

# Washington and Lee University

## Faculty Handbook

July 1, 2009



This version of the Faculty Handbook includes a Table of Contents and the reordering of Handbook sections approved by the faculty in May 2009.

The Handbook contains information and language that comes from a variety of sources. The University Bylaws are drafted and approved solely by the Board of Trustees. University policies are written and approved by administrative officers, usually after consultation with faculty committees and other members of the university community. Those policies must conform to applicable state and federal laws and regulations. Policy statements about tenure and promotion, faculty governance, and student behavior outside the Honor System are the responsibility of the faculty. In the spirit of shared governance, changes to the Handbook ordinarily are developed by consensus of the faculty and administrators responsible for the policies and practices that are prescribed.

Minor changes to Handbook language, as well as updates to information and policies published in the Handbook, are reviewed by the Faculty Executive Committee and noted in the routine minutes of committee action. Substantive changes to policy language in the Handbook are discussed and approved by the appropriate party (the Board of Trustees, the faculty, responsible administrative officers) and when approved are noted as revisions at the end of the applicable section of the Handbook.

The version of the Faculty Handbook posted on the Provost's website is always the authoritative edition of this document and may include changes approved after the date above.

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# Faculty Careers at Washington and Lee

## Faculty Appointments

As stated in the Bylaws, "the **FACULTY** shall consist of only those full-time personnel appointed under one of the following designations: President, Provost, Associate Provost, Professor, Associate Professor, Assistant Professor, or Instructor. The academic deans shall also be members of the faculty. Other employees of the University who have the privilege of teaching or research may be so designated by the Provost or President upon recommendation of the respective dean. Faculty in phased retirement shall also be considered faculty. As used in these bylaws, the term "Faculty" or "University Faculty" means the University faculty except where the reference is explicitly to the law or undergraduate faculty." The definition of Faculty here is not the same as the description of persons entitled to participate in meetings of the Faculty. (See Bylaws, Chapter IV, Section 5.)

For appointment procedures that apply to Athletic Department or Law School faculty, see the publications entitled "Athletic Department Faculty Appointment-Promotion Guidelines" and "Law School Faculty Appointment, Tenure and Promotion Procedures" The University-wide procedures governing faculty appointment, tenure and promotion set forth in this section also apply to Athletic or Law faculty except to the extent they are inconsistent with the Athletic or Law faculty procedures.

### *1. Term Appointment*

A. A term appointment is an appointment for a specified period of time (one or more years). Ordinarily, a tenure appointment is preceded by one or more term appointments.

B. For persons initially appointed to the rank of Instructor or Assistant Professor, the total period of service on term appointment(s) will ordinarily not exceed seven years, including within this period full-time service in all institutions of higher education. However, where a new appointee has previously served on the faculty of another institution for more than three years, it may be agreed in writing that the total period of term appointments at Washington and Lee may be as long as four years, even though thereby the appointee's total period of term service in the academic profession is extended beyond the normal seven years.

C. For persons initially appointed to the rank of Associate Professor or Professor at Washington and Lee, the total period of service on term appointment(s) at Washington and Lee shall not exceed two years.

D. Any appointment or reappointment which extends beyond the applicable time period set forth in paragraphs b. or c. above will be deemed a tenure appointment unless the terms of the position were otherwise defined in writing. Furthermore, a promotion to the rank of Associate Professor or Professor, following an initial appointment to a lower rank, will be deemed to confer tenure unless accompanied by an explicit written agreement to the contrary.

E. When appropriate officials of the University decide not to reappoint a term appointee, notice of non-reappointment will be given in writing in accordance with the following standards:

i) Not later than March 1 of the first academic year of service at Washington and Lee, if the appointment expires at the end of that year, or, if the appointment terminates during an academic year, at least three months in advance of its termination.

ii) Not later than December 15 of the second academic year of service at Washington and Lee, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least six months in advance of its termination.

- iii) At least twelve months before the expiration of an appointment after two or more years of service at Washington and Lee.

The services of a term appointee may be terminated by the University at any time for cause, but if the above notice provisions are not complied with, such termination will occur only after compliance with the procedures applicable to tenure appointees.

## *2. Tenure Appointments*

A. A tenure appointment may be initiated with the first appointment to the Faculty of Washington and Lee or it may follow a term appointment, as defined above. Upon receiving a tenure appointment, a Faculty member shall have tenure, which is defined as meaning that employment shall not be terminated or academic rank reduced except for adequate cause or under extraordinary circumstances because of financial exigencies.

B. Appointments to administrative positions are without tenure. A member of the Faculty who also holds an administrative position may be removed from the administrative position, but not from his or her Faculty position, without reference to the principles of academic tenure.

C. It is recognized by the Board of Trustees, the University administration, and the Faculty that the purpose of academic tenure is to engender (1) the freedom of teaching and research and extramural activities, and (2) a sufficient degree of economic security to make Faculty membership at Washington and Lee attractive to men and women of ability.

A Faculty member holding a tenure appointment will not be removed without the approval of the Board of Trustees. Removal will not take place without a hearing pertaining to the cause of the removal, unless the Faculty member freely waives a hearing. Such hearing will be consistent with accepted legal and academic traditions, and will be in accordance with the Dismissal Procedures in this Handbook.

In any such instance, the guiding responsibility of all concerned is to retain and respect the academic integrity of the University.

## *3. Special Appointments*

A special appointment to the Faculty is an appointment that continues only for a specified period of time or until the accomplishment of a specified objective and that the appointee clearly understands will terminate automatically without further notice, as provided by the terms of the appointment. A special appointment will not be used as a substitute for a term appointment, defined above. If a special appointment is followed by a term appointment, the term appointment will be regarded as having commenced at the time the special appointment commenced. Ordinarily, special appointments will be made only for the purpose of temporarily replacing regular Faculty members who are on leave of absence.

# **Faculty Careers at Washington and Lee**

## **Academic Freedom**

1. A member of the Faculty at Washington and Lee is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his or her other academic duties; but research for pecuniary return should be based upon a written understanding with the relevant Washington and Lee administrative offices.

2. Members of the Washington and Lee Faculty are citizens, members of a learned profession, and officers of the institution. When speaking or writing as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and educational officers, they should remember that the public may judge the profession and the institution by their utterances. Hence at all times they should be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they do not speak for the institution.

# Faculty Careers at Washington and Lee

## University-Wide Faculty Evaluation

The following qualities are thought to merit salary increases, reappointments, and promotions for Faculty members in the three divisions of the University. All of these qualities are valuable because they can contribute to the learning and teaching that the University hopes to foster. However, the list does not constitute a formula. Ideally, each member of the Faculty should be a complete scholar-teacher, but diversity of talents is also an asset to the University, and, furthermore, it is not possible for any of us to be equally strong in all of the relevant considerations. Consequently, those who use this list in making judgments must take care to interpret it so as to ensure that Washington and Lee remains a distinguished teaching institution.

1. *Teaching effectiveness.* Judgment of a Faculty member's teaching effectiveness shall include these considerations:

- A. Maintains a thorough knowledge and appropriate currency in the subject(s) taught;
- B. Plans and presents material intelligently and forcefully;
- C. Judges student performance appropriately;
- D. Reviews course materials and presentations; shows a willingness to undertake new techniques and to abandon unsuccessful experiments;
- E. Is enthusiastic about teaching and stimulates students in and beyond courses;
- F. Is available to students and willing to discuss course and other intellectual matters with them.

2. *Intellectual activity and achievement.* Judgment of a Faculty member's intellectual activity and achievement will include these considerations:

- A. Has attained the Ph.D. or equivalent terminal degree;
- B. Has published reviews, articles, monographs, and books or the equivalent (e.g., artistic creation, interpretation, and presentation), the quality of which is meritorious;
- C. Has conducted scholarly activities leading to greater depth and breadth in command of the academic field;
- D. Has developed general interests that contribute to the intellectual and cultural life of the community;
- E. Has presented papers of quality to professional associations or their equivalents;
- F. Stimulates the work of colleagues both inside and outside the University;
- G. Has contributed to the University through study and teaching during summers and leaves;
- H. Has engaged in consulting work that contributes to intellectual growth.

3. *Academic Citizenship.* Judgment of a Faculty member's qualities of academic citizenship will include these considerations:

- A. Enhances the collegiality of the institution by selfless cooperation with other Faculty members;
- B. Shares advising, committee work and, when appropriate, administrative responsibility;
- C. Affords service to the community through the use of professional expertise;
- D. Holds offices in state, regional, or national professional associations;
- E. Works with student organizations;
- F. Participates in civic activities.

# Faculty Careers at Washington and Lee

## The Faculty Leave Program

The University provides Faculty two types of leave for professional development: paid leave and unpaid leave. Paid and unpaid leaves provide opportunities for professional self-development through research, deeper exploration of a special area of interest, or teaching on a visiting basis at another college or university. (For a description of personal leave and other leaves not associated with professional development see the information under Employment Benefits in the last section of this handbook.)

1. *Paid Leave.* Tenured and tenure-track Faculty (see below for more information regarding Pre-Tenure Leave) members are eligible for this program, and normally the person must have served the University for at least four years prior to the leave period. Subject to the needs of the University and of the department, a tenured Faculty member may request paid leave every fifth year. Only in exceptional circumstances will a Faculty member be given paid leave until four years after the academic year in which the last paid leave was granted.

There are two paid leave options:

A. *Partial-year leave:* A tenured member of the undergraduate faculty may request leave at full pay for one 12-week term or two 6-week terms. (Two spring terms count as one leave.) This option is available only if no replacement is necessary, which might be accomplished by teaching additional work in other terms; by other members of the department taking the undergraduate faculty member's work for the period of the leave on a reciprocal basis; and/or by other adjustments in the departmental courses. In the same way a tenured member of the law faculty may request leave for one semester at full pay.

B. *Full-year leave:* Any tenured Faculty member may request leave for a full year, receiving from the University up to half salary. Under this option additional Faculty support, if needed, is provided to the Faculty member's department. If the Faculty member also receives a grant or other compensation during the period of leave, the University will pay only that amount, up to half the annual salary, which would make the total compensation for the year equivalent to the full annual salary.

It is required unless otherwise determined by the Provost, that any Faculty member taking advantage of the paid leave program will return to serve the University for a minimum of two years after completing the leave.

2. *Unpaid Leave.* Both tenured and untenured Faculty members are eligible for leave without pay. Request for unpaid leave may be made at any time (there is no four-year waiting period from the last leave), but must be justified in terms of professional self-development balanced against the need for continuity in the University's teaching program. (Paid leaves following unpaid leaves are likewise not subject to the four-year waiting period.)

*General Program Guidelines.* A Faculty member seeking a leave should apply through the appropriate department head and academic dean (College, Williams School, or Law School). Application is made to the Advisory Committee, and the leave request plus all supporting materials should be submitted to the Office of the Provost. The application should indicate in detail the nature of the project or visiting teaching assignment the Faculty member plans to carry out. The head of the Faculty member's department or dean should indicate in writing approval of the adjustments required by the leave. Upon consideration by the Advisory Committee, all recommendations will be forwarded to the President and the Board of Trustees.

A. *Deadlines:* For a paid or unpaid leave beginning in the next spring term of the same academic year or in any term of the next academic year, the deadline is **December 1**. If the application is to teach in the next academic year as a visitor at another college or university, the application should be submitted as early as possible, but no later than **February 1**.

B. *Criteria:* Leaves are not automatically granted. In determining whether and when any Faculty member may go on leave regardless of the source of support, the Advisory Committee will consider the needs of the University and of the departments concerned, as well as the individual's proposed project or visiting teaching assignment. In a small department, normally no more than one faculty member may be on leave during any twelve-week term.

C. *Expenses:* When a research project involves significant expenses not covered by any other source, the University will consider full or partial reimbursement, whether the leave is paid or unpaid.

D. *Reports:* A paid or unpaid leave recipient should submit to the Advisory Committee within two months of the completion of the leave a statement of achievements during the leave. The report may vary in length according to the nature of the program followed, but in general it should be in summary, narrative form, one or two typewritten pages in length. The report should clearly describe what was accomplished in relation to what was proposed, and should be complete enough to enable the Advisory Committee to form an opinion of the extent and quality of the work done. Any publication resulting from the leave should be submitted when it is published.

*Benefits Continuation.* During an approved leave under this program, the University will continue to pay its share of the premiums for health, life, and disability insurance coverage if the employee elects to continue such coverage, and the employee would continue to pay his or her share of the premiums. During paid leaves the University will also continue TIAA/CREF retirement annuity and FICA contributions.

*Pre-Tenure Leave Program (Undergraduate):* The University has developed an optional leave program to allow a junior faculty member to take release time in order to focus more fully on pedagogical and/or scholarly development. Visit the [Pre-Tenure Leave](#) site for more information.

# Faculty Careers at Washington and Lee

## Undergraduate Faculty Development Programs

### 1. The John M. Glenn Grant-in-Aid Program

A. *The Program.* Under the John M. Glenn Faculty Grant-in-Aid Program, established by the Board of Trustees, a sum will be available each year for undergraduate faculty research grants. Members of the undergraduate faculty will be notified annually of the application deadline.

The program serves primarily to enlarge opportunities for undergraduate faculty scholarship and research, but also for improving pedagogy; both activities contribute to vitalizing and advancing instruction at Washington and Lee. While professional self-development is a normal and expected part of an academic career, Glenn Grants furnish additional incentive and support.

All full-time members of the undergraduate faculty may apply. Administrative officers are normally excluded unless they teach three-quarters of a full schedule.

Funds allocated for a specific grant, and not wholly used by September 30, may not be carried over to other research but must be returned to the Glenn Grant Fund.

Grants will be awarded to any approved project leading to a scholarly or artistic product, textbook, or paper on pedagogy. Those receiving grants will also be eligible for additional funding to cover the costs of equipment, research assistant(s), and travel and living expenses for work outside Rockbridge County.

Undergraduate faculty engaging in activities to improve their pedagogy or expertise in a field, such as attending domestic and foreign workshops and seminars or visiting significant cultural sites, are not eligible for Glenn Grants but are eligible for reimbursement of equipment, assistant(s), and expenses.

Grants may *not* cover any of the following: improvement or increase of departmental laboratories, libraries, or other physical resources; preparation of lectures or other materials ordinarily used in the classroom; attending professional meetings; or University administrative expenses of any sort.

B. *Applications.* Applications should be addressed to the Advisory Committee and submitted to the Provost by the announced deadline.

A project should be a complete, workable unit in itself, or an intelligible, well-defined portion of a research program. It should be important, pertinent, and promising for the improvement of one's scholarship and teaching. The proposal should be clear and appropriate as to purpose, time, place, procedure, rate of work, and other matters essential to the project.

Detailed instructions for a Glenn Grant application will be provided in the notice sent to all undergraduate faculty every fall term. Since there are usually a large number of proposals received, and since not all proposals can be funded, it is important to follow the guidelines closely in submitting a clearly thought out and well-written proposal.

C. *Reports.* Every Glenn Grant recipient must submit, no later than October 15, a statement of the project's achievements and an accounting of expenditures. The report may vary in length according to the nature of the project but in general should be in summary narrative form, one to two pages in length. It should note the amount received and expended, the period of work, the location of the project, and the extent to which the original plan of operation was followed. The report should clearly indicate what the faculty member believes has been accomplished in relation to what was proposed. If the project is not completed, a

statement of progress should be included that is definite enough to enable the Advisory Committee to judge the extent and quality of the work done. These reports may be distributed to the undergraduate faculty in booklet or electronic form at a later date.

## 2. The Glenn Grant Publication Fund

This fund assists undergraduate faculty members in meeting the cost of publishing a scholarly book, usually by paying all or part of the moneys required by a university press to undertake such a publication. It may also be used to assist in covering page costs for the publication of articles in research journals. The fund is administered by the Advisory Committee, to which application for support should be made. If a Publication Fund grant results in the publication of a book, any royalties up to the amount of the grant must be returned to the Glenn Grant Fund.

## 3. The Robert E. Lee Research Program

The R. E. Lee Research Program provides opportunities for undergraduate students, under undergraduate faculty guidance, to engage in summer research projects. It aims to encourage the development of research techniques within a particular discipline, to promote the active acquisition of knowledge, and to stimulate student interest in inquiry. It is also intended to aid undergraduate faculty in their research activities by providing student help, but the projects must be meaningful in their own right as well as educationally valuable for the student. Projects consisting primarily of routine tasks such as typing, data processing, bottle washing, or simple translation will not normally be funded under this program.

All applications are to be made to the Dean of the College; deadlines will be announced in the fall term. Careful attention to the guidelines is crucial in writing a proposal, since there is no time for revision. Decisions will be made by the Advisory Committee, judged according to the following criteria: educational value to the student researcher; significance of the work proposed; clarity and organization of proposal; feasibility of the project; seriousness of motivation of the participants; and academic qualifications of participants.

The grants are highly competitive and funds may not be adequate to fund all proposals, or to fund them at their requested level, even if all criteria are met.

Summer projects may include up to ten weeks of work, in no case continuing beyond the beginning of Fall term classes. An uncompleted project may not be held over beyond its terminal date; amounts unexpended at that time revert to the general R. E. Lee Fund. The Advisory Committee annually determines an amount to provide R. E. Lee Scholars with a stipend and living allowance.

Students must have a cumulative GPA of at least 2.000 in order to be considered for a project. Graduating seniors are not eligible, and no student may receive more than one R. E. Lee award during the same summer. Students receiving summer grants will be known as Robert E. Lee Scholars.

## 4. Professional Meeting Reimbursement Program

Subject to budgetary limits, reimbursements for professional meeting expenses will be granted under the following conditions:

A. Eligible are tenured and tenure-track Faculty members, and Faculty members on temporary appointments at the discretion of the appropriate department head and dean. Year-long, full-time temporary faculty are eligible to request funds up to \$1100.00 for travel to professional meetings.

B. Each eligible Faculty member will be reimbursed to a maximum of \$1100.00 (plus administrative registration fee) for one professional meeting per academic year. Reimbursements at these rates will be made for a second meeting when an eligible Faculty member presents a refereed or invited paper; organizes and presides at a special session of a program; holds a major office in a professional association or society

and is required to attend its annual meeting; or gives an artistic performance or exhibition. *The Office of the Dean of the College requires advanced notice for faculty travel. To this end, faculty are asked to complete and submit this form.*

C. Faculty members are expected to manage costs as effectively as possible. The [University travel website](#) contains useful information. When attending a meeting within a 250-mile radius of Lexington, faculty are expected to travel by automobile and will be reimbursed at the rate of \$0.325 per mile.

D. Reimbursements for additional or special meetings will be made at the discretion of the appropriate dean (College, Williams School, or School of Law).

\*The Dean's Office manages travel reimbursement for the College faculty. You must submit a travel expense voucher **and all receipts** to the Office of the Dean of the College for reimbursement. To download a travel expense voucher, go to this Business Office site: <http://www.wlu.edu/x30910.xml> The Associate Dean must sign the reimbursement form, which will then be taken to the Business Office for you. The Business Office expects to receive documentation within *one week* of completion of travel.

\*Please be reminded that the University can help you get **supplemental insurance** for your overseas research/academic trips. Your Southern Health insurance covers you for medical. Amy Richwine at the Center for International Education has information on a policy that covers you for medical evacuation and repatriation of remains. It costs \$3, per person, per month. If you are interested in acquiring this supplemental insurance for you (and your family if they are accompanying you), contact Amy Richwine, and she will send a brochure and application to you.

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# Faculty Careers at Washington and Lee

## Undergraduate Faculty Evaluation, Tenure and Promotion Guidelines

See separate evaluation guidelines pertaining to Athletics faculty and to Law faculty.

1. *Introduction.* The purposes of faculty evaluation are to promote faculty development--to help members of the faculty improve their teaching effectiveness, to encourage faculty members to pursue their intellectual activity and achievement in their fields, and to promote academic citizenship--and to provide an equitable basis for decisions regarding re-appointment, promotion, tenure, and salary increases. The evaluation process should be administered in ways that enhance the spirit of trust, community, and common purpose that enrich this University.

The primary responsibility for the professional evaluation of a faculty member resides with the department[s] in which the faculty member is appointed. Tenure and promotion processes will begin in the candidate's department[s] and will go to the President via the department's academic dean and the Advisory Committee. In cases where a faculty member is not appointed in a specific department, the appropriate dean[s] will form an evaluation committee as necessary. Responsibility for insuring that uniform standards are applied to all members of the faculty resides with the President's Advisory Committee. For the President's and the Board of Trustees' responsibilities in the processes, see the University By-Laws, chapter II.

The following guidelines are recommended for use throughout the University; however, departments or schools may wish to adapt these procedures to their particular circumstances by proposing modifications. (See separate evaluation guidelines pertaining to Athletics faculty, and to Law faculty.) Such local adaptations are permissible, but all modifications must be submitted to the Advisory Committee for approval.

All parties should keep confidential both the oral and written evaluation in these processes.

2. *Initial Employment.* The most important step that a department takes is the initial decision to employ a faculty member on a tenure track. A department should make a recommendation to hire an applicant only after a national search and careful analysis of the applicant's credentials and interviews. If possible, the applicant will make a presentation to students and faculty.

3. *Evaluation During the Probationary Period.* The letter of appointment will specify whether a faculty member's appointment is to be a tenure track position; anyone who is appointed to a tenure track position is a candidate for tenure.

The first objective of evaluation during the probationary period is to provide the candidate with information regarding progress toward tenure. The second objective is to provide the tenured members of the department with information about the candidate's progress. For candidates in tenure track positions, evaluation will follow the criteria outlined in this document.

Each year the department head will meet with the candidate to review the candidate's annual "Faculty Activities Report" and other materials deemed relevant by the candidate or the department head in order to assess progress toward tenure, address specific problems, and make specific suggestions for development. The department head will summarize the results of that consultation in a letter to the candidate, copies of which should be sent to the appropriate dean and to tenured members of the department. The candidate may provide a written response to this letter, which should be sent to these parties.

During the first term appointment, emphasis during evaluation will be placed on teaching effectiveness and intellectual activity.

At the time of the first term consideration, the department head will consult with all tenured department members regarding the candidate's progress as manifested in a file containing the letter(s) from the first annual review and other materials deemed relevant by the candidate or the department head. The department head will summarize the consultation in a letter to the appropriate dean with copies to the candidate and tenured members of the department. The candidate may provide a written response to this letter, which should be sent to these parties. A copy of that letter and any response becomes a part of the candidate's file.

In the case of Physical Education/Athletics, department members who are hired with faculty status in non-tenure track positions are evaluated annually by the department head under guidelines developed by the head and approved by the Dean of the College; they may be brought forward for promotion, in most cases in the sixth year, under guidelines for promotion developed by the head and approved by the Dean of the College.

At the time of the second term consideration, the candidate and the department head will assemble a file containing a current resume, all of the candidate's annual faculty activities reports, end-of-year evaluation letters and the candidate's responses (if any), and representative materials reflecting the current state of the candidate's teaching, intellectual activity and academic citizenship. The department head and the candidate, acting in cooperation, may include any other relevant material. The tenured members of the department will read the file, after which the department head will consult individually or collectively with them. The department head will summarize the results of that consultation in a letter to the appropriate dean with copies to the candidate and tenured members of the department. The candidate may provide a written response to this letter, which should be sent to these parties. A copy of that letter and any response will be placed in the candidate's file.

4. *Tenure Procedures.* The process of making a tenure decision will normally be initiated in accordance with published timetables. Ordinarily tenure is accompanied by a promotion in rank.

*A. Assembling the File.*

It is the responsibility of the department head and the candidate, acting in cooperation, to prepare the file; both the candidate and the department head may include any pertinent material in the file. (In cases where someone other than the department head chairs the committee, read "chair of the tenure committee" here and below.) The file will only contain evidence relevant to the considerations specified in "The Faculty Handbook."

The file will contain:

- A current resume of the candidate;
- Copies of the annual reports of faculty activities;
- End-of-year letters of evaluation and responses (if any);
- Evidence of teaching effectiveness, including:
  - The candidate's personal statement on goals and methods of teaching
  - A summary of student evaluations for the years the faculty member has taught at W&L, with the evaluations themselves available
  - Confidential letters of evaluation from alumni and former students
  - Confidential letters of evaluation from current students
  - Peer evaluations
  - Representative course syllabi, bibliographies, examinations, and writing assignments
  - Any published articles or papers on pedagogy (and any submitted for publication)
- Evidence of intellectual activity and achievements, including:
  - The candidate's personal statement on the goals and development of intellectual activity
  - Copies of any professional publications and/or evidence of artistic work (and any submitted for publication)
  - Any articles presented at professional meetings
  - Any internal and external grant proposals (funded and unfunded)
  - Any professional association and society memberships;

- Any professional consultantships
- Evidence of academic citizenship consistent with the candidate's rank
- Confidential letters from each member of the tenure committee about the performance of the candidate as a teacher, a scholar, and an academic citizen.

Here and subsequently in this document, *confidential* means accessible only to those involved in the evaluation process, excluding the candidate.

A librarian's tenure file may not contain all the material described above, if he or she does not teach. For librarians, the criterion of teaching effectiveness is understood to mean effectiveness in all areas of the job description, including teaching when that applies.

The file may contain:

- Summary of course enrollments and average grades given as measured against departmental averages for the terms reported and course level.
- Evidence of candidate's performance in preparing students for subsequent courses.
- Non-confidential letters.
- Unpublished scholarship and research.
- Confidential letters from scholars in the candidate's field.
- Papers presented at departmental seminars.
- Information on work as a member of journal advisory boards, grant review committees, and masters thesis and doctoral dissertation committees.
- Information on editorial work.
- Invited participant on masters thesis and doctoral dissertation committees.
- Reports from class visitations.
- Confidential letters from colleagues from within the university.
- Evidence of innovative teaching practices--for example, electronic teaching materials, co-operative learning.
- Other evidence of scholarly reputation among peers--for example, invitations to present papers at scholarly meetings, citations of published work by others.

This list is not meant to be exhaustive. The department head and the candidate are encouraged to include any material that they judge to be relevant.

The candidate is entitled to an inventory of the file's contents prior to its submission to the committee.

#### B. *The Tenure Committee.*

The tenure committee, chaired by the head of the department, will consist of all of the tenured members of the department. If a department has fewer than five tenured members, then the tenure committee will be augmented by tenured faculty drawn from outside of the department (or the University) so that the tenure committee will have at least five members, a majority of whom are from the candidate's discipline. The candidate and the department head will agree upon a list of twice the required additional faculty who will be competent to augment the tenure committee and the dean will select the requisite number from the list. If a consensus cannot be reached, the dean may proceed in consultation with the candidate and the department head to select qualified non-departmental members of the committee. Each member of the tenure committee should review the file twice, once before the letters from the other members are included (see section 1), once after. Then the committee will meet to discuss the candidate's qualifications for tenure and will vote. While the vote may be anonymous, the tally shall be recorded and made part of the file. After the vote, the department head will prepare a report stating the recommendation of the tenure committee and explaining the basis for its recommendation. The department head will provide the candidate with a copy of the report, and the candidate will have the right to include in the file a response to the report. The candidate

may include in this response whatever materials he or she deems pertinent. The tenure committee will review this response for such reconsideration as it deems appropriate, before the report and the file are forwarded to the appropriate dean, who conveys it to the chair of the Advisory Committee.

### *C. The Advisory Committee.*

For the composition of the Advisory Committee as it considers cases of tenure and promotion, see: Standing Committees, elsewhere in this document.

The chair of the Advisory Committee will inspect the file and the report to see if they are complete, and may request that the head of the department provide appropriate clarifying or supplemental information.

Whenever a member of a candidate's tenure committee is sitting on the Advisory Committee, he or she should not be present for the final discussion and vote on the candidate.

If the Advisory Committee judges that a departmental tenure committee has failed to follow the procedures described above or has employed standards which are either improper, irrelevant, or in violation of academic freedom, the chair of the Advisory Committee will refer the case back to the departmental tenure committee with instructions to remedy the procedural flaw, meet again and vote again on the merits of the case. The department head will, in writing, describe to the Advisory Committee the steps taken to remedy the flaw and explain the basis for the new vote on the merits of the case. The department head will provide the candidate with a copy of this report. If the Advisory Committee finds that the departmental tenure committee has failed to remedy the flaw, the Advisory Committee will so inform the President.

In all cases the Advisory Committee will offer the President its advice on whether the candidate should be granted tenure, based upon the criteria presented in this document.

After the recommendation of the Advisory Committee, its chair will add a letter of recommendation from the appropriate dean to the candidate's file and then send the file to the President.

Whenever the Advisory Committee disagrees with the departmental recommendation regarding the merits of the case, the chair of the Advisory Committee will explain to the head of the department and to the candidate the basis of the difference. Furthermore, in such cases the President normally will arrange for an informal conference with the candidate before a final decision is reached.

### *D. The President and the Board of Trustees.*

For the role of the President and the Trustees in the tenure process, see the University By-Laws (Chapter II, Section 3, paragraph 1; in: The Charter of the University, elsewhere in this document).

After the President reaches a decision, s/he should inform the members of the Advisory Committee if his/her decision is contrary to the advice of the majority of its members.

## **Evaluation of Tenured Faculty**

The development of tenured faculty members entails:

- At least maintaining the high quality of teaching required for tenure;
- Growing intellectual activity and achievement in the field;
- Increasing academic citizenship.

Near the end of the first post-tenure year, each faculty member will devise a four-year plan of development; four years later and, thereafter, near the end of every fifth academic year (for most faculty, in rough alignment with the leave cycle), he or she will prepare a five-year plan of development.\* (In special circumstances, the dean may grant an extension of a year or so.) The plan should have as a preamble and generating point, a personal narrative which traces professional growth in teaching, intellectual activity and achievement, and academic citizenship during the previous five years--or seven years in the case of the newly tenured person devising the first plan during the first post-tenure year. It should propose concrete ways of meeting the expectations for development listed above, focusing on the areas listed in sections C and D, above. Just after the plan is devised, it should be examined and commented on by the department head; its final form should be acceptable to both the head and the faculty member. This plan will be forwarded to the appropriate academic dean, who may exercise whatever oversight he or she deems appropriate. The department head will consult with the dean on how best to prepare the head's own plan; ordinarily the head will also consult with someone in his or her discipline in the course of devising it.

Every year the department head will discuss with each tenured person how he or she is developing professionally, in light of the plan and new opportunities. The conference will be based on the annual "Faculty Activities Report," to which the plan will be appended. It will occur a few weeks after submission of the FAR. While the conversation will take up the specific activities of the past year, it will also evaluate, using the plan, the faculty member's overall development in teaching, intellectual activity, and academic citizenship.

At the end of five years (four years, in the case of the first plan), a review of what has been achieved under the plan will be carried out by, successively, the faculty member, the department head, and the appropriate academic dean. First, the faculty member will write a review of his or her work during the five years, making specific reference to the plan and activities. This review will also serve as the personal narrative which prefaces the new plan, which will be constructed at the same time as the review of the old plan. Then the department head will study and critically evaluate the review, writing a letter of evaluation to the faculty member. At this point the department head will also examine and comment on the newly proposed plan, working with the faculty member until it is acceptable to both. Finally, the dean will receive a copy of the review and the new plan, plus the department head's letter, and will exercise whatever oversight he or she deems appropriate.

While tenured members of the Physical Education/Athletics Department fall under these guidelines, non-tenured members with faculty status are evaluated annually by the department head under guidelines developed by the head and approved by the Dean of the College

### **Promotion to Professor**

*(This policy applies to those promoted to Associate Professor after January 1, 2002. Those promoted earlier should check with their dean.)*

It is expected that all faculty members who are promoted to associate professor will continue to develop (in the ways stated above). The evaluation of faculty for purposes of this promotion will be carried out according to the guidelines for evaluation for tenure decisions with the following adjustments:

1. Except in unusual circumstances, the process will be initiated at any point after the fifth year as associate professor.
2. It may be initiated by the head of the faculty member's department or by a request to the department head from the faculty member, the faculty member's dean, the Advisory Committee, or the President. In all cases where the faculty member does not initiate the process, he or she must be consulted and must consent before the process goes forward.
3. The department head and the candidate will assemble a file of materials documenting levels of achievement in teaching, intellectual activity, and service appropriate to the rank. This file will contain:

A. A current curriculum vitae;

- B. The annual Faculty Activities Report for the years as associate professor;
- C. Student evaluation of teaching during those years;
- D. Any published or accepted work in the field (including evidence of artistic work) together with any papers or talks in the field during those years;
- E. Confidential letters from scholars in the candidate's field;
- F. The four-year development plan and any subsequent five-year plans, together with materials from the review(s) described in section D, above.

A librarian's promotion file may not contain student evaluation of teaching if he or she does not teach.

For additional types of appropriate material, which may be included in the file, see section D, above.

4. The committee to review the file will consist of those members of the department who hold the rank of professor. If a department has fewer than three members from that rank, then the committee will be augmented by the means used to augment tenure committees until it reaches the minimum number of three. If the department head is not a member of the committee, the appropriate dean will name the committee's chair. In composing the committee, particular attention should be paid to securing at least one member from the discipline who does scholarly work in the same field as the candidate.

Beyond the promotion to full professor, it is expected that faculty members will continue to utilize five-year development plans.

**Revised October 2006 to clarify that the policy on promotion to professor applies only to those who were promoted to associate professor after January 1, 2001.**

**Revised September 2007 to correct the starting date to January 1, 2002 in the section on promotion to professor.**

# Faculty Careers at Washington and Lee

## Athletic Department Faculty Appointment – Promotion Guidelines

### Faculty Appointment

1. All faculty members appointed to the faculty in the Athletic Department since 1990 are on term appointments. All persons appointed to the faculty in the Department of Athletics serve under term appointments.
2. The initial term appointment is for three years and is twice renewable as a three-year term appointment.
3. After nine consecutive years in good standing (i.e. no unfavorable review at end of year seven or eight) on three-year term appointments, a faculty member is eligible for reappointment to renewable five-year term appointments. No faculty member shall be eligible for reappointment to a five-year term unless the faculty member has successfully stood for promotion or has had his or her performance evaluated in accordance with Section 5(iii) and 5(iv) of the Promotion Procedures set forth below.
4. Each recommendation for renewal is based on an evaluation by the Director of Athletics in consultation with the Assistant Director for Intercollegiate Athletics, the Director of Physical Education, and the head coach in relevant cases.
5. AAUP conventions will be followed regarding all renewal and non-renewal notification dates.
6. A faculty member on a term appointment is ordinarily eligible for promotion to Associate Professor at the end of his or her sixth year of continuous service on the Washington and Lee faculty.
7. The procedures for promotion review are specified below under the heading, "Promotion Procedures."

### Promotion Procedures

1. Those eligible for promotion will ordinarily have served at least six consecutive years on the faculty.
2. At the appropriate time during the sixth year of continuous employment, a faculty member or the Director of Athletics may request a meeting between the two to determine if the faculty member should stand for promotion review.
3. If it is agreed that a promotion review should be conducted, a file will be assembled by the Director and the candidate for promotion.
4. The Promotion Evaluation Committee shall consist of the Director of Athletics, the two Assistant Directors of Athletics, and, where relevant, the appropriate head coach.
5. The file must include the following items:
  - a current Curriculum Vitae
  - a personal statement of the faculty member's professional goals and objectives
  - the past three years of annual performance review evaluations
  - letters from 10-15 current students who have taken PE courses or played on athletic teams under the candidate's supervision, and letters from 10-15 alumni in the same categories. (The list of students must be mutually agreed to by the Director of Athletics and the candidate for promotion.)
  - 5-10 alumni letters

- letter of evaluation regarding teaching effectiveness from Director of Physical Education (This letter is based on direct observation of candidates teaching performance in physical education courses.)
- a letter from the Director of Athletics stating the Promotion Committee's vote, recommendation, and its reasoning regarding the recommendation

6. The file will be sent to the Dean of the College who will submit it to the President's Advisory Committee for its review along with other recommendations for promotion.

7. The Director of Athletics will provide candidates with a copy of the committee's letter included in his or her file. The candidate has the right to include in the file a response to the letter if he or she so desires. The promotion committee will review this response for such consideration as it deems appropriate before the file is forwarded to the Dean.

8. The Advisory Committee will make its recommendation to the President. Receiving the Promotion Evaluation and Advisory recommendations, the President will then make his recommendation to the Board of Trustees.

9. The decision of the Board will be communicated to the faculty member after its meeting in May.

**Revised November 24, 1998.**

# Faculty Careers at Washington and Lee

## Law School Faculty Appointment, Tenure and Promotion Procedures

These procedures govern decisions in the Law School on Faculty appointment, tenure, and promotion. They reflect our commitment, as a Faculty, to make these decisions with fairness and professionalism and in a spirit of trust and common purpose. University-wide procedures governing appointment, tenure, and promotion apply as well, except to the extent inconsistent with these procedures.

### 1. Appointment Decisions

A. The Faculty Appointments Committee is responsible for reviewing applications for Faculty appointments, and inviting to the campus for interviews those candidates it believes should be considered by the Faculty for appointment and for advising the Dean on Visiting and Adjunct appointments.

B. Appointment to the Faculty in the tenured or tenure track position of Professor, Associate Professor or Assistant Professor requires two-thirds affirmation vote of the members of the tenured and tenure-track Faculty present at a meeting called to consider appointments. The vote shall be by secret ballot. The chair of the Appointments Committee shall be the teller; he or she shall be assisted by another person present designated by the chair. The teller shall announce the result, but not the vote.

C. Appointment to a Visiting or Adjunct position does not require a Faculty vote. The procedures for visiting and lateral appointments are found in Section 9.

### 2. Term and Rank of Tenure-Track Faculty Appointments

A. An initial tenure-track Faculty appointment normally shall be made at the rank of Assistant Professor for a term of three years.

B. Appointment reflects a Faculty judgment that the appointee possesses the qualities that should enable him or her to satisfy the standards for tenure of Section 5 of these procedures no later than the fifth year of service. Reappointment for a three-year term beyond the initial term is based on a determination that the appointee is making reasonable progress toward meeting the standards for tenure. After consultation with the tenured Faculty, the Dean shall make a recommendation to the Provost as to whether an appointee should be reappointed. After the Dean makes know his or her recommendation to the tenured Faculty, if a majority of the tenured Faculty disagrees with the recommendation of the Dean, it may make a separate recommendation to the Provost.

C. At the time of initial appointment, the Dean may contract with the appointee for appointment at a higher rank, for a different term, or both, and with credit for prior teaching or scholarship, if approved by a majority vote of the Faculty.

D. At the time of initial appointment, the Dean may contract for appointment with tenure subject to the approval of the tenured Faculty in accordance with Section 7 of these procedures and the standards set forth in Subsection 5. A. The procedures set forth in Section 6 shall not apply; rather, in accordance with Subsection 9. A., the Dean, upon consultation with the Appointments Committee, shall determine the appropriate scope of the tenure report, set the procedures to be followed in its preparation and distribution to the tenured Faculty, and appoint a Tenure Committee. The Tenure Committee may consist of some or all of the tenured members of the Appointments Committee.

### 3. Faculty Support and Evaluation in the Pre-Tenure Period

A. The Tenure standards of Section 5 of these procedures provide a form of guidance to tenure-track appointees in the pre-tenure period. They also reflect the commitment of the tenured Faculty to the maintenance of high standards in implementing the educational mission of the law school. An important component of that commitment is providing on-going support and evaluation to tenure-track appointees in their progress toward tenure. This effort serves to give fuller expression to our institutional aspirations than do the words of the tenure standards alone. It also provides a basis for sharing, as colleagues, the benefit of our experience in common pursuits. The commitment is best fulfilled when all members of the tenured Faculty are actively involved. We seek in this Section to promote that involvement by providing a mechanism for reasonably distributing the various tasks it entails.

B. At the beginning of the second semester following the appointment of a Faculty member to a tenure-track position, the Dean, in consultation with the new Faculty member, shall designate two or more members of the tenured Faculty to have particular responsibility for providing support to and evaluation of that Faculty member's development in teaching, scholarship, and community service. With a view toward balancing the value of continuity with that of diversity of perspective, the Dean shall, as he deems appropriate, make changes in the tenured Faculty members designated during a particular Faculty member's pre-tenure period. At the request of the Faculty member, the Dean may appoint substitutes for tenured Faculty members on leave.

C. The Dean shall maintain a file that reflects the Faculty member's development. Beginning no later than the academic year following the Faculty member's appointment, and as appropriate thereafter, each member of the tenured Faculty designated shall visit the Faculty member's classes, discuss these visits with the Faculty member and submit written comments to the file. The Faculty member shall supply for inclusion in the file and review by the designated members of the tenured Faculty copies of completed research and writing, and if desired by the Faculty member, works in progress, teaching and other material that may serve as the basis for discussion of the Faculty member's goals and progress in teaching, scholarship, and community service. One or more of the designated members of the tenured Faculty shall submit written comments to the file on completed research and writing of the Faculty member.

D. The file assembled in this process shall be available to the Faculty member and to all members of the tenured Faculty and is intended to facilitate communication among the tenured Faculty concerning the Faculty member's development. Members of the tenured Faculty may review the Faculty member's file and should offer support and evaluation independent of the designated Faculty members.

E. Annually, the Dean shall call a meeting of the tenured Faculty to review the progress of each tenure-track appointee. The tenured Faculty members who have been designated to provide support and evaluation to a Faculty member shall be available during this meeting to discuss with the other members of the tenured Faculty their views concerning the Faculty member's development. The substance of the discussion at the meeting concerning a Faculty member shall be reported to that Faculty member by the dean.

F. In a tenure-track appointee's third academic year, the Dean shall appoint a committee to prepare a written report to the Faculty, evaluating the evidence as to whether the appointee should be reappointed for an additional three-year term. The committee should include one of the Faculty members designated to provide support and evaluation to the appointee in the pre-tenure period. In addition to the material then contained in the appointee's file, the committee will ordinarily seek outside review of some or all of the scholarship accomplished by the appointee since appointment. The appointee shall be consulted with respect to the selection of the outside reviewers. The report shall be the basis for the consultation between the Faculty and the Dean regarding reappointment referred to in Section 2. B.

#### 4. Time of Tenure Consideration

A. Except as provided below, a Faculty member shall be considered for tenure during the fifth year of service in a tenure-track position.

B. The Dean may contract with an appointee at the time of initial appointment for a shorter period of pre-tenure service, if approved by a majority vote of the Faculty.

C. A Faculty member may ask to be considered for tenure as early as the fourth year if the Faculty member believes he or she will have satisfied the tenure standards by that time. A Faculty member may also ask that his or her consideration for tenure be delayed to the sixth year, if extraordinary circumstances are present, such as a health condition which has substantially limited the ability of the Faculty member to work, but only if the delay is requested at the beginning of the fall semester of the Faculty member's fifth year. In either case, the Dean shall grant or deny the request after consultation with the tenured Faculty.

## 5. Tenure Evaluation and Standards

A. The tenure decision is based upon an evaluation of teaching, scholarship and community service. The decision to grant tenure is a predictive judgment that a Faculty member will be an effective teacher, a productive scholar, and participating member of the professional community throughout his or her career. The Faculty member's record of teaching, scholarship and service serves as evidence upon which this forward-looking judgment is made.

### B. Teaching Effectiveness

#### i) Importance of Attribute and its Components

The primary mission of the Law School is educating its students. Consequently, it is essential that a tenure candidate demonstrate a capacity and a commitment to be an effective teacher in the classroom and be interested and willing to spend significant amounts of time outside of class working with students. Different individuals are effective teachers for different reasons; it is not possible to define each of the essential components of teaching effectiveness. The following factors, however, shall be considered when we evaluate a candidate's teaching: ability to communicate; preparation for class; breadth and depth of knowledge relevant to the fields of teaching; thoughtful organization of individual class sessions and overall course content; ability to stimulate students; ability to direct student work inside and outside the classroom; ability to devise methods of determining a student's progress and achievement appropriate to the courses taught; and accessibility to students and demonstrated interest and involvement in their welfare.

We will require evidence of solid achievement in these areas as well as reason to believe the candidate's teaching will develop to and continue at a level at least equivalent to that attained by tenured members of the Faculty.

#### ii) Evidence of Teaching Effectiveness

Teaching effectiveness shall be measured by both collegial appraisal and the appraisal of students.

Our own evaluation of a candidate's teaching effectiveness based on class visitations is of great importance. We have the experience to assess a candidate by comparison with a wide range of teachers, and we are judging persons in a calling in which we are expert. Moreover, we are able to judge the breadth and depth of a teacher's substantive knowledge and his or her development over a period of time with greater competence than students.

Another important measure of teaching effectiveness are the regular student course critiques. Those student course critiques, and any other relevant written expressions of opinion by students or former students shall be included in the file developed by the Tenure Committee.

### C. Scholarly Attainment

#### i) Importance of Attribute and its Forms

Beyond teaching, the educational mission of the Law School includes a responsibility to contribute generally to the understanding and development of the law. Consequently, a candidate must demonstrate through completed work the capacity and commitment to participate meaningfully in scholarly activity. Not only does scholarly attainment provide a basis on which to predict that the candidate will share in the fulfillment of this institutional responsibility, but also it affords some assurance that the candidate will continue to function as a challenging and knowledgeable teacher.

As with teaching effectiveness, there is no precise definition of what constitutes scholarship. We think, however, that a scholar should have a wide and critical command of his or her field of study and that the highest indication of scholarship is an original contribution to that field. We also believe that, since legal scholars may seek to accomplish a wide range of purposes in their scholarship—ranging from the highly abstract to the eminently practical—their work may appear in diverse forms.

#### ii Evidence of Scholarship

Not all written work meets the standards of quality for legal scholarship. A scholarly piece, in whatever form or length, should reveal an active and inquiring mind. It should reflect the author's attempt to impose his or her own views or sense of order on the existing materials and to explain and justify those personal positions. Whether it be a new way of perceiving established thought or a proposal for new directions, the scope of a scholarly work should be sufficiently ambitious to justify the substantial commitment of time that the candidate should have invested in the work. Scholarship, in sum, is informed, reflective, analytical, and in some substantial part a personal statement. By way of contrasting example, a book that simply collects the views of others, an article that merely reports the holdings of a number of judicial opinions, an analysis of a current legal issue that is content to summarize the contentions already made by others is not sufficient evidence of scholarship.

There is no requirement that a candidate produce a specified minimum number of printed pages. Ordinarily, a tenure-track appointee will have completed at least one piece of substantial scholarship by the end of the summer following his or her second full year of teaching, another within a year after that and a third within one year after the second. Scholarship completed prior to appointment will not be considered as a part of this evaluation except as credited under the provisions of 2. C. Co-authored scholarship will be considered on the basis of the proportional contribution of the candidate. It is possible, though unusual, that fewer pieces of scholarship might make highly significant contributions to the legal literature and themselves satisfy the standard. At the same time, multiple products that do not meet the definition of scholarship would not be sufficient.

#### D. Service to the Institution and the Community

We will also consider a tenure candidate's service to the Law School, the University, and the wider community through means other than teaching and scholarship. The most common examples within the institution are: service on Law School and University committees, service as an advisor to student organizations, assistance to co-curricular activities, and participation in Law School and University sponsored programs and organizations. When we consider activities outside the University, we will only look at activities that draw on one's professional abilities in service to the community and the profession. These may be manifested through activities of a bar association or another professional organization or governmental or community organizations. What is important in measuring such activities in relation to tenure is the quality of service and the depth of involvement. Membership itself or peripheral involvement cannot be a significant positive factor.

Despite the long-term value and importance of community activities, we emphasize that full-time membership on a Faculty involves a commitment of teaching and scholarship as one's principal activities. We do not intend to discourage wider professional involvement, but we expect that the task of meeting tenure standards, particularly for one not a veteran teacher or an accomplished scholar, will ordinarily require a major devotion of one's time to Law School and University work.

#### E. Balancing of Standards

- i) Each of the standards must be satisfied in order for a candidate to be entitled to tenure.
- ii) It must be recognized that close judgmental questions may arise as to the satisfaction of a particular standard. In such cases, especially strong performance in teaching or scholarship may tip the scale favorably.

### 6. Tenure Committee for Faculty Appointees

A. In the academic year in which the Faculty member is to be considered for tenure, the Dean shall appoint a committee of three members of the tenured Faculty to serve as a Tenure Committee for the Faculty member. The Committee should include at least one member of the tenured Faculty who was designated to provide support and evaluation to the Faculty member in the pre-tenure period. The Tenure Committee, on a schedule established by the chair in consultation with the candidate, shall assemble a file of evidence concerning the candidate's teaching, scholarship, and service to the institution and community, and prepare and submit to the tenured Faculty a written report evaluating the evidence in light of the tenure standards of Section 5. The Tenure Committee shall serve until a candidate is either granted or denied tenure.

B. The Tenure Committee is responsible for evaluating the evidence, but the Tenure Committee shall solicit from recognized scholars outside the School of Law reviews of the candidate's scholarship. Generally, at least three pieces of substantial scholarship should each be reviewed by three outside reviewers, which could include reviews completed earlier under Section 3. F. This does not mean that those pieces necessarily require nine reviewers. In appropriate cases, and in consultation with the candidate, a reviewer may be asked to evaluate more than one piece. The reviewers are to be selected from a list compiled by the Committee in consultation with the candidate. The goal in the selection is to obtain qualified and independent reviewers to assess the candidate's scholarship. The candidate may, for good cause, request the Committee to remove a reviewer from the list. An earlier evaluation of the candidate's work by a prospective reviewer would not preclude selection of that individual, but a close relationship between the candidate and a prospective reviewer would. Reviewers will be asked to evaluate the candidate's scholarship in light of the standards expressed in Section 5. C. and provide any other significant information they may have about the candidate relating to the standards expressed in Section 5. B. and D. The candidate shall have access to the reviews after information identifying the reviewer has been removed. In evaluating the evidence, the Tenure Committee shall state, as clearly and candidly as is possible, the reasons it has for making either favorable or unfavorable evaluations in light of the evidence. The Tenure Committee shall specify the evidence or other materials on which it is relying for each conclusion reached.

C. The completed file shall include the material previously assembled through the support and evaluation process in the pre-tenure period and any other relevant material concerning the Faculty member provided to the Tenure Committee. The file shall be subject to inspection by the candidate and by members of the tenured Faculty.

D. The Tenure Committee shall provide a copy of the report to the candidate no fewer than 7 days before submitting the report to the tenured Faculty. The meeting to consider tenure shall be held no sooner than 7 days after the report of the Tenure Committee is submitted to the tenured Faculty. The candidate may submit written comments to the tenured Faculty in response to the Tenure Committee's report any time before the meeting called to consider tenure.

## 7. Faculty Vote on Tenure

- A. The electorate for a tenure decision is all members of the tenured Faculty present at the meeting called to consider tenure.
- B. The decision to recommend a grant of tenure requires a two-thirds affirmative vote of the electorate. Upon presentation of the report of the Tenure Committee, the form of the motion before the Faculty shall be "[candidate] shall be granted tenure."
- C. The vote shall be by secret ballot. The chair of the Tenure Committee shall be the teller; he or she shall be assisted by another person present designated by the chair. The teller shall announce the result but not the vote.
- D. A request to reconsider the vote may be made by any member of the electorate and does not require a second. If reconsideration is requested, the motion will again be discussed and another tenure vote taken. This vote shall be final. The Dean will announce the result.
- E. If the motion carries, the recommendation of the Faculty shall be to grant tenure; if the motion fails, the recommendation of the Faculty shall be to deny tenure. The Faculty recommendation shall be forwarded to the Provost along with the recommendation of the Dean. The report of the Tenure Committee and any written comments submitted by the candidate to the Faculty in accordance with subsection D of section 6 of these procedures shall also be forwarded to the Provost, along with a summary prepared by the Dean of significant matters discussed in the meeting to consider tenure that are not contained in the Committee report.
- F. Post-tenure Faculty members may attend the meeting to consider tenure, but shall not be members of the electorate.

## 8. Promotions in Rank

- A. Promotion to the rank of Associate Professor shall accompany the decision to reappoint described in Section 2.
- B. A tenured Faculty member is eligible to be considered for promotion to the rank of Professor without regard to time in current rank.
- C. The Dean shall assemble and maintain a file of evidence as to each eligible Faculty member's teaching, scholarship, and service to the institution and the community. The Dean, in consultation with the Faculty holding the rank of Professor, shall recommend to the Provost promotion at such time as that evidence shows sufficient further development in those areas to warrant promotion of a Faculty member.
- D. An eligible Faculty member may request that the Dean recommend promotion, and the Dean, in consultation with the Faculty holding the rank of professor, either shall recommend promotion or provide the Faculty member a written statement of reasons for denial of the request.

## 9. Appointment of Lateral Candidates and Visitors

- A. For those to whom we make an offer of a lateral appointment (including "reverse look-see" visitors):
  - i) Lateral candidates should be identified through a national search conducted by the Appointments Committee. The Appointments Committee should let the faculty know that it is conducting a search and should let the faculty know who it is considering in this category. After gathering as much information as possible about the candidates and reviewing a sample of their

scholarship, the Appointments Committee should decide whether to present a lateral candidate to the faculty for consideration for an offer of a permanent position. (The Appointments Committee might decide to consider some or all of the candidates identified in the search for visiting appointments, rather than for lateral appointments.) If it decides to go forward with a lateral candidate for a tenured position, the Appointments Committee should ask the Dean to appoint a tenure committee for the candidate, in accordance with Subsection 2. D. The tenure committee would be responsible for completing the assessment of the candidate. For an untenured lateral candidate, the Appointments Committee would remain responsible for completing the assessment of the candidate.

ii) The responsible committee, with the help of the information gathered by the Appointments Committee and of other faculty members as needed, should complete the assessment of the candidate. That assessment should include calls to several references who would be familiar with the candidate's scholarship and/or teaching; a review of all available assessments of the candidate's teaching, including class evaluations and, where available, peer reviews of teaching; and a review of the candidate's scholarship. The responsible committee should arrange for the candidate to visit the law school for interviews with the entire faculty, the Dean and student representatives. The visit should include a scholarly presentation to the faculty and might include a public lecture or guest teaching appearance.

iii) The decision on whether or not to make an offer to the candidate would be made according to the faculty's normal procedure for a tenured or tenure-track position, as found in Subsection 1. B. Ordinarily, if an offer is extended, the candidate would be given the option of accepting the permanent offer or of visiting for a semester or a year before deciding whether to accept our offer (a "reverse look-see visit".) The Dean, after consultation with the faculty, may decide in particular cases not to extend the option of a reverse look-see visit.

B. For those to whom we make a current commitment ("look-see" visitors):

i) Before any visiting offer is made, the Appointments Committee should let the faculty know whom the Committee is considering in this category. The Appointments Committee and any faculty members with expertise in the candidate's field should read a representative sample of the candidate's scholarship. The Appointments Committee, with the help of other faculty members as needed, should call several references who would be familiar with the candidate's scholarship and/or teaching. Review of the candidate's recent teaching evaluations would be desirable, when feasible. A pre-invitation presentation to the faculty (for example, in the form of a lunch-time workshop) would be desirable, but not an absolute requirement.

ii) Before any offer is made, the Appointments Committee should circulate to the faculty a report containing a summary of the information it has compiled, together with any comments the Committee would like to make at that time. The faculty will meet to consider candidates recommended by the Appointments Committee as "look-see" visitors, to discuss the available slot/s, the proposed candidate/s, and any questions or additional considerations that faculty members might think relevant to the decision to extend any "look-see" offers. The object of the meeting would be to give the Dean a "sense of the faculty" with respect to any candidate recommended by the Appointments Committee.

iii) If the faculty's response to a given candidate for a look-see visit is positive, the Dean is authorized to extend an offer for that purpose. The Dean would make the offer and tell the candidate of our serious interest and our commitment to make a decision as to a long-term position on the faculty during the visit (perhaps shortly thereafter if circumstances so dictate). The Dean should make clear to the candidate that the visiting offer is not an assurance of a long-time position. The decision on a long-term position would be made according to the faculty's normal procedure for a tenured or tenure-track position.

iv) A candidate who fails to achieve the positive faculty evaluation necessary for an offer of a "look-see" visit could still be considered for a visit without any current commitment.

C. For those who have not gone through the process for a "look-see" visit and who are being considered only for a visit without a current commitment:

i) The faculty should be notified of the possible candidates selected by the Dean, Associate Dean and/or Appointments Committee, and should be solicited for names of other possible candidates. Any faculty member can object to any name of the list, but an objection would not necessarily be a veto. The Dean, Associate Dean or Appointments Committee should compile information on any serious candidate's teaching, including obtaining teaching evaluations when it is feasible to do so, before a visiting offer is made. Other faculty members can be asked to help with this information-gathering process. The visiting offer does not require a faculty vote. The Dean should tell the candidate that the visiting offer carries no commitment regarding a longer-term position, and in fact normally would not result in an offer of such a position. If the visit goes well, an offer of a long-term position would not be precluded but ordinarily would not be made while the visitor is here. If such an offer were to be made, the procedure would be the normal one for a tenured or tenure-track position.

ii) An offer of a visit without a current commitment can be made to someone in whom we already have a possible long-term interest. If so, the Dean should consult the faculty regarding the extent of such an interest before the Dean says anything more to the candidate than would be said to the normal candidate in whom we have no long-term interest. As in other cases, any offer for a tenured or tenure-track position would be subject to the usual faculty procedure. There are no other set procedures for this situation. Some flexibility seems desirable here.

#### 10. Clinical Appointments:

A. An initial clinical appointment shall be made for a term of two years, at the rank of Assistant Clinical Professor. Appointment reflects a faculty judgment that the appointee possesses the qualities that should enable him or her to meet within the appropriate time the requirements articulated for a renewable ten-year contract appointment as an Associate Clinical Professor. A faculty recommendation of approval of an initial clinical appointment shall require a two-thirds affirmative vote by secret ballot of those present at a meeting called to consider appointments.

B. Reappointment for one three-year term beyond the initial term, at the continuing rank of Assistant Clinical Professor, may be granted to a clinical faculty member who has demonstrated excellence in clinical teaching and the potential for meeting within the appropriate time all other requirements for a renewable ten-year contract as an Associate Clinical Professor. The Dean shall determine whether to recommend to the Provost that the clinical faculty member be reappointed for a three-year term after consultation with those members of the faculty above the rank of Assistant Professor or Assistant Clinical Professor.

i) During the fall semester of the final year of the three-year-term appointment, the clinical faculty member may request consideration for a renewable ten-year contract appointment as an Associate Clinical Professor. The Dean shall appoint a committee of three faculty members above the rank of Assistant Professor or Assistant Clinical Professor to make a recommendation to those faculty members above the rank of Assistant Professor or Assistant Clinical Professor as to whether such a contract should be granted. A faculty recommendation of approval of a renewable ten-year clinical appointment at the rank of Clinical Associate Professor shall require a two-thirds affirmative vote by secret ballot of those faculty members above the rank of Assistant Professor or Clinical Assistant Professor present at a meeting called to consider ten-year clinical appointments. Such a recommendation, together with a statement setting forth the views of the Dean, shall be forwarded to the Provost.

ii) A renewable ten-year contract as an Associate Clinical Professor may be granted to a person who has:

a. Demonstrated excellence as a clinical faculty member;

b. Demonstrated a capacity to administer a clinical teaching program; and

c. Made a substantial contribution to the academic or professional legal community in one or more of the following ways:

(1) publication of scholarly work regarding clinical education or a substantive area of law;

(2) participation in professional activities, such as drafting legislative or administrative proposals, serving on public advisory committees or commissions or bar committees, participating in litigation that raises important questions of public policy, or participating, through publication or teaching, in continuing professional education;

(3) successful performance of other teaching or administrative responsibilities within the Law School or University.

In determining whether a person has demonstrated excellence as a clinical faculty member, the following areas shall be considered: supervision of students' casework and legal writing, preparation and selection of teaching materials, selection and handling of cases, instruction in classroom sessions and in clinical fieldwork, consideration of ethical issues in legal practice, contributions to the methods and substance of clinical teaching, service to clients, and service to the Law School and the University.

iii) A clinical faculty member serving under a renewable ten-year contract may request promotion to the rank of Clinical Professor. When such a request has been made, the Dean shall seek the advice of those members of the faculty at the rank of Professor or Clinical Professor and make a recommendation to the Provost. The granting of such a request shall not extend the length of the contract term.

C. A clinical faculty member serving under a renewable ten-year contract at the rank of Clinical Professor or Associate Clinical Professor may request renewal of the contract for an additional ten-year term during the fall semester of the academic year prior to the academic year in which the contract otherwise would expire. The Dean shall appoint a committee of three faculty members at the rank of Professor or Clinical Professor to make a recommendation to those faculty members above the rank of Assistant Professor or Assistant Clinical Professor as to whether the contract should be renewed or allowed to expire. A committee recommendation in favor of renewal entails a determination that the clinical faculty member has met the requirements contained in Paragraph III(B), and a judgment that the clinical faculty member will continue to meet those requirements during the additional ten-year period. A faculty recommendation of approval of renewal shall require a majority vote by secret ballot of those faculty members above the rank of Assistant Professor or Assistant Clinical Professor present at a meeting called to consider renewal. Such a recommendation, together with a statement setting forth the views of the Dean, shall be forwarded to the Provost. Subsequent requests for renewals will be considered and determined in the same manner.

D. Clinical faculty, except visitors or fellows, may attend faculty meetings except tenure decision meetings, and may vote on all matters except the appointment of tenure-track faculty and tenure decisions. Clinical faculty shall not be entitled to participate in deliberations or voting involving recommendations as to their own contracts or promotions.

E. A clinical faculty member may be dismissed for cause at any time, in accordance with University procedures. Cause includes, but is not limited to, termination by the Law School of a clinical program supervised by the clinical faculty member and a decision by the Dean, in consultation with the faculty, that there is no other clinical position for which the clinical faculty member is qualified.

F. Short-term Contracts:

Appointment to a visiting clinical faculty position does not require a faculty vote. As with all visiting appointments, the Dean shall seek the views of the faculty. From time to time, the Dean may appoint Fellows to assist in the clinics, on one- or two-year non-renewable contracts, in consultation with the clinical faculty.

11. Courtesy Appointments:

A. Criteria: A candidate for a courtesy appointment to the law school must be a member of the faculty of the College or Williams School who has a J.D. or doctorate from a distinguished university, has a record of excellence in scholarship, teaching, and academic service, is an active scholar in a field related to the subject matter which the appointee will be teaching law students, and has the support of his or her department head and dean for the appointment. A courtesy appointment has a term of five years, renewable at the discretion of the Dean of the law school.

B. Process: Courtesy appointments to the law school will follow these procedures.

- i) A candidate for a courtesy appointment to the law school will submit a letter of application to the Dean of the law school, including teaching evaluations, reprints of scholarship, scholarly agenda, and any other materials requested by the Dean.
- ii) The Dean of the law school will consult with the candidate's department head and dean.
- iii) If the Dean of the law school concludes that the application is appropriate for consideration, the Dean will forward the application to the Faculty Appointments Committee.

**Revised 1994**  
**Revised May 2003**  
**Revised November 2004**  
**Revised October 2008 (Sect. 8, para. A)**

# Faculty Careers at Washington and Lee

## Reconsideration and Appeal of Tenure, Reappointment and Promotion Decisions

Notice of non-reappointment at the end of a term appointment is not to be confused with termination for cause (see "Dismissal Procedures" below). (The phrase "non-reappointment" when used herein includes both failure to reappoint and failure to grant tenure.) In the case of termination for cause the University can rightly be required to justify its decision. In the case of non-reappointment no such burden of proof exists and the University is to be "accorded the widest latitude consistent with academic freedom, equal opportunity, and the standards of fairness" in discharging its responsibility "to recruit and retain the best qualified faculty within its goals and means" (see [American Association of University Professors \[AAUP\], \*Policy Documents and Reports\*, 1990](#)). The citation of various AAUP guidelines throughout this section should not be interpreted as Washington and Lee's intent to incorporate or adopt the provisions of the AAUP as its own but merely to use the AAUP's language in clarification and illustration of the University's own procedures.

The considerations relevant to reappointment and promotion decisions are those qualities stated in the *Faculty Handbook* or in the *Tenure and Promotion Procedures* for the law school. The University expects that Faculty reappointment and promotion decisions be reached equitably and judiciously. Where the Faculty member believes that improper consideration contributed to the decision not to reappoint or not to promote, or that the decision was based on inadequate consideration, the University has established a policy of special review set forth further below.

"Improper consideration" refers to considerations which violate either (i) academic freedom or (ii) University employment policies (see "Equal Employment Opportunity/ Non-Discrimination Statement" in: University Policies, elsewhere in this document) stipulating that appointments, reappointments, and promotion be made without discriminating on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation age, disability, or veteran status. It is not improper consideration to take into account behavior which adversely affects the discharge of professional duties.

In defining the expression "adequate consideration," the University takes guidance from the AAUP's *Policy Documents and Reports*:

It is easier to state what the standard 'adequate consideration' does not mean than to specify in detail what it does. It does not mean that the review committee [herein described as Washington and Lee's Faculty Review Committee; for a description of this committee, see section 3., below] should substitute its own judgment for that of members of the department on the merits of whether the candidate should be reappointed or given tenure.... The term 'adequate consideration' refers essentially to procedural rather than substantive issues: Was the decision conscientiously arrived at? Was all available evidence bearing on the relevant performance of the candidate sought out and considered? Was there adequate deliberation by the department over the import of the evidence in the light of the relevant standards? Were irrelevant and improper standards excluded from consideration? Was the decision a *bona fide* exercise of professional academic judgment? These are the kinds of questions suggested by the standard 'adequate consideration.'

2. *Request for Reconsideration.* A decision not to reappoint or not to promote is normally communicated orally to the Faculty member by the department chair or the appropriate academic dean. That notification is in every case to be confirmed in writing by the appropriate academic dean within two weeks of the decision being made. Upon receipt of the written notification, the Faculty member may request of the appropriate academic dean an informal discussion of the reasons that contributed to the decision. The Faculty member may also, after this discussion, request a written statement of these reasons. However, before a written statement is issued, the appropriate dean shall advise the Faculty member of the possible pros and cons of being given such a statement. Once requested, the statement must be issued by the appropriate academic dean within two weeks to the Faculty member.

Should the Faculty member believe that improper consideration contributed to the decision not to reappoint or not to promote, or that the decision was based on inadequate consideration, the Faculty member may ask the appropriate dean to have convened, for purposes of reconsideration, the same body that originally considered the matter. This body will assess the allegations of improper or inadequate consideration based on the University's published criteria and the evidence in the reappointment or promotion file.

The request for reconsideration must be made in writing to the appropriate academic dean no later than one month following the written notification of non-reappointment or non-promotion. That request will specify in detail the factors the Faculty member believes warrant such a reconsideration.

The decision regarding whether to grant reconsideration must be communicated in writing to the Faculty member by the appropriate dean within two weeks of the receipt of the request. If a reconsideration is granted, it must be concluded and its results and the reasons therefore communicated in writing to the Faculty member by the appropriate dean within two months of the decision to reconsider. The members of the body that reconsiders must treat their deliberations, the materials consulted in the reconsideration, and all facts learned in the course of the deliberations as confidential.

3. *The Faculty Review Committee.* The Faculty Review Committee (FRC) is advisory to the President and shall hear appeals for non-reappointment or failure to promote based on detailed and substantiated allegations of inadequate consideration or improper consideration. The FRC will be composed of six (6) members and three (3) alternates, all of whom shall be tenured members of the Faculty. Five (5) members and two (2) alternates shall be elected from and by the undergraduate faculty and one (1) member and one (1) alternate shall be elected from and by the law faculty. Members of the Advisory Committee are not eligible to serve on the FRC. Members and alternates shall serve staggered three-year terms with one-third of each to be elected each year. Each fall, after new members have been elected, the FRC shall meet to elect its Chair.

When a petition for review of a decision not to reappoint or promote is received by the Chair of the FRC (as provided in section 4., below), the Chair shall convene the members of the FRC to consider the allegations made in the petition and to recommend an appropriate disposition thereof. No member of the FRC shall consider a petition dealing with a decision in which that member took part. If, for any reason, fewer than six members of the FRC shall be qualified to consider a petition, an alternate or alternates who are so qualified shall be chosen at random to assure a committee of six (6) members, if possible.

The sole responsibility of the FRC is to investigate the process by which the original judgment was reached for the purpose of determining whether it was the result of improper or inadequate consideration. In pursuing its investigation, the FRC will not substitute its own judgment on the substantive merits of the case for the judgment of those who made the original decision. The members of the FRC must treat their deliberations, the materials consulted in the case, and all facts learned in the course of the case as confidential. The Chair of the FRC will notify the President in a timely manner of the initiation and disposition of all cases within its purview. The committee's internal procedures appear [here](#).

4. *Appeal Procedures.* If reconsideration is not granted by the appropriate academic dean, or if reconsideration results in a determination that the decision was not the result of improper or inadequate consideration, the Faculty member may, within one month of being so informed by the appropriate dean, petition in writing to the Chair of the FRC to initiate a review of the non-reappointment or non-promotion decision. The petition must specify with factual detail the respect(s) in which the petitioner believes consideration to have been inadequate or improper.

The FRC will initiate a formal review if and only if it concludes that the petitioner has established a *prima facie* case as to the truth of the allegations of inadequate consideration or improper consideration. In every case, the FRC will refer only to the petition to determine whether a *prima facie* case has been made. A *prima facie* case requires two parts: (a) allegations which, if true, would warrant or require remedial action or relief; and (b) credible support for the allegations.

Should the FRC conclude that the Faculty member's petition has not established a *prima facie* case for the truth of the allegations, it will report its findings in writing to the President, to the appropriate dean, to the department head, and to the petitioner. If a formal review is conducted, the Chair will rule upon procedural matters. The FRC's findings must be reached by a majority vote. The procedures to be followed for a formal review are available at the Office of the President, the University Provost, the Dean of the College, the Dean of the Law School, and the Dean of the Commerce School.

Should the FRC conclude that the decision in the case was not the result of improper or inadequate consideration, it will report its findings in writing to the President, to the University Provost, to the appropriate academic dean, to the department head, and to the petitioner no later than two months after the receipt of the petition.

Should the FRC conclude that more likely than not the decision in the case was the result of improper or inadequate consideration, it will indicate the respects in which it believes the consideration to have been inadequate or improper and make the appropriate recommendations in writing to the President, to the University Provost, to the appropriate academic dean, to the department head, and to the petitioner no later than two months after the receipt of the petition. If the petition alleges improper conduct by the President, the report shall go directly to the Board of Trustees; otherwise, the decision of the President shall be final.

All of the deadlines expressed above for reconsideration and appeal are set for the academic year. Depending upon the availability and willingness of FRC members to serve during the months of June, July, and August, the Chair of the FRC will determine whether the committee can be convened during the summer.

The procedures outlined above exhaust the provisions for appeal within the governing structure of the University. Upon the completion of these procedures, no further appeal may be initiated within the University.

# **Faculty Careers at Washington and Lee**

## **Discipline of Faculty Short of Dismissal**

Notwithstanding the University's dismissal procedures, the University and its administrators reserve the right and the discretion to handle individual situations of Faculty misconduct or failure to abide by University policies and procedures, regardless of where or when they occur, on a case-by-case basis, and to take whatever disciplinary action the University, in its discretion, deems to be appropriate and in the best interest of the University community, short of dismissal. Such non-dismissal disciplinary sanctions could range from an oral reprimand to a suspension without pay for a specified period of time, depending on the severity of the misconduct. In those circumstances, the University would expect to provide the Faculty member notice of the misconduct and an opportunity to respond, with the University to give all due consideration to the Faculty member's response. However, the University reserves the right to dispense with such notice when, in the discretion of the University, the safety, health, or welfare of University employees or students warrant. The University expects to handle these circumstances consistent with its commitment to mutual respect and civility for each member of the community.

# Faculty Careers at Washington and Lee

## Faculty Dismissal Procedures

1. Adequate cause for a dismissal will be related, directly and substantially, to the fitness of the Faculty member in his or her professional capacity as a teacher or researcher. Dismissal will not be used to restrain Faculty members in their exercise of academic freedom or other rights of American citizens.

2. Dismissal of a Faculty member with tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by: (1) discussions between the Faculty member and appropriate administrative officers looking toward a mutual settlement; (2) informal inquiry by the Advisory Committee which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; (3) a statement of charges, framed with reasonable particularity by the President or the President's delegate.

3. A dismissal, as defined in Regulation 1 above, will be preceded by the aforementioned statement of charges, and the individual concerned will have the right to be heard initially by an ad hoc committee of the Faculty elected to hear the particular case by the Faculty at a Faculty meeting. This ad hoc committee of five Faculty members will be elected in the following way. A nomination ballot shall be taken. On the next ballot (each Faculty member voting for 5) the five persons receiving the highest number of votes shall be considered elected to the committee. Another ballot using the remaining nominees will be held. The top five on this ballot will serve as alternates for the committee. In case of a vacancy due to disqualification, illness, resignation, challenge without stated cause, or for other reasons, an alternate will become a member of the committee. The alternates will be added in high to low order of the votes they received. Members will remove themselves from the case, either at the request of a party or on their own initiative, if they deem themselves disqualified for bias or interest. Each party will have a maximum of two challenges without stated cause.

A. Pending a final decision by the hearing committee, the Faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the Faculty member or others is threatened by continuance. Before suspending a Faculty member, pending an ultimate determination of the Faculty member's status through the institution's hearing procedures, the administration will consult with the Advisory Committee concerning the propriety, the length, and the other conditions of the suspension. A suspension that is intended to be final is a dismissal, and will be treated as such. Salary will continue during the period of the suspension.

B. The hearing committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (i) simplify the issues, (ii) effect stipulations of facts, (iii) provide for the exchange of documentary or other information, and (iv) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

C. The Faculty member will be served notice of hearing with specific charges in writing at least 20 days prior to the hearing. The Faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the Faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate all available evidence and rest its recommendation upon the evidence in the record.

D. The committee, in consultation with the President or designee and the Faculty member, will exercise its judgment as to whether the hearing should be public or private.

E. During the proceedings, the Faculty member and the President or designee will each be permitted to choose and have an academic adviser and legal counsel.

F. At the request of either party or the hearing committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.

G. A verbatim record of the hearing or hearings will be taken and a typewritten copy will be made available to the Faculty member without cost, at the Faculty member's request.

H. The burden of proof that adequate cause exists rests with the institution, and will be satisfied only by clear and convincing evidence in the record considered as a whole.

I. The hearing committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

J. The Faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the hearing committee in securing witnesses and making available documentary and other evidence.

K. The Faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and if possible provide for interrogatories.

L. In the hearing of charges of incompetence, the testimony shall include that of qualified Faculty members from this or other institutions of higher education.

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

N. The findings of fact and the decision will be based solely on the hearing record.

O. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the Faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The President and the Faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.

P. If the hearing committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the President rejects the report, the President will state his or her reasons for doing so in writing, to the hearing committee and to the Faculty member, and provide an opportunity for response before transmitting the case to the governing board. If the hearing committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

4. *Action by the Governing Board.* If dismissal or other penalty is recommended, the President will, on request of the Faculty member, transmit to the Executive Committee of the Board of Trustees, with the Rector as acting Chair, the record of the case. The Executive Committee's review will be based on the record of the committee hearing, and it will provide opportunity for argument, oral or written, or both, by the principals at the hearing or by their representatives. Either the decision of the hearing committee will be sustained, or the proceeding will be returned with specific objections. The committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The Executive Committee will make its decision only after study of the committee's reconsideration. The Executive Committee's action will be presented to the Board of Trustees, which will make the final decision on the basis of the hearing committee's recommendation or reconsideration, as the case may be, and of the Executive Committee's decision.

# Faculty Careers at Washington and Lee

## Retirement Policy

At Washington and Lee retirement from teaching is not severance from the University but rather the assumption of a new relationship and status within the University community.

Retired Faculty retain their University card, which is valuable for several purposes. It provides access to Leyburn and Law Library facilities, and is necessary for checking out books. It is used in purchasing meals at a discount at GHQ, and for purchases at the bookstore and snack bar. It identifies retirees for a generation of students staffing facilities who may not recognize them immediately.

Retirees and their spouses are welcome at campus events, and at Lenfest Center productions, subject to advance reservations. Retirees retain their access to swimming pools and gymnasium facilities.

1. *Early Retirement.* A member of the Faculty with ten or more years of service may retire as early as age 59.5. At age 62, reduced social security benefits may be elected. TIAA/CREF retirement income payments may also commence at that point.

To insure continuity of health insurance until age 65, at which time Medicare and the University's Medicare Supplement coverage begin, the retiree may continue participation in the group health insurance plan until age 65.

Dependent children continue to be eligible for the Educational Grant benefit.

2. *Traditional or Normal Retirement.* Age 65 has historically been the traditional or normal retirement age. It is the first age at which unreduced social security benefits are available for those born between 1938 and 1960. It is the first age that one becomes eligible for Medicare health benefits and for the University's Medicare Supplement policy.

It is also the point at which TIAA/CREF retirement annuity benefits are not actuarially reduced because of attained age.

Dependent children continue to be eligible for the Educational Grant Benefit.

3. *Phased Retirement Program (PRP).*

A. *Purpose.* The PRP allows a Faculty member to retire at or before the age of 70 by means of a maximum four-year gradual transition from full-time teaching to full retirement while minimizing the financial losses incurred by participating in the program. The PRP will usually provide for the employment of a new Assistant Professor when a senior Faculty member enters the program, thus allowing for some flexibility in staff assignments while the senior Faculty member participates in the program.

B. *Eligibility.* To be eligible to participate in the PRP a Faculty member at Washington and Lee University must:

- Have tenured faculty status in an academic department or the School of Law;
- Have served a minimum of ten full-time equivalent years at Washington and Lee with Faculty status as of July 1 prior to entering PRP;
- Be between the ages of 59½ and 68.

C. *Phased Retirement Period, Teaching Schedule, Salary, and Benefits.* A Faculty member becomes eligible to enter the program in the academic years in which they reach the ages of 59½ to 68 and may participate in it for a maximum of four years and for a minimum of two years. Having entered the program, the Faculty member will be given a half-time teaching assignment for the period of the PRP. Upon completing the period of half-time employment, the Faculty member will retire from Washington and Lee University not later than the end of the academic year in which the age of 70 is reached.

For the purpose of determining the PRP salary, the individual's regular full-time salary in the academic year in which the program begins is called the base salary. The PRP salary to be paid to the individual in the first year will be 75% of the base salary and 50% of the base salary for the remaining year(s) in the program. The base salary will be adjusted each subsequent academic year in the same manner that the base salary of all regular full-time Faculty members is adjusted. A Faculty member participating in the program may choose to augment the Washington and Lee salary by beginning to draw on his or her TIAA/CREF retirement-income.

In addition to the retirement salary, the University will continue during the PRP period to make premium contributions to the individual's regular TIAA/CREF retirement contract. Premium contributions will be based on the Washington and Lee salary for each academic year. The University will also continue to pay its portion of social security contributions and its share of the premiums for health, life, and disability insurance coverage.

D. *Other Benefits.* A Faculty member participating in PRP will remain eligible for the college tuition benefit, for travel support, and for both Glenn Grant and R.E. Lee Grant funding but not for sabbatical leave.

E. *Notification of Participation.* An individual planning to enter PRP must notify in writing the department head and the appropriate dean not later than September 30 of the year prior to the academic year in which he or she plans to enter the program. Once an individual officially enters the Program (July 1 of the first year), the only means of withdrawing from it is through full retirement.

F. *Additional Information.* Questions concerning eligibility and application procedures and requests for additional information should be directed to the appropriate dean. Questions concerning the retirement salary and benefits should be directed to the Director of Personnel Services.

G. *Definitions.* Following are definitions or explanations of terms used above in the description of PRP

*Faculty Status* — tenured faculty who teach full time in an academic department or in the School of Law.

*Academic Department* — includes all academic departments and established interdisciplinary programs as described in the *University Catalogue*.

*Base Salary* — is defined as the Faculty member's full-time salary which would have been earned the first year of participation in PRP.

*Years of Service* — will be counted on a full-time equivalent basis and need not be consecutive years of service.

*Half-time Teaching Assignment* — will be interpreted in the College and Williams School of Commerce as seven courses biennially with a 4-3 or 3-4 course assignment in alternate years or its equivalent; in the School of Law, it will be interpreted as six or seven semester hours per year.

4. *Deferred Retirement.* A number of Faculty elect to continue teaching beyond the traditional retirement age and thereby postpone the start of their retirement income and Medicare benefits. They remain eligible for all University fringe benefits until their retirement.

**Revised May 2009 to reflect correct retirement eligibility age.**

# Governance

## The Charter of the University and Bylaws

### Historical Note

In 1782, the General Assembly of Virginia, recognizing that a "seminary" of learning called Liberty Hall had existed in Rockbridge County since before the Revolution, and wishing to "promote" its "purposes," passed "An Act for Incorporating the Rector and Trustees of Liberty Hall Academy." It established a board independent of church and state and empowered the trustees to manage property and award "literary degrees." In 1796, acting without the board's assent, the legislature passed a measure restructuring the school as the "College of Washington, in Virginia." Early the following year, the trustees responded strongly. They declared the act to be "tyrannical." As the General Assembly had neglected to repeal the 1782 charter, the board ignored the recent act and continued to operate the school under its original charter, as it strove to undo the "obnoxious" measure. In 1797, with the board's approval, the legislature repealed the 1796 charter and amended the 1782 charter to rename the college "Washington Academy." In 1813 a further act of the General Assembly changed the name to "Washington College." Thus it continued until 1871 when the General Assembly "amended and reenacted" the original 1782 charter, thus changing the school's name to The Washington and Lee University. Other amendments to the Charter and Bylaws, not affecting its name, occurred in 1866, 1876, 1940, 1964, 1972, 1986, 1987, 1988, 2002, and 2003.

### An Act for Erecting LIBERTY HALL ACADEMY Into a College (Passed December 21, 1796.)

Whereas it has been communicated to this general assembly, that George Washington, president of the United States, has appropriated the shares which were directed to be subscribed, in his name, in the James River Canal Company, with the tolls and profits which shall accrue there from, to the use of Liberty Hall Academy, in the county of Rockbridge; and whereas the benevolent design of that most excellent citizen, will be better promoted by enlarging the nature of the said institution:

1. *Be it enacted*, That the academy, now styled Liberty Hall Academy, shall be erected into a college, which shall be called and known by the name of the College of Washington, in Virginia.
2. In this college there shall be four schools, via: one of languages; one of mathematics; one of natural philosophy and astronomy, and one of logic, moral philosophy and belles letters; in each of which schools there shall be a professor, and as many tutors as shall from time to time be found necessary.
3. One of the professors shall be appointed president; and the said president and professors shall be a body corporate, by the name of "The President and Professors of the College of Washington in Virginia," and by that name shall have perpetual succession and common seal. By the name aforesaid, they shall be able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors forever, any lands, tenements, rents, goods or chattels, of what kind soever which shall be given to them, or purchased by them for the use of the said college, and the same to sell, grant, demise, alien or dispose of, in such manner as to them may appear most for the advantage of the said college: *Provided*, That the said president and professors shall not be capable of receiving endowments, whose annual net profits shall exceed ten thousand dollars; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of law and equity; and to grant degrees under their common seal.
4. The president and professors, or a majority of them, shall have the power of appointing a treasurer, tutors, and other subordinate officers for the said college; of removing them when they see fit, and of prescribing rules and regulations for their conduct in their respective offices. To the president and professors shall also appertain the power of determining on, and adopting the proper system of education for the different schools, and of framing and carrying into effect, rules and ordinances for the good order and government of the students and scholars of the said college.

5. And for the purpose of appointing the president and professors of the said college, and perpetuating their succession, and for the more general government of the said college, the following persons are constituted a board of visitors, via: The governor of the commonwealth for the time being, Andrew Moore, James M'Donald, Andrew Reed, John Caruthers of Rockbridge, Archibald Stewart, Alexander St. Clair, John Coalter of Augusta, John White of Bath, John Stewart, William H. Cavendish of Greenbrier, James Breckenridge, Robert Harvie, Henry Bowyer, Thomas Madison, William Willson, James Risque of Botetourt, Christopher Clark of Bedford, Nicholas Cabell and William Cabell, junior, of Amherst, who, or a majority of them, shall have the power of appointing the president and professors of the said college, or removing or suspending the same for good cause shewn, and of supplying vacancies in the said body; but no professor shall be admissible into his office without first taking the oath of fidelity to the commonwealth.

6. The said visitors shall annually choose a rector, who shall preside in their meetings, and whose duty it shall be to convene them as often as it shall appear necessary.

7. The said visitors, or a majority of them, shall fix the salaries of the president and professors, and the fees of tuition in the different schools, and shall have the power of making and establishing statutes and ordinances for the general government of the said college. They shall also have the power of inspecting and examining the accounts of the said college, and of inquiring into the management of its estate, and no real property belonging to it shall be sold without their consent. On the death, resignation, or refusal to act of the rector or any of the visitors, it shall be lawful for the remaining visitors, or a majority of them, to supply such vacancies; and the rector and visitors so elected shall have the same powers and authority as those particularly named in this act: *Provided always*, That nine at least of the said visitors shall reside within forty miles of the college, and that no person shall be capable of being elected, or of holding the office of a visitor, whose place of residence is or shall be more than sixty miles from the college. And any visitor removing to a greater distance than sixty miles (except the governor of the commonwealth,) from the college, after his election to the said office, and thereby leaving a less number than nine visitors within the said distance, shall, by such removal, vacate his office of visitor.

8. Nothing in this act contained shall be construed to give to the president and professors, or to the rector and visitors of the said college, the power of making any bylaws, rule, ordinance, statute, or regulation whatever, contrary to the constitution or laws of this commonwealth.

9. The rector and visitors, before they enter upon the execution of the trust reposed in them by this act, shall severally take the following oath or affirmation, to be administered by a justice of the peace of the county of Rockbridge, and certified by him to the said rector and visitors, to be recorded in their minutes, that is to say: "*I, A.B. do swear (or affirm) that I will, to the best of my skill and judgment, faithfully and truly discharge the duties required of me by an act, intituled, 'An act for erecting Liberty Hall Academy into a college,' without favor, affection or partiality. So help me God.*"

10. *And be it further enacted*, That until the president and professors shall be appointed for the said college of Washington, the property which has been appropriated to the use of Liberty Hall Academy, and the property which shall be appropriated to the use of the said college, shall be in the visitors thereof, and their successors, who shall have every power necessary for the management of the same, except the power of selling; and on the appointment of a president and professors, all the property aforesaid, real and personal, shall be transferred to and vested in the president and professors.

11. This act shall commence and be in force from and after the passing thereof.

### **Charter of The Washington and Lee University**

(a) The name of the Corporation is The Washington and Lee University.

(b) The principal office of the Corporation is located at Lexington, Virginia.

(c) The purpose of the Corporation is to promote, maintain, and conduct a college and university for academic, scientific, and professional education and learning, with all the rights, privileges, and powers necessary, proper, usual and customary for such institutions, including the right to receive, hold, and use gifts, legacies, and bequests, and to accumulate endowment funds and properties and property rights and interests, and to invest and reinvest the same; to award academic, scientific, professional, and honorary diplomas and degrees; to promote educational, scientific, and professional research, investigation and progress; to conduct laboratories, and all such business enterprises as may be incident to or proper for the general purposes of the Corporation; to borrow money, execute notes and bonds and secure the same by a lien upon its real estate or by pledge of collateral; to sell and issue annuity bonds for the benefit of the Corporation; to guarantee and become surety for the obligations of organizations of the faculty and of the students of the Corporation to the extent that the same is deemed to be for the benefit of the general purposes and affairs of the Corporation, or of any other person, firm, corporation, or association, for the purpose of promoting the interests of the Corporation; and to have and execute all powers and rights conferred by the laws of Virginia on corporations of similar kind and character. The foregoing enumeration of powers and purposes shall be construed in furtherance of, and not in limitation of the general powers of the Corporation.

(d) The Corporation shall be managed and controlled by a Board of Trustees. The President of the University shall be a member of the Board, ex officio. The terms of office of all Trustees shall be four years. The Trustees shall elect their own successors, but the Board may make provision in its by-laws for the nomination of Trustees by the Washington and Lee Alumni Association. The Board may make reasonable provisions in its by-laws for the removal and retirement of Trustees.

(e) The Trustees shall elect one of their own number as presiding officer, with the title of Rector, and shall also elect a President of the University, who shall be President of the Corporation, a Secretary, and a Treasurer of the Corporation, and such other officers, agents, and employees as may be provided for by the by-laws.

(f) The period for the duration of the Corporation shall be unlimited.

(g) The amount of real estate to which the holdings of the Corporation shall at any time be limited is one hundred thousand acres.

(h) The Board of Trustees, by by-law or by resolution passed by a vote of the majority of Trustees in office, may designate two or more of their number to act as an Executive Committee, and the Executive Committee, to the extent provided for in such by-law or resolution, shall have and exercise the powers of the Board of Trustees in the management of the business affairs of the Corporation, provided, however, that no real estate of the Corporation forming a part of its campus or within one-half mile thereof shall be sold, nor shall the Rector, the President, any Trustee or professor with tenure be elected, except by a vote of a majority of Trustees in office. By a vote of the majority of Trustees present at any meeting at which a quorum is present, the Board may appoint such other committees as it may deem proper.

## **Bylaws**

### CHAPTER I: The Board of Trustees

1. The Board of Trustees shall include the President. The Board shall consist of not fewer than fifteen members nor more than forty members, with such number to be determined by the Board of Trustees from time to time. Trustees shall be nominated by the Committee on Trusteeship and elected by the Board. Except for the President, each Trustee shall serve a term of four years until re-elected or until a successor is elected and takes office. A Trustee shall be eligible for re election to the Board for a second four-year term. Under the following limited circumstances, a Trustee may be re-elected to a third term of up to four years: i) the Trustee is the Rector, ii) the Trustee is the Rector-elect, or iii) other extraordinary circumstances to be determined by the Board. A former Trustee shall be eligible to be elected again as a Trustee two years following his or her final meeting.

2. A Trustee who serves an initial four-year term shall become a Trustee Emeritus upon the completion of service as a Trustee. A Trustee Emeritus may continue to attend meetings of the Board and participate in its deliberations and may be appointed as an advisory member of the Executive Committee or any other committee of the Board, but shall have no vote and shall not be counted in computing a quorum at any meeting or in determining the total number of Trustees required or permitted by the Charter or the bylaws as constituting the Board.
3. The Board shall hold at least three meetings during each calendar year in the months of February, May, and October or at such times and places as the Board may determine. The Secretary shall give or mail written notice of meetings to each Trustee at least ten days before the date of the meeting, but failure of the Secretary to give notice shall not affect the validity or regularity of any such meeting.
4. A special meeting of the Board may be called at any time by the Rector or the President, and shall be called upon the written request of any three Trustees. Written notice of any special meeting of the Board shall be given or mailed by the Secretary to each Trustee at least ten days before the date of the meeting.
5. A majority of the Trustees shall constitute a quorum for the transaction of business at any meeting. Except as otherwise provided by law or these bylaws, the action of a majority of the Trustees present at any meeting at which a quorum is present shall be the action of the Board. In the absence of a quorum, a meeting may be adjourned by those present until such time as a quorum is present.
6. The affirmative vote of a majority of the Trustees shall be required for the election of the Rector, the President, a Trustee, and the Executive Committee of the Board, for the appointment of a Professor to a position with tenure, and for the sale of real estate forming a part of the University campus or within one-half mile thereof, and for such other matters as the Board may specify by resolution. Prior to the end of a Rector's term, the Trusteeship Committee shall be responsible for administering the nominating process and submitting a Rector candidate to the Full Board for election.
7. The Board, for any cause which it may deem sufficient, including failure or unwillingness to abide by policies and regulations of the Board of Trustees, failure or unwillingness to carry out the duties of a trustee, or for actions that negatively reflect on the University, may remove a Trustee from office upon the affirmative vote of three-fourths of the Trustees. If a Trustee fails to attend three successive regularly scheduled meetings of the Board, the Board by the affirmative vote of a majority of the Trustees may declare that position to have been vacated.
8. There shall be eight (8) Standing Committees of the Board; namely, an Executive Committee, as more particularly described in Chapter III; a Committee on Undergraduate Academics and Admissions; a Finance Committee; a Campus Life Committee; a Committee on Trusteeship, a Development and External Relations Committee, a Capital Projects Committee, and a Law School Committee. In addition, there shall be two standing subcommittees of the Finance Committee entitled i) the "Audit Subcommittee", to include three (3) or more board members with at least one member or the Subcommittee as a whole having experience in financial matters, and ii) the "Investment Subcommittee". The Board may create such Special Committees as it deems desirable from time to time. To the extent not otherwise specified herein, the Chairman and members of each Standing and Special Committee shall be appointed annually by the Rector, or when otherwise desirable by the Rector, and shall be confirmed by the Board. Except for the Executive Committee, the Rector may nominate non-Trustees to serve as voting members on any of its standing committees for terms to be determined by the Board. These non-trustee committee members shall be elected by the Board. The powers and duties delegated by the Board to each such committee, shall be assigned annually, or when otherwise desirable, by the Rector, and shall be confirmed by the Board. To promote the effective and efficient governance of Washington and Lee University, and consistent with the authority granted by the laws of the Commonwealth of Virginia, the Board of Trustees has elected to establish the foregoing standing committees and subcommittees ("committees") of the Board, and to delegate primary substantive and oversight responsibilities to such committees for matters which would otherwise be exercised by the Board as a whole. By doing so, the Board is neither expanding the scope of fiduciary obligations for members serving on these committees nor altering the standards of applicable conduct for individual trustees or its committees under the laws of the Commonwealth of Virginia.

9. Upon request, the Trustees shall be reimbursed from the funds of the University for expenses incurred in attending meetings of the Board and committees thereof and for any other expenses properly incurred on business of the University.

## CHAPTER II: Officers

1. The **RECTOR** shall be the presiding officer of the Board of Trustees and shall chair the Executive Committee. He or she shall be a Trustee elected by the Board; shall hold office for a term of four years from the date of election or until a successor is elected; and may serve successive terms in office. The Rector shall preside over all meetings of the Board, be the spokesperson for the Board, and shall perform such other duties as may be assigned by these bylaws and as the Board may determine from time to time. In the Rector's absence from a meeting of the Board, a Trustee selected by the Rector shall preside, and if the Rector is unable to name a temporary substitute, the Trustee present who is senior in service shall preside. A vacancy in the office of Rector shall be filled by the Trustee who is senior in service until a new Rector is elected.

2. The Board shall elect, as officers of the Corporation, a President, a Treasurer, and a Secretary. The President shall receive compensation as determined by the Board and shall hold office at the pleasure of the Board. The offices of Secretary and Treasurer may be occupied simultaneously by one person.

3. The **PRESIDENT** of the Corporation shall be the chief executive officer of the University. He or she shall supervise and direct the other officers of the Corporation and the administrative staff. Subject to the ultimate authority of the Board, the President shall make and report to the Board determinations pertaining to the composition and structure of the administrative staff, and shall make and report to the Board all appointments to and promotions within the Faculty. Appointments resulting in tenure shall not become effective until approved by the Board.

The President shall be a member and ex officio chairman of the Faculty, and shall appoint and be a consulting member of each committee thereof.

The President shall in general oversee, supervise, and direct the policies and development of the University as prescribed by the Board and shall have primary responsibility to the Board in all areas of the University's work not otherwise assigned by the Board. He or she may from time to time delegate to the other officers of the Corporation, the administrative staff, or the Faculty, such portion of his or her duties as deemed appropriate or as the Board may direct.

The Provost shall act for the President in the event of the President's absence, temporary disability, or death (until further action by the Board). Upon the death of the President, the Executive Committee shall name an acting President, subject to the approval of the Board, pending the election of a President by vote of the Board of Trustees.

Annually, at such time as the Board may determine, the President shall report to the Board on the status of all matters entrusted to the President. He or she shall submit to the Board annually a proposed budget of operating expenditures and estimated income for the next ensuing fiscal or academic year, and the Board may approve, disapprove, or modify such proposed budget.

4. The **TREASURER** of the Corporation shall be the chief financial officer of the University; shall be responsible for the authorized receipt, custody, and disbursement of University funds; shall maintain and be custodian of the financial accounts and records of the University; and, subject to the direction and prior approval of the Board, shall have administrative responsibility for the investment of the funds of the University.

The Treasurer shall give such bond for the faithful discharge of his or her duties as the Board may direct. The Treasurer's accounts shall be audited and certified annually by a certified public accountant firm or corporation approved by the Board, and he or she shall make an annual financial report to the Board at such time as the Board may determine. In general, the Treasurer shall perform all duties incident to the office of Treasurer and such other duties as may be assigned by the President or the Board.

5. The **SECRETARY** of the Corporation shall be responsible for the recording of the proceedings of the Board and its committees. At least ten days prior to any meeting of the Board, the Secretary shall send the minutes of the preceding meeting of the Board to every Trustee, but the failure of the Secretary to comply with this provision shall not affect the validity or regularity of any meeting. As required by section three of Chapter I, the Secretary shall give written notice to the Trustees of all meetings of the Board. The Secretary shall be responsible for the custody of the records of the Board and its committees, the custody and authorized use of the seal of the Corporation, the giving of notice of the meetings and actions of the Board and its committees whenever such notice is required or appropriate. In general, the Secretary shall perform all duties incident to the office of Secretary and such other duties as may be assigned by the President or the Board.

#### CHAPTER III: Executive Committee

1. The **EXECUTIVE COMMITTEE** shall consist of the President, the Rector, and six or more Trustees appointed annually by the Rector and confirmed by the Board. The Rector shall chair the Committee. The Committee shall meet at such times as it or the Board may determine and at the call of the President, the Rector, or any two members of the Committee. A majority of the members of the Committee shall constitute a quorum for the transaction of business at any meeting thereof, and the action of a majority of the members of the Committee present at any meeting at which a quorum is present shall be the action of the Committee. The Secretary of the Corporation shall be the secretary of the Committee.

Subject to the ultimate authority of the Board and between meetings of the Board, the Executive Committee shall possess the full authority of the Board in the management of the Corporation, except where the Board has by resolution expressly reserved to itself certain authority, and except for the election or removal of the Rector, a Trustee, or any Corporate Officer, or for the appointment of a Professor with tenure, and except for the sale of real estate forming a part of the University campus or within one half mile thereof, and except for the amendment of these bylaws.

At each meeting of the Board, the Secretary shall present the minutes of any interim meetings of the Committee.

#### CHAPTER IV: The Faculty

1. The **FACULTY** shall consist of only those full-time personnel appointed under one of the following designations: President, Provost, Associate Provost, Professor, Associate Professor, Assistant Professor, or Instructor. The academic deans shall also be members of the faculty. Other employees of the University who have the privilege of teaching or research may be so designated by the Provost or President upon recommendation of the respective dean. Faculty in phased retirement shall also be considered faculty. As used in these bylaws, the term "Faculty" or "University Faculty" means the University faculty except where the reference is explicitly to the law or undergraduate faculty.

2. The **PROVOST** is the chief academic officer of the University, through direct reporting from the academic deans. The Provost is a tenured member of the faculty with rank in one of the University's academic departments. In addition to the overall responsibility for the academic program, the Provost is responsible for the management of various University administrative areas to be assigned by the President.

The Provost or the President's designee shall chair the President's Advisory Committee and shall perform such duties as may be assigned by the President.

The Provost shall act for the President in the event of the President's absence, temporary disability, or death consistent with these bylaws.

3. The law and undergraduate faculties shall be responsible for the academic regulation of students, for entrance and graduation requirements, for the approval and supervision of courses of study, for the recommendation of students for degrees, and for the discipline and government of the students and all student organizations, respectively, except

as set forth at Chapter V, Section 7. The law and undergraduate faculties may adopt such rules and regulations as may be necessary and proper for the discharge of their obligations.

4. The President shall be chair of the Faculty and shall preside at University and undergraduate meetings unless the Provost or another member of the faculty is appointed by the President to preside. The Dean of the School of Law shall preside at meetings of law school faculty unless the President, Provost, or another member of the law faculty is appointed to preside by the President, Provost, or Dean of the School of Law. The academic Deans shall be appointed by the President after consultation with the Provost, subject to the approval of the Board. The academic deans shall perform such duties as may be assigned to them by the President, Provost, or the Faculty. The Provost shall be appointed by the President, subject to the approval of the Board, and shall perform such duties as may be assigned to him or her by the President.

5. At the call of the President or Provost, the University faculty shall meet not less often than once in the fall and once in the spring of each academic year. The action of a majority of the faculty members present at any meeting at which a quorum is present shall be the action of the University faculty. The undergraduate faculty shall meet at the call of the President or Provost. The law faculty shall meet at the call of the President, Provost, or the Dean of the School of Law. The law and undergraduate faculties shall conduct business pursuant to their established rules.

6. In University, undergraduate, and law faculty meetings, members of the respective faculties, and others who teach at least one half of a normal teaching assignment, shall have the privilege of the floor. All such persons shall have the right to vote, except those whose non renewable appointments are for one year or less.

7. The legislation, policies, and actions of the Faculty shall be subject to the ultimate authority of the Board, and the Board may call for and review the minutes and records of the Faculty at any time.

8. A Faculty member who does not hold a position with tenure may be removed by the President. A Faculty member who holds a position with tenure shall not be removed without the approval of the Board, and such removal shall not take place until a hearing pertaining to the cause of removal shall have been held, the hearing to be conducted in such manner and by such person or persons as the Board or the President may prescribe in each instance. The Board shall not act to approve the removal of a Faculty member with tenure until it shall have concluded that a hearing has been held and until it shall have specifically considered the adequacy of such hearing. In the event the Board should determine in a particular instance that a hearing has not been held or was inadequate, the Board or the President may order that another hearing be conducted.

## CHAPTER V

### 1. Freedom of Worship

Freedom of worship, as guaranteed by the laws of the State, shall be enjoyed by all connected with the University, and all sectarian influence in its government is hereby prohibited.

### 2. The Lee Memorial Chapel

The chapel on the University grounds, erected during the presidency of General Robert E. Lee and under his direction, shall be known as "The Lee Memorial Chapel."

This chapel may be used for the commencement and other University exercises and meetings, but it shall not be used for any meetings or purposes not in keeping with its consecrated character and the memorial and sacred purposes to which it is dedicated.

### 3. Founders' Day

January 19 of each year, the anniversary of the birth of Robert E. Lee, has been designated and set apart by the Board of Trustees as Founder's Day, and that day (or a day as close to that date as practicable) shall be observed annually, with appropriate commemorative exercises, including an appropriate address before the President, Faculty, officers, student body, alumni, and friends of the University by a speaker of high character and distinction, to be selected by the President and the Faculty, or an appropriate committee thereof.

#### 4. Oath of Office

Each Trustee, Rector, and President, when entering upon the duties of office, shall make oath or affirmation to the following effect before the Rector, Executive Committee, or Board: "I do solemnly swear (or affirm) that I will faithfully discharge the duties of the office to which I have been elected by the Trustees of Washington and Lee University, to the best of my skill and judgment, without fear, or favor. So help me God."

#### 5. Honorary Degrees

The President's Advisory Committee and the Rector of the Board shall constitute a Committee on Honorary Degrees which shall be chaired by the Provost. The Board, on its own initiative or upon recommendation of the Committee, may from time to time grant such honorary degrees as it deems proper, and must approve honorary degree recipients.

#### 6. Advisory Committee

To the end that the knowledge and views of the Faculty may be appropriately represented and understood in connection with certain important appointments, there shall be an Advisory Committee consisting of the Provost, the academic Deans and of eight Faculty members selected from and by the undergraduate faculty and one Faculty member selected from and by the law faculty. The Board shall consult with the Committee in considering the selection of a President of the University. The President shall consult with the Committee in considering the selection of a Provost, Department Head or Dean and may consult with the Provost, Committee and with the appropriate Department Head or Dean in considering appointments to the Faculty.

#### 7. The Honor System

In keeping with cherished traditions, the Board of Trustees has delegated to the Student Body the authority to determine the circumstances under which and the cause for which a student is to be dropped from the rolls of the University for matters involving a violation of honor. In the fulfillment of this responsibility, the Student Body may create such student organizations and adopt such procedures as may be appropriate. An officer of the Executive Committee shall make a report to the Board at each of its meetings.

#### 8. Indemnification

The Corporation shall indemnify each Trustee and Officer and may indemnify any other employee or agent of the Corporation against liabilities (including judgments and fines and reasonable attorneys' fees, costs, and expenses) incurred by him or her in connection with any actual or threatened action, suit, or proceeding, including a proceeding brought by or in the right of the Corporation, to which he or she may be made a party by reason of being or having been a Trustee, Officer, employee, or agent of the Corporation or any affiliated corporation (any of which actual or threatened actions, suits, or proceedings are hereinafter referred to collectively as a "proceeding"), except in relation to any proceeding in which he or she has been adjudged liable because of willful misconduct or a knowing violation of the criminal law or where a Trustee or Officer has been adjudged liable to the Corporation (such behavior is hereinafter referred to collectively as "misfeasance").

For Trustees and Officers, in the event of the payment of a judgment or fine in any proceeding in which no determination of misfeasance has been made, or in the event of a settlement or other disposition of a proceeding, the Corporation shall indemnify each Trustee or Officer against any payments made or obligations incurred by him or

her (including reasonable attorneys' fees, costs, and expenses), provided that such indemnity shall be conditioned upon a prior determination made (i) by the Board of Trustees by a majority vote of a quorum consisting of Trustees who were not parties to such proceeding, or (ii) if such a quorum is not obtainable by a majority vote of a committee duly designated by the Trustees to consist of two or more Trustees who were not parties to such proceeding; or (iii) if a quorum of disinterested Trustees so directs, by independent legal counsel, with the Board, committee, or counsel to find that the Trustee or Officer has no liability by reason of misfeasance and that such payment or obligation was reasonable. Moreover, the Corporation shall indemnify a Trustee who has entirely prevailed in defense of a proceeding to which he or she was a party because of being a Trustee.

For other employees or agents, in the event of the payment of a judgment or fine in any proceeding in which no determination of misfeasance has been made, or in the event of a settlement or other disposition of a proceeding, the Corporation may indemnify such employees or agents against any payments made or obligations incurred by him or her (including reasonable attorneys' fees, costs, and expenses), provided that such indemnity shall be conditioned upon a prior determination made in the same manner as the determination that indemnification is permissible and expenses reasonable for Trustees and Officers as set forth above.

The Corporation shall pay for or reimburse the reasonable expenses incurred by any Trustee or Officer, and may pay for or reimburse the expenses incurred by any other employee or agent, who is a party to a proceeding in advance of final disposition of the proceeding if a determination is made that the facts then known to those making the determination would not preclude indemnification, and if the Trustee, Officer, employee, or agent has advised the Corporation in writing that he or she believes in good faith that he or she has not engaged in misfeasance, that he or she believed his or her conduct was in the best interests of the corporation, and that he or she will repay the advance if misfeasance or failure to meet the standard of conduct prescribed by Va. Code §13.1-878, as amended, on his or her part should ultimately be determined.

The Corporation may further indemnify any Trustee, Officer, employee, or agent in any other manner permitted by law and shall indemnify them if so directed by the Board of Trustees and permitted by law. The right of indemnification hereby provided shall be administered consistently with Section 13.1-875, et seq of the 1950 Code of Virginia, as it may be amended from time to time, and shall not preclude any other rights to which any Trustee, Officer, employee, or agent may be entitled pursuant to applicable law.

## 9. Amendment of Bylaws

These bylaws may be amended by the affirmative vote of a majority of the members of the Board in office at any meeting of the Board. Any bylaw provision that requires the affirmative vote of more than a majority of the members of the Board in office for action, shall be amended only by such extraordinary vote.

**Amended and effective as of October 10, 2002**

Revised February 9, 2002

Revised October 10, 2002

Revised February 8, 2003 (Change at Ch. I, para. 8)

Revised May 17, 2003

Revised February 7, 2004 (Change at Ch. V, para. 3)

Revised October 23, 2004 (Change at Ch. iv, para 5)

Revised May 7, 2005 (Changes at Ch. I, para. 1 and 8)

Revised July 27, 2005 (Changes at Ch. II, para. 1; Ch. III, para. 1)

Revised October 22, 2005 (Change at Ch. II, para. 1)

Revised February 4, 2006 (Change at Ch. I, para. 6)

Revised October 20, 2007 (Change at Ch. I, para. 1; Ch. II, para. 3; and Ch IV, para. 2, 4, and 5, Provost to Act in the absence, disability, or death of the President and at faculty meetings)

Revised February 9, 2008 (Change at Ch. I, para. 1, composition of the Board of Trustees)

Revised November 7, 2008 (Change at Ch. V., section 6)

Revised February 7, 2009 (Ch. I, paras. 7, 8)

# Governance

## The Faculty

### 1. Classes

All Faculty members are expected to meet all scheduled classes regularly and promptly, within the limits of reasonable possibility. If for any reason they must be absent from class, they are expected to notify the head of their department or the appropriate dean as far in advance as possible.

### 2. Assemblies

Attendance of all Faculty members is expected at University assemblies. Members of the respective faculties are expected to attend Graduation exercises. Undergraduate faculty members are expected also to attend Baccalaureate. An assembly is held on or about January 19 (Founders' Day). Academic costume is worn by the respective faculties at Fall Convocation, Founders' Day, Baccalaureate, and Graduation.

### 3. Faculty Meetings

A. The University Faculty meet early in the fall after classes have begun and whenever an agenda item requires participation by all Faculty. The regular meeting of the undergraduate faculty falls on the first Monday of each month from October through May. The law faculty meet at the call of the Dean of the School of Law or the President. Special faculty meetings may be called by the President. All members of respective faculties are expected to attend the appropriate meetings.

Only University employees who are designated as members of the faculty shall have the privilege of attending faculty meetings. At the discretion of the Chair of the Faculty (President), non-faculty employees may have a standing invitation to attend regular faculty meetings if he or she satisfies one of the following two criteria: i) the employee needs to be at the faculty meeting to facilitate discussion and University business generally; or ii) the employee needs to be informed about matters that come before the faculty in order to better perform his or her responsibilities for the University. The President will handle other requests for exceptions on a case-by-base basis upon his or her receipt of a written request from the Vice President to whom the employee reports addressing the need for the exception based upon the criteria noted above.

B. The President of the University shall preside at all University, Undergraduate, and special faculty meetings. The Dean of the School of Law or the President shall preside at all law faculty meetings. In the President's or Dean's absence, the presiding officer shall be the Provost, other deans, or the senior professor in rank.

C. Parliamentary rules for University and undergraduate faculty meetings:

i) Any motion or amendment which is of the nature of a change in the permanent rules shall be submitted by the maker in writing to the Secretary of the Faculty. This written motion or amendment thereto shall state the Article and Section of the Rules which it amends.

ii) In all other matters, Robert's Rules of Order shall be the rules of procedure.

iii) Any proposal on which the University or undergraduate faculty is empowered to act that involves (1) a change in rules, regulations, and courses in the catalogue; or (2) a change in an established policy of the University (the definition of "an established policy" to be determined in each case by a ruling of the presiding officer in the faculty meeting) must (a) be acted upon by the

appropriate committee and the action appear in the minutes of that committee and be circulated among the appropriate faculty members prior to the next regular or special meeting of the respective faculty; or (b) be circulated in written form among the appropriate faculty members at least one week prior to the regular or special meeting of the faculty; or (c) be presented for the first time at a faculty meeting and tabled for further action until the next regular or special meeting of that faculty. A change in this procedure can be made only by a majority vote of the faculty present at the respective meeting.

D. The following guidelines for quorums and voting on matters raised at University and Undergraduate Faculty meetings (not Law Faculty meetings) are intended to provide an understanding on how quorums will be established and votes taken on University business the faculty addresses. The guidelines will assist the faculty in conducting University business, recognizing that some faculty are unable to attend all faculty meetings, whether they are on leave or have academic scheduling conflicts, but nevertheless have a stake in matters voted on by the University and Undergraduate Faculty.

For the purpose of these guidelines, the distinction between routine and non-routine matters becomes important. Routine matters include, for example, approval of most standing committee minutes, voting for faculty committees, and approval of degree candidates. Non-routine matters involve, for example, adoption of or changes in policy, calendar changes, and any other extraordinary matter that demands the attention of the faculty. The presiding officer may designate matters as routine or non-routine.

i) PROXY VOTING: The preference shall always be to take votes on the floor of the faculty, after full discussion and in the presence of a quorum of the faculty. There shall be no proxy votes on routine matters. On non-routine matters, voting faculty members who are unable to attend a particular faculty meeting may inform the Secretary of the Faculty how they would vote on a specific motion scheduled to arise at the next faculty meeting. Faculty members must inform the Secretary directly (by e-mail or in writing) and not through an intermediary. The Secretary of the Faculty shall see that such votes are included in the final tally unless the faculty makes substantive amendment(s) to the proposal at the meeting, in which case the Secretary shall not cast the proxy vote. Faculty members should exercise this option with the greatest discretion and restraint.

ii) ELECTRONIC VOTING: The first recourse shall always be to take a vote on the floor of the faculty meeting.

a. Electronic voting may occur under the following circumstances, and other unique circumstances, at the discretion of the presiding officer.

(1) To obtain the broadest participation by voting faculty members on motions of unusual significance, the presiding officer may schedule an electronic vote provided that the motion is first subjected to full discussion on the floor of the faculty.

(2) If, in the course of voting on a non routine matter, it becomes apparent no quorum is present, the presiding officer may elect to take the vote by electronic means, subject to faculty objection noted below. Electronic votes must be completed within six (6) business days of the faculty meeting.

No electronic vote shall occur if a majority of those present at the meeting object to electronic voting. In this event, discussion on the matter may continue, but the motion on the matter will be carried over to the next regularly scheduled or called faculty meeting in which there is a quorum.

b. With any electronic voting of the faculty, a new vote of the faculty must be taken, and the Secretary of the Faculty shall provide all voting faculty with a summary of all sides of the floor debate.

c. No result shall be valid unless a quorum of the faculty votes. The quorum for electronic voting is the same as the quorum for faculty meetings.

iii) QUORUM: Before a faculty meeting is called to order, it shall be the responsibility of the Secretary of the Faculty to determine the number of voting members of the faculty required to constitute a quorum for non-routine business by subtracting those who could not be reasonably expected to be present, whether they are on leave or have academic scheduling conflicts, from the total number of faculty and calculating forty percent (40%) of that number. The Secretary shall be prepared to report that number and the number of voting faculty present to the presiding officer. When the absence of a quorum has been called, the presiding officer may open the floor to discussion and votes on routine business, announcements, etc. Discussion and debate on non-routine business may take place, but no vote may be taken on such matters. If a quorum is present when the meeting is called to order but it becomes apparent during the meeting that a quorum is no longer present, the Secretary of the Faculty or any voting member of the faculty may call the presiding officer's attention to that fact and the presiding officer may invoke the provisions of section two (2) above. For routine business, a quorum shall consist of the number of voting faculty members present at a meeting.

iv) NOMINATIONS FOR and FILLING VACANCIES ON COMMITTEES:

a. Nominations for faculty membership on university committees may be sent in writing or electronically to the Secretary of the faculty prior to the faculty meeting at which the vote is to be taken.

b. A preliminary round of voting for faculty membership on university committees may be conducted electronically prior to the faculty meeting at which the vote is to be taken.

c. In the event of a vacancy among the elected faculty members on a standing University committee, the presiding officer of the faculty may appoint the most recently-elected faculty member of that committee whose term has expired to fill the vacancy until a faculty election is held. If that faculty member is unavailable, the presiding officer may choose the next-most-recently elected faculty member of that committee, or others who have previously served on that committee until a replacement is found.

E. Voting members of the faculty meeting shall have the right to stand and orally deliver short announcements in the monthly faculty meeting, provided the content of such announcements is both substantially related to the scholarly and/or pedagogic missions of the faculty and conceivably of interest to faculty in a broad range of disciplines.

#### **4. Listing in Catalogue**

A. The listing of the Faculty in the catalogue will be in the following order: emeritus professors; professors; emeritus associate professors; associate professors; assistant professors; instructors. Following the Faculty listing, lecturers will be listed. Within rank, the order is to be determined by the date of appointment to that rank. When two persons are appointed to the same rank simultaneously, the person who has been longer on the faculty should be listed first regardless of the time each has spent in the previous rank.

B. i) After the name of each member of the Faculty there will be given, first, the date in brackets of his or her original appointment to the Faculty in the grade of a full-time instructor or higher; and second, the date of his or her appointment to the particular rank under which he or she is listed.

ii) After the name of a Faculty member no degree will appear that is included in another degree.

## **5. Order in Academic Procession**

The order of the academic procession of the Faculty is to be the order as it appears in the catalogue.

## **6. Secretary of the Faculty**

A. The University Registrar shall act as Secretary of the Faculty.

B. The Secretary shall write the minutes of the proceedings of all University, undergraduate and special faculty meetings as they occur, and shall transcribe them promptly into a permanent book of records, with such other records and documents as the Faculty may order to be recorded. The Secretary of the Faculty shall make such changes, additions, or deletions in policy as may be adopted from time to time by the Faculty.

**Revised May 2003**

**Revised February 2005: Faculty, paragraph 3., section D. inserted**

# Governance

## Standing Committees

For the purposes of this list, Washington and Lee committees have been divided into five categories: those committees created by the Board of Trustees; those committees which administer University or Undergraduate faculty responsibilities; those committees in which the administration asks members of the faculty to join with administrative personnel in making certain decisions; *ad hoc* committees created for a limited time for a particular purpose; and academic-program advisory committees. A current list of committee members is kept by the Secretary of the Faculty at <http://registrar.wlu.edu/faculty/faccom.htm>.

**Revised May 2003**

**Revised April 2006 (link to Faculty Review Committee procedures and addition of Faculty Representatives to the Board of Trustees)**

**Revised September 2006, renaming the Faculty and Staff Fringe Benefits Committee to Employee Benefits Committee and removing outdated text in favor of the Web listing on the University Registrar's Web page.**

# Governance

## The Governance of Students

### 1. Faculty Authority for Student Conduct and Discipline

University bylaws provide that "the Faculty shall be responsible for the academic regulation of students, for entrance and graduation requirements, for the approval and supervision of courses of study, for the recommendation of students for degrees, and for the discipline and government of the students and all student organizations. The Faculty may adopt such rules and regulations as may be necessary and proper for the discharge of their obligations."

### 2. Statement of Goals for the Disciplinary System

Washington and Lee is, above all else, an educational institution. The purpose of all our institutional activities, including our disciplinary proceedings, is to protect and promote our educational objectives.

As an educational institution we aspire to create a special community in which mutual respect for the rights and autonomy of the individual balances our concern for the welfare of the community as a whole and the welfare of other individuals, at least in the negative sense that we do not consciously become the agent of harm to someone else. These aspirations inform and guide our honor system, as well as our other disciplinary systems.

### 3. Policies and Structure of Disciplinary System

A. As provided in the University bylaws, the Faculty has authority over student disciplinary matters. To achieve a greater resonance between faculty views on various issues and the views of those immediately engaged in imposing disciplinary penalties, the Dean of Students shall report at the appropriate faculty meeting following the completion of all disciplinary actions. Such a report is for the information of the Faculty and not for formal action. Faculty members may request more information on such cases, and may, collectively or individually, express their approval or disapproval of the handling of such cases either to the Dean of Students or to the individual members of the disciplinary bodies.

B. The disciplinary power of the University is independent of prosecutorial or judicial action; its exercise is neither demanded by pendency of state action nor prevented by the absence or failure of state action.

C. At the Baccalaureate Day undergraduate faculty meeting, there shall be only two conditions required for faculty recommendation for a degree: (1) that the candidate has met the academic requirements for a degree, to which the University Registrar shall attest; and (2) that there are no Washington and Lee disciplinary proceedings pending against a candidate, to which the Dean of Students shall attest. (See also the University [Student Handbook](#))

D. The Student Judicial Council (SJC) was created by authority of the Faculty of Washington and Lee to promote Robert E. Lee's notion of individual responsibility. The SJC is comprised of ten elected justices – one from each undergraduate class (four), one from each law class (three), one elected at-large from the law school, the SJC Chair and the SJC Secretary, both elected by the student body. Alternate justices will be appointed by the SJC Chair. The SJC may appoint a non-voting adviser(s) as necessary. The SJC investigates and acts upon complaints of alleged student misconduct except for dishonorable acts that involve the general categories of lying, cheating, stealing, or other breaches of trust, which are under the jurisdiction of the Executive Committee, or acts that involve prohibited student discrimination, harassment, sexual misconduct, or hazing, which are under the jurisdiction of the Student-Faculty Hearing Board (SFHB). The SJC's jurisdiction extends to all conduct committed while a member of the Washington and Lee University community. The SJC is designed to affirm the student's obligation to individual responsibility and to see that obligation fulfilled. Either the complainant or the accused may appeal a

decision of the SJC or SFHB to the University Board of Appeals (a panel composed of faculty and students selected from a pool of elected faculty and appointed students, chaired by the Associate Dean of Students). (For further details, see also the University [Student Handbook](#))

#### **4. Statement on Personal Conduct**

Admission to the Washington and Lee community carries with it certain obligations concerning personal conduct. Some of these obligations are specifically covered by the Honor System. Other less specific obligations concern the way we treat each other. Lee described the expectation at Washington College as "gentlemanly behavior." Today, we interpret this to mean civil, decent behavior designed to encourage mutual respect for our individual differences, desires, and ways of thinking.

At Washington and Lee, we expect an atmosphere of civility and mutual respect to prevail. Instances of uncivil behavior involving students are most effectively dealt with in personal and informal ways, not by formal and judicial procedures. Therefore, members of the Washington and Lee community who believe themselves to have been objects of such behavior should first seek resolution by personal consultation with friends, faculty, designated advisors, or others who may intervene in the dispute. If such direct efforts do not resolve the matter, instances of uncivil behavior involving students may be reported to the Dean of Students. The Dean will take appropriate action by resolving the matter or referring the matter to the Mediator, or to other resources for informal resolution, or, in appropriate cases, to the designated judicial body.

If informal resolution efforts are not successful or appropriate to the circumstances, one of three judicial bodies may conduct formal procedures on allegations of uncivil behavior, as follows:

- The Executive Committee manages the Honor System and hears cases of breaches of trust such as lying, cheating, and stealing.
- The Student-Faculty Hearing Board hears allegations of prohibited discrimination, harassment, sexual misconduct, or hazing by students.
- The Student Judicial Council hears allegations of other types of student misconduct.

#### **5. Notes on the Honor System**

Honor is the moral cornerstone of Washington and Lee University. Since Robert E. Lee's presidency, the concept of honor has been the guiding principle of life at Washington and Lee. The commitment to honor is recognized by every student, faculty member, administrator, and staff member of the University. Providing the common thread woven through the many aspects of this institution, honor creates a community of trust and respect affecting fundamentally the relationships of all its members.

The centrality of honor at Washington and Lee is contained in its Honor System, a legacy of Robert E. Lee. In accord with the University's strong and long-standing commitment to student autonomy, the Board of Trustees has granted to students the privilege of overseeing the administration of the Honor System. This privilege includes the responsibilities of (1) defining dishonorable acts (now defined in terms of the categories of lying, cheating, and stealing, and other breaches of trust); (2) investigating and judicially managing honor hearings; (3) writing and revising the White Book, the Honor System policy and procedures manual; and (4) reporting directly to the Board of Trustees on the administration of the Honor System. The sole penalty for an Honor System violation is dismissal from the University. These responsibilities are administered by the Student Executive Committee, a group of students elected annually by their peers.

Academic life is essentially shaped by the commitment to honor. Assuming that students will behave honorably, the faculty grants flexibility in the scheduling of most final examinations, and all are taken without supervision. Take-home closed book examinations are a common occurrence. The pledge, "On my honor, I have neither given nor received any unacknowledged aid on this paper (exam, assignment)," expresses the student's promise that the work submitted is his or hers alone and that no unfair advantage has been taken of peers by cheating. Students' dedication to honorable behavior in all their academic work creates a strong bond of trust among them and between them and

the faculty. This student dedication and the bond that it engenders also provides the basis for the faculty member's commitment to accepting a student's word without question.

The dedication to behave honorably is not confined to academic life. It is expected that students will respect each other's word and intellectual and personal property in the residence halls and the Greek houses, on the playing field, in the city of Lexington, wherever Washington and Lee students take themselves. This principled expectation provides the foundation for the community of trust which students seek to create not only in the academic sphere but also in life outside it as well.

The Honor System has been Washington and Lee University's uniquely defining feature for well over a century. Thousands of students have lived under it while in residence, have been morally shaped by it, and as alumni and alumnae continue to be guided by it in their professional lives. Current students are as committed to it as were those who lived and studied here before them, and they maintain with firm conviction this distinctive ideal of the University.

A. University bylaws provide the following in regard to the Honor System: "In keeping with cherished traditions, the Student Body shall have authority to determine the circumstances under which and the cause for which a student is to be dropped from the rolls of the University for matters involving violation of honor. In the fulfillment of this responsibility, the Student Body may create such student organizations and adopt such procedures as may be appropriate."

B. The student body, through its duly elected Executive Committee, has been delegated direct responsibility from the Board of Trustees for the operation of its Honor System. While no such system can function with 100-percent effectiveness all of the time, it is generally agreed that the positive results far outweigh the negative. All Faculty members at Washington and Lee thus assume the obligation to support and uphold the Honor System in all of its various aspects. The president of the student body each year provides for new Faculty members an orientation session on the Honor System, and all Faculty members should study the White Book for an understanding of its philosophy and the procedures that the Executive Committee must follow.

C. To assist the Faculty in carrying out its Honor System responsibilities, the Executive Committee of the student body has provided the following suggestions as recommended practices.

i) The Faculty member should see that the application of the Honor System to the particular subject taught is *made clear at the beginning of the course* and from time to time as the work develops. Collaboration in preparation of assignments may, under some circumstances, be quite legitimate; but no uncertainty should be left in the minds of the students, particularly as to the preparation of any written work.

ii) The following pledge should be required on all written work: "I pledge that I have neither given nor received aid on this work," followed by the signature. No independent work should be accepted without a pledge. The full pledge is desirable, but some faculty members accept the word "Pledged," followed by the signature. Such practice of using only the word "Pledged" is inadvisable with freshmen, as the writing of the pledge probably makes a stronger impression on new students than simply using the one word. It should be clearly explained to the students that neither the intentional nor the accidental omission of the pledge can be offered as a palliating circumstance by the student.

iii) No better stimulus to the effective functioning of the Honor System can be supplied than the clear and unmistakable attitude of the Faculty member that he or she trusts the students and knows that they live under the Honor System. Such attitude, however, does not justify placing more strain than necessary on the operation of the Honor System. It must be recognized that the functioning of the Honor System is not automatic and that its strength is no more than the strength of the individual students operating under it. Certain suggestions may be helpful:

a. While Faculty members may absent themselves from the room during a quiz and students may likewise leave the room freely, Faculty rules require that the examination actually be taken in the classroom or adjacent rooms designated by the Faculty member.

b. Where the number of seats makes such action possible, students should be seated in alternating seats. It might be explained to the students that such action is no reflection on them. The arrangement simply recognizes that it is sometimes difficult to avoid seeing what a student in an adjoining seat is writing.

c. Final examinations. Students set their own final examination schedules within the period of time prescribed by the faculty. See Catalogue, *Final Examinations*, for details. Final examinations are taken in classrooms designated by the departments and are subject to the provisions of the Honor System.

iv) If a Faculty member believes a violation may have occurred, the Faculty member is obligated to either confront the student and ask for an explanation or report the matter directly to a member of the Executive Committee of the Student Body. If a Faculty member confronts the student and is not satisfied with the student's explanation, the Faculty member should report the matter to a member of the EC.

v) In all cases complete confidentiality is to be maintained to protect the accused and witnesses, including the Faculty member.

D. Faculty members who are in any doubt as to the scope or operation of the Honor System should feel completely free to make inquiry. A Faculty member should consult the Head of the Department, or the appropriate Dean, concerning the application of the Honor System to particular work; the Dean of Students or the president of the student body may be consulted concerning the general operation and procedures of the Honor System.

**Revised May 2003;**

**Revised July 2009 to reflect faculty approved changes in the make-up of the University Board of Appeals, 3. D.**

# Policies and Information

## Administrative Officers

### Washington and Lee University Organizational Structure

Note that the President of the University serves on the Board of Trustees, *ex officio*. As stated in the University Bylaws, "the President shall in general oversee, supervise, and direct the policies and development of the University as prescribed by the Board and shall have primary responsibility to the Board in all areas of the University's work not otherwise assigned by the Board."

Please refer to the following pages for more details of administrative responsibility assigned to the Provost and Vice Presidents.

[President's Office](#)

[Provost's Office](#)

# Policies and Information

## Undergraduate Classes and Catalogue

### 1. Introduction and Evaluation of New Courses

The approval of the undergraduate faculty Courses and Degrees Committee shall be secured in the following matters: (1) before the introduction of a new course into the curriculum; (2) before the substitution of one course for another in major or degree requirements; (3) before substantive course changes are made; and (4) in the evaluation of a student's independent major. The action of this committee is subject to review and final action of the undergraduate faculty.

### 2. Class Meetings

A. *Schedule.* The schedule of class meetings is set by the undergraduate faculty. Classes meet on weekdays in various combinations of hours. The following informal letter code has developed over the years to refer to class hours:

<b>A</b>	8:00- 8:55	<b>F</b>	1:00- 1:55
<b>B</b>	9:00- 9:55	<b>G</b>	2:00- 2:55
<b>C</b>	10:00-10:55	<b>H</b>	3:00- 3:55
<b>D</b>	11:00-11:55	<b>I</b>	4:00- 4:55
<b>E</b>	12:00-12:55	<b>J</b>	5:00- 5:55

Beginning with the Fall 2006 term, the following basic schedule of hours has been approved by the faculty.

<b>A</b>	8:00-8:55	<b>F</b>	1:25-2:20
<b>B</b>	9:05-10:00	<b>G</b>	2:30-3:25
<b>C</b>	10:10-11:05	<b>H</b>	3:35-4:30
<b>D</b>	11:15-12:10	<b>I</b>	4:40-5:35
<b>E</b>	12:20-1:15		

B. *Exceptions.* Exceptions to the above schedule may be made by action of the undergraduate faculty or by the Faculty Executive Committee acting for the undergraduate faculty.

C. *Change in scheduled time.* Heads of departments (or, for the Williams School of Commerce, Economics, and Politics, the Dean) may on occasion require the attendance of a class at a University lecture not scheduled at the hour of class meeting. The same authority may permit class meetings at other than scheduled hours on occasions when the faculty member, for good reasons, wishes to meet a class in his or her home, or in the library, or for the showing of films. It is understood that such shifts shall be infrequent and that they are not to interfere with other classes or work undue hardship on the normal routine of the University community.

D. *Duration.* Classes are scheduled at 60-minute intervals with five (5) minutes between class periods. (Fall 2006: 65-minute intervals with ten (10) minutes between class.) Failure to dismiss a class at the moment the bell rings may cause a student to be late for the next class and may encroach on another faculty member's class time.

E. *Class Attendance.* A student's participation in the work of a course is clearly a precondition for receiving credit in that course. Because of the wide variety of courses and teaching methods at Washington and Lee, the University recognizes that the nature of a student's participation in the work of a course cannot be prescribed on a University-wide basis. For this reason classroom attendance is not a matter subject to regulation by the University. Rather, attendance in class and laboratory is a matter between the student and the faculty member in that class or laboratory.

Members of the undergraduate faculty may require a previously registered student to drop a class if the student misses the first class meeting of the term without the prior approval of the instructor. In such cases the student is responsible for the appropriate forms and fees. Students may alter their schedules after the drop/add period, before the end of the third week of a term, with permission of the instructor and the adviser and payment of the fee. Upon recommendation of a student's academic adviser, discretionary adjustments for a freshman may be permitted by the appropriate dean before the end of the third week of a term and without charge. Students who wish to make any change after the time designated for making changes must petition the Faculty Executive Committee for a waiver of the deadline and pay the appropriate fee.

F. *Pledged Homework.* All work at Washington and Lee, unless otherwise stated, is considered pledged. Faculty members should take the greatest care to make sure that students understand clearly and exactly pledged homework assignments and the meaning of the pledge.

G. *Tests and Examinations.* No student shall be permitted to take a regular or make-up examination or test at any other place than the college building or room designated by the faculty member. The faculty member, or a colleague, is not required to remain in the room during a test but should be available.

H. *Final Examinations.* Students set their own final examination schedules within the period of time prescribed by the faculty. (See the Catalogue for details.) Final examinations are given in classrooms designated by the departments and are subject to the provisions of the Honor System.

I. *University Policy on Accommodating Students with Disabilities.* Washington and Lee University is committed to providing equal access to educational opportunities to qualified students with physical or mental disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Students requesting accommodation will need to provide appropriate documentation of: (1) a disability, which is a physical or mental impairment that substantially limits one or more major life activities; and (2) a need for accommodation, by virtue of the specific functional limitations of the disability, to have equal access to educational opportunities. The University intends that these procedures will facilitate an interactive process of dialogue and timely exchange of information between the student and the Office of the Dean of the College.

It is the responsibility of a student with a physical or mental disability who may require any type of accommodation to make the accommodation request in a timely manner. In order to ensure sufficient time for the eligibility and accommodation decision process and to make arrangements for appropriate accommodations, the student should contact the Office of the Dean of the College, Washington Hall 23, Washington and Lee University, Lexington, Virginia 24450, (540) 458-8746, within one business week of the start of the academic term. The student will need to complete a "Request for Accommodation of Disability" form and an interview with the Associate Dean of the College (for student academic support) ("Associate Dean"), after which the Associate Dean will inform the student about any further specific documentation required for the particular disability and accommodation requested. Untimely requests may result in delay, substitution, or denial of accommodation, though the Associate Dean will make a reasonable effort to accommodate such requests.

Upon receipt of all required information and documentation from the student and his/her diagnosing/evaluating professional, the Associate Dean will make a determination on eligibility and accommodation. The Associate Dean may consult with other educational, medical, or psychological

professionals, as he/she deems necessary for appropriate evaluation of disability/accommodation, on a case-by-case basis. As soon as possible, preferably within two business weeks of receiving all required documentation on a request, the Associate Dean will issue a written response, either outlining offered accommodations or explaining why the student was found ineligible. A student who disagrees with the decision of the Associate Dean, or who seeks clarification of the decision, may, within three (3) business days of the decision, request an informal meeting with the Associate Dean for clarification or to request reconsideration of any aspect of the decision. Following the meeting, the Associate Dean will notify the student in writing of any change in his/her/their decision, preferably within five (5) business days of the informal meeting. Thereafter, if the student still disagrees with the decision, he/she may appeal the decision, in writing, to the Provost of the University or designee within five (5) business days of the written notification from the Associate Dean, stating in detail the basis for the appeal and furnishing all documentation in support of the appeal. The Provost or designee will then review the appeal, the decision of the Associate Dean, and all supporting documentation, may meet with the student and the Associate Dean, and may obtain any additional information he/she deems relevant. The Provost or designee will render a decision to the student as soon as possible, preferably within two (2) business weeks of receiving the appeal. The decision of the Provost or designee is final.

### **3. Reports by Undergraduate Faculty Members**

A. *Class Rolls.* Prior to the beginning of each term the faculty member will receive from the University Registrar a class roll indicating the students who have enrolled in each class. Within two weeks of the beginning of classes, a corrected roll that accounts for all drops and adds will be distributed. The faculty member should report to the University Registrar's Office any error in this report (to include students who are not registered but are attending and those not attending who are registered).

B. *Midterm Grade Reports.* A report of midterm grades for all new students and returning students on probation shall be submitted to the University Registrar's Office when requested.

C. *End-of-Term Grade Reports.* Fall and winter term grades shall be reported to the University Registrar not later than 12:00 noon of the second work day after the last day of final examinations. The grades of all graduating seniors and of those students being considered for scholarships must be filed in the University Registrar's Office not later than 9:00 a.m. two days before graduation. Other spring term grades are due at 3:00 p.m. the day after graduation.

D. *Other Reports.* Other reports may be requested by the President or the appropriate dean and shall be submitted by undergraduate faculty members.

### **4. Grades**

A. *System of Grading.* The Catalogue describes the system of grading. Grades are assigned only at the end of the term. Freshman midterm grades are unofficial and are to be used for advising purposes only.

B. *Pass/Fail Grades.* The Catalogue describes the policies concerning pass/fail grades. According to faculty regulations, a grade of "D-" is considered to be passing.

C. *Incompletes.* The Catalogue describes the policies concerning Incompletes. Students may not register if they have four or more Incompletes on their record. Students may not graduate with an I grade remaining on their record unless there are extraordinary circumstances satisfactory to the Committee on Courses and Degrees.

D. Questions concerning grades and grading may be discussed at mutually convenient times with the appropriate dean or department head.

E. It is the responsibility of each faculty member to:

- i) provide at the beginning of each course a tentative schedule of assignments and a description of how the final grade will be determined;
- ii) be willing to discuss and review all aspects of a student's grade within a reasonable time after receipt of the grade; and
- iii) retain throughout the next term all graded material not returned to the student.

F. Any student believing that class work has been unfairly evaluated has the right to bring the matter to the attention of the head of the department concerned. The head of the department may then discuss the grade with the faculty member involved. However, the final determination of the student's grade remains the responsibility of the faculty member teaching the course.

## **5. The Catalogue**

A. *Curricular Material.* So far as possible, curricular material in the Catalogue is to be prospective, looking forward to the subsequent session rather than being a record of the current session.

B. *Listing of Courses.* Immediately following the material covering the degrees, all courses offered toward these degrees are to be listed alphabetically. All departments and sub-departments, including such divisions as Public Speaking, are to be listed alphabetically.

C. *Listing of Faculty.* The listing of the faculty in the Catalogue follows the rules set forth above in Article III, section d.

**Revised April 2006, as to the class schedule (B1, B4) and the students for whom midterm grades are required (C2).  
Revised July 2009 to incorporate minor changes to the university policy for accommodating students with disabilities.**

# Policies and Information

## University Policies

### 1. Non-Discrimination/Equal Employment Opportunity Statement

In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other applicable non-discrimination laws, Washington and Lee University does not discriminate on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, age, disability, veteran's status, or genetic information in its educational programs and activities, admissions, and with regard to employment. Inquiries may be directed to the Provost, June Aprille, Washington Hall, (540) 458-8418 who is designated by the University to coordinate compliance efforts and carry out its responsibilities under Title IX, as well as those under Section 504 and other applicable non-discrimination laws. Inquiries may also be directed to the Assistant Secretary for Civil Rights, U.S. Department of Education.

Revised June 2009

### 2. Statement on Diversity

*(as adopted by the Board of Trustees May 18, 2002)*

With a rich heritage from the past and a history spanning more than two centuries, Washington and Lee University has a profound sense of tradition, but it likewise has a firm commitment to the ideal embodied in its motto, *non incautus futuri*, and therefore remains responsive to changes and innovations that contribute to the realizations of its aim. As we enter the 21<sup>st</sup> century, the members of our community need to live with and understand different cultural backgrounds in preparation for a changing world.

To that end, Washington and Lee University commits itself to the recruitment and retention of a broad, inclusive student body, faculty and administration who represent a wide range of interests, abilities and cultures - a diverse array of talent. The University will strengthen a curriculum that increases knowledge, awareness and understanding of diversity and inclusiveness, and will create a climate that builds on our core values to welcome and nurture all members of the Washington and Lee community. Just as a vibrant liberal arts education in the classroom challenges attitudes, beliefs and accepted ways of thinking, the interaction outside the classroom of individuals with different perspectives strengthens our educational enterprise.

### 3. [Policy on Prohibited Discrimination, Harassment, and Retaliation](#) (from General Counsel's Web site)

- [University Officials and Other Resources Concerning Prohibited Discrimination and Harassment](#) (Designated Officers and CAIR Resources)

### 4. [Policy on Prohibited Student Discrimination, Harassment, Retaliation, and Sexual Misconduct](#) (Complaints Against Students) (from General Counsel's Web site)

### 5. [Policy on Whistleblowing for Fraudulent or Dishonest Conduct or Violations of Law or University Policy](#) (from General Counsel's Web site)

### 6. Accommodation Policy and Procedures for Employees with Disabilities

OVERVIEW

A. *Employees.* Employees wishing to request accommodations should identify themselves to the Executive Director of Human Resources. Employees will need to complete a request form, obtain any necessary diagnostic evaluations, and provide documentation of a disability requiring accommodation. If an accommodation is approved, an employee should notify the Executive Director of Human Resources if the accommodation is not provided.

B. *Executive Director of Human Resources.* Upon an employee's request for accommodation, the Executive Director of Human Resources (or designee) will meet with the employee to discuss the request and the documentation needed to evaluate the request. The Executive Director of Human Resources (or designee) should provide the employee with W&L's accommodation policy and procedures and documentation guidelines to assist the employee's diagnosing/treating professional. The Executive Director of Human Resources (or designee) evaluates and maintains all disability records. The Executive Director of Human Resources (or designee) determines eligibility for accommodations and specifies approved accommodations to the employee's supervisor or department head, consulting, as he/she deems necessary, with the employee's supervisor/department head, and/or other professionals. The Executive Director of Human Resources (or designee) is available to supervisors and department heads for consultation on implementing approved accommodations.

C. *Supervisors/Department Heads.* Supervisors/Department Heads provide disability accommodations approved by the Executive Director of Human Resources (or designee), upon receipt of a letter or memo from the Executive Director of Human Resources (or designee). Supervisors/Department Heads receiving an unapproved request for disability accommodation should refer the employee to the Executive Director of Human Resources.

D. *Provost.* The Provost or designee resolves conflicts in the provision of accommodations, or their denial, that the employee cannot resolve with the Executive Director of Human Resources (or designee.)

## *POLICY*

Washington and Lee University is committed to providing reasonable accommodations to qualified employees with physical or mental disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Employees requesting accommodation must provide appropriate documentation of: (1) a disability, which is a physical or mental impairment that substantially limits one or more major life activities; and (2) a need for accommodation, by virtue of the specific functional limitations of the disability, to perform the essential functions of their position. The University intends that these procedures will facilitate an interactive process of dialogue and timely exchange of information between the employee and the Executive Director of Human Resources (or designee).

It is the responsibility of an employee with a physical or mental disability who may require any type of accommodation to make the accommodation request. The employee should contact the Executive Director of Human Resources, Washington and Lee University, 204 W. Washington Street, Lexington, Virginia 24450, (540) 458-8920. The employee will need to complete a "Request for Accommodation of Disability" form and an interview with the Executive Director of Human Resources (or designee), after which the Executive Director of Human Resources (or designee) will inform the employee about any further specific documentation required for the particular disability and accommodation requested.

Upon receipt of all required information and documentation from the employee and his/her diagnosing/evaluating professional, the Executive Director of Human Resources (or designee) will make the eligibility and accommodation determinations. The Executive Director of Human Resources (or designee) may consult with other educational, medical, or psychological professionals, including but not limited to the employee's supervisor/department head, as he/she deems necessary for appropriate evaluation of disability/accommodation, on a case-by-case basis. As soon as possible, preferably within two business weeks of receiving all required documentation on the request, the Executive Director of Human Resources (or designee) will issue a written response; either outlining offered accommodations or explaining why the employee was found ineligible. An employee who disagrees with the decision of the Executive Director of Human Resources (or designee), or who seeks clarification of the decision, may, within three

(3) business days of the decision, request an informal meeting with the Executive Director of Human Resources (or designee) for clarification or to request reconsideration of any aspect of the decision. Following the meeting, the Executive Director of Human Resources (or designee) will notify the employee in writing of any change in his/her decision, preferably within five (5) business days of the informal meeting. Thereafter, if the employee still disagrees with the decision, he/she may appeal the decision, in writing, to the President of the University or designee within five (5) business days of the written notification from the Executive Director of Human Resources (or designee), stating in detail the basis for the appeal and furnishing all documentation in support of the appeal. The President or designee will then review the appeal, the decision of the Executive Director of Human Resources (or designee), and all supporting documentation, may meet with the employee and the Executive Director of Human Resources (or designee), and may obtain any additional information he/she deems relevant. The President or designee will render a written decision to the employee as soon as possible, preferably within two (2) business weeks of receiving the appeal. The decision of the President or designee is final.

Guidelines for documentation of physical or cognitive disabilities and necessary forms are available on the University Counsel's Web site at <http://counsel.wlu.edu/policy/>.

**Revised January 2009 to comply with amendments to the Americans With Disabilities Act**

## **7. Approving Research Using Human Participants (IRB)**

All research involving human participants that is conducted by Washington and Lee faculty members or students must be reviewed by the [Institutional Review Board for Research with Human Participants](#) (the IRB). No matter how seemingly benign, the proposed research project must be reviewed by the IRB before relevant work commences. The IRB is available to consult with faculty, staff, or students in the early stages of project development regarding the review process and categories of review. The full policy and forms are available from the Provost's Web site at: <http://www.wlu.edu/x5402.xml>.

*effective June 2006*

## **8. Policy for the Use of Copyrighted Works**

A copyright grants to its owner the right to control an intellectual or artistic creation, to prohibit others from using the work in specific ways without permission, and to profit from the sale and performance of the work. Under the current statute, copyright protection extends to not only copies of the written word and recordings of sound, but visual images such as photographs or illustration or animated images such as motion pictures or videotapes. It also extends to live performances that are taped as they are broadcast.

No protection is available for an idea/procedure, process, system, method of operation, concept, principle, or discovery, no matter how unique. Copyright protection is available only for an expression of the idea.

The owner of the copyright is granted five exclusive rights to ensure the opportunity to exploit the work for profit. These rights are: reproduction, distribution, adaptation, performance, and display.

The right to reproduce and distribute the work refers to the act of copying and distributing copies publicly. The adaptation right is the right to prepare derivative works such as new editions, translations, and condensations, or new arrangements of musical composition. The right to perform the work publicly means to recite, render a play, or dance the work. Display is defined as the showing of a copy of work directly or by means of a television image. The performance and display right is limited to public performance and display.

The copyright law is violated whenever a third party exercises any of the above rights without authorization of the copyright owner or without having express permission to do so under the law. Even if a copyright owner is able to prove infringement, there are a number of limitations and exceptions to the exclusive rights granted under the copyright act. The statutory limitations cover a wide variety of uses but generally serve one of several purposes: scholarly inquiry, which includes instruction, research criticism and newsworthiness; and performance and display

by educational, charitable, religious or government groups. The limitation on the copyright owner's rights that provides the widest public exploitation of copyrighted work is known as the fair use exception.

### *FAIR USE*

Fair use is a legal principle that provides certain limitations on the exclusive right of copyright owners. The purpose of this policy is to provide guidance on the application of the fair use principle to faculty, staff, and students who wish to copy copyrighted works under fair use rather than by seeking authorization from the copyright owners for non-commercial educational purposes. NOT ALL EDUCATIONAL USES ARE FAIR USES.

There is no simple test to determine what is fair use. Section 107 of the Copyright Act sets forth the four fair use factors to be assessed, based on the particular facts of a given case, to determine whether a use is fair use. All four factors must be weighed equally.

#### Factor 1: What is the character of the use?

Uses for non-profit, educational purposes, or single copies for non-profit educational or personal use are more likely to be a fair use than predominantly commercial uses. The latter will likely require permission and/or the payment of royalties.

#### Factor 2: What is the nature of the work to be used?

Materials that are primarily factual such as scientific information, mathematical equations, or historical data tip the balance in favor of fair use. When the work is creative or unpublished, the balance is tipped in favor of seeking permission.

#### Factor 3: How much of the work will you use?

Generally, if you use a small amount of the whole work, the balance is tipped in favor of fair use. If you use a significant amount, the balance is tipped in favor of seeking permission.

#### Factor 4: What effect would this use have on the market for the original?

If the use tips the balance in favor of fair use after considering the first three factors, the fourth factor should not affect the results even if there is a market. On the other hand, the fourth factor may tip the balance if the copy becomes the substitute for the original.

Additional details of the University's policy, and guidelines for the use of copyrighted material, are available at: <http://library.wlu.edu/copyrightpolicy.html>

## **9. Policy on Intellectual Property**

Washington and Lee University encourages the production of creative and scholarly research, works and inventions, known broadly as intellectual property, among faculty, students and staff. The products of this scholarship may create rights and interests on behalf of the creator, author, inventor, public, sponsor and W&L. The purpose of this policy is to support and reward scientific research and scholarship, and help faculty, students and staff identify, protect, and administer intellectual property matters and define the rights and responsibilities of all involved. W&L faculty and employees are encouraged to retain a non-exclusive, royalty-free license to allow them and W&L to use work they author or create and intend to publish in furtherance of W&L's academic mission (e.g., in the classroom, at lectures, etc.).

### A. Application of Policy

The policy applies to works created by all classifications of faculty, staff and students of the University and to non-employees such as consultants and independent contractors, who create works on behalf of the University, unless a written agreement exists to the contrary.

## B. Identification of Intellectual Property

Intellectual property shall consist of the following:

- i) Copyrightable material produced from creative and scholarly activity, such as text (manuscripts, manuals, books, and articles); videos and motion pictures; music (sound recordings, lyrics, and scores); images (print, photographs, electronic, and art); and computer software (programs, databases, web pages, and courseware); and
- ii) Patentable works such as patents (processes, machines, manufactures, or compositions of matter); devices; and software excluded from copyrighted materials; and
- iii) Trademarked materials, such as words, names, symbols or logos, domain names, trade dress, and slogans or any combination of words which has been adopted by the University to identify itself and to distinguish itself and its sponsorship from others.
- iv) Trade Secrets.

## C. Ownership and Use

i) General Rule. Keeping with the view that one of the University's primary benefits to society is the production of original works by its employees and students, and in order to best encourage such activity, it is the general policy of Washington and Lee that Intellectual Property shall be the property of the author or creator. The University may assert ownership rights to Intellectual Property developed under circumstances set forth further below.

ii) Patentable Intellectual Property: Responsibility for Disclosure of Patentable Intellectual Property: University personnel who alone or in association with other entities create or intend to create patentable subject matter with any use of University resources must disclose the matter and obtain prior authorization from the Office of the Provost (or designee). Such disclosure shall be made when it can be reasonably concluded that a patentable subject matter has or will be created, and sufficiently in advance of any publications, presentation, or other public disclosure to allow time for possible action that protects rights to the intellectual property for the creator and the University. Creators are encouraged to seek the advice of the Provost (or designee) in determining whether the subject matter is patentable or whether the University desires to pursue patenting the matter.

Determination of Rights to Patentable Subject Matter: Except as set forth below, the creator of patentable intellectual property shall retain his/her rights, and the University shall not assert ownership rights. The University will assert ownership rights to patentable intellectual property developed under any of the following circumstances:

- Development was funded by an externally sponsored research program or by any agreement which allocates rights to the University.
- Development required significant use of University resources (e.g. facilities, equipment, funding) or more than minimal use of University personnel. Participation of students directly in the development, or indirectly through use and feedback that substantively influences development, constitutes significant use of University resources.

- The creator was assigned, directed, or specifically funded by the University to develop the material.
- Material was developed by administrators or staff in the course of employment duties and constitutes work for hire under US law.

iii) Other Intellectual Property: Responsibility for Disclosure of Intellectual Property: In contrast to historical business practice, the tradition of academic institutions is to give faculty members the right to retain ownership of their Intellectual Property. This policy protects that traditional right, and faculty are not obligated to disclose the creation of these materials, even when the product might have commercial value, unless the material was developed under one of the qualifying conditions listed in the next section in which case the creator is responsible for timely disclosure. However, faculty are encouraged to disclose any protectable material that has commercial value to the extent that they may wish assistance in copyright protection and marketing in exchange for profit sharing with the University. All disclosures should be made to the Office of the Provost.

Determination of Rights to Intellectual Property: Except as set forth below, the creator of Intellectual Property shall retain his/her rights, and the University shall not assert ownership rights. However, creators will be expected to grant non-exclusive, royalty-free, perpetual licenses to the University for Intellectual Property that is developed for University courses or curriculum, so that the University's continued use of such material for educational purposes at W&L would not be jeopardized. The University may assert ownership rights to Intellectual Property developed under the following circumstances:

- Development was funded as part of an externally sponsored research program under an agreement which allocates rights to the University.
- A faculty member was assigned, directed, or specifically funded by the University to develop the material, and the University has negotiated an understanding or formal contract with the creator.
- Material was developed by administrators or other non-faculty employees in the course of employment duties and constitutes work for hire under US law.
- Development required significant use of University resources (e.g. facilities, equipment, funding) or more than minimal use of University personnel. Participation of students directly in the development, or indirectly through use and feedback that substantively influences development, constitutes significant use of University resources.

iv) Intellectual Property Developed Under Sponsored Research Agreements: Ownership of Intellectual Property developed pursuant to an agreement with any sponsor will be governed by the provisions of that agreement. Sponsored research programs funded by private sponsors will generally provide for the University to retain title to all intellectual property that arises in the course of the research program with the sponsor retaining an option to acquire commercialization rights through a separate license agreement. Government and nonprofit sponsors generally allow rights to intellectual property that arises from the research program to vest with the University, subject to certain retained rights held by the federal government.

v) Special Agreement: The overriding principle underlying this Intellectual Property Policy is to encourage creativity and inventiveness, so W&L reserves the right to allow some flexibility in applying this policy on a case-by-case basis. In such cases, ownership and use of materials developed pursuant to a special agreement between the University and the creator/author will be governed by the principles of that agreement.

#### D. Administration

Office of the Provost: The Policy on Intellectual Property shall be administered by the Office of the University Provost and the stated terms and provisions of the policy shall be determined and interpreted by the Provost.

Intellectual Property Review Committee: In implementing this policy, the Provost shall appoint a standing Intellectual Property Review Committee whose functions shall include (1) reviewing policy provisions from time to time, as needed, with recommendations for change or amendments to the Provost; (2) serving as a non-binding decision-making body in the case of any dispute relating to this policy; (3) reviewing other issues as requested by the Office of the Provost or other interested parties.

Dispute Resolution: In the event a party does not accept the non-binding decision of the Intellectual Property Review Committee with regard to a dispute, that party can request a binding arbitration by a panel of three arbitrators pursuant to, and administered by, the American Arbitration Association. This decision will be final.

Changes to Policy: The University reserves the right to change this policy from time to time. Proposed changes will normally be discussed among the vice presidents and deans and the Provost. The Provost and President have the sole authority to change this policy.

#### E. Royalties

All revenues derived from University-owned Intellectual Property including electronic media will be received and administered by the Office of the Provost. For each specific piece of Intellectual Property owned by the University, costs incurred in the process of perfecting, transferring, and protecting University rights to the property paid by the University will first be deducted from the gross income available before distribution. An accurate accounting of all such costs shall be made available to the author/creator upon request. The distribution of net proceeds (income less all costs including that of an agency engaged to provide patent administration services) that is received from University-owned Intellectual Properties shall be shared equally between the creator and the University absent agreement otherwise. The University and/or creator may, in appropriate circumstances, take equity positions in companies licensed to market or use Intellectual Property.

#### F. Use of W&L names/logos

Faculty, staff, and students may use the University's names, logos and/or other marks (e.g. W&L, the W&L crest) where necessary to identify themselves on matters of official University business. Use of the University name for private purposes is limited to use purely for identification by a current or former member of the faculty, staff, and/or student body (e.g. "John Doe, Professor of Physics, Washington and Lee University," or "John Doe, Class of '79 W&L). W&L names, logos and other marks shall not be used by individuals or entities otherwise in a manner that implies University endorsement or responsibility for particular activities, products, or publications involved, or by any individual or group promoting itself, without the express permission of the Provost or designee. Any and all use of the University names, logos, and/or other marks for commercial purposes is prohibited unless approved by the Treasurer or designee.

For more information, consult the University Policy on Intellectual Property at <http://counsel.wlu.edu/policy/IPPolicy.htm>.

\*Many portions of this policy are taken from the same or similar provisions in the policies of Tufts University and Lehigh University.

*effective March 2004, amended September 2007*

### **10. Computing and Network Use Policy computing**

Washington and Lee University provides computing and network resources to its students primarily for educational purposes and to its faculty and staff primarily for work purposes. The University may provide access to other users at its discretion. Use of the University's computing and network resources is a privilege. All users are expected to exercise personal and professional responsibility and integrity when using these resources.

This policy applies to all users of University owned or managed computer-related equipment, computer systems, and interconnecting networks, as well as all information contained therein.

A. The University enforces necessary restrictions, which may be revised from time to time, to protect its computing and network resources, including the revocation of use privileges for unauthorized or inappropriate use. The Chief Technology Officer or designee is authorized to temporarily suspend use privileges in any case he or she deems appropriate until final resolution of the matter. While the University desires to maintain user privacy and to avoid the unnecessary interruption of user activities, and while the University does not monitor the content of user activities, the University reserves the right to investigate concerns of unauthorized or improper use of University resources, as appropriate.

B. The campus network, including its servers and associated software, is the property of Washington and Lee University. Neither the network pathways nor W&L-owned computer systems are to be used:

- for purposes incompatible with established University policies, procedures, protocols or applicable laws,
- for unauthorized commercial enterprise,
- for harassing, fraudulent, or threatening purposes, or
- for pirating software, music or images.

C. The following activities are nonexclusive examples of those that are not permitted and that may lead to suspension or revocation of use privileges and other penalties or discipline:

- unauthorized access, attempts to gain unauthorized access, unauthorized disclosure of confidential information, or violation of the University's Confidentiality Policy (<http://counsel.wlu.edu/policy/Confidentiality.Policy.pdf>) involving the University's computing and network resources;
- misrepresenting or attempting to misrepresent one's identity;
- altering or tampering with the configuration of computers in student labs and other common areas, or installing unauthorized games or other programs on their hard disks or on the shared-files area of the file servers;
- any network activity that impedes the flow of network traffic, significantly diminishes the availability of resources to other users, or imposes avoidable burdens on other users (for example, sending mass e-mails instead of using the appropriate services available for communicating with the entire community or large sub-groups); or
- the unauthorized physical or virtual extension or re-configuration of any portion of the campus network by such means as routers (wired or wireless), wireless access points, network wiring, or other methods.

D. Students, faculty, staff, and volunteers with access to confidential data are reminded of the University's Confidentiality Policy (<http://counsel.wlu.edu/policy/Confidentiality.Policy.pdf>). Among other things, the policy states that electronic documents and files containing confidential information are to be accessed, used, and disclosed only with explicit authorization and only on a need-to-know basis for either an employee's job functions or volunteer's service.

Revised: 12/2002; 2/2006; and 12/15/08

## 11. Statement on Student Education Records

The Family Educational Rights and Privacy Act of 1974, as amended (commonly referred to as the "Buckley Amendment" or "FERPA") is designed to protect the confidentiality of the records that educational institutions maintain on their students and to give students access to their records to assure the accuracy of their contents. The purposes of W&L's Student Education Records Policy are: to inform students of their rights under the Act; to inform employees, student workers, third-party contractors, and volunteers of the University's responsibilities under the Act; and to describe the circumstances under which the University may disclose student education records. The Act affords students certain rights with respect to their education records. Please read the extended version of this policy on the University web site at <http://registrar.wlu.edu/policies/ferpa.htm>. Tutorials on handling and disclosure of student records under FERPA are available online through the General Counsel's web site (<http://counsel.wlu.edu/tutorial/>).

W&L students' FERPA rights include the following:

A. *Access to Education Records.* Students have the right to inspect and review their education records within 45 days of the day the University receives a written request for access, anytime after their matriculation. Students should submit their written request, identifying as precisely as possible the record(s) they wish to review, to the University Registrar, dean or other appropriate official records custodian. The University official will make arrangements for their review of the education records, or will advise students of the correct official to whom the request should be addressed. If students wish to photocopy or otherwise reproduce all or a portion of their education records, they may do so, for those items to which students have not waived their right of access, at the cost normally charged students for use of such University equipment.

When students wish a member of the faculty or administration to write a letter of recommendation to graduate schools or possible employers, students should assume that those letters will be treated as confidential, unless the student makes a written request to the contrary at the time that the letter of recommendation is requested.

If students use the services of our career services offices in an effort to secure employment or access to graduate school, waivers are likely to be requested regarding their transcript, their resume, letters of recommendation on file with the office(s), and any other data of natural interest to interviewers.

Waivers may be signed only for specific purposes of application for admission, candidacy for honorary recognition (including merit-related financial aid) and application for employment. Waivers will not be required and students may be told, at their request, the names of those supplying references. Students may revoke a waiver, in writing, for future actions, but not for letters or recommendations already in their education records.

Records not open to student review: (In accordance with federal regulations, students do not have the right to review the following records.)

- i) The financial records of the student's parents.
- ii) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in the file before January 1, 1975.
- iii). Records connected with an application to attend Washington and Lee University if that application was denied.
- iv) Education records containing information about more than one student, in which case the University will permit access only to that part of the record which pertains to the inquiring student.
- v) Those records that are excluded from the FERPA definition of education records.

*B. Request for Amendment of Education Records.* Students have the right to request amendment of their education records if students believe they are inaccurate or misleading or otherwise in violation of their privacy rights under the Act. Students should write the University official responsible for the specific record, clearly identify the part of the record students want changed, and specify why it is inaccurate or misleading.

That University official will reach a decision and inform students in a reasonable amount of time after receiving the request. If their request is denied, the University official will advise students of their right to a hearing on the requested amendment, and provide information on hearing procedures. This hearing will be conducted by a hearing officer or committee appointed by the Provost. The hearing will be held before an officer or committee with no direct interest in the outcome of the hearing. However, the hearing officer or committee may be employed by or exist at the University. The hearing will be held within a reasonable amount of time after the request for a hearing has been made. The hearing officer will notify the student reasonably in advance of the date, place and time of the hearing.

If the hearing officer or committee supports the complaint, the education record will be amended accordingly and students will be so informed. If the hearing officer or committee decides not to amend the education record, students have the right to place in the education record a statement commenting on the challenged information and/or stating the reasons for disagreeing with the decision. This statement will be maintained as part of the education record as long as the contested portion is maintained, and whenever a copy of the education record is sent to any party, their statement will be included.

*C. Disclosure of Education Records.* Students have the right to consent to disclosures of personally identifiable information in their education records, except to the extent that the Act or any superseding law authorizes disclosure without their consent. Washington and Lee University will disclose student education records other than those considered directory information only with the written consent of the student, except in certain situations when the University retains discretion under FERPA to disclose such records without consent. A list of individuals/entities to whom the Act authorizes disclosure without student consent is available on the Student Education Records Policy page <http://registrar.wlu.edu/policies/ferpa.htm> linked to the University Registrar's web site.

One of the exceptions that permits disclosure without consent is disclosure to school officials with legitimate educational interests. School officials are individuals employed by the University in an administrative, supervisory, academic, research, or support staff position (including campus security personnel and health staff); individuals or entities with whom the University has contracted (e.g., an attorney or auditor, the State Council on Higher Education, the National Student Clearinghouse); individuals serving on the Board of Trustees; and students conducting University business (e.g., serving on official committees, working for the University, or assisting another school official in performing his or her tasks.) A school official has a legitimate educational interest when the official needs to review an education record in order to fulfill his/her responsibility on behalf of the University. Additionally, upon request, the University may disclose education records without their consent to officials of another school in which students have sought or intend to enroll.

Directory Information: Washington and Lee University designates the following categories of student information as public or "Directory Information." W&L may disclose such information at its discretion.

Name  
Current Enrollment  
Local Address as a student  
Permanent Address as a student  
Local Telephone Number  
Campus e-mail addresses  
Date and place of birth  
Dates of attendance  
Class standing (e.g. sophomore)

Schedule of Classes  
Previous institution(s) attended  
Field(s) of study  
Awards and honors (e.g. Honor Roll, Dean's List)  
Degree(s) conferred (including dates)  
Full-time or part-time status  
Photographic or videotaped image  
Past and present participation in officially recognized sports and activities, including fraternities and sororities, and physical factors of athletes (e.g. height, weight).

Currently enrolled students may withhold disclosure of directory information. To withhold disclosure, written notification must be received by the University Registrar's Office at: Washington and Lee University, Lexington, Virginia, 24450-2116. Directory information will then be withheld until the student releases the hold on disclosure. Students should understand that, by withholding directory information, some information considered important to students may not reach them.

If students wish a "FERPA block" on directory information to remain in effect after the last term of enrollment at W&L, a separate written request must be made to the University Registrar prior to the end of that term. Such a hold will remain in place unless removed in writing.

D. *Compliance.* Students are encouraged to contact the University Registrar, University Center ext.8455, e-mail address [registrar@wlu.edu](mailto:registrar@wlu.edu). Under FERPA, students have the right to contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington D.C. 20202, e-mail address [ferpa@ed.gov](mailto:ferpa@ed.gov), with a complaint about the University's compliance with FERPA.

Revised July, 2009

## 12. Drug-Free Workplace Policy

As a recipient of federal aid and federal grants, the University must certify under the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 that it will take certain steps to provide a drug-free workplace. Unlawfully possessing, using, distributing, dispensing, or manufacturing alcohol or illegal or controlled substances is prohibited on University property, in University vehicles, while conducting University business, or as a part of University activities. Any employee who is convicted for a drug statute violation occurring in the workplace must notify his or her supervisor within five days of the conviction.

The University will take appropriate action against an employee who violates this workplace rule, up to and including termination and referral for prosecution, in the best interest of the University, and in accordance with the Drug-Free Workplace Act. Employees not terminated may be required to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

In accordance with the Drug-Free Schools and Communities Act of 1989, the University will distribute to employees annually information on applicable legal sanctions and health risks associated with the unlawful possession or distribution of alcohol or illegal drugs, and a description of drug and alcohol treatment programs available to members of the University community. Employees may contact the Director of Personnel Services, in confidence, for referrals or information regarding available and appropriate substance counseling, treatment or rehabilitation programs.

## 13. Smoking Policy

Smoking is not permitted inside classroom and administrative buildings, dining areas, the bookstore, and indoor athletic facilities. Smoking is permitted only in designated smoking areas.

## 14. Weapons Policy

Washington and Lee University is committed to providing a safe and secure learning and working environment for students, faculty, staff and visitors on all campus properties. The use, possession and storage of all firearms, dangerous weapons, explosives, or other dangerous articles are prohibited on all properties owned, leased, or otherwise controlled by Washington and Lee University. Law enforcement officers duly authorized to carry such instruments are excepted.

Any person violating this policy will be subject to disciplinary action. Student violations will be dealt with through the Office of the Dean of Students. Staff and faculty violations should be reported to the Director of University Security.

**Revised May 2003**

**Revised July 2006, updated non-discrimination statement and added IRB human-research policy; student nondiscrimination policy; and whistleblower policy**

# Policies and Information

## Employment Benefits

### 1. Employee Fringe Benefits

Members of the Faculty with the rank of Instructor, Assistant Professor, Associate Professor, or Professor who teach full-time are eligible for a number of fringe benefits.

In order to ensure that all benefits are maintained in full, various records need to be kept current. Please notify the Personnel Office whenever any of the following changes occurs: address or telephone number, legal name, marital status, tax exemptions or insurance beneficiary, dependents on your health insurance plan (including additions and deletions because of age, graduation from college, marital status or employment).

#### A. Health Benefits.

The University offers a comprehensive health insurance program for Faculty and their families. Faculty may select either Individual membership, a membership for yourself and one legal dependent, or Family membership; 50% of the premium of the option selected is paid by the University. Family membership includes spouses and all unmarried dependent children under 19 (under 25 if a full-time student). A Faculty member's portion of the premium cost for health and life insurance is paid with pre-tax dollars; no federal or state income taxes or Social Security (FICA) taxes are paid on these premiums.

Health insurance participation may begin as early as the first day of employment. Coverage is not automatic if you do not enroll yourself, and/or dependents within 31 days of your eligibility for insurance. Thereafter, coverage may be added only during open enrollment periods or if there is a change in your status (marriage, divorce, death of a spouse or child, birth or adoption of a child and changes in the employment status or benefits eligibility of a spouse).

Through a Flexible Spending Account you may pay for certain dental, optical, and medical expenses with pre-tax dollars. No federal and state income taxes and Social Security (FICA) taxes are paid on these expenses. The Internal Revenue Service requires that one forfeit any money remaining in a Spending Account at the end of a plan year, so careful thought should be given to the amount of contribution each year. Eligible expenses include:

- Dental expenses: examinations, cleanings, X-rays, fillings, orthodontic and periodontal care.
- Vision care expenses: examinations, prescription eyeglasses, contact lenses.
- Health plan and prescription deductibles, co-payments and co-insurance payments.
- Uninsured health expenses.

#### B. Compensation.

Faculty members are paid monthly on the last banking day of the month. If desired, Faculty may have their paychecks deposited directly to the bank of their choice by sending a copy of a bank deposit slip to the Business Office.

Optional payroll deductions include purchase of United States Savings Bonds (exempt from state income taxes), United Way contributions, and purchase of voluntary life insurance.

#### C. Retirement

Considerable financial resources are required for a secure and rewarding retirement; accumulating these resources is a long-term proposition that should begin as early in a career as possible. Washington and Lee University helps in two primary ways: (a) by paying Social Security taxes and (b) by contributing to the TIAA/CREF Retirement Annuity Program.

i) Social Security: The Social Security tax (FICA) deducted from the monthly paycheck is matched by the University. Social Security pays benefits upon retirement to covered workers; other family members may also be eligible for benefits. Monthly payments are normally adjusted each January to reflect changes in the cost of living.

ii) TIAA/CREF Retirement Annuity Program: Social Security benefits are not substantial enough to be the sole or even the primary source of retirement income; therefore, the University strongly encourages participation in the TIAA/CREF retirement annuity program.

Participation in TIAA/CREF may begin after two years of employment. Prior employment at another academic institution immediately before working at Washington and Lee will be counted toward fulfillment of the waiting period.

University involvement in this program takes two forms: unmatched and matching contributions. Washington and Lee contributes an unmatched 5% of salary to the plan and will also match a Faculty member's contribution up to 5% of salary. A person taking full advantage of the program, therefore, contributes 5% and the University 10% (an unmatched 5% and a matching 5%), for a total of 15% of salary.

Additional tax-deferred contributions to TIAA/CREF may be elected, up to federal and state limits.

In addition, the University offers a Supplemental Retirement Annuity Plan (SRA) which complements the basic TIAA/CREF retirement plan. Although the University does not contribute to this program, the SRA plan has a number of attractive options, including no waiting period for participation, tax deferral for federal and state income tax purposes, and the opportunity to receive a lump sum payment instead of monthly annuities at retirement (and even before retirement if certain federal regulations are met).

A further retirement benefit concerns health insurance. Social Security recipients and their spouses are eligible at age 65 for Medicare health insurance. In addition, the University provides a retiree medical benefit to Faculty members and spouses who turn 65 and have been enrolled in the University's health insurance plan for at least ten years immediately prior to retirement.

Children of a Faculty member who retires remain eligible for the educational grant benefit, so long as the Faculty member taught full-time at Washington and Lee for at least six consecutive years immediately preceding retirement.

#### D. Survivor Benefits

To help protect a family from the sudden loss of a wage-earner, the University provides a comprehensive program of survivor benefits, including life insurance, accidental death and dismemberment insurance, health insurance continuation, and education grants, in addition to full payment of accumulated retirement annuity funds.

i) Participation in the life insurance program is mandatory if a Faculty member participates in the University's health insurance program, though life insurance may also be elected on its own. Life insurance coverage is directly related to salary, thereby protecting against inflation. When elected, coverage begins on the first day of employment, and the University pays 50% of the premium.

Insurance coverage is one-and-one-half times salary, rounded down to the nearest \$1,000 to a maximum of \$100,000 of insurance. The amount of coverage decreases to 65% of this formula at age 65 and to 50% at age 70. The amount of insurance is adjusted, as appropriate, each January.

Life insurance coverage is not automatic if not elected within 31 days of employment; after 31 days, the insurance company has the option of denying coverage based upon their review of a Faculty member's health history.

Beneficiary designations must be made in writing on forms available from the Personnel Office. Beneficiary designations should be kept up to date when personal status changes, e.g. through marriage, divorce, or the birth of children.

ii) Health insurance for spouse and children may be continued by them for up to three years, with the University paying its portion of the premium for the first year.

iii) Faculty children remain eligible for the educational grant benefit, so long as the Faculty member worked full-time for six or more consecutive years immediately prior to death.

iv) The full value of any retirement annuity accumulation is payable upon death to the named beneficiary.

#### E. Absences due to an Employee's Illness or Injury and Personal Leave

i) Sick Leave. The University has designed a flexible sick leave program that minimizes financial pressures and enables the Faculty member to concentrate on regaining health. Instead of using a traditional formula of accumulated sick leave, Washington and Lee takes a more individualized approach. Based upon such circumstances as length of service and severity of current illness, the University may continue a Faculty member's pay for up to six calendar months.

ii) Workers' Compensation. The University pays the entire cost of workers' compensation insurance covering all employees who sustain work-related accidents or illnesses. If you are injured on the job, or if you believe you have a work-related illness, regardless of how minor the injury or illness, you must report this immediately to your department head. Subsequently, if you are placed on restricted or limited duty by a doctor, you must inform your department head. Workers' Compensation insurance pays for authorized medical bills and a portion of your salary when you are absent due to a work-related injury or illness. The remainder of your salary may be paid under the University's sick-leave policy subject to the normal provisions of that policy.

iii) Eligible Faculty Parental Leave. Washington and Lee University is committed to supporting its faculty with parental leave for eligible faculty who temporarily relinquish their duties following childbirth or adoption, in a manner consistent with its educational mission and the effective operation of the University. This policy is designed to provide a reasonable and fair period of paid leave to such employees and to address circumstances in which the University may need to reassign teaching and/or other duties as medically advised or to serve the integrity of the academic or administrative program.

This policy applies to employees defined as voting faculty in the faculty handbook. This policy does not apply to visiting faculty and part-time teaching staff.

This policy is equally applicable to members of the eligible faculty who are in a domestic partner relationship. In such cases, there must be a legally recognized and enforceable joint adoption relationship between the eligible faculty member, the domestic partner, and the child, in order to take parental leave under this policy.

*Leave Benefit.* Except as otherwise provided below, the University will provide eight (8) consecutive weeks of paid parental leave to each birth mother or new adoptive mother who is a full-time member of its eligible faculty and who temporarily relinquishes the duties of her position following childbirth or adoption. This parental leave will be provided immediately following the birth of a child or adoption of a pre-school age child, beginning at the time of arrival of the child and running consecutively, except in extraordinary circumstances (such as, but not limited to, medical complications for the mother or child) where other leave timing is approved by the appropriate Dean. In the case of adoption, eligible faculty may take parental leave before the actual adoption of the child, where approved by the appropriate Dean, for circumstances where the faculty member needs to be away from his/her position for the adoption to proceed (e.g., travel to another country to complete the adoption).

*Note:* This policy presumes that the mother of a child will be the primary caregiver; however, if an eligible faculty member is not the mother but is the primary caregiver for a child, that faculty member may use this parental leave.

Eligible faculty not assuming primary caregiver responsibilities for their newborn and newly adopted pre-school age children are eligible for two weeks of paid parental leave to be taken within the first three months following the birth of a child or the adoption of a pre-school age child.

In the event of a childbirth or adoption occurring during the summer months (June, July, August) to an eligible faculty member, this paid parental leave benefit will only apply for any balance of the eight (8) weeks that the faculty member would otherwise have been expected to be back to academic term duties (i.e., if the employee gives birth or adopts two weeks before the start of the fall term, she would receive six (6) weeks of paid parental leave beginning at the start of the fall term, but if the employee gives birth or adopts 10 weeks before the start of the fall term, she would not need the benefit of paid parental leave during the term, as she would not otherwise be losing any salary during the eight (8) weeks following the birth or adoption).

*Interplay between Parental Leave and Other Available Leaves.* This policy is independent of the University's paid sick leave benefit. However, paid parental leave will not extend unpaid leave available under the University's Family and Medical Leave (FMLA) policy. Rather, such paid leave will run concurrently with any FMLA leave available under the circumstances, as designated by the appropriate Dean. Nothing in this policy precludes the eligible faculty member from taking any remaining unpaid FMLA leave following the expiration of the University's paid parental leave, in accordance with the University's FMLA policy.

*Requesting Parental Leave.* Eligible faculty must request parental leave in writing to their department head ninety (90) days in advance of the requested leave start date (or as early as possible in the planning phase of an adoption process). The appropriate Dean must approve faculty requests for parental leave.

*Reassignment of Teaching Duties and Extension of Tenure Probationary Period.* Deans have the discretion to reassign teaching duties and assign alternate appropriate duties to an eligible faculty member taking parental leave under this policy, when medically advised or to serve the integrity of the academic or administrative program. The duration of such reassignment of duties will depend on when the birth or adoption occurs during the course of the academic term; however, Deans reserve the right to assign appropriate non-teaching duties to a faculty member up to four weeks before or after the eight week parental leave period. An untenured faculty member who becomes the mother or father of a child through birth or adoption during the tenure probationary period shall be entitled to a one-year extension of the probationary period. An untenured faculty member who experiences other circumstances covered by the Family and Medical Leave Act that seriously interrupt the performance of professional duties during the tenure probationary period shall be entitled to a one-year extension of the probationary period. An untenured faculty member is entitled to only a single one-year extension under this policy regardless of the number of qualifying circumstances the faculty member experiences in the tenure probationary period. Thus,

for example, the maximum probationary period for an untenured undergraduate faculty member who qualifies for an extension under this policy is seven (7) years rather than the usual six (6). An untenured faculty member who may qualify for an extension shall notify the school Dean as soon as the need for an extension becomes apparent, but in no event later than June 30 of the year prior to the academic year in which the tenure review would otherwise occur. Such requests will be addressed in accordance with the general policy on requests for extension set forth in the faculty handbook.

**Revised March 5, 2008 to revise extension of the tenure clock.**

**Revised May 2009 to address pre-adoption leave circumstances and clarify tenure probationary period extension language.**

iv) Personal Leave. Members of the Faculty may need to take leave for personal reasons such as care of a newborn, newly-adopted, foster, or seriously-ill child, or care of a seriously-ill spouse or parent. A request for personal leave will be recommended for approval by the Advisory Committee only upon a showing of adequate personal reasons.

Personal leave may be full-time or part-time. Normally such leaves will be unpaid and will not affect one's eligibility for tenure. For purposes of the personal leave policy, the term "faculty" includes not only tenured and tenure-track faculty but also instructional personnel under multi-year or renewable contracts, other than adjunct faculty.

v) Family and Medical Leave. Washington and Lee University offers family and medical leave in accordance with the Family and Medical Leave Act of 1993 (FMLA), representing the minimum leave to which each eligible employee is entitled for qualifying circumstances. Consistent with federal law, the employee and faculty handbooks summarize the basic provisions of the University FMLA leave policy.

This policy applies to all faculty and staff employees of Washington and Lee University, subject to the eligibility requirements contained herein.

Eligibility. To be eligible for leave under this policy, an employee must have been employed by the University for at least twelve months (which need not be consecutive) and must have worked at least 1250 hours during the twelve-month period immediately preceding the beginning of the leave. The University will not consider employment prior to a seven year or longer break in service in counting the twelve months of total employment for eligibility. Periods of time away from work for military service will be counted toward the twelve months of employment, as well as the 1250 hours of work in the previous twelve-months (based on the employee's pre-service work schedule).

Effect of FMLA Leave on Other Available Leaves. Please note that FMLA leave will be designated and run concurrently with paid combined time off, sick leave reserve, the University's extended sick leave for up to six months, parental leave, and absences for work-related injuries or occupational disease (workers' compensation absences), when the circumstances of those absences constitute qualifying FMLA absences. Although not required, employees may apply available paid combined time off to any remaining period of unpaid FMLA leave.

"Standard" FMLA Leave Qualifying Circumstances. Eligible employees are allowed up to twelve weeks of unpaid leave in a twelve-month "leave year" period under the following qualifying circumstances:

- The birth and care of an employee's child (entitlement expires twelve months after birth);
- The placement of a child for adoption or foster care with an employee (entitlement covers required pre-placement/adoption absences and expires twelve months after placement/adoption);

- When an employee is needed to care for a child, spouse or parent (as those terms are defined under Section 825.122 of the FMLA regulations) who has a serious health condition (as that term is defined under Section 825.113 of the FMLA regulations);
- When an employee is unable to work at all or unable to perform any one of the essential functions of his/ her position because of the employee's own serious health condition (as that term is defined under Section 825.113 of the FMLA regulations); or
- When a "qualifying exigency" arises out of the fact that an employee's spouse, son, daughter, or parent is on active duty (or has been notified of an impending Federal call or Federal order to active duty) in the Armed Forces as defined in Section 825.126 of the FMLA regulations, as either a member of the reserve components or a retired member of the Regular Armed Forces or Reserves. [Note: an employee whose family member is on active duty as a member of the Regular Armed Forces is not eligible for this type of FMLA leave.] Specific circumstances constituting a "qualifying exigency" are as follows: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities (including time and duration of such leave) agreed to between the employee and the University. Section 825.126 of the FMLA regulations provide specific limits on certain of these "qualifying exigency" circumstances.

In determining the "leave year" in which an eligible employee is entitled to the twelve weeks of leave described in this section, the University uses a rolling twelve-month period measured back from the date the employee uses any FMLA leave.

"Covered Servicemember Care" Leave Qualifying Circumstances. Eligible employees may take up to twenty-six weeks of unpaid leave in a "single twelve-month period" if they are the spouse, son, daughter, parent, or next of kin (as that term is defined in Section 825.122 of the FMLA regulations) who is the primary caregiver for: (1) a current member of the Armed Forces (including the National Guard or Reserves); (2) who has incurred an injury or illness in the line of duty while on active duty; and 3) has been rendered medically unfit to perform duties of the member's office, grade, rank or rating. This leave may only be used in one "single twelve-month period" beginning on the date the employee takes FMLA leave to care for the covered servicemember. Any remaining part of the twenty-six weeks is forfeited if not used in that twelve-month period. Leave for the circumstances outlined in this section should be designated as "Covered Servicemember Care" FMLA leave, not leave under Section III(C)(3) of this policy to care for a family member with a serious health condition.

Combined Leave Total. During a single "leave year," an individual eligible employee is entitled to a maximum of twelve weeks of unpaid leave even if the employee has multiple circumstances under Section III(C) above that qualify for FMLA leave, provided the employee does not also qualify for "covered servicemember care" leave.

Where an employee qualifies for "covered servicemember care" leave, the employee is entitled to a maximum of twenty-six weeks of unpaid leave during the "single twelve-month period" beginning on the date the employee begins "covered servicemember care" leave. However, in such a circumstance, the employee is entitled to only twelve weeks total of unpaid leave during that twenty-six weeks for any and all FMLA qualifying circumstances outlined in Section III(C) of this policy.

When both parents of a newborn, adopted, or foster child are employed by the university, the FMLA entitles the two employees to a combined total of twelve weeks of FMLA leave per "leave year" for circumstances related to the birth, care, or placement of a healthy child ("birth/care/placement leave"), as specified in Section III(C)(1) and (2) of this policy, and/or circumstances related to the care of a parent with a serious health condition ("parental serious health condition leave"), as specified in Section III(C)(3) of this policy. When "combined total" leave is taken by a husband or wife under this paragraph, (s)he retains the balance of any

remaining individual leave entitlement (i.e. the maximum available individual leave, minus any “combined total” leave taken) for the applicable “leave year.”

When both a husband and wife are employed by the University, they may be limited to a combined total of twenty-six weeks of leave per “single twelve-month period” (that period available for covered servicemember leave described in Section III(D) of this policy) for birth/care/placement leave, parental serious health condition leave, and/or covered servicemember leave (with a maximum of twelve weeks for birth/care/placement and/or parental serious health condition leave). Under the circumstances of this paragraph, neither the husband or wife retain the balance of any remaining individual leave entitlement after the combined total of twenty-six weeks has been taken in the single twelve-month period.

**Notification and Certification.** When the need for leave is foreseeable and due to a “qualifying exigency” involving military duty as described in Section III(C)(5), the employee must notify the University as soon as reasonable and practicable. For all other instances in which the need for leave is foreseeable, employees are to provide the University at least thirty days prior notice. When the need for leave is not foreseeable, employees are to notify the University as soon as practicable. Failure to provide required notice may result in delay of FMLA leave depending on the particular facts and circumstances.

Employees must provide sufficient information for the University to reasonably determine whether FMLA applies to the leave request. Employees have an obligation to respond to University inquiries intended to determine whether an absence is FMLA qualifying.

A complete and sufficient medical certification (and recertification(s) in certain circumstances) may be required for leaves of absence due to serious health conditions of the employee, spouse, parent or child. Appropriate certification may also be required for leave taken because of a “qualifying exigency” involving military duty as described in Section III(C)(5) and for “covered servicemember care” leave described in Section III(D). In all cases where certification is required, failure to provide a complete and sufficient certification may result in denial or delay of leave until appropriate certification is provided.

The University may require an employee on FMLA leave to report periodically on his/her status and intent to return to work. If an employee is returning from a medical leave for his or her own serious health condition, the employee will be required to provide a complete and sufficient certification from his or her health care provider that the employee is capable of returning to work. Such a certification must address the employee’s ability to perform the essential functions of the employee’s job.

**Intermittent or Reduced-Schedule Leave.** Leave may be taken on an intermittent or reduced-schedule basis if medically necessary because of an employee’s own serious health condition, to care for a parent/spouse/child with a serious health condition, or to care for a covered servicemember with a serious illness or injury. Employees must make reasonable efforts to schedule intermittent/reduced-schedule leave so as not to unduly disrupt University operations.

Intermittent or reduced-schedule leave may also be taken for a qualifying exigency as described in Section III(C) above.

Where leave is for the birth, care or adoption/foster placement of a healthy child, intermittent or reduced-schedule leave may only be taken with the permission of the University.

When intermittent/reduced-schedule leave is required, the University may require the employee to transfer temporarily to an alternative position for which the employee is qualified and which better allows for recurring periods of leave.

**Effect on Insurance Benefits and 403(b) Plan Eligibility.** During an approved family/medical leave, the University will maintain an employee’s group health insurance, dental insurance,

flexible spending account , and other health benefit coverage (collectively, “health benefits”) as if the employee had not taken FMLA leave and had continued actively working. If an employee has substituted available paid leave for unpaid family and medical leave, the employee’s share of health benefits premiums/account contributions will be handled by payroll deduction. If an employee is taking unpaid leave, the Office of Human Resources will notify the employee of the amount and date that the employee’s portion of health benefits premium/account contribution payments are due while on leave. Continuation of other University benefits during leave and payment of premiums for other benefits will be treated as with other forms of leave (paid or unpaid, as appropriate).

Any period of unpaid FMLA leave will not be counted towards a break in service for purposes of eligibility to participate in the University’s 403(b) plans, but such time will not be treated as credited service for purposes of such eligibility. If an employee has substituted paid leave for unpaid FMLA leave, that leave period will be treated as credited service for purposes of 403(b) plan eligibility.

Return from FMLA Leave. Upon return from FMLA leave, an employee will be reinstated to the same or an equivalent position as before the leave in accordance with FMLA regulations. However, employees have no greater right to reinstatement or to other benefits of continued employment than if they had been continuously employed during FMLA leave.

Tenure Probationary Period Extension for Faculty Taking FMLA Leave. An untenured faculty member qualifying for FMLA leave for the birth or adoption of a child during the tenure probationary period shall be entitled to a one-year extension of the probationary period. An untenured faculty member who experiences other circumstances qualifying for FMLA leave that seriously interrupt the performance of professional duties during the tenure probationary period shall be entitled to a one-year extension of the probationary period. An untenured faculty member is entitled to only a single one-year extension under this policy regardless of the number of qualifying circumstances the faculty member experiences during the tenure probationary period. Thus, for example, the maximum probationary period for an untenured undergraduate faculty member who qualifies for an extension under this policy is seven (7) years rather than the usual six (6). An untenured faculty member who may qualify for an extension shall notify the school Dean as soon as the need for an extension becomes apparent, but in no event later than June 30 of the year prior to the academic year in which the tenure review would otherwise occur. Such requests will be addressed in accordance with the general policy on requests for extension set forth in the faculty handbook.

Further information regarding the University’s FMLA policy, as well as procedures to be followed when requesting family and medical leave, is available from the Office of Human Resources.

**Revised 01/16/2009 to reflect changes to the FMLA under revised regulations, issued November 16, 2008, 29 CFR Part 825, and to include relevant tenure extension language as it appears in Faculty Parental Leave Policy.**

vi) Bereavement Leave. Paid leave at the time of a death of a member of the immediate family is arranged with the department head. Requests for paid leave at the time of a death of a person outside the immediate family are considered on an individual basis.

vii) Military Leave. The University continues the salary of people fulfilling their annual several week military training/reserve obligation. There is no deduction for stipends received from the military.

viii) Jury Duty. The University recognizes your civic responsibility to serve on juries and continues your compensation while you are performing this civic duty. There is no deduction for compensation received from the State.

ix) Benefits Continuation. During the types of leave described above, the University will continue to pay its share of the premiums for health, life, and disability insurance coverage if the employee elects to continue such coverage, and the employee would continue to pay his or her share of the premiums. During paid leaves the University will also continue TIAA/CREF retirement annuity and FICA contributions.

#### F. Long-Term Disability.

Should a lasting disability occur, the University's Long-Term Disability plan provides income for as long as the disability continues or until eligibility for retirement benefits begins. The plan assures a monthly income benefit equal to 60% of pre-disability pay by supplementing disability income, if any, from Social Security and workers' compensation. Payments begin after 180 days of disability and continue to age 65 or even later if the disability occurs after age 60.

Faculty members are enrolled in this plan after one year of qualifying employment. The University pays the entire cost.

If the Faculty member belongs to the TIAA/CREF retirement annuity program prior to onset of disability, the plan will, from the date disability benefits begin, contribute 15% of previous salary to the individual's retirement annuity plan until income payments end.

The monthly income benefit payable under this plan has an automatic 3% annual cost of living increment. Social Security has traditionally also increased its disability payments annually, but future increases in Social Security payments do not reduce the benefits payable under this plan.

Other benefits may also remain in effect.

i) A Faculty member may continue on the group COBRA medical insurance plan for up to twenty-nine months from the date disability benefits begin. The University will continue to pay its portion of the premium.

ii) If disability occurs before age 60, the Faculty member may apply for a disability waiver of premium which, if approved by the insurance company, continues life insurance coverage at no cost.

#### G. Additional Benefits.

i) Educational Grants. For employees of record as of June 30, 2006, the University will pay the lesser of 90% of the tuition of the institution that the dependent child is attending or 90% of Washington and Lee University's undergraduate tuition. The benefit may be reduced by scholarship and grant assistance that the child receives outside of Washington and Lee University. There are instances where an outside scholarship would fund room, board, and fees where the University would not reduce its tuition grant benefit. In no case will the other assistance and Washington and Lee University's grant exceed the value of tuition, room and board of the dependent's institution. The recipient is eligible for up to 4 years, or the equivalent, of undergraduate study at an accredited institution of higher education. The recipient must be under the age of 25 in order to receive this grant. In order for a dependent to be eligible for this grant, the employee must have at least five consecutive years of full-time employment at the time the benefit is to be received.

For employees of record beginning July 1, 2006, or later, the University will pay the lesser of 50% of the tuition of the institution that the dependent child is attending or 50% of Washington and Lee

University's undergraduate tuition. All other terms and conditions, as described above, continue to apply.

All requests must be submitted to the Treasurer's Office utilizing the Educational Grant Request Form. This form will identify all documents that must be submitted along with certification by the employee of all scholarship and grant assistance. When all materials are received and reviewed, the employee will be notified of the amount of the qualifying benefit. In order to allow sufficient time for processing, all information should be submitted at least two weeks prior to the due date of the billing.

ii) Housing Loans. Upon the recommendation of the appropriate Dean or Senior Administrator, the Treasurer, and the President, full time faculty members and administrative, professional and supervisory personnel who are defined as exempt personnel under the terms of the Fair Labor Standards Act of 1938, as amended, are eligible for University housing loans. These housing loans may be used to purchase, build, or improve a principal residence in the Lexington-Rockbridge County area immediately upon entering the employ of the University. (The President may, upon receiving an appeal through the Treasurer, approve as an exception a loan for a residence outside the Lexington-Rockbridge County area when, in his/her opinion, there are compelling personal circumstances.)

Application for housing loans should be made with a letter to the Treasurer stating the amount requested, the purpose of the loan (build, buy, improve), and the location of the premises. If the loan is to build a house, attach plans, specifications, and the contractor's bid estimate. If the loan is to buy an existing house, attach a copy of an executed purchase agreement. If the loan is to improve a house, describe the major elements of the project and attach the contractor's bid or estimate.

The University provides two types of loans:

- a. loans to build or acquire a principal residence, and
- b. loans to improve a principal residence.

They differ as to terms and amounts. Complete details regarding loan terms, amounts, interest rates, and other conditions are available from the office of the Treasurer.

iii) Tuition Remission at Washington and Lee. With the approval of the faculty member and your supervisor, full-time employees may audit courses at the University. There is no charge for this privilege, but you are expected to make-up lost work time.

Full-time employees, and their spouses or domestic partners, who are enrolled in a course or courses that do not lead to a degree nor lead to their status as a full-time student are eligible to enroll in such courses for credit with the instructor's permission at a rate of 25% of the per credit hour cost as established by the University. Employees should note that some portion of this tuition remission for their own courses may be taxable, and the entire amount of this remission for spouses/domestic partners is taxable.

#### H. Benefits for Part-Time Employees.

Members of the Faculty with the rank of Instructor, Assistant Professor, Associate Professor, or Professor who teach half time or more, but less than full time, are eligible for the following fringe benefits.

- Life Insurance – You are eligible for \$10,000 of life insurance coverage at the time you begin qualifying employment. The University pays 50% of the premium.
- Long-Term Disability Insurance – You are enrolled in the University’s Long-Term Disability insurance plan after one year of qualifying employment. The University pays the entire premium for this coverage.
- Retirement – You are eligible for the TIAA/CREF Retirement Annuity Program after two years of qualifying employment. The contribution structure is described in the "Retirement" section of this handbook.

**NOTE:** The above policy provides a general description of the benefit programs that are currently offered to eligible Washington and Lee University employees. Where benefits are governed by a formal plan document or a master policy, the exact terms of that plan or policy will govern. While it is presently Washington and Lee University's intent to continue all current benefit plans and policies, Washington and Lee University reserves the right to change, supplement, amend or terminate at any time any benefit plan or policy presently in effect.

**Revised May 2003**

**Revised May 11, 2006 (removed old policy that applied only to same-sex domestic partners; linked directly to Employee Handbook)**

**Revised August 1, 2006 to revise policies on maternity leave (now Eligible Faculty Parental Leave, section 5c.) and on tuition remission at W&L (section 7c.)**

**Revised November 1, 2006 to clean up the wording of the Family and Medical Leave section.**