



*Office of the President*

August 29, 2008

Dr. Peter F. Burnham, Chair  
Middle States Commission on Higher Education  
3624 Market Street  
Philadelphia, PA 19104-2680

***Subject: Progress Update on Completion of UVI Faculty Policy Manual***

Dear Dr. Burnham:

On March 28, 2008, the University of the Virgin Islands (UVI) submitted a progress letter to the Middle States Commission on Higher Education (MSCHE) in fulfillment of the provisions of the Statement of Accreditation Status, which requested a progress letter from UVI by April 1, 2008. The progress letter documented the development and implementation of a faculty handbook in accordance with Standard 10. It covered the period between the 2007 site visit and March 28, 2008. On June 26, 2008, MSCHE accepted the first progress letter from UVI and requested a subsequent progress letter by September 1, 2008. This second letter chronicles the changes which occurred between March 28, 2008 and August 27, 2008.

During the period since the submission of the first progress letter, significant developments have occurred with regards to completing the Faculty Policy Manual (FPM). The Administration-Faculty Working Group successfully reviewed, ratified and submitted to the Board of Trustees substantial portions of the FPM for approval. As a result of significant progress on the policy manual, it is now possible to have a formal "Working Faculty Policy Manual," which incorporates elements of the 2003 FPM to complement areas of the new 2008 FPM for which there is not yet a resolution. This is a stop gap measure, but it is an important milestone which signifies that the end is near. It also recognizes the efforts of the faculty and administration in working collaboratively on the FPM.

The process of getting the FPM approved is as important as the formal document itself. The process seeds the impetus for continuing shared governance and collegial decision making, which have been the hallmark of the entire process. The development of the revised FPM has created an opportunity for improved relationships among the faculty, administration and the Board.

The areas pending resolution include important sections of the FPM such as the tenure process, the post-tenure review process and the grievance process. These pending sections are relevant to the governance structure and evaluation process. The faculty and administration are continuing discussions on resolving these remaining areas. The next full meeting of the UVI Board of Trustees is scheduled for November 1, 2008 and by the directive of the Board at the June 14, 2008 meeting, the 2008 FPM is expected to be finalized. The University will meet this goal.

We appreciate the opportunity to apprise you of our progress and look forward to receiving a favorable response from MSCHE.

Sincerely,



LaVerne E. Ragster, Ph.D.  
President

pc: Alexander Moorhead, Chair, UVI Board of Trustees  
Andrea Lex, Ph.D., MSCHE Liaison

## Progress letter to Middle States Commission on Higher Education

- i. Summary of Progress
- ii. Working 2008 Faculty Policy Manual
- iii. Outstanding issues of the 2008 Faculty Policy Manual
- iv. Timelines for the completion of the Faculty Policy Manual
- v. Conclusions
- vi. Appendices

### SUMMARY

In response to the request from Middle States for a progress letter on the developments made towards meeting Standard 10, a progress report was submitted on March 28, 2008. In a letter to UVI, MSCHE acknowledged the progress that was made but requested another update by September 1, 2008. The Board of Trustees at its June 2008 meeting considered additional sections which were completed between March 2008 and May 2008. The action of the Board at this meeting finalized an interim working policy manual, which accepted the completed sections and deferred the uncompleted sections to the 2003 policy manual. The Board also mandated that the remaining portions be completed by September and subsequent Board action be secured by the November 1, 2008 Board meeting. The final 2008 Faculty Policy Manual will be ratified by the Board at that point. There is every indication that these deadlines will be met.

### Working 2008 Faculty Policy Manual

As of the June 2008 Board of Trustees meeting, a working Faculty Policy Manual now exists and is implementable. The Board resolution (attached) outlines the scope of the working policy manual and the responsibility of the President for its implementation. The BOT resolution of June 2008 authorizes the ratified sections to be used as the FPM and deferred to the 2003 policy manual for the unresolved sections. Thus, for the first time since July 2005, there is a functional faculty policy document.

### Outstanding issues of the 2008 FPM

#### Article 5.x: Process for tenure

The Board recommended that the tenure process be limited to a one-page proposal as opposed to the eight-page proposal submitted by the faculty. The Academic Research and Student Affairs (ARSA) Committee agreed to send Article 5.x back to the faculty and administration to address the tenure process. It is anticipated that the faculty and administration will submit a ratified proposal to the ARSA Committee of the BOT by the third week of September 2008. The ARSA Committee will in turn submit the ratified proposal to the Executive Committee of the Board of Trustees for approval.

#### Article 5.xvi: Process for Post-Tenure Review

The Board recommended that the post-tenure review process be limited to a one-page proposal. The ARSA Committee agreed to send Article 5.xvi back to the faculty and administration to address the post-tenure review process. It is anticipated that the faculty and administration will submit a ratified proposal to the ARSA Committee by the third week of September 2008. The Committee will in turn submit the ratified proposal to the Executive Committee of the Board of Trustees for approval.

### **Article 6.iib Provision of summer health insurance**

The full Board agreed to send Article 6.ii.b back to the faculty and administration to be addressed. It is anticipated that the faculty and administration will submit a ratified proposal to the ARSA Committee by the third week of September 2008. The Committee will in turn submit the ratified proposal to the Executive Committee of the Board of Trustees for approval.

### **Article 9: Grievance and Complaint Process**

The Board agreed that the ad-hoc procedure for grievances should remain in place as an interim solution for addressing grievances. It is anticipated that the faculty and administration will meet and submit a ratified proposal to the ARSA Committee by the third week of September 2008. The Committee will in turn submit the ratified proposal to the Executive Committee of the Board of Trustees for approval.

### **Timelines for the completion of the 2008 FPM**

The resolutions and specific actions adopted by the BOT sets forth the timelines for the completion of the FPM.

September 6, 2008	Administration – Faculty Subcommittee meets to address the remaining sections and prepare for ratification by the faculty and approval by the administration
September 13, 2008	Tentative date for a subsequent meeting of the Administration – Faculty Subcommittee if necessary to address the remaining sections and prepare for ratification by the faculty and approval by the administration
September 8 - 19, 2008	Ratification of outstanding sections of the FPM by the faculty and administration
September 21, 2008	Submission of a complete ratified and approved FPM to ARSA Committee
October 2, 2008	ARSA meets to review and take action on the FPM
October 5, 2008	Submission of ARSA FPM to BOT Executive Committee for review and approval of outstanding sections
November 1, 2008	Full Board action on completed FPM
November 1, 2008	Implementation of completed 2008 FPM

**Conclusion**

A working faculty policy manual now exists. The document incorporates elements of the 2003 FPM to complement areas of the new 2008 FPM for which there is not yet a resolution. The faculty and administration are continuing discussions on resolving the remaining areas. It is anticipated that by the third week of September 2008 a final document will be available for review and action by the Board. It is highly anticipated and expected that a completed 2008 FPM will be passed at the November meeting of the Board of Trustees.

## Appendices

- I. Approved Sections of Working 2008 FPM by Faculty, Administration and Board
- II. Proposals for Unsettled Areas of 2008 FPM
- III. Board Of Trustees Resolution: Faculty Policy Manual
- IV. UVI 2008 Faculty Policy Manual

## Appendix I

### Approved Sections of Working 2008 FPM by Faculty, Administration and Board

(including those approved 3/15/2008)

Chapter(s)	Article	Ratified by Faculty	Approved by Cabinet	Approved by the BOT
Preface (Purpose and Scope)		Agreement.	Approved	Approved 03/15/2008
Table of Contents		Agreement	Approved	Approved 03/15/2008
1		Agreement.	Approved	Approved 03/15/2008
2		Agreement	Approved	Approved 03/15/2008
3		Agreement	Approved	Approved 03/15/2008
4		Agreement on 4.i, 4.i.a, 4.i.b, 4.i.e, 4.ii intro, 4.ii.b-e	Approved	Approved 03/15/2008
	4.i	Definition of faculty - Agreement	Approved	Approved 06/14/2008
	4.i.c		Approved	Approved 06/14/2008
	4.i.d	Definition of FT-NTT (added) - Agreement	Approved	Approved 06/14/2008
	4.i.d	Definition of Adjunct Faculty – Agreement	Approved	Approved 06/14/2008
		Definition of Visiting Faculty - Agreement		
5	5.i	Faculty load - No Agreement		Approved 06/14/2008
5	5.ii	Agreement	Approved	Approved 03/15/2008
5	5.ii.a-f	5.ii.a-f, Agreement	Approved	Approved 03/15/2008
	5.ii.g	5ii.g – Additional Provisions – Agreement	Approved	Approved 06/14/2008
	5.iii	Outside Activities and Conflict of Interest - No Agreement		Approved 06/14/2008
	5.iv		Approved	Approved 03/15/2008
	5.v	Agreement	Approved	Approved 03/15/2008
	5.vi	Agreement	Approved	Approved 03/15/2008

Chapter(s)	Article	Ratified by Faculty	Approved by Cabinet	Approved by the BOT
	5.vii	Agreement	Approved	Approved 03/15/2008
	5.viii.a,b	Agreement, Agreement	Approved	Approved 03/15/2008
	5.viii.c-j	Agreement	Approved	Approved 06/14/2008
	5.ix	Promotion - Agreement	Approved	Approved 06/14/2008
	5.x	Process for Tenure – No Agreement	Pending	Pending
	5.xi	Composition of UPT - Agreement	Approved	Approved 06/14/2008
	5.xi.	Agreement	Approved	Approved 06/14/2008
	5.xii	Agreement	Approved	Approved 06/14/2008
	5.xiii	Agreement	Approved	Approved 06/14/2008
	5.xiv	Agreement	Approved	Approved 06/14/2008
	5.xv	Agreement	Approved	Approved 06/14/2008
	5.xvi	Post-Tenure Review (Process) – No agreement	Pending	Pending
6	6.i	Agreement		Approved 06/14/2008
	6.ii.a	Agreement		Approved 06/14/2008
	6.ii.b	Summer health insurance – No agreement	Pending	Pending
6	6.ii.c	Agreement	Approved	Approved 06/14/2008
	6.ii.d	Agreement	Approved	Approved 06/14/2008
	6.ii.e	Tuition waiver for faculty - No Agreement	Pending	Pending
6	6.ii.f	Agreement	Approved	Approved 06/14/2008
7	7.i	Agreement	Approved	Approved 06/14/2008
7	7.ii.	Agreement	Approved	Approved 06/14/2008
7	7.iii	Approved	Approved	Approved 06/14/2008
7	7.iv	Approved	Approved	Approved 06/14/2008
7	7.iv	Agreement	Approved	Approved 06/14/2008
8	8.i	Agreement	Approved	Approved 06/14/2008
8	8.ii	Agreement	Approved	Approved 06/14/2008
8	8.iii	Agreement	Approved	Approved 06/14/2008
8	8.iv	Agreement	Approved	Approved 06/14/2008
8	8.v	Agreement	Approved	Approved 06/14/2008
9	9	Grievance and Complaint Procedure – No Agreement	Pending	Pending
10	10.i	Agreement	Approved	Approved 06/14/2008
10	10.ii	New inclusion - Agreement	Approved	Approved 06/14/2008
10	10.iii	Agreement	Approved	Approved 06/14/2008



## **Appendix II**

### **Proposals for Unsettled Areas 2008 FPM**

#### **Document 5.x**

#### **Tenure Process**

**Administration proposal:** Tenure is not necessarily a consequence of the renewals of appointments, salary increases or promotion. In considering tenure, the University is obliged to weigh the criteria in terms of the future as well as the past.

The Provost will determine the list of candidates eligible for tenure as outlined in section 5.xii. By November 15, the Provost's Office will notify candidates of their eligibility. Eligible candidates will submit a tenure portfolio to the Unit RPT Committee by January 15. See appendix for content of tenure portfolio.

If applicable, the Academic Supervisor will provide an independent evaluation of the candidate to the Unit Manager and RPT, with copy to the candidate.

The Unit RPT will provide a tenure evaluation to the Unit Manager, with copy to the candidate.

The Unit Manager will provide an independent evaluation to the Provost Feb. 15, with copy to the candidate.

The Provost will, by Feb. 20, forward all Unit evaluations, the tenure portfolio, and any supporting documents to the University Promotion and Tenure Committee (UPT).

The UPT provides a tenure recommendation to the Provost, with copy to the candidate, by March 30.

The Provost makes a recommendation on tenure to the President.

The President makes a recommendation on tenure to the UVI Board of Trustees according to Board procedure.

The Board of Trustees makes a decision on tenure according to Board policy and procedure. The decision on tenure will be communicated to the applicant by June 30.

The decision of the Board on tenure is not subject to appeal.

Faculty members not granted tenure on the basis of the tenure review shall receive notice that their current contract is considered terminal and will not be renewed.

**Faculty Proposal: TENURE PROCESS****5.c. Procedure for Employment with Tenure****5.c.i. Initiation of Process for Tenure**

The Provost will determine the list of candidates eligible for tenure as outlined in (e) Role of the Provost below. By Aug. 15, the Provost's Office will notify candidates of their eligibility and suggest that they prepare a portfolio, to be submitted to his/her ~~chair~~ Unit Manager by Sept 15 (as outlined in ii(a) below).

**5.c.ii. Responsibilities in Tenure Review****5.c.ii.a. Role of the Individual Faculty Member**

It is recommended that the individual faculty member document his or her case for tenure. Materials will be reviewed by the Unit Retention, Promotion and Tenure (RPT) committee, the University Promotion and Tenure Committee (UPT), the Provost, and the President.

To document his or her case, the faculty member may prepare a portfolio, which includes but is not limited to the following:

- a. Current vita;
- b. A narrative statement of case, particularly a self-evaluation of the principal faculty responsibilities;
- c. Statement of teaching philosophy (can be included within self-evaluation) and materials to support: representative syllabi, course assignments, exams, and other relevant teaching materials;
- d. Materials to support scholarship/artistic achievement and, as appropriate, of University and other service: copies of books or articles, reports, reviews, etc.
- e. Letters of support (optional) from up to 3 individuals in each of the following groups: current and former students, academic and/or professional peers, or outside evaluators;
- f. Summary of information and data regarding course enrollments, grade distributions, student evaluations, etc.
- g. Written evaluations of the two most recent professional growth plans;
- h. Other information which the candidate deems important to evaluation of his/her case.

The candidate forwards any materials he or she wishes considered for tenure review to the ~~chair~~ Academic Supervisor for comment and to the RPT for review by Sept. 15. Additional material can be added by the candidate after Sept. 30 only if it represents a change in status of material already submitted (i.e. an article that has been accepted for publication, a document provided to the candidate after deadline, etc.).

**5.c.ii.b. Role of the Retention, Promotion and Tenure Committee****1. Composition of Unit Retention, Promotion, and Tenure Committees**

Each Division will establish a Retention, Promotion, and Tenure Committee to make recommendations on renewal of contracts, promotion, and tenure of faculty members in the Unit. Membership and composition of the Retention, Promotion, and Tenure Committee may vary in different divisions; each Unit will establish by a majority vote of faculty, in a regular or special business meeting of the Unit regulations regarding the size, composition, and process of selection of the Unit Retention, Promotion, and Tenure Committee for that Unit. These regulations may be modified by a majority vote of the Unit faculty in a regular or special business meeting. Copies of the regulations for each Unit will be filed in the Divisional offices, with a copy to the Office of the Provost, and updated whenever changes are made. Copies of the regulations will be made available to Unit faculty on request.

## 2. Functions of the Unit Retention, Promotion, and Tenure Committees

(a) Each Unit Retention, Promotion, and Tenure Committee will meet annually to consider Evaluative Summaries of faculty members in the Unit (see 10.c.1) and ratify or change the ratings recommended by the Academic supervisor and Unit Manager. The Committee will make recommendations for contract renewal/non-renewal to the Unit Manager who will recommend to the President whether or not the contract is to be renewed and the length of the contract period (see 10.d.ii).

(b) Unit Retention, Promotion, and Tenure Committees will conduct an initial review of applications for promotion and tenure within the Unit (see section XXX and YYY for application procedures), with special attention to the mission, goals, and present and future needs of the Unit, and forward recommendations for or against promotion or the granting of tenure to the University Promotion and Tenure Committee through the Unit Manager (see 10.d.iv).

## 3. RPT Procedures

When an RPT meeting is called by the Unit Manager the committee will discuss each tenure case. The purpose of the meeting is to inform the Unit Manager for purposes of writing a letter for or against tenure. All faculty participating in the meeting will have access to the candidate's portfolio prior to deliberations.

Committee members will express their recommendations and rationales, vote for or recommend against tenure and, when it is prepared, review and sign the committee letter as outlined in (c) below.

### 5-c-ii-c Role of the Unit Manager

After receiving the candidate's portfolio, the Unit Manager will convene meeting(s) before Oct. 15.

Following the meeting(s), the RPT Unit Manager will prepare (or have prepared) a letter that summarizes the opinions of all participants and includes his/her own recommendation. The letter will specifically address reasons for recommendation for or against tenure, including each of the areas of faculty work and the individual growth plans. The letter must clearly indicate whether the decision for or against tenure and/or

promotion is unanimous. If the decision is split, there must be an indication of the numbers voting for and against and reasons why. The vote of individual members will not be revealed but the Unit Manager's vote, recommendation, and rationale must be clearly identified

All RPT participants are to review and sign the letter indicating confirmation of its accuracy. Any participant can ask to have her/his opinions clarified before agreeing to sign the letter.

The Unit Manager will forward a letter reflecting Unit opinion to the UPT and the candidate by Oct. 15. The letter will become a part of the tenure and/or promotion file as well as a part of the personnel file.

The candidate may prepare a response by Oct. 30. This response will be attached as an addendum to the divisional letter to the UPT.

#### 5-c-ii-d Role of the University Promotion and Tenure Committee (UPT)

##### 1. Composition of UPT

UPT will be composed of seven tenured faculty members. Members will be elected by approval voting in a secret mail ballot conducted by the Office of the Provost by Aug. 31 after lists of those eligible to serve and those eligible to vote have been verified by the Faculty. All faculty holding the rank of professor, associate professor, assistant professor, and instructor who are not visiting, and have served at UVI for at least one (1) year comprise the Electorate for the UPT.

##### 2. UPT Procedures

i. UPT committee members will receive the list of candidates eligible for tenure from the Provost by Aug. 31 of the academic year.

ii. The Provost's Office will send a memorandum to teaching, research, and administrative faculty with names of the tenure candidates, inviting members of faculty to submit written statements regarding the candidates to the chair of the UPT.

iii. The UPT member(s) receiving the greatest number of votes will be responsible for calling the first meeting. The UPT members will elect the chair and secretary at the first meeting.

iv. If an elected member of the UPT must resign, the chair will fill the position(s) with the faculty receiving the next highest number of votes.

v. UPT will determine the procedural details to be followed for the interview of candidates and subsequent vote. Those procedures will be forwarded to the Provost and the Chair of the Faculty, by Oct. 30. These procedures will be made available to all faculty at least 1 week before the last scheduled Faculty meeting before the first tenure candidate is interviewed.

vi. Candidates for tenure will be evaluated based on the qualities desired of the teaching faculty contained in the Teaching Faculty Policy Manual (Section 12).

vii. The Chair of the UPT will deliver a letter to each candidate for tenure informing them that they:

1. May review their personal files at the Human Resources Office. The candidates must sign a release form if they wish to allow UPT members to examine their official file; candidates should be aware that without access to official files UPT members will be unable to explore details omitted from their portfolios and may regard assertions in the portfolio as unsubstantiated.

2. May solicit letters addressed to the chair of UPT commenting on their qualifications and accomplishments. The UPT secretary will send a summary of all submitted statements about a candidate prior to the date of UPT deliberations, affording the candidate an opportunity to prepare responses. These written statements will be deposited in the official UPT file kept in the Office of the Provost;

3. Will be invited to meet with UPT on their own campus when their candidacy is being considered. All candidates will be informed of interview procedures adopted by UPT as noted in section 5 - vi above.

viii. UPT may request the appearance of any member of the university community to assist in its deliberations. If such an appearance/s takes place the candidate will be given a summary of the information received and will be given an opportunity to respond in a subsequent discussion between UPT and the candidate, or, if the candidate prefers, the candidate may submit a written response.

iv. UPT will make its recommendation regarding a candidate to the Provost. Four (4) or more votes in favor of the candidate constitute a favorable recommendation. Fewer than four positive votes constitute a negative recommendation. All 7 members of UPT must be present during deliberations unless the candidate agrees in writing to accept the recommendation produced by 6 members. UPT will not make recommendations based on discussions in which fewer than 6 members are present.

UPT's recommendation, along with the vote, will be sent to the Provost and the candidate at the conclusion of deliberations on all candidates, by Dec. 15.

x. In the case of a negative recommendation by UPT, UPT members shall immediately justify their vote in writing. These statements shall be typed by the secretary and verified by the chair. In the presence of the secretary and chair, the original hand written copies will be destroyed and the typed copy will be placed in an envelope and sealed. The authors of the statements will not be identified. The sealed envelope becomes part of UPT files. (The candidate may view the contents of the envelope in the presence of the chair and secretary. After reading, the contents will be returned to the envelope and resealed in the presence of the chair and secretary and the envelope will be returned to UPT files.)

xi. UPT deliberations and decisions are confidential matters and should not be discussed by UPT members outside of UPT-related functions.

#### 5-c-ii-e Role of the Provost

The Provost will determine the list of candidates eligible for tenure, notify those candidates of their eligibility, and forward the list to the appropriate Unit Managers and the UPT committee members by August 15 of the academic year.

The Provost's Office will send a memorandum to teaching, research, and administrative faculty with names of the tenure candidates, inviting members of faculty to submit written statements regarding the candidates to the chair of UPT.

After the Provost receives the written recommendation from UPT on or before Dec. 15, he or she will engage in a separate review of tenure candidates after receiving the recommendations of UPT. In making his/her recommendation to the President, the Provost shall consult with the Unit Manager of each candidate under review, and with members of the University community or of the candidate's academic discipline who are qualified to evaluate the candidate's record.

The Provost shall forward his or her recommendations, along with those of UPT, to the President on or before January 15.

#### (f) Role of the President

When the President of the University receives the Provost's recommendation for the granting or denial of promotion or tenure on or before Jan. 15, together with the recommendation from UPT and the candidate's full portfolio, he/she shall either deny or approve or recommend against approval of the tenure by Feb. 15. The President will then forward to the Board of Trustees the names, records, the results of the evaluations, and his/her recommendations, including those that are negative. The final decision in each case will be made by the Board of Trustees, at their next meeting after Feb. 15.

The President's recommendation, as well as his/her written reasons and all supporting letters, becomes a part of the faculty member's permanent personnel file. The President notifies the individual formally in writing and forwards the letter of the Provost. These letters are also sent to the appropriate Unit Manager.

Faculty members not granted tenure on the basis of the tenure review shall receive notice of termination in accordance with the standards of notice specified in Section 4c.

#### 5.d. Terms of Employment with Tenure

Faculty members granted tenure render services to the University on a contract which can be terminated by the University only for adequate cause. Such adequate cause for termination will not be construed to restrict the academic freedom of faculty to conduct scholarly enquiry or to articulate perceptions of the truth unpopular with the administration or society.

Individuals who hold tenure while serving in an administrative capacity shall be assured of the right to return to their teaching position as tenured members of the faculty for the duration of full-time service with the University.

#### 5.e. Appeal of Tenure Recommendation

i. The faculty member may appeal –UPT’s recommendation in writing to the Faculty Grievance Committee (described in Section 21a) and request an opportunity for a personal appearance to present his or her case, subject to the following conditions:

(a) The appeal to the Faculty Grievance Committee must be based on the grounds that UPT’s recommendation was unjustified because: (1) - UPT did not follow its stated procedures in arriving at this recommendation, or (2) the recommendation was arbitrary and capricious, lacking a substantial basis in fact, or (3) the recommendation was related to a violation of the faculty member's constitutional rights.

(b) Any such appeal must be supported by a written statement supporting the faculty member's contention that –UPT’s recommendation was in violation of one or more of the grounds for appeal presented above.

(c) The appeal and supporting statement must be submitted to the Faculty Grievance Committee not later than 30 calendar days after receipt of notice of UPT’s recommendation.

(d) At the conclusion of the Faculty Grievance Committee’s deliberations, they will make a recommendation to the Provost stating that either the appeal is not valid and UPT’s recommendation should remain unchanged, or that the appeal is valid and that UPT should conduct a second review of the candidate in compliance with the findings of the Faculty Grievance Committee.

ii. If the President of the University decides not to recommend to the Board of Trustees that a faculty member be granted tenure, the candidate and UPT will be informed by the President, in writing, of his or her recommendation.

iii. In the event that the faculty member is not satisfied with the recommendation of the President, a written appeal may then be made to the Board of Trustees in accordance with the Board’s policy on appeal procedures. The faculty member’s written appeal and all tenure documents will be presented to the Board. The faculty member may appeal the President’s recommendation to the Board subject to the following conditions:

(a) The appeal to the Board must be based on the grounds that the President's recommendation was unjustified because: (1) the institution did not follow its stated procedures in arriving at this recommendation, or (2) the recommendation was arbitrary and capricious, lacking a substantial basis in fact, or (3) the recommendation was related to a violation of the faculty member's constitutional rights.

(b) Any such appeal must include a written statement supporting the faculty member's contention that the President's recommendation was in violation of one or more of the grounds for appeal presented above.

## **5.xvi Post-Tenure Review**

### **Administration proposal:**

The purpose of post-tenure review is to require tenured faculty to develop Professional Development Plans in conjunction with their Unit and/or immediate academic supervisors, in order to associate their personal professional goals with the strategic goals of their academic programs and the University. **{Note: Faculty committee has indicated the need for further review and comment.}**

### **5.xvi.a Faculty Growth Plans for Tenured Faculty**

The basis for post-tenure review at the University of the Virgin Islands shall be a three-year Professional Development Plan as described in Section 5.v for pre-tenure Faculty Professional Development Plans. Tenured faculty are encouraged to voluntarily change the direction of their long-term planning by undertaking professional development goals which further the strategic needs of the University.

Tenured full professors shall not be required to produce an annual Record of Activities (Section 5.iv.a), during the period covered by their Post-Tenure Professional Development Plan. At the conclusion of the term for which the Post-Tenure Professional Development Plan was written, each faculty member shall assess his or her progress toward the goals articulated in the Professional Development Plan in a Record of Activities covering the entire period of the Post-Tenure Growth Plan. This will substitute for the annual Record of Activities for the purposes of retention and promotion.

### **5.xvi.b Peer Review of the Post-Tenure Professional Development Plan**

At the conclusion of the term for which the Professional Development Plan was written, it shall be reviewed by the Retention, Promotion, and Tenure Committee (RPT Committee) of the Unit to which the faculty members belongs. The purpose of the review shall be to provide constructive feedback to the tenured faculty member to assist in setting appropriate goals for the subsequent Post-Tenure Growth Plan.

### **5.xvi.c Use of Professional Development Plan Reviews**

Upon completion of their review of the faculty member's Professional Development Plan, the Unit RPT Committee will forward a copy of their written evaluation to the faculty member under review, to the faculty member's Unit Manager or immediate academic supervisor, and to the Provost.

The report of the review committee may be used as evidence by the faculty member in an application for promotion, in which case it may be released to those directly involved in the promotional review process, but it may not be used as evidence of unsatisfactory performance in a disciplinary or dismissal proceeding.

Files of the Professional Development Plan reviews of faculty members shall be maintained in the Provost's Office and the faculty member's Unit.



**5.xvi.d Implementation of Post-Tenure Professional Development Plans**

In the academic year following that in which this policy is approved, and in each of the two years following, approximately one-third of the faculty members in each Unit currently holding tenure will be asked to prepare Post-Tenure Development Plans, with the assistance of the Unit Manager; after the third year, once all currently tenured faculty members have prepared Post-Tenure Professional Development Plans, this sentence will be removed from the Faculty Policy Manual. Faculty members newly awarded tenure shall prepare a Post-Tenure Professional Development Plan in the academic year immediately following the awarding of tenure.

Faculty proposal: Not yet provided

## 6.ii.b Summer Health Coverage

Admin Proposal – This is the proposal that was approved by ARSA and later remanded by the full board for faculty input.

**6.ii.b** *The University acknowledges the importance of medical insurance as a critical part of compensation and will continue to provide group insurance with costs shared between the University and the employee as approved by the Board of Trustees. Faculty who fulfill their contractual obligations for the academic year to the university and duly notify the University that they will not be returning for the subsequent academic year will be eligible for special summer health insurance coverage. The university will reimburse such faculty the COBRA cost for continuing group health insurance coverage from the end of the spring semester to the beginning of the fall semester. This amount of coverage will be equal to but shall not exceed the cost of insurance had the faculty member continued employment with the university.*

## Faculty Proposal

**Doc 9.Admin:** This is the version proposed by administration

## **9. Grievance and Complaint Procedures**

### **9.i Purpose**

The purpose of the grievance and complaint procedure is to provide an orderly process for hearing complaints or grievable claims by members of the faculty. The object of the process is to reach a fair and equitable decision in a timely manner.

### **9.ii Applicability**

All faculty to whom the Faculty Policy Manual applies.

### **9.iii Freedom from Reprisal**

Faculty are free to file grievances without fear of reprisal, coercion, or discrimination.

### **9.iv Definitions**

A grievance is a claim by a faculty member that the University, or someone acting on behalf of the University, has failed to comply with one or more of the provisions of the Faculty Policy Manual or other policy approved by the Board of Trustees in its treatment of, or dealings with, the faculty member.

A complaint is a claim by a faculty member that the University, or someone associated with it, is acting in such a manner as to unreasonably interfere with the faculty member's ability to perform effectively or to unnecessarily disrupt the faculty member's well being. Complaints concern issues not covered by the *Faculty Policy Manual*.

The individual making a complaint or grievance will be referred to as the grievant. The individual or entity against which the grievance or complaint has been made will be referred to as the respondent.

### **9.v General Provisions**

The University recognizes the rights of faculty to file complaints and grievances, and will act expeditiously to address those complaints or grievances. It is expected that all parties will make a good faith effort to resolve problems quickly and fairly at the departmental level.

### **9.vi Faculty Grievance Committee**

**The Faculty Grievance Committee shall be comprised of the Faculty Chair, two faculty (one from each campus) elected according to the faculty by-laws, and one other UVI employee appointed by the Provost.**

### **9.vii Filing Procedures**

**Step One:** Faculty members who feel they have a grievance or complaint should request an interview with their immediate supervisor to discuss the matter. The request should be made in writing within thirty (30) days after the occurrence of the event being grieved, or within thirty (30) days after becoming aware of the event. Any grievance or complaint which is not presented within the aforementioned thirty (30) calendar days shall be considered waived. An exception to this provision is that for a grievance or complaint involving a continuing issue, the grievant may file the grievance or complaint at any time that he or she determines that the grievance or complaint will not otherwise be resolved and has become intolerable. The supervisor must schedule the interview within five (5) working days of receiving the faculty member's request. The supervisor's response to the grievant should be made within five (5) working days of the interview.

The faculty member should clearly state the following when discussing their grievance or complaint with their supervisor:

- \* The specific event or circumstances being addressed.
- \* If a grievance, the provisions of the Faculty Policy Manual or other approved policy alleged to be violated.
- \* If a complaint, state the nature of the situation being addressed and if possible provide policy citations (UVI, Federal or Territorial) being violated.
- \* The specific relief desired.

**Step Two:** If the problem cannot be resolved to the satisfaction of both parties in Step One, the faculty member may request an interview with his or her Unit Manager. This request should be made within five (5) working days of the response from the supervisor. The faculty member and supervisor should meet with the Unit Manager and attempt to come to a solution. The Unit Manager's response to the grievant should be made within five (5) working days of the interview.

If the supervisor is the Unit Manager, the faculty member should proceed directly from Step One to Step Three.

**Step Three:** If the employee is still not satisfied after meeting with the supervisor and Unit Manager, he or she may file a written grievance or complaint with the Provost within five (5) working days of the Unit Manager's response. The written complaint should include the following information:

- \* The specific event or circumstances being addressed.
- \* If a grievance, the provisions of the Faculty Policy Manual or other approved policy alleged to be violated.
- \* If a complaint, state the nature of the situation being addressed and if possible provide policy citations (UVI, Federal or Territorial) being violated.
- \* The specific relief desired.

The Provost will arrange an interview with the parties involved within ten (10) working days. The results of the meeting shall be documented with copies provided to all parties.

**Step Four:** If this meeting does not produce an amicable solution, and the grievant wishes to pursue the case further, he or she should forward the grievance or complaint to the Chair of the Faculty Grievance Committee within five (5) working days.

### **9.vii Hearing Procedures**

Within ten (10) working days of receipt of the formal grievance or complaint, the Faculty Grievance Committee shall conduct a preliminary review of the grievant's written statement and within five (5) working days and make a recommendation to the administrator having authority over the issue being addressed as to whether a grievance or complaint should be heard by this body

The grievance or complaint must pass the test for definition of a grievance or complaint as cited in this section. If, following the preliminary review, the Faculty Grievance Committee determines that the grievance or complaint is not valid or is not within their jurisdiction, it shall recommend to the administrator having authority over the issue being addressed that either:

- a) The grievance or complaint be denied, or
- b) The grievance should be heard by a Grievance Hearing Committee.

If the grievance is to be heard, the Faculty Grievance Committee will choose a Grievance Hearing Committee that will consist of 3-5 individuals based on the nature of the complaint or grievance, but shall endeavor to include at least one staff/administrator, one faculty from each campus, and a student, if the latter is appropriate.

Hearings will commence within 10 days of the determination that the grievance should be heard. At the conclusion of these hearings, the Grievance Hearing Committee will provide recommendations as to how the issue should be addressed to the Faculty Grievance Committee which will forward it to the administrator having authority over the issue being addressed.

The administrator having authority over the issue being addressed will act on the recommendations within 10 days of receiving the report from the Faculty Grievance Committee. This decision is final.

The Grievant will be notified of the final decision.

**Doc 9.Fac:** This is the version proposed by faculty

## **9. Grievance and Complaint Procedures**

### **9.i Purpose**

The purpose of the grievance and complaint procedure is to provide an orderly process for hearing complaints or grievable claims by members of the faculty. The object of the process is to reach a fair and equitable decision in a timely manner.

### **9.ii Applicability**

All faculty to whom the Faculty Policy Manual applies.

### **9.iii Freedom from Reprisal**

Faculty are free to file grievances without fear of reprisal, coercion, or discrimination.

### **9.iv Definitions**

A grievance is a claim by a faculty member that the University, or someone acting on behalf of the University, has failed to comply with one or more of the provisions of the Faculty Policy Manual or other policy approved by the Board of Trustees in its treatment of, or dealings with, the faculty member.

A complaint is a claim by a faculty member that the University, or someone associated with it, is acting in such a manner as to unreasonably interfere with the faculty member's ability to perform effectively or to unnecessarily disrupt the faculty member's well being. Complaints concern issues not covered by the *Faculty Policy Manual*.

The individual making a complaint or grievance will be referred to as the grievant. The individual or entity against which the grievance or complaint has been made will be referred to as the respondent.

## **9.v General Provisions**

The University recognizes the rights of faculty to file complaints and grievances, and will act expeditiously to address those complaints or grievances. It is expected that all parties will make a good faith effort to resolve problems quickly and fairly at the departmental level.

## **9.vi Faculty Grievance Committee**

**The Faculty Grievance Committee shall be comprised of the Faculty Chair, two faculty (one from each campus) elected according to the faculty by-laws, and two alternates, one from each campus, elected according to the Faculty By-Laws.**

## **9.vii Filing Procedures**

**Step One:** Faculty members who feel they have a grievance or complaint should request an interview with their immediate supervisor to discuss the matter. The request should be made in writing within thirty (30) days after the occurrence of the event being grieved, or within thirty (30) days after becoming aware of the event. Any grievance or complaint which is not presented within the aforementioned thirty (30) calendar days shall be considered waived. An exception to this provision is that for a grievance or complaint involving a continuing issue, the grievant may file the grievance or complaint at any time that he or she determines that the grievance or complaint will not otherwise be resolved and has become intolerable. The supervisor must schedule the interview within five (5) working days of receiving the faculty member's request. The supervisor's response to the grievant should be made within five (5) working days of the interview.

The faculty member should clearly state the following when discussing their grievance or complaint with their supervisor:

- \* The specific event or circumstances being addressed.
- \* If a grievance, the provisions of the Faculty Policy Manual or other approved policy alleged to be violated.

- \* If a complaint, state the nature of the situation being addressed and if possible provide policy citations (UVI, Federal or Territorial) being violated.
- \* The specific relief desired.

**Step Two:** If the problem cannot be resolved to the satisfaction of both parties in Step One, the faculty member may request an interview with his or her Unit Manager. This request should be made within five (5) working days of the response from the supervisor. The faculty member and supervisor should meet with the Unit Manager and attempt to come to a solution. The Unit Manager's response to the grievant should be made within five (5) working days of the interview.

If the supervisor is the Unit Manager, the faculty member should proceed directly from Step One to Step Three.

**Step Three:** If the employee is still not satisfied after meeting with the supervisor and Unit Manager, he or she may file a written grievance or complaint with the Provost within five (5) working days of the Unit Manager's response. The written complaint should include the following information:

- \* The specific event or circumstances being addressed.
- \* If a grievance, the provisions of the Faculty Policy Manual or other approved policy alleged to be violated.
- \* If a complaint, state the nature of the situation being addressed and if possible provide policy citations (UVI, Federal or Territorial) being violated.
- \* The specific relief desired.

The Provost will arrange an interview with the parties involved within ten (10) working days. The results of the meeting shall be documented with copies provided to all parties.

**Step Four:** If this meeting does not produce an amicable solution, and the grievant wishes to pursue the case further, he or she should forward the grievance or complaint to the Chair of the Faculty Grievance Committee within five (5) working days.



### **9.vii Hearing Procedures**

Within ten (10) working days of receipt of the formal grievance or complaint, the Faculty Grievance Committee shall conduct a preliminary review of the grievant's written statement and within five (5) working days and make a recommendation to the administrator having authority over the issue being addressed as to whether a grievance or complaint should be heard by this body

The grievance or complaint must pass the test for definition of a grievance or complaint as cited in this section. If, following the preliminary review, the Faculty Grievance Committee determines that the grievance or complaint is not valid or is not within their jurisdiction, it shall recommend to the administrator having authority over the issue being addressed that either:

- a) The grievance or complaint be denied, or
- b) The grievance should be heard by a Grievance Hearing Committee.

If the grievance is to be heard, the Faculty Grievance Committee will either constitute itself as a Hearing Committee, or will choose a Grievance Hearing Committee that will consist of 3-5 individuals based on the nature of the complaint or grievance, but shall endeavor to include at least one staff/administrator, one faculty from each campus, and a student, if the latter is appropriate.

Upon receipt of the request for a hearing, the Faculty Grievance Committee shall meet to determine whether to treat the problem as a grievance or a complaint and to schedule a hearing in a timely manner. The Committee shall notify the grievant of the time and nature of the hearing within two (2) weeks of receipt of the request for a hearing.

Should a hearing be held, it will be conducted in a manner that is fair to all parties involved with both the grievant and the charged party being allowed to present their side of the issue and to call such witness or offer such documentation as to support their side of the issue.

At the conclusion of the hearing, the Faculty Grievance Committee shall make a report to the administrator having authority over the issue causing the problem, stating the Committee's recommendation regarding the resolution to the problem. This report shall be made within one (1) week of the completion of the hearing. If the problem is a grievance, the Committee may recommend that the grievance be honored, granting the faculty member the desired redress; the Committee may recommend that the grievance be denied; or the Committee may recommend a compromise solution to the issue. In either case, the Committee should indicate how its recommendation relates to the

Faculty Policy Manual provision alleged to have been violated and whether it feels that such violation actually occurred. If the problem is a complaint, the Committee shall indicate its evaluation of the issue giving rise to the complaint and shall recommend a resolution to that issue in a manner that is reasonable and fair to the parties involved, given the nature of the complaint and the range of alternatives available to resolve it. Copies of the report shall be provided to the grievant, the Provost, and the President.

Upon receipt of the Faculty Grievance Committee's recommendation, the administrator having authority to implement it or oversee its implementation shall respond in writing within one (1) week to the Committee indicating his or her response to the Committee's recommendation. This response shall include a statement either accepting or rejecting the recommendation. If the recommendation is accepted, the response will also include a statement of the efforts being made to put it into effect. If the recommendation is rejected, the response will also include a statement of the reason(s) for the rejection. Copies of the response shall be provided to the grievant, the Provost, and the President.

## **Appendix III**

### **UNIVERSITY OF THE VIRGIN ISLANDS BOARD OF TRUSTEES RESOLUTION FACULTY POLICY MANUAL**

---

Purpose: To approve the May 22, 2008 Faculty Policy Manual which includes sections previously approved by the Board of Trustees at its March 15, 2008 meeting and sections which have been ratified by the faculty and approved by the administration, or recommended by the Academic, Research and Student Affairs (ARSA) Committee of the Board of Trustees of the University since March 15, 2008.

---

WHEREAS, the faculty and the administration of the University have agreed mutually on the *Purpose and Scope* of the Faculty Policy Manual; and

WHEREAS, the faculty and the administration of the University have agreed mutually on the *Table of Contents* of the Faculty Policy Manual; and

WHEREAS, the faculty and the administration of the University have agreed mutually on all sections of Chapters One, Two, Three, Four, Seven, Eight and Ten of the Faculty Policy Manual; and

WHEREAS, the faculty and the administration of the University have agreed mutually on all of Chapter Five of the Faculty Policy Manual, which addresses faculty responsibilities and evaluation for retention, promotion and tenure, with the exception of Section 5.i, *Faculty Load*, Section 5.iii, *Outside Activities and Conflict of Interest*, Section 5.x, *Process for Tenure*, and Section 5.xvi, *Process for Post-tenure Review*; and

WHEREAS, the faculty and the administration of the University have agreed mutually on all of Chapter Six of the Faculty Policy Manual, with the exception of Section 6.iib, *Provision of Summer Insurance*, and Section 6.iie, *Tuition Waiver*; and

WHEREAS, on May 22, 2008 the ARSA Committee of the Board of Trustees has amended and adopted Section 5.i., *Faculty Load*, Section 5.iii, *Outside Activities and Conflict of Interest*, Section 6.iib, *Provision of Summer Insurance*; and

WHEREAS, on May 22, 2008, the ARSA Committee of the Board of Trustees agreed that Section 5.x, *Process for Tenure*, and Section 5.xvi, *Process for Post-tenure Review*, be sent back to the faculty and administration to address the tenure process and that the faculty and administration submit a ratified proposal to the ARSA Committee by the first week of September 2008, and that the ARSA Committee in turn submit its recommended proposal to the Board of Trustees or to Executive Committee of the Board of Trustees for approval; and

WHEREAS, on May 22, 2008, the ARSA Committee agreed that Section 6.iie, *Tuition Waiver*, should not be approved and that the 2003 *Tuition Remission* policy should remain in place until it has been expanded to address all stakeholders and that Section 6.iie, *Tuition Waiver*, be sent back to the faculty and administration to address the tenure process and that the faculty and administration submit a ratified proposal to the ARSA Committee by the first week of September 2008, and that the ARSA Committee in turn submit its recommended proposal to the Board of Trustees or to Executive

*Committee of the Board of Trustees for approval; and*

WHEREAS, on May 22, 2008, the ARSA Committee of the Board of Trustees agreed that with regard to all of Chapter Nine, *Grievance Procedure*, that the faculty and administration continue to meet and then submit a ratified proposal to the ARSA Committee by the first week of September 2008, that the ARSA Committee in turn submit its recommended proposal to the Board of Trustees or to Executive Committee of the Board of Trustees for approval, and that the ad-hoc procedure for grievances should remain in place as an interim solution for addressing grievances; and

WHEREAS, the ARSA Committee of the Board of Trustees has presented the proposed revisions to Faculty Policy Manual, as outlined above,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE UNIVERSITY THAT:**

1. The following Sections of the Faculty Policy Manual, on which there has been mutual agreement between the faculty and the administration of the University, except as amended by ARSA Committee, are hereby approved:
  - a. *The Purpose and Scope* of the Faculty Policy Manual;
  - b. *The Table of Contents* of the Faculty Policy Manual;
  - c. Chapters One, Two, Three, Four, Seven, Eight and Ten of the Faculty Policy Manual;
  - d. Chapter Five of the Faculty Manual, including Section 5.i. *Faculty Load*, and Section 5.iii, *Outside Activities and Conflict of Interest*, but excluding Section 5.x, *Process for Tenure*, and Section 5.xvi, *Process for Post-tenure Review*;
  - e. Chapter Six of the Faculty Policy Manual, excluding Section 6.iib *Provision of Summer Insurance* and Section 6.iie, *Tuition Waiver*;
2. That the President is authorized to publish a 2008 Faculty Policy Manual, consistent with the foregoing, and to take such other action as may be necessary to implement this Resolution.
3. This Resolution shall become effective June 14, 2008.

#### **CERTIFICATION**

The undersigned hereby certify that the foregoing is a true and exact copy of a resolution of the Board of Trustees of the University of the Virgin Islands and adopted at its meeting on Saturday, June 14, 2008, as recorded in the minutes of the said meeting.

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of the Board

\_\_\_\_\_  
Date