

**NUMBER:** 1490

**TITLE:** Administrative and Professional Faculty

**APPROVED:** June 12, 1980; Revised June 22, 1995; Revised September 9, 2005; Revised June 17, 2010

I. Background

Pursuant to §23-38.88, *Eligibility for Restructured Financial and Administrative Operational Authority*, subdivision A10 states that “public institutions of higher education shall be allowed to establish policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions provided in subsection E of §2.2-2901.” These designations shall be reserved for positions that require a high level of administrative independence, responsibility, and oversight within the organization or specialized expertise within a given field as defined by the Board of Visitors.

II. Definitions for Administrative and Professional Faculty (AP Faculty)

Administrative faculty require the performance of work directly related to the management of the educational and general activities of the institution, department or subdivision. Incumbents in these positions should exercise discretion and independent judgment and generally direct the work of others.

Qualification criteria:

- must perform the duties and responsibilities associated with this category 50 percent or more of the contractual time;
- must have advanced degree; or training and work experience at a level which equates to an advanced degree;
- must regularly exercise discretionary actions;
- the organization reporting relationship normally must not go lower than three (3) levels below the President.

Requests for any exception to these criteria must be made to the President. The Vice President for Human Resources may provide assistance as required by the President.

Professional faculty require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. This category is normally limited to librarians, counselors, coaches, lawyers, physicians, and other professional positions serving education, research, athletic, medical, student affairs, and development functions or activities. Some information technology positions may also be included in this category.

Qualification criteria:

- must perform the duties and responsibilities associated with this category 50 percent or more of the contractual time;
- must have advanced degree; or training and work experience at a level which equates to an advanced degree;
- must regularly exercise professional discretion and judgment;
- work produced must be intellectual and varied in character and should not be standardized.

Requests for any exception to these criteria must be made to the President. The Vice President for Human Resources may provide assistance as required by the President.

Professional librarians are covered by a separate policy concerning rank and term appointments.

### III. Academic Rank

- A. Two types of academic rank are awarded to administrative and professional faculty members at Old Dominion University:
1. Rank without departmental designation - On initial appointment, an administrative and professional faculty member may be assigned rank without departmental designation upon recommendation of the appropriate vice president or director and approval of the president, the Board of Visitors, and the governor. Normally only holders of the earned doctorate will be awarded ranks above that of instructor, but exceptions may be made on the basis of experience and training.
  2. Rank with departmental designation - Upon initial appointment, an administrative and professional faculty member may be awarded rank in a department upon recommendation of the chair of the department (after consultation with the promotion and tenure committee of the department or with the tenured faculty of the department) and the dean to the provost and vice president for academic affairs. Award of rank in a department usually implies that the faculty member will be performing service in that department in teaching, research, or professional service.
- B. AP faculty members initially appointed to rank without departmental designation may request consideration for granting of rank with departmental designation of the chair of the department. The procedures for the granting of departmental designation are the same as for initial appointment with the departmental designation.

### IV. Promotion in Rank

- A. For AP faculty members holding rank without departmental designation the following terms apply:

1. An AP faculty member without departmental rank may be proposed for promotion by that person's immediate supervisor. The supervisor should clearly indicate criteria being used and reasons for promotion. Normally promotion should not take place in a shorter time period that would be used for promotion to the same rank for teaching and research faculty.
  2. In areas reporting to the provost and vice president for academic affairs, the initial recommendation is made through the normal administrative line to the provost and vice president for academic affairs, who approves or disapproves the recommendation. The AP faculty member has the right to request that the president review the decision of the provost and vice president for academic affairs. The decision of the president is final.
  3. In areas not reporting to the provost and vice president for academic affairs, the recommendation is considered through the normal administrative line and a final recommendation made by the appropriate vice president, or director, to the president. The president, after consultation with the provost and vice president for academic affairs concerning the appropriateness of the rank within university practices, takes final action on the recommendation.
- B. For persons holding rank with departmental designation the following apply:
1. Persons who have held rank with departmental designation for the normal length of time before consideration for the next higher rank may request that the chair of the department evaluate their performance. In this evaluation, it is appropriate that the departmental chair take into consideration the fact that the faculty member cannot have performed the quantity of teaching, research, and departmental service that would be expected of a full-time member of the teaching faculty of the department. On the other hand, it should be expected that the AP faculty member would hold credentials such that, if the person were being appointed initially to an administrative or professional post, the faculty and chair of the department would be willing to grant the rank to which promotion is proposed.
  2. Consideration of the promotion should begin with the departmental promotion committee and proceed in exactly the same manner as for full-time teaching faculty members<sup>1</sup>.

V. Tenure for AP Faculty Members

- A. No administrative or professional faculty member holds tenure or other right of continuance in their appointment.
- B. Time spent at Old Dominion University in an AP faculty appointment does not count toward the probationary period for tenure. If a nontenured faculty member accepts a full-time AP faculty post, the time spent in that position is not counted toward the probationary period for tenure.

- C. Tenured faculty members who accept administrative posts retain tenure in their academic departments.
- D. An AP faculty member may request tenure consideration by an appropriate academic department. Such consideration begins with an evaluation by the departmental chair of the training, experience, and performance of the faculty member. Thereafter, beginning with consideration by the departmental tenure committee or the total tenured faculty of the department, the policy and procedure for the award of tenure to AP faculty members is identical with the policy and procedure for teaching and research faculty members.
- E. An AP faculty member initially appointed to the rank of full professor with departmental designation may be considered for award of tenure without probationary period in accordance with the policy and procedures governing full-time faculty members initially appointed to the rank of full professor.

#### VI. Notice of Termination of AP Faculty Members

- A. No person has a right of continuance in a specific administrative assignment, and any administrative or professional faculty member may be reassigned to different responsibilities at any time. The following policies and procedures, therefore, refer to continuance of salary and of appointment to the university.
- B. Administrators or professionals holding rank without departmental designation:
  - 1. Faculty in this category shall be given the following notice of termination:
    - a. At least ninety (90) days for faculty in their first twenty-four months of service.
    - b. At least one hundred and eighty (180) days for faculty with more than twenty-four months of service.
  - 2. Initial notification of termination is by the faculty member's immediate supervisor. The faculty member has a right to request a review up the chain of command to the president. The decision of the president concerning termination is final.
  - 3. Effective July 1, 1995, in the event an administrative or professional faculty member is involuntarily separated from employment by the University for reasons that are not performance or behavior related, the notice of termination period (provided in paragraph V.B.1 and 2 above) will be reduced by the number of weeks of severance pay benefits provided by the Workforce Transition Act of 1995. The net benefit for the dismissed employee shall not be less than that which is provided by this policy. This paragraph shall be in force and effect only so long as the Workforce Transition Act of 1995, or successor legislation, is effective. Involuntary separation is defined as position elimination due to budget reductions, work force downsizing, university or departmental reorganization or other causes

not related to performance or employee conduct, but shall not include voluntary resignations. Notice of termination of appointment is not an involuntary separation that qualifies for severance benefits.

4. A shortening of the termination notice for cause can take place under the following conditions:
  - a. Inability, unwillingness or failure to perform assigned duties and professional responsibilities at a satisfactory level.
  - b. Violation(s) of University policies and/or procedures.
  - c. Violation(s) of applicable administrative or professional ethics or responsibilities.
  - d. Criminal convictions for acts of conduct occurring on or off the job which are related to job performance or are of such a nature that to continue the administrative faculty member in the assigned position could constitute negligence in regard to the University's responsibilities to the public or to its students or other employees.
  - e. In the event the appointing official or other appropriate supervisory administrative officer determines that termination of an AP faculty member's employment is warranted, the faculty member shall be advised, in writing, of the intended action and the reason(s) therefore, and shall be afforded the opportunity to respond, in writing and in person, to the intended action and the reasons upon which the intended action is based.
  - f. Termination by reason of inability, unwillingness or failure to perform one's duties and professional responsibilities at an acceptable level, may not be undertaken until the faculty member has been advised, in writing, of the deficiencies in his/her performance and afforded a reasonable opportunity (at least 30 days) to correct such identified deficiencies.
  - g. If the faculty member elects to respond to the notice of intended termination, and the response is deemed unsatisfactory, the appointing official should proceed to implement the termination action by notifying the faculty member, in writing, of the termination action and the effective date thereof. The written notification shall state specifically the reasons for the termination and shall inform the individual of the right to appeal the termination decision.
  - h. AP faculty members may appeal a dismissal for cause through the Grievance Policy for Faculty Administrators if they believe the dismissal resulted from an improper application of policy or is arbitrary and capricious.

C. AP Faculty holding rank with departmental designation:

1. Faculty in this category who do not hold tenure are entitled to the same notice as that given to nontenured faculty members.<sup>2</sup> During all or a portion of the time under which the faculty member is on terminal notice, reassignment to the academic department as a teaching faculty member may be made.
2. Faculty holding rank with departmental designation but not having tenure may request a review of the termination decision through the president. The decision of the president is final.
3. Faculty holding rank with departmental designation and tenure return to the tenured teaching faculty of the department if they leave their administrative post for any reason. Dismissal from the university can only occur under the policies and procedures for dismissal of tenured faculty members.

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<sup>1</sup>See the "Policy and Procedures Concerning Academic Rank and Promotion in Rank," section II.

<sup>2</sup>See the policy on "Reappointment or Nonreappointment of Faculty," section I.B.6.