***

The annual performance cycle evaluation period is July 1<sup>st</sup> through June 30<sup>th</sup>. After the supervisor has received the employee's self-evaluation, if one has been completed, the supervisor proceeds to evaluate the employee's performance using the performance evaluation form, available on the Human Resources & Payroll Department website or other form approved by the Human Resources & Payroll Department. After the supervisor has completed, signed and dated the Performance Evaluation, it is forwarded to the reviewer, who is usually the supervisor's supervisor. The reviewer may add comments, or may require changes. Once the reviewer has approved and signed the performance evaluation, the supervisor conducts a meeting with the staff member to discuss the final performance evaluation. The employee then signs the performance evaluation to acknowledge receipt, and may add comments. .

### ***C. Unsatisfactory Performance***

Prior to issuing an unsatisfactory performance evaluation, the supervisor must consult with the Human Resources & Payroll Department. If an employee receives an unsatisfactory performance evaluation, he or she may not receive salary increases. An unsatisfactory performance evaluation is sufficient cause for termination.

### ***D. Performance Evaluation Appeal***

An A/P faculty member may appeal a performance evaluation to the reviewer in writing within ten (10) work days of receiving the evaluation. The reviewer has ten (10) work days to review the appeal, meet with the employee and provide a written response. Response options include: (a) evaluation stands as is, or (b) evaluation is revised as the reviewer, in his or her sole discretion, determines to be appropriate. The Performance Evaluation cannot be the subject of a grievance.

## **VII. DISCIPLINE**

Disciplinary action is a formal process for dealing with behavior that does not meet performance standards. The process may occur at two levels: non-termination and termination for cause. Non-termination actions may include, but are not limited to, suspension with or without pay, formal written reprimand, or demotion (which may result in a reduction of salary). Employees may be subject to one or more such actions.

## **A. Non-termination Discipline**

The procedure for non-termination discipline is as follows:

### **1. Disciplinary Action**

- (i) Prior to taking any non-termination disciplinary action, the A/P faculty member's supervisor must receive approval from both (1) his or her direct supervisor and/or senior level administrator, and (2) the Human Resources & Payroll Department, to provide the A/P faculty member with written notice of the intended disciplinary action.
- (ii) The supervisor must meet with the A/P faculty member and provide written notice of the intended action(s) and the university's justification for the action(s).
- (iii) If the A/P faculty member objects to the intended action(s), the A/P faculty member must respond in writing to her or his supervisor within five (5) work days of the written notice of intended action(s), stating any and all objections to the proposed discipline and the basis for each objection. All information and documentation in support of each objection must be included in the written response.
- (iv) If the A/P faculty member does not respond by such five (5) day deadline, the disciplinary action(s) become(s) final without further action and there shall be no further review.
- (v) If the A/P faculty member provides a timely written response, the supervisor will review the A/P faculty member's objections, and supporting information and documentation. She or he will then provide the A/P faculty member with written notification of what, if any, disciplinary action is being taken.
- (vi) If the discipline being taken is solely a written reprimand, the decision is final and there shall be no second level review. If the disciplinary action being taken involves suspension or demotion, the A/P faculty member may request a second level review.
- (vii) For A/P faculty members who report directly to the President: (1) only Human Resources & Payroll Department approval is required prior to taking disciplinary action; and (2) there is no second level review. The decision of the President is final, regardless of the type of discipline (written reprimand or other).

### **2. Second Level Review**

- (i) If a second level review is permitted, the A/P faculty member may request a second level review within five (5) work days of receiving the supervisor's written notification of the disciplinary action being taken. Such request must be made in writing to the A/P faculty member's supervisor.
- (ii) If the A/P faculty member does not request a second level review within such five (5) work day period, the disciplinary action becomes final without further action and there shall be no further review.
- (iii) If a second level review is requested, the supervisor, the supervisor's supervisor (or designee), and a representative from the Human Resources & Payroll Department will meet to review the A/P faculty member's objections, supporting information and documentation previously submitted. The meeting date and time shall be determined by the supervisor's supervisor (or designee).

- (iv) The A/P faculty member may request to be present during and participate in the meeting to present her or his objections, and all information and documentation supporting such objections. The request to be present must be made prior to five (5) work days in advance of the meeting. If the A/P faculty member attends the meeting, the A/P faculty member may be accompanied by an attorney, but the attorney may not participate in the meeting. If the A/P faculty member chooses to bring an attorney, he or she must advise the university no fewer than five (5) work days in advance of the meeting.
- (v) Following the meeting, the supervisor shall provide the A/P faculty member with written notice of the final decision regarding the disciplinary action. The final decision is not subject to any review or appeal.

## **B. Termination for Cause**

### **1. Cause**

The terms “termination”, “terminated”, “dismissal” or “dismissed” in this handbook mean termination for cause. A/P faculty may be terminated for cause at any time, regardless of whether the Employment Contract of the A/P faculty member is for a defined term. Termination for cause may take place without any prior discipline. **By way of example, but not limitation**, adequate cause for termination includes:

- Conviction of a felony or a crime involving moral turpitude since commencing employment at the university or the willful concealment of such crime in making an application for employment;
- Inability to perform assigned duties because of incarceration;
- Abusive or violent conduct towards members of the university community or visitors;
- Unethical exploitation of students, employees, or campus visitors;
- Failure to carry out professional obligations or assigned responsibilities;
- Falsification of information relating to professional qualifications;
- Violation of university policies and procedures;
- Gross insubordination;
- Unethical conduct;
- Unsatisfactory attendance;
- Unsatisfactory performance;
- Falsifying of records;
- Job abandonment; or
- Unauthorized removal of or damage to university property or another employee’s property.

### **2. Termination For Cause Procedure**

- (i) For A/P faculty members who do not report directly to the President, the termination for cause procedure is as follows:
  - (1) Prior to termination for cause, the A/P faculty member’s supervisor must receive approval from both (1) the CHRO (or designee), and (2) the supervisor’s supervisor or a senior level departmental administrator (or designee), to proceed with the notice of intended action. The appropriate Executive Council member must also be informed of the intended action.
  - (2) The supervisor must meet with the A/P faculty member, and provide written notice of the intended action and the university’s justification for the action.

- (3) If the A/P faculty member objects to the intended action, the A/P faculty member must respond in writing to her or his supervisor within ten (10) work days of receipt of the written notice of intended action, stating any and all objections to the proposed discipline and the basis for each objection. All information and documentation in support of each objection must be included in the written response.
  - (4) If the A/P faculty member does not respond by such ten (10) work day deadline, the termination becomes final without further action and there shall be no further review.
  - (5) If the A/P faculty member provides a timely written response, the A/P faculty member shall meet with the supervisor, the supervisor's supervisor (or, at the university's discretion, a higher level supervisor), and a representative from the Human Resources & Payroll Department. The meeting date and time shall be determined by the supervisor's supervisor. If the A/P faculty member does not attend such meeting, the decision to terminate becomes final without further action and there shall be no further review. If the A/P faculty member does attend the meeting, she or he must be prepared to discuss her or his objections, and all information and all documentation supporting such objections. The A/P faculty member may be accompanied by an attorney at the meeting, but the attorney may not participate in the meeting. If the A/P faculty member chooses to bring an attorney, he or she must advise the university no fewer than five (5) work days in advance of such meeting.
  - (6) Following such meeting, the supervisor shall provide the A/P faculty member with written notice of the final decision. The final decision to terminate for cause must be approved by the supervisors' supervisor (or, at the university's discretion, a higher level supervisor) and by the CHRO (or designee). The final decision may be to terminate or to take alternate action. In either case, the final decision is not subject to any review or appeal.
- (ii) For A/P faculty members who report directly to the President, the termination for cause procedure is as follows:
- (1) The President must meet with the A/P faculty member, and provide written notice of the intended action and the university's justification for the action.
  - (2) If the A/P faculty member objects to the intended action, she or he must respond in writing to the President within ten (10) work days of receipt of the written notice of intended action, stating any and all objections to the proposed discipline and the basis for each objection. All information and documentation in support of each objection must be included in the written response.
  - (3) If the A/P faculty member does not respond by such ten (10) work day deadline, the termination becomes final without further action and there shall be no further review.
  - (4) If the A/P faculty member provides a timely written response, the A/P faculty member shall meet with the President and a representative from the Human Resources & Payroll Department to discuss her or his objections, and all information and all documentation supporting such objections. The meeting date and time shall be determined by the President. If the A/P faculty member does attend the meeting, she or he must be prepared to discuss her or his objections, and all information and all documentation supporting such objections. The A/P faculty member may be accompanied by an attorney at the meeting, but the attorney may not participate. If the A/P faculty member chooses to bring an attorney, he or she must advise the university no fewer than five (5) work days in advance of such meeting.

- (5) Following such meeting, the President shall provide the A/P faculty member with written notice of the final decision. The final decision is not subject to any review or appeal.

## VIII. TERMINATION WITHOUT CAUSE

### A. Resignation

A/P faculty members who resign their positions are expected to provide at least one month's notice.

### B. Separation

The terms "separation" or "separated" means termination without cause. A/P faculty members may be separated from the university at any time. Separation from the university implies no fault or cause for the ending of an appointment, but can only occur after the required notification period, except as otherwise provided in this handbook. The decision to separate an A/P faculty member is not appealable or grievable.

#### 1. Notification Period

In calculating the required notification period, all years of continuous full-time service at the university in the current position, as well as in previous full-time positions at the university must be included (see chart below). The notification period can commence at any time and is independent of either the calendar or fiscal year. During this notification period, the supervisor may reassign duties or assign work on special projects. Supervisors must consult with a representative from the Human Resources & Payroll Department, a senior-level departmental administrator, and the appropriate Executive Council member prior to initiating notification of separation. A/P faculty may be separated from the university following the required notification period specified in the following chart, except as otherwise provided in this handbook:

#### Notification of Separation for A/P faculty

<u>Years of continuous university service:</u>	<u>Required notification period:</u>
Up to 1 Year	1 month
More than 1 and up to 4 Years	3 months
More than 4 and up to 10 Years	6 months
More than 10 Years	9 months

#### 2. Abolishment of State Funded Position

If an Educational & General (E&G) funded position is abolished, the A/P faculty member may be separated following the required notification period. If the A/P faculty member chooses the enhanced retirement benefit option under the Virginia Retirement System, as provided in the Workforce Transition Act, no notification period shall be required.

#### 3. Abolishment of Sponsored Program Funded Position

If loss of funding or restructuring is the reason for the abolishment of an A/P faculty position that is funded by sponsored program funds, notification of the end of an appointment may be less than the required notification period specified in section VIII.B.1 of this handbook. Notification of loss of funding should be given to the A/P faculty member as soon as the information is received from the sponsor. Positions funded from sponsored program funding *are not* eligible for severance pay.

Unless otherwise specified in the A/P faculty member's contract, if a position's funding changes from E&G funding to sponsored program funding, the A/P faculty member is not eligible for severance.

## **IX. SUSPENSIONS AND CRIMINAL DISCLOSURES**

### ***A. Immediate Suspension***

In the university's sole discretion, an A/P faculty member may be reassigned away from the work area or placed on administrative leave under certain circumstances, with or without pay. These circumstances include, but are not limited to, situations where that person's continued presence (1) may be harmful to self or other employees, or (2) makes it difficult for the university to execute its functions. In such cases, the A/P faculty member shall be given notice of the charges and an explanation of the university's evidence as soon as possible thereafter. Supervisors must consult with the Human Resources & Payroll Department prior to taking this action.

### ***B. Disclosure of Convictions or Arrest***

Each A/P faculty member is required to disclose to his or her supervisor any convictions or arrests for all offenses, other than non moving traffic violations, while employed. Failure to disclose convictions or arrests, or the nature of the offense, may result in disciplinary actions.

## **X. GRIEVANCE PROCEDURE**

### ***A. Definition***

The term "Grievance" means a complaint by an A/P faculty member, which alleges: (1) that an action or inaction of the university against the A/P faculty member is a violation, misinterpretation, or incorrect application of a policy, procedure or practice of the university directly affecting that A/P faculty member, or (2) retaliation by a supervisor against the A/P faculty member for engaging in the Grievance procedure. The A/P faculty member filing the Grievance is referred to as the "Grievant".

A/P faculty who allege violations of the university's Non-Discrimination Policy (Administrative Policy 1201), Sexual Harassment Policy (Administrative Policy 1202), or Non-Discrimination and Reasonable Accommodations on the Basis of Disability Policy (University Policy 1203), must submit such complaints to the Office of Equity and Diversity Services, in accordance with its procedures. Such allegations are not subject to this Grievance procedure.

### ***B. Administration***

All questions regarding the administration of this grievance procedure must be referred to the CHRO. The decisions of the CHRO with respect to the administration of this Grievance procedure are final.

### ***C. Non-grievable Issues***

Complaints about the following topics cannot be the subject of a Grievance:

- the contents of any university policies, procedures, rules, regulations, ordinances, and statutes;
- the contents of any employment contract;
- the routine assignment of university resources (for example, space, parking, operating funds);
- termination, separation, or termination or non-renewal of employment contract;
- disciplinary action;
- layoff or suspension from duties due to university staffing needs, reduction in work force, or abolishment of position;
- compensation, reassignment, title, or performance evaluation.

## **D. Grievance Procedure**

### **1. Initiating Grievance**

To initiate a Grievance, the Grievant must submit a request in the form of a written letter or memorandum to the CHRO, or her or his designee.

### **2. Panel**

If it is determined that the alleged offense is grievable, a three member panel shall be selected from a standing group of A/P faculty members who have all been appointed by the CHRO to constitute a Standing Committee for this purpose. The first member shall be selected by the Grievant; the second by the supervisor of the Grievant, and the third, who shall serve as chair, shall be selected by agreement of the first and second members. If the first and second members cannot agree on a third panel member, the third member shall be chosen by the CHRO. This panel shall consult with the Human Resources & Payroll Department regarding appropriate procedures for conducting a hearing.

The following individuals are ineligible to serve on the panel: individuals who have been involved in the alleged actions; relatives of the Grievant or supervisor (if applicable); staff members of the Human Resources & Payroll Department, the Office of Equity and Diversity Services, the Office of University Counsel, or the President's Office; and A/P faculty members within the Grievant's direct line of supervision.

- (i) Hearing. The panel shall conduct a hearing, as provided in this section, within fifteen (15) work days of being formed. The panel shall review all relevant documentation, and hear all relevant evidence presented by the Grievant and any other relevant person, as determined by the panel members. Both the university and the Grievant have the right to have legal counsel present, but counsel may not participate directly in the hearing. In order to preserve confidentiality to the greatest extent possible, only panel members, the Grievant, the supervisor, and legal counsel may attend the hearing. Witnesses may be called to present testimony but may not attend the entire hearing. An audio recording of the hearing may be made by the Grievant, university representatives, or both.
- (ii) Recommendation. The panel shall make a recommendation to the Senior Vice President or Provost, depending on reporting structure of the Grievant, or if the Grievant reports to the Senior Vice President or Provost, to the President. The panel shall provide its recommendation in writing within fifteen (15) workdays of the hearing to the Grievant and the Senior Vice President, Provost, or President.
- (iii) Decision. The Senior Vice President, Provost, or, if the A/P faculty member reports to the Senior Vice President or Provost, the President shall decide whether or not to grant the Grievant's request. The Senior Vice President, Provost, or President may decide to take alternative action. The decision of the Senior Vice President, Provost or President is final and may not be appealed. The decision shall be provided to the Grievant in writing within fifteen (15) work days of receiving the panel's recommendations.
- (iv) Timelines. If a grievant does not meet the time limits specified in this Grievance procedure, she or he will be deemed to have accepted the decision of his or her supervisor. The CHRO may, in her or his sole discretion, extend deadlines provided in this section, or stay the Grievance proceedings in order to allow other processes or investigations to be resolved.

## **XI. REVISIONS AND AMENDMENTS**

The A/P faculty handbook will be reviewed and revised, if necessary, annually by the handbook committee. Any revisions or amendments will be submitted to the Board of Visitors for approval, except that the Board of Visitors may delegate authority for such approval to a senior administrator of the university.

# Appendix A

## Librarians' Handbook

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## I. INTRODUCTION

The *Librarians' Handbook* supplements the *Administrative/Professional (A/P) Faculty Handbook* of George Mason University [the University]. The provisions of the *Librarians' Handbook*, in so far as applicable, are incorporated by reference in all employment contracts for University Librarians with professional faculty appointments in the University Libraries.

For the purposes of the *Librarians' Handbook*, a "librarian" is defined as an employee who:

- Holds a graduate degree in library or information science including, but not limited to the MLS, MLIS, MS, etc., from an American Library Association (ALA) accredited program OR a foreign degree that is a certified equivalent; and
- Holds a professional faculty appointment.

Librarians are bound by the *A/P Faculty Handbook* except as specifically superseded by the *Librarians' Handbook*. Librarians have a professional ranking system and undergo peer review processes consistent with the Association of College and Research Libraries' "Guidelines for Academic Status for College and Research Librarians."

### **A. Role and Function of Librarians**

As academic personnel, librarians are at the core of the University's teaching, learning, research and service mission. As such, librarians at the University are responsible for acquiring, organizing, managing, and providing access to a multitude of scholarly resources. In addition, librarians may fulfill research consultation and instruction responsibilities in the University. The multiplicity of functions performed and the varied specialties possessed by librarians at the University reflect the diversity of the Libraries' programs, collections, and related service obligations. All librarians share a responsibility to perform at the highest level of professional competence, provide consistently high quality service to students and faculty, and to engage actively with and meaningfully contribute to the academic and research enterprise of the University.

### **B. Academic Freedom and Civil Liberties**

Librarians enjoy privileges and obligations of academic freedom as generally recognized by the University and derived from the foundational "Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors and American Association of Colleges and Universities.

Further, the American Library Association and its members aim to safeguard the free flow of information and ideas, as set forth in such guiding documents as the "Library Bill of Rights" and the "Code of Ethics." These documents state that, in addition to the generally accepted legal and ethical principles and the respect for intellectual freedom of every citizen, membership in the library profession carries with it special obligations and responsibilities.

Libraries should not engage in censorship in the fulfillment of their responsibility to provide information. It is in the interest of the University community for librarians to make available the widest possible diversity of views and expressions. It is also essential that librarians have the right to express their views responsibly without fear of censorship, retaliation, or other penalty.

For librarians, academic freedom is defined as:

- The right to conduct, to publish, and to present scholarly research in a professional, responsible manner, within the limits imposed by the resources of the institution.
- The right to unrestricted provision of information on subjects (including controversial questions), subject to the provisions of State law and within one's professional expertise in a professional, and responsible manner, both on and off campus.

In addition to academic freedom, the University is fully cognizant that librarians enjoy the same civil liberties as other citizens. In the exercise of these civil liberties, librarians have an obligation to make explicit that they are not representing the University, its governing Board, or the Commonwealth of Virginia. All librarians have an obligation to avoid any action that appears or purports to commit the institution to a position on any issue without appropriate approval.

### ***C. Questions of Handbook Interpretation***

Any question of interpretation relating to the provisions of the *Librarians' Handbook* shall be resolved by the designated University officer to whom the University Libraries report, after consulting with the University Librarian, the Librarians' Council officers, and other individuals as appropriate.

### ***D. Procedure to Review or Amend Handbook***

The Librarians' Council Committee on Committees shall review the *Librarians' Handbook* every five years or as needed. If needed, the Librarians' Council may make changes to reflect the current policies and procedures of the University or the Commonwealth of Virginia. If the Librarians' Council wishes to amend the Handbook, they can request that an ad-hoc committee for this purpose be appointed by the designated University officer to whom the University Libraries report. All substantive changes to the *Librarians' Handbook* must be approved by the Board of Visitors.

## **II. TERMS OF APPOINTMENT**

### ***A. Initial Appointment as Librarian and Contract***

Librarians at the University typically receive an initial appointment contract of two years. However, depending on the timing of the appointment in a fiscal year, the initial appointment may be of shorter or longer contract duration, but no less than eighteen (18) months and no more than thirty (30) months. The initial appointment as librarian in the University is irrespective of rank. Subsequent contract renewals are based on the librarian's rank with corresponding appointment lengths, as stipulated below.

### ***B. Librarian Ranks and Duration of Appointment***

#### **1. Professional Ranks for Librarians**

Librarians at the University are designated by professional ranks that reflect professional competence, scholarship, service, and experience. These ranks are used in the initial appointment, reappointment, and promotion processes to recognize professional accomplishments and to provide incentives for further professional achievement.

Librarians may advance through the professional ranks provided they meet the criteria at each rank as stipulated below. Librarians should address questions concerning appropriate activities that meet these criteria to the Librarians' Council Professional Review Committee (PRC). After the initial appointment, a librarian may advance from one rank to the next in order. Librarians who wish to be considered for promotion to the next professional rank may do so by application to the PRC of the Librarians' Council. A librarian may not progress two ranks in one review cycle.

## **a) Librarian I**

### (1) Definition

“Librarian I” is the beginning professional rank. Librarians at this rank possess appropriate disciplinary and professional knowledge, but their professional experience is at a beginning or basic level.

### (2) Criteria for initial appointment or reappointment at this rank:

A librarian at this rank is expected to have met most of the following criteria:

- a. an ALA-accredited library degree or certified foreign equivalent, and any certification that may be required by the University;
- b. up to three years of successful appropriate professional experience or equivalent, preferably with a significant portion in an academic library;
- c. evidence of potential for a successful career in academic librarianship; and
- d. evidence of knowledge and use of appropriate information resources and related technologies.

### (3) Length of appointment

A librarian appointed at this rank, not on an initial appointment, shall receive a two-year appointment. The librarian shall be considered for contract renewal at the end of the first year of the two-year appointment.

## **b) Librarian II**

### (1) Definition

“Librarian II” shall be the rank for those librarians with a specialization in a technical, linguistic, disciplinary, or functional area. A librarian at this rank may participate in the development and implementation of new policies, programs, or services. At this rank, the librarian should have made contributions to the mission, goals, and objectives of the University Libraries or to a previous library organization, or to the academic library profession.

### (2) Criteria for initial appointment, reappointment, or promotion:

A librarian at this rank is expected to have met most of the following criteria:

- a. completed from three to seven years of successful appropriate professional experience or equivalent;
- b. demonstrated professional competence, preferably in an academic library;
- c. demonstrated professional growth, and contributions to scholarship and/or professional organizations; and
- d. demonstrated service to the Libraries, University, and/or community.

### (3) Length of Appointment

A librarian appointed at this rank, not on an initial appointment, shall receive a three-year appointment. The librarian shall be considered for contract renewal in the second year of the three-year appointment.

### **c) Librarian III**

#### (1) Definition

“Librarian III” shall be the rank for those librarians who have achieved professional standing through their scholarly and professional service contributions. The criteria for appointment and promotion to this rank include broad and substantial professional competence and noteworthy scholarly or creative accomplishments. Librarians at this rank have made creative contributions to the programs and services of the University Libraries, and have consistently rendered a high caliber of service to patrons and to the University community or have had a similar record of achievement at previous professional positions.

#### (2) Criteria for initial appointment, reappointment, or promotion:

A librarian at this rank is expected to have met most of the following criteria:

- a. completed from seven to twelve years of successful appropriate professional service or equivalent, preferably in an academic library;
- b. demonstrated both substantial and broad-based competence within one’s professional scope and specialization;
- c. achieved professional recognition through noteworthy contributions to scholarship and professional and/or scholarly organizations;
- d. demonstrated substantial service to the University Libraries, University, and/or the community; and
- e. demonstrated creativity or problem solving skills as shown by the initiation and implementation of a new program or service, or substantial improvement of an existing program or service within the organization.

#### (3) Length of Appointment

A librarian appointed at this rank, not on an initial appointment, shall receive a four-year appointment. The librarian shall be considered for renewal of appointment in the third year of the four-year appointment.

### **d) Librarian IV**

#### (1) Definition

“Librarian IV” shall be the rank for those librarians whose professional stature is substantive, and consequential. Librarians at this rank are characterized by an ongoing record of professional accomplishments, and have distinguished themselves in state-wide, regional and national levels for their expertise and contributions. Librarians at this rank have also established sustained leadership in library or scholarly organizations. They have consistently provided high caliber service to the University Libraries and/or University community, and have a substantial record of scholarly pursuits.

#### (2) Criteria for initial appointment, reappointment, or promotion:

A librarian at this rank is expected to have met most of the following criteria:

- a. completed more than twelve years of successful appropriate professional experience or equivalent, preferably with a significant portion in an academic library;
- b. achieved superior professional accomplishments in assigned areas of responsibility;
- c. has an established record of progressively significant publications and presentations;
- d. held progressively important appointed or elected positions in state-wide, regional and national professional or scholarly organizations;

- e. demonstrated significant and sustained service to the University Libraries, University, and/or the community; and
- f. earned an advanced degree(s) from an accredited institution, and/or achieved specialized professional certification(s) beyond the required academic credentials for librarians at the University.

(3) Length of Appointment

A librarian appointed at this rank, not on an initial appointment, shall receive a five-year appointment. The librarian shall be considered for renewal of appointment in the fourth year of the five-year appointment.

## C. Performance Expectations

The high standards for service and performance evident in the University Libraries reflect the overall high standards set by and expected at the University. Librarians, through their commitment to providing the highest quality of service, must acquire the requisite knowledge and develop the necessary skills to uphold and further these standards of institutional excellence, as outlined in this document.

The success of this common professional endeavor depends on performance standards for librarians. These performance standards provide the framework for professional review and promotion in rank and create an environment that both challenges and motivates the individual librarian. There are three general areas of performance considered in the professional review process: (1) Professional Competence, (2) Scholarship, and (3) Service. Professional competence is the most important in that superlative performance in either of the last two areas does not compensate for weak performance in the first. It is recognized, however, that worthwhile activity in the second and third areas can, in fact, have a beneficial impact on the first. It is important, therefore, to note that all three areas, in proper balance, do distinguish the excellent librarian from the good one. Representative criteria within these three general areas of performance (listed below) shall be applied in the contract renewal and promotion system.

Assessment of the first area, Professional Competence, is the responsibility of each individual librarian's supervisor. Assessment of the second two areas, Scholarship and Professional Service and University and Community Service, are the responsibility of the Librarians' Council Professional Review Committee (PRC). The PRC assesses professional librarians at all ranks for contract renewal purposes as well as promotion in rank. The University Librarian reviews the recommendations of both the librarian's supervisor and the PRC, and makes a recommendation for renewal and/or promotion. This recommendation shall be forwarded to the University's Administration for final decision through the reporting hierarchy designated by the University.

The following criteria are not inclusive, nor are they presented in order of priority. The applicability and relative importance of these criteria to any specific librarian position will vary, depending upon the individual's rank and the nature of his/her responsibilities.

### 1. Professional Competence

Competence in a librarian's assigned area of responsibility is basic to overall professional performance and is evaluated annually by the supervisor and reviewed by the supervisor's supervisor. Librarians at the University are accountable for:

- satisfactory execution of assigned duties and responsibilities;
- demonstrated ability to assess needs, analyze problems and provide solutions;
- mastery of subject areas as appropriate;
- evidence of knowledge of relevant advances in librarianship, especially academic research librarianship, and implementation/use of appropriate technologies;
- contributions that stimulate achievement, commitment, and promote collegiality;

- supporting and shaping the University's and Libraries' goals in ways appropriate to the individual's position;
- exercising independent and sound professional judgment; and
- effective communication (written and oral) and interpersonal skills.

## **2. Scholarship and Professional Service**

Librarians have privileges and responsibilities commensurate with their academic role as professional faculty at the University. As members of a profession, librarians are expected to keep current with and contribute to the advancement of the profession. A commitment to continuing growth and development is central to the definition of librarianship in an academic environment. Some representative activities that demonstrate professional growth and contributions are:

- professional presentations and scholarly publications, including critical reviews of scholarly works and assessment of information resources or services;
- active participation in scholarly or professional associations which may include speaking at a workshop or conference, presenting papers, and participating in panel discussions;
- consulting for the University community, professional or scholarly organizations, business, industry, government, educational institutions, or libraries;
- professional achievement through contributions to the field of academic librarianship, or through recognized leadership positions within the field of librarianship outside the institution;
- grant proposal writing;
- mastery of subject matter as demonstrated through advanced degrees, certifications, licenses, honors, fellowships, scholarships or awards in the field of librarianship and/or other relevant academic disciplines;
- serving on student projects or university degree committees;
- teaching courses or giving lectures beyond the library's instruction program; and
- service to the profession as evidenced by active participation in professional, scholarly or service activities at the local, state, regional, or national levels, such as committee work, holding an office, or organizing/facilitating programs.

## **3. University and Community Service**

Librarians are an integral part of the University and professional community and are representatives, official or unofficial, of both the University Libraries and the University. Each librarian should share the vision of the Libraries and play a role in implementing its mission by representing the University Libraries in the academic and professional communities. Some representative ways in which a librarian may participate beyond his/her immediate assigned duties are:

- service to the University and/or the University Libraries through participation in the work of committees, task forces and special projects at the University, Libraries, or departmental level;
- participation in shaping the University's educational initiatives and materially supporting and contributing to the University's research goals;
- service to the community through participation in educational service activities external to the University community such as library boards, literacy programs, or other appropriate volunteer work.

## **D. Professional Review for Librarians**

### **1. Overview**

Professional Review is a required process for librarians that is in addition to the University's Employee Evaluation Procedure provided in the *A/P Faculty Handbook Section VI Performance Management*. The professional review process is managed by the Librarians' Council through its PRC.

The criteria outlined in “Performance Expectations for Librarians (*Librarians’ Handbook Section II.C*) and “Professional Ranks for Librarians” (*Librarians’ Handbook Section II.B*) shall be used by the PRC to develop and maintain consistent guidelines to identify and encourage areas of professional growth and expertise. The PRC is charged, and held accountable by the Librarians’ Council with developing the forms used in this process and defining the documentation requirements. The PRC shall use the guidelines herein to assess the scholarship and professional service of University librarians for contract renewal purposes as well as promotion in rank.

## 2. Renewal/Promotion Professional Review Schedule

The professional review process for librarians begins during the fall semester.

The following schedule is only an approximate sequence of events and may vary from year to year depending on circumstances. More specific timetables are determined by the PRC and the University Librarian’s Office every year.

<b>Librarian Professional Review Process Timetable</b>	
<b>August/September</b>	PRC Chair contacts the University Libraries Office for the names of review candidates and notifies Librarians’ Council of upcoming reviews. PRC Chair sets the dates for the current review cycle.
<b>September/October</b>	PRC Chair calls for applications for promotion and stipulates deadline for submission of such requests.
<b>November/December</b>	University Librarian, in consultation with the PRC Chair, appoints Professional Review subcommittees for individual librarians. Librarians are notified of their review subcommittee.
<b>December/January</b>	Librarians submit Professional Review documentation to PRC.
<b>January/February</b>	Professional Review subcommittees review candidate dossiers and CVs as they are received. Immediate supervisors submit professional competence and performance evaluations of candidate, with recommendations to renew or not to renew appointment.
<b>March</b>	University Librarian reviews candidate Professional Review documentation, and submits recommendations to University administration. The University Provost makes final reappointment and/or promotion in rank decisions and notifies librarians of these decisions in writing. Non-renewal of appointments will be communicated, in writing by the University Librarian, no later than March 31 <sup>st</sup> .
<b>May</b>	University Librarian will execute a new employment contract to each reappointed or promoted in rank librarian for the specific period no later than May 31 <sup>st</sup> for the specified period. The contract will be counter-signed by the Librarian and filed accordingly.

The effective date of all promotions in rank and renewed contracts at the end of the initial appointment shall be the first day of the fiscal year that begins immediately following the review. The effective date for all other renewed contracts shall be the first day of the fiscal year following the end of the original contract.

## 3. Composition of Professional Review Subcommittees

The Review Subcommittee is charged with reviewing the scholarship and service credentials of individual librarians and making a recommendation to the University Librarian regarding contract renewal or application for promotion in rank.

For each librarian reviewed, the University Librarian, in consultation with the Chair of the PRC,

designates the members for the librarian's review committee, taking into account possible conflicts of interest. The Chair of the individual review subcommittee must be a member of the PRC. Other review subcommittee members shall be drawn from the current PRC or, if necessary, may be drawn from eligible members of the Librarians' Council. A librarian is eligible to serve on a review subcommittee if he/she has already gone through the full professional review process. Prior to the commencement of the review process, review candidates and review subcommittee members have the option to appeal the composition of their PRC committee to the University Librarian within five (5) business days of notification.

#### **4. Review of Initial Appointment**

The review of librarians on initial appointment, regardless of rank, shall occur no less than six months before the expiration of the initial appointment. The type of review that shall be conducted is dependent on a librarian's rank as outlined herein. The librarian shall be notified of the decision no less than two months prior to the end of the initial appointment.

Renewed appointments are fiscal year appointments and shall begin at the start of the fiscal year immediately following the review. The contract length shall be for a set term based on the rank at which the librarian is reappointed.

##### **a) Librarian I Rank**

Librarians at the Librarian I rank shall only be reviewed on professional competence. This review shall be conducted by their immediate supervisor, who shall write a letter to the University Librarian assessing the librarian's professional competence and making a recommendation concerning continuing appointment. Upon review of this information and recommendation, the University Librarian shall make a determination to reappoint, or not reappoint.

##### **b) Librarian II Rank and higher**

Librarians at the Librarian II rank and higher shall submit to the PRC a dossier documenting his/her professional scholarship and service. The librarian's professional review subcommittee shall review this documentation and submit a recommendation regarding continuing appointment to the University Librarian. The immediate supervisor shall write a letter to the University Librarian assessing the librarian's professional competence and making a recommendation concerning continuing appointment. Upon review of this information and recommendation, the University Librarian shall make a determination to reappoint, or not reappoint. This recommendation shall be forwarded for final approval to the reporting hierarchy designated by the University.

#### **5. Review of Subsequent Appointments**

Approximately eighteen (18) months prior to the expiration of the subsequent appointment, the librarian shall provide the PRC with an annotated CV or complete dossier that details his/her professional scholarship and service activities during the review period. For the first full professional review, a Librarian I shall be required to submit the full dossier. The librarian's Review Subcommittee shall review this documentation and submit a recommendation regarding reappointment to the University Librarian. The immediate supervisor shall write a letter to the University Librarian assessing the librarian's professional competence and making a recommendation concerning appointment. Upon review of this information and recommendation, the University Librarian shall make a determination to reappoint, or not reappoint. This recommendation shall be forwarded for final approval to the reporting hierarchy designated by the University.

The librarian shall be notified of the decision no later than two months prior to the end of the current fiscal year.

Renewed appointments begin on the first day of the fiscal year following the completion of the current contract. They shall be for a set term based on the level at which the librarian is appointed.

## **6. Non-renewal of Appointment**

If the decision is made to not renew the librarian's contract, the University Librarian shall notify the librarian and his/her immediate supervisor in writing of the decision. In this letter, the University Librarian must present adequate reasons for the non-renewal of appointment. The reasons for a decision not to renew must be documented and based on one or more of the following:

- unsatisfactory job performance as evidenced by the written annual performance evaluations, the librarian's immediate supervisor's letter, and other pertinent documentation;
- failure to meet the criteria outlined in "Performance Expectations" (*Librarians' Handbook Section II.B*) and "Librarian Ranks and Length of Appointment" (*Librarians' Handbook Section II.A.1.*) for the rank at which the librarian is appointed.

The librarian may appeal this decision if he/she disagrees with it or if he/she believes that the professional review process as stated herein was not followed. See *Librarians' Handbook Section II.E Appeals* for further information. The burden of proof on appeal rests with the librarian.

## **7. Review of Promotion Requests**

Librarians may apply for promotion during any professional review cycle whether or not they are up for contract renewal. Promotion is based upon the criteria listed in "Professional Ranks for Librarians," *Librarians' Handbook Section II.B.1*. A librarian seeking promotion must meet the requirements stipulated for a given rank (*Section II.B.1 Professional Ranks for Librarians*) in order to be promoted to that rank. The PRC shall announce due dates by which librarians must indicate their intent to apply for promotion.

A librarian applying for promotion shall provide the PRC with a complete dossier documenting his/her professional scholarship and service activities since his/her last promotion. The librarian's review subcommittee shall review this documentation and submit a recommendation regarding promotion to the University Librarian.

The immediate supervisor shall write a letter to the University Librarian assessing the librarian's professional competence and making a recommendation concerning promotion. Upon review of this information and recommendation, the University Librarian shall make a determination to promote, or not promote. This recommendation shall be forwarded for final approval to the reporting hierarchy designated by the University.

The librarian shall be notified of a decision no less than two months before the end of the current fiscal year. If the librarian is promoted, a new appointment shall begin the first day of the fiscal year immediately following the decision to promote. The term of the new appointment shall be dependent on rank to which the librarian is promoted.

In the case of non-promotion, the University Librarian shall notify the candidate in writing no less than two months prior to the end of the current fiscal year and provide reasons for promotion denial. The reasons for a decision not to promote must be documented and based on one or more of the following:

- unsatisfactory job performance as evidenced by the written annual performance evaluations, the librarian's immediate supervisor's letter, and other pertinent documentation;
- failure to meet the criteria outlined in "Performance Expectations" (*Librarians' Handbook Section II.C*) and "Librarian Ranks and Length of Appointment" (*Librarians' Handbook Section II.B.1.*) for the rank at which the librarian is appointed.

The librarian may appeal this decision if he/she disagrees with it or if he/she believes that the professional review process as stated herein was not followed. See *Librarians' Handbook Section II.D Appeals* for further information. The burden of proof on appeal rests with the librarian.

## **E. Review Appeal Procedure**

The intent of the appeal procedure is to provide a fair and competent review.

### **1. Definitions**

An "appeal" is a request to the University Librarian for the review of a disputed decision.

A "business day" is defined as any weekday, Monday through Friday, when the petitioner is normally at work.

Librarians can appeal the following two actions:

- non-renewal of appointment
- non-promotion.

Time limits in the process may be extended by mutual written agreement of the affected parties.

### **2. Appeals Procedure**

At any point in the appeal process prior to the time that the panel renders a decision, the librarian may withdraw his/her appeal. No reprisals of any kind shall be taken by the University or any employee against any party of interest, any witness, or any other participant in the appeal procedure by reason of such participation.

### **3. Filing Appeal**

The petition for an appeal must be filed with the University Librarian within ten (10) business days of the receipt by the appointee of the decision not to renew or not to promote.

### **4. Formation of Appeals Panel and Hearing**

An appeal panel is to be formed within ten (10) business days of the request filing. This panel shall consist of three members of the instructional/research or administrative/professional faculty, none of whom are on initial appointments. The panel members may not have participated in the original decision not to renew or not to promote the appointee. The petitioner shall select one member of the panel. The University Librarian shall select the second member of the panel. The two members shall then select the third member of the panel, who serves as chair. The names of the panel members shall not be publicly released.

The Chair of the panel shall request that the librarian and supervisor submit all relevant documents to the panel. The panel shall hold a hearing in the presence of both parties within ten (10) days of receipt of the required documentation. It is the responsibility of the Chair of the panel to set dates for the hearing, to notify University Counsel and HR, answer questions regarding procedure and determine a reasonable time limit for the conduct of the hearing and adjournment.

Witnesses may be called to appear on behalf of either party. The University shall make every effort to ensure that documents and individuals deemed essential for a fair and impartial decision are available. The librarian may be accompanied by an attorney at the hearing, but the attorney may not participate. If the librarian chooses to bring an attorney, he or she must advise the University no fewer than five (5)

business days in advance of such hearing.

The hearing shall not be open to the public and will not be recorded in any manner. Witnesses shall attend the hearing to give testimony and shall leave the hearing immediately thereafter.

#### **5. Decision of the Panel**

The decision of the panel shall be by majority vote. The Chair of the panel is responsible for writing the panel decision and submitting it to the President, or his/her designee, the librarian, the supervisor, and the University Librarian within three (3) business days of the end of the hearing. The President, or his/her designee, shall submit to the librarian, the supervisor, and the University Librarian a final and binding decision within five (5) business days of receipt of the panel's recommendation.

The panel's decision shall consist of one of the following recommendations:

- It is recommended that the librarian shall be renewed/promoted.
- It is recommended that the librarian's appointment shall not be renewed.
- It is recommended that the librarian shall not be promoted.

#### **6. Procedural Deficiencies**

If the President, or his/her designee, determines that the appeal procedures were not followed correctly by the panel, then the case shall be sent back to the panel to correct the deficiencies in the process.

#### **7. Records Retention**

After the appeal has been decided, the records of the case shall be given to the Office of the University Librarian for filing and maintenance in the librarian's personnel file per the University's Records Retention Policy.

### **III. PROFESSIONAL DEVELOPMENT LEAVE**

Several types of professional development leave are available to librarians through University's and University Libraries' programs in addition to other types of leave available to A/P faculty. For more information about other leave types, refer to the Leave Options Chart in Appendix D of the *A/P Faculty Handbook*. Professional development leave available to librarians includes:

#### **A. Research Leave**

Librarians may apply to the Professional Development Committee (PDC) of the Librarians' Council for short-term Research Leave. This competitive Research Leave provide up to two (2) weeks of paid leave. Librarians who wish to apply for Research Leave should consult either the "Research Leave Policy and Application" available on the Librarians' Council page of the University Libraries' intranet or contact the Chair of the Professional Development Committee.

The University Librarian makes final determination and awards Research Leave upon consideration of the PDC recommendation. Librarians shall use Research Leave within a reasonable period. Librarians shall consult with their supervisor when planning and scheduling Research Leave.

#### **B. Professional Leave without Pay**

Professional leave of absence without pay provides librarians with an opportunity for continued achievement through special study, research, or writing. Leave is also provided for projects that directly

benefit the institution and for public or private service outside of the institution. Requests for these types of projects shall be considered on a case-by-case basis. Within three months following completion of leave, the librarian shall submit to the University Librarian a summary of professional activities undertaken while on leave. The decision to award professional leave without pay is made solely at the discretion of the University.

To apply for professional leave without pay, a librarian must submit a written application to the University Librarian at least three (3) months prior to commencement of the leave. Exceptions to this timetable will be considered only in unusual circumstances. The timetable applies with the understanding that pending re-appointment decisions have precedence over, and should precede, a University decision on granting a librarian professional leave without pay. The application should clearly specify the applicant's intention to return to the University following leave.

A librarian's application should outline how the proposed leave meets the above criteria. If the recommendation of the University Librarian is to approve the leave, then the leave request shall be forwarded for final approval to the reporting hierarchy designated by the University.

The University Librarian shall inform the applicant in writing of the final decision regarding his/her request for professional leave without pay. Leaves are ordinarily one (1) month to a year in length, with a maximum of two (2) years. The University shall reserve a position for the librarian, with the understanding that the position reserved is not necessarily the original position held by the librarian awarded professional leave without pay. When a librarian returns from leave, their professional rank and salary shall be the same as when their leave started. A librarian on leave wishing to change the agreement should inform the institution as early as possible, but no later than thirty (30) days prior to the stated end of the leave.

During leave, a librarian is free to engage in activities for pay if the activities undertaken are consistent with the purpose for which the leave was granted. A librarian on leave receives some consideration for salary increases, but not necessarily the same as those in active service to the institution.

Once professional leave without pay has been granted, the timetable for reappointment and/or promotion may be extended. Librarians may apply for extension of the Review Calendar to their supervisor. The University Librarian makes the final determination as to the extension of the Review Calendar for the affected librarian and informs the PRC of the decision.

During leave, continuous coverage under the librarian's established insurance programs can usually be provided by the University; however, specific inquiries should be directed to the Human Resources Department. All leaves of absence require submission of appropriate forms available from the Human Resources Department.

## **IV. Grievance Procedure**

Librarians wishing to file a grievance must do so in accordance with the *A/P Faculty Handbook Section X Grievance Procedure*. All parts of *Section X* shall apply with the following additions and exceptions noted below.

### **A. Definition**

The following exceptions apply for librarians:

A "grievance" shall mean any complaint or dispute by any librarian, or group of librarians, with regard to the application of a University policy, procedure, or practice.

A "grievance" is also defined as a complaint alleging retaliation for use of the Grievance Procedure. A "grievant" is the person or persons making the claim.

## **B. Administration**

There are no additions or exceptions to this subsection for librarians.

## **C. Non-Grievable Issues**

The following exception applies for librarians:

Librarians may also grieve the following issues:

1. Infringement of academic freedom;
2. assignments or duties;
3. working conditions; or
4. salary.

## **D. Procedure**

The following addition applies to librarians:

### **1. Initiating a Grievance**

Before initiating any grievance proceeding, the grievant must seek to resolve the dispute through discussion with the grievant's immediate supervisor. Parties should exhaust all reasonable efforts to achieve a resolution of the situation. If the grievance is with their immediate supervisor, then the grievant should discuss the grievance with the grievant's supervisor's supervisor.

If informal consultation fails to resolve the matter, the grievant may initiate a written grievance following the procedure in the *A/P Faculty Handbook, Section X.D Grievance Procedure*. This action must be taken within fifteen (15) business days following the cessation of discussions. The written grievance shall detail with particularity the nature of the dispute, the remedy sought, and the justification for the remedy sought.

### **2. Panel**

Members of the grievance review panel shall be selected in accordance with the *A/P Faculty Handbook Section X.D.2*. One member of the panel reviewing a librarian's grievance must also be a librarian and shall be selected from the membership of the Librarians' Council.

The following individuals are ineligible to serve as members of the ad hoc panel:

- Relatives of the grievant or supervisor;
- Staff members of the University's Human Resources Department;
- Staff members of the Office of Equity and Diversity Services;
- Staff members of the President's Office; or
- Administrative/Professional Faculty members within the grievant's reporting structure.

After the grievance has been decided, the records of the case shall be given to the Office of the University Librarian for filing and maintenance in the grievance file as per the University's Records Retention Policy.

## **V. DISCIPLINE AND TERMINATION**

Discipline and termination of librarians shall be done in accordance with The *A/P Faculty Handbook Sections VII. Discipline* and *VIII. Termination without Cause*. These sections apply to all George Mason University librarians *with the following exceptions/additions*:

## **A. Termination without Cause**

### **1. Resignation**

A librarian who resigns before the end of his/her appointment is expected to give at least one (1) month's written notice to the University Librarian with a copy given to the supervisor.

## **B. Interruption of Appointment for Bona-Fide Financial Exigency**

In all cases of dismissal due to financial exigency, the position of the dismissed librarian shall not be filled by a replacement within a period of two years, unless the released librarian has been offered reinstatement. Should termination of a librarian for reasons of bona-fide financial exigency become necessary during the term of his/her appointment, the University shall give him/her as much notice as possible in accordance with the *A/P Faculty Handbook Section VIII.B.1*, but no less than thirty (30) days.

## **C. Terminations**

### **1. Termination for Cause**

"Termination for cause" means the involuntary termination of a librarian's appointment prior to the expiration of his/her term of appointment. Termination for cause cannot be used to restrain a librarian in his/her exercise of academic freedom or other rights of American citizens. Termination for cause may occur at any time.

The reasons for termination for cause as outlined in the *A/P Faculty Handbook Section VII.B.1* apply to librarians in addition to the following:

- Retaliation for exercise of academic freedom, free speech and association.

### **2. Termination for Cause Procedure**

Dismissal of a librarian before the end of his/her appointment shall be done in accordance with the procedure for termination with cause set forth in the *A/P Faculty Handbook Section VII.B.2* with the following exception:

Dismissal of a librarian before the end of his/her appointment shall be preceded by a meeting of the librarian, the immediate supervisor, and the University Librarian in an effort to resolve the problem. If the matter is not resolved during this meeting, the University Librarian shall notify the librarian in writing within two (2) business days of the decision to dismiss and shall provide reasons for the dismissal. Once the librarian has been notified of the decision to dismiss, the Termination for Cause procedure in the *A/P Faculty Handbook Section VII.B.2* shall be followed.