Faculty Manual

Section II
Faculty Appointments, Tenure, Promotion, Leaves

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I. FACULTY RESOLUTION ON PROFESSIONAL ETHICS

(April 16, 2003)
Adapted from the AAUP Statement on Professional Ethics, AAUP Policy Documents and Reports (1995)

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. (1940 Statement on Principles of Academic Freedom and Tenure, the American Association of University Professors.)

A. Professors (The term "professor" is used generically in this document to apply to all members of the Union College community who hold faculty status.), guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty, represent their own accomplishments accurately, and acknowledge those parts of their work that build on the work of others. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

B. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between teacher and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from their students. They protect the academic freedom of their students.

C. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt, honestly representing their own and others' contributions to their work, and they strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of the College.

D. As members of the Union College community, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

E. As citizens of the surrounding community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to the College. When they speak or act as private persons they avoid creating the impression of speaking or acting for Union College. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

II. FACULTY RANKS AND THE CRITERIA FOR PROMOTION

(Revised April 2, 2009)

A. Faculty Ranks

1. Instructor (effective January 1, 2003)

Appointment to the tenure-track rank of instructor may be for one, two, or three years, renewable or not in accordance with the letter of contract. New members of the Faculty, beginning at the rank of instructor and without the doctorate who are awarded the doctor's degree during the academic year, are raised in rank at once to Assist ant Professor. Further, if all the requirements for the degree are completed by March 1st, there is an automatic salary increment to the level specified in the contract letter, this sum being pro-rated during remaining pay-periods of the contract year.

2. Assistant Professor

Appointment or reappointment at the tenure-track rank of assistant professor generally shall be for three years and is renewable unless the letter of contract specifies otherwise. Promotion to this rank requires the following:

— Normally, the Ph.D or its equivalent.
— Demonstrated professional competence.
— Scholarly activity and professional alertness.

Procedures for reappointment as an Assistant Professor are described in Part III below.

3. Associate Professor

Those appointed initially to the rank of associate professor receive a three-year contract, renewable with or without tenure in keeping with the provisions for determining tenure. Two appointments at this rank may be regarded as conferring tenure unless the College indicates to the contrary. Appointment or promotion to this rank normally has these requirements:

— The Ph.D. or its equivalent.
— Outstanding performance as a teacher
— Mature scholarship recognized by the profession.
— Continuous and substantial service to the College.

Procedures for tenure reviews are described in Part IV below.

4. Professor (effective February 2, 2000)

Appointment to the rank of full professor from within the faculty of Union College automatically confers tenure if not already granted and is recognition of a sustained contribution to the educational programs of the College and an established professional competence. Appointments to

this rank from outside the Faculty shall be for three years, and a decision on tenure shall be made no later than the second year of this appointment. Any appointment from outside the faculty at the rank of associate or full professor that carries with it tenure shall require the participation ex-officio on the department search committee of a senior member of the Faculty Review Board. That member normally should be from the same division to which the new appointment shall be made. If, in the process of hiring for an advertised assistant OR associate and/or full professor, it becomes clear that a finalist may be appointed at a senior level, the department chair should contact the chair of the Faculty Review Board to coordinate the involvement of the Faculty Review Board.

Promotion to this rank normally requires these attainments:

— The Ph.D. or its equivalent.
— Excellent performance as a teacher since the tenure review.
— Continuing mature scholarship recognized by the profession and normally demonstrated in publications, exhibits, elections to office in national or international professional organizations, receipt of grants or awards, or similar marks of distinguished scholarly accomplishment.
— Continuing and sustained service to the College.

Review procedures for full-professor promotion reviews are described in Section B below.

5. Non Tenure-Track Appointments (effective Nov. 15, 1991)

a. All appointments require authorization of the position by the Dean of the Faculty.

b. Visiting Faculty

Candidates who have the qualifications appropriate to the ranks as described in sections 1, 2, 3, and 4 of this section, but who are recommended for appointment to a temporary position without a tenure-track line, are designated as Visiting faculty. These appointments are normally for one, two, or three years. On occasion, a one- or two-year appointment may be made subsequent to the third year, but no individual may remain in a visiting position at the College for more than five years (teaching six courses a year) or after having taught a total of 30 courses as a full-time or part-time visitor. Review procedures for visiting faculty for whom an appointment is proposed beyond the third year are laid out in Part VI below.

Visiting faculty are eligible for faculty travel, faculty research funds, IEF grants, and participation in the governance system. The College allocates its funds for yearly raises, as well as special allocations, to all full-time faculty regardless of tenure-track or visiting status. Visiting faculty, however, do not participate in the triennial merit system.

c. Lecturers, including Artists and Writers in Residence and Laboratory Coordinators (effective April 2006)

Lecturers are faculty members whose principal responsibilities are instructional and curricular, and which involve departmental or college service. The lecturer category includes writers and artists in residence and laboratory coordinators whose primary responsibility is teaching. These appointments do not include scholarship responsibilities, but include curricular-related programmatic support activities for the department. In the case of writers and artists in residence, the teaching load is usually less than full-time, the service requirement is normally fulfilled through writing and artistic activity, and no additional service is expected. Lecturers normally should possess the same minimum qualifications as ranked faculty, but the title "lecturer" may also be granted to a person of high repute in a field of endeavor related to an academic discipline or to a person with significant professional experience relevant to the academic discipline. Appointment to the rank of Lecturer may be for one, two or three years, and may be renewable for terms not to exceed three years, subject to review and administrative approval. Lecturers are normally employed on a full-time contract basis, and shall have no expectation of an eventual tenure-track or tenured appointment.

Senior Lecturer

Departments may recommend for such promotions only those who are distinguished teachers and who make important contributions to their departments or to the college through service or co-curricular activities. A Senior Lecturer must serve six years of full-time teaching (or the part-time equivalent of six years of full-time teaching) at Union College before being recommended for promotion. The Senior Lecturer rank is associated with demonstrated teaching excellence and commitment to departmental and college service. Department chairs nominate lecturers for promotion and submit supporting materials, including evidence of teaching and service excellence, to the Faculty Review Board, which can make a recommendation of promotion to the Dean of the Faculty.

Review procedures for appointment renewal for Lecturers and Senior Lecturers are laid out in Part VI below. Procedures for promotion to Senior Lecturer are laid out in section C below.

Lecturers are eligible for faculty travel, IEF grants, Humanities Faculty Development Grants, Faculty Research Fund grants, and participation in the governance system.

The total number of lecturer positions at the College will not exceed ten percent of the faculty, as reported to the Integrated Post-Secondary Data System (IPEDS).

d. Adjunct Faculty

For those individuals hired on a per course basis the term Adjunct is used. Appointments may be as Adjunct Instructor, Adjunct Assistant Professor, Adjunct Associate Professor, or Adjunct Professor, depending on qualifications.

B. Procedures for Promotion to Professor
(effective February 3, 2000)

Faculty to be eligible for promotion must normally meet one of the following criteria:

— A minimum of ten years of professional work as a faculty member or equivalent professional service, and tenured to the College.
— A minimum of five years in the rank of Associate Professor at Union College, and tenured to the College.

Recommendations for promotion to professor shall originate with the Dean of the Faculty, the Dean of Academic Departments, the Chair of the Faculty Review Board, the Chair of the Department, or the faculty member himself or herself. The FRB itself may determine through its triennial review that consideration for promotion is appropriate. In submitting this recommendation, the factors that prompt the request should be listed. The Dean of the Faculty and the Chair of the FRB shall review annually the list of Associate Professors for the purpose of selecting candidates for promotion. The record of achievement since the last promotion or since the original appointment to the Faculty of Union College determines eligibility for promotion.

In reviewing a recommendation for promotion, the College considers primarily teaching ability and research activity (or comparable creative activity), for it regards teaching effectiveness and substantial professional achievement as inseparably related: each enriches the other. In addition, the reviewing committee (the FRB) considers professional involvement, services to the College, and in some instances, the rank structure within the department and the fields of competence of the teacher relative to the educational goals of the institution. Time-in-rank is not to be an arbitrary factor either for or against eligibility for promotion. All recommendations for promotion are transmitted to the Board of Trustees.

If a candidate has been nominated for consideration and wishes to proceed, he/she should provide the Department Chair with a portfolio containing the following information:
— A current curriculum vitae
— Any published material or the disciplinary equivalent
— Other scholarly work such as papers, grant applications, etc.
— Copies of the triennial reviews since the tenure decision with annual reviews attached.
— Any other relevant materials to support teaching the candidate wishes to provide.
— Any materials in support of service activities.
— A research, teaching, and service statement.

After reviewing the portfolio, the Chair and the (full) professors of the faculty member's department will send the portfolio and an accompanying recommendation to the FRB as to whether or not it should consider the candidate for promotion at this time. The FRB will then choose among the following procedures:

1. Following the review of the recommendation and the portfolio, the FRB may choose not to recommend the candidate to the Vice President for Academic Affairs/Dean of the Faculty for promotion at this time.

2. If, following the review of the departmental recommendation and the portfolio, the FRB concludes that the process of promotion should proceed, the FRB will follow the procedures outlined in a or b:

   a. If the candidate has been in the rank of Associate Professor for less than fifteen years, the FRB will ask the Department Chair and the other (full) Professors in the Department to constitute a committee of at least two members (if no other full Professors are available they may be selected from the same Division as the candidate). The committee will solicit at least three external reviewers, one of which will be chosen from a list of three potential reviewers presented by the faculty member.

      The candidate will submit to the Departmental Committee a curriculum vitae accompanied by any published materials or other work that the candidate wishes to submit to the external reviewers.

      Upon receipt of the reports of the external reviewers, the departmental committee will write a short summary on the candidate's scholarship to submit along with the reviewers' letters to the FRB. Before the report is submitted to the FRB, the faculty member will be informed of potential criticisms and be given adequate time to respond.

      After consideration of the departmental report and the letters of the reviewers, the FRB will or will not recommend promotion to the Vice President for Academic Affairs/Dean of the Faculty.

   b. If the candidate has been in the rank of Associate Professor for at least fifteen years, the FRB may consider the candidate for promotion on the basis of exemplary teaching and service to the college and the profession. The FRB will assess the portfolios of candidates in this group and recommend for or against promotion on this basis to the Vice President for Academic Affairs/Dean of the Faculty.

In cases of a negative recommendation or a decision by the FRB not to proceed with the process, the FRB will write a letter with an explanation of the decision. The Dean of the Faculty or his/her designee will meet with and discuss the letter with the candidate.

In the case of a decision by the FRB to recommend promotion that is not accepted by the Dean of the Faculty, the Dean of the Faculty will write a letter of explanation and meet to discuss the decision with the candidate.

C. Procedures for Promotion to Senior Lecturer

Faculty to be eligible for promotion to senior lecturer must normally have taught for the equivalent of six years full-time, in a capacity other than an adjunct professor, and must currently hold an appointment as lecturer.

Recommendations for promotion to senior lecturer shall originate with the Dean of the Faculty, the Dean of Academic Departments, the Chair of the Faculty Review Board, the Chair of the Department, or the faculty member himself or herself. The FRB itself may determine through its triennial review that consideration for promotion is appropriate. In submitting this recommendation,

the factors that prompt the request should be listed. The Dean of the Faculty and the Chair of the FRB shall review annually the list of lecturers for the purpose of selecting candidates for promotion.

In reviewing a recommendation for promotion to senior lecturer, the College considers primarily teaching ability and service to the faculty member's department and to the College, including any co-curricular duties specified in the candidate's appointment letter. If a candidate has been nominated for consideration and wishes to proceed, he/she should provide the Department Chair with a portfolio containing the following information:

— A current curriculum vitae
— Copies of any triennial reviews
— A teaching and service statement
— Any relevant materials to support teaching the candidate wishes to provide
— Any materials in support of service activities, including co-curricular activities

After reviewing the portfolio, the Chair and the tenure-track professors of the faculty member's department will send the portfolio and an accompanying recommendation to the FRB as to whether or not it should consider the candidate for promotion at this time. The FRB will then determine whether or not to recommend to the Dean of the Faculty that the candidate be promoted at this time. If the FRB chooses not to recommend the candidate to the Dean of the Faculty for promotion at this time, then the FRB will write a letter to the Dean of the Faculty with an explanation of the decision. The Dean of the Faculty or his/her designee will meet with the candidate to discuss the letter.

In the case of a decision by the FRB to recommend promotion that is not accepted by the Dean of the Faculty, the Dean of the Faculty will write a letter of explanation and meet to discuss the decision with the candidate.

III. APPOINTMENTS OF TENURE-TRACK FACULTY MEMBERS

A. New Appointments to the Faculty

Appointments to the Faculty of Union College are for one, two, or three years at a rank and salary appropriate to the academic background and teaching experiences of the appointee and in keeping with the criteria described under each rank. The letter of contract from the Office of the Dean of the Faculty indicates whether the appointment is terminal or open to continuation if mutually agreeable. Any special conditions pertaining to the appointment are mentioned in the letter of contract, subject to review and approval by the Board of Trustees. The new faculty member is expected to sign the letter of acceptance and provide a vita for the College files.

B. First-Year Review of Faculty

All faculty (visiting, lecturers and tenure-track) must be provided with a written developmental first-year review. The review should be performed by the department chair and completed by the start of classes in the fall, but must be completed no later than September 30th, of the second year. The Dean of Academic Departments or the Dean of Engineering (as appropriate) will meet with the faculty member to discuss the review and outline steps for continued development in teaching, scholarship and college service.

Guidelines:

1. The review should include an evaluation of progress relative to college-wide standards in teaching, scholarship and college service.

2. The teaching review should contain a discussion of:

   a. student course evaluations
   b. level of challenge in courses
   c. course materials (such as syllabi, tests, and handouts that may be provided by the candidate)
   d. peer observations of teaching

3. The scholarship review should discuss the level of scholarly activity and the faculty member's progress in developing a research program at Union. Mention of articles, books, grant applications, shows, performances, conference papers, etc., are all relevant.

4. The review should make appropriate suggestions for further development in teaching, scholarship and departmental/college service.

The purpose of this review is developmental. The Faculty Review Board will not see this review nor will it be made available as part of the record for the reappointment review or tenure review. Every effort should be made to give clear and constructive advice to the faculty member. (Suggestions

could include writing grants, submission of articles to higher quality journals, videotaping lectures, team teaching, observation of senior faculty, attendance at professional meetings, etc.)

The review should be given to the faculty member and a developmental interview scheduled with the chair before the report is sent to the Dean of Academic Departments.

C. Reappointments Prior to Tenure Review

No tenure-track faculty member may be reappointed to a contract that would carry through the year of tenure review without first being evaluated in a formal reappointment review. Normally, tenure-track faculty members will undergo the required reappointment review during the academic year that falls three years before the year in which a tenure review would occur. (Normally such a review takes place in the spring term.) Tenure-track faculty members with the rank of Instructor (who have not completed the Ph.D. or other terminal degree) may not stand for reappointment review unless the Dean of the Faculty has been notified that all requirements for the terminal degree have been completed. This notification must be received from the appropriate official of the degree-granting university four months before the review begins (December 1, for a spring term review). In the event that the degree requirement is not satisfied, the faculty member in question will be entitled to an additional one-year terminal contract. For tenure-track faculty members with the rank of Assistant Professor, the Dean of the Faculty acts on recommendations of Department Chairs for initiation of reappointment reviews. If it is decided that there is to be no reappointment review and that a faculty member will receive no reappointment after expiration of a contract, the faculty member shall receive such notification no later than 12 months before expiration of the contract. If such notification occurs less than 12 months before expiration of said contract, the faculty member in question will be entitled to an additional one-year terminal contract.

The reappointment review should be a serious and carefully considered review of the candidate's performance to date and a judgment on the potential for successful tenure review in a further three years. To this end, the evaluation should be carried out as thoroughly and uniformly as possible, and the recommendation in its entirety forwarded to the Faculty Review Board for its consideration. The candidate will be judged by appropriate then-current College-wide standards in teaching, scholarly activity, and College service.

The Department Committee should be made up of at least three tenured members of that department; if that number is less than three, the difference should be made up with tenured members of other departments chosen by the Department Chair in consultation with the Dean of the Faculty. The candidate must be informed about the inclusion and identity of non-departmental members.

The Department Committee report will be accompanied by a cover letter signed by all tenured department members except in cases where membership on the Faculty Review Board precludes participation in the departmental process; each department member who signs should indicate concurrence or non-concurrence with the recommendation of the report; letters of dissent from the recommendation may be attached to the final report. All letters and supporting documents should be attached to the final report which is submitted to the FRB.

The candidate should submit to the Department Committee all relevant written material including, but not limited to the following:

- Complete and current vita.
- Statement of teaching and research objectives.
- Materials on all courses taught.
- All published materials, and whatever unpublished work the candidate wishes. This may include artistic work, equipment construction, library projects, or other work appropriate to the candidate's field.

A campus-wide announcement should solicit statements from faculty, administrators, and students who have worked with the candidate in the following areas:

- Teaching
- Activity
- College Service

In evaluating teaching, the following steps are to be taken: 1) student end-of-term questionnaires and any summaries of numerical data should be examined carefully by the Department Committee before conducting interviews; 2) all faculty members of the candidate's department should be interviewed by the Department Committee; and 3) a representative sample of approximately twenty students should provide written and oral or just written testimony to the Department Committee. To receive oral testimony, a student interview should be arranged at which at least two members of the Department Committee are present. As far as possible, a uniform interview procedure should be used. The final report should provide a summary of the characteristics of responding students by graduating year, major, grade received in the course, sex, and class size. The committee should also indicate the percentage of those responding from the number originally selected by the random sampling procedure. The section on teaching also should include a discussion of how the candidate’s area of specialization and ability to teach necessary courses meets the department’s curricular needs. Information for this discussion should be gleaned from interviews with members of the candidate’s department.

A section on scholarly activity should include a statement of the candidate's area of research and how it fits with the needs of the department, now and for the future. Each member of the Department Committee should evaluate all available research material together with other evidence of ongoing scholarly activity and members of the candidate’s department should be interviewed. In unusual circumstances, the committee may decide that it cannot evaluate the scholarly activity of the candidate. With approval of the Faculty Review Board, the committee should then consult with the candidate concerning the choice of outside reviewers. Normally, at least two reviewers should be chosen, one of whom is not known personally by the candidate.

Starting with information supplied by the candidate, the Department Committee shall seek assessment of the quality of the candidate's contribution to College service in the areas of committee work, student academic advising, participation in departmental activities, seminars, freshman orientation, and so on.

The candidate must be interviewed by the Department Committee.

A file shall be kept of all materials received or generated or utilized by the Department Committee in its deliberations. Prior to the submission of the Committee's report to the FRB, a list of all the materials in this file must be submitted to the Chair of the FRB, who shall review this list to ascertain whether the file is complete. Upon submission of the report to the FRB, all materials in the file will also be sent to the FRB. (Only senior members of the FRB, the relevant academic deans, the Affirmative Action Officer, and one junior member of the FRB who has passed the reappointment review are eligible to participate in deliberations concerning determination of reappointment.) At this time, the list of these materials will be given to the candidate together with the procedures used by the Department Committee in obtaining the information submitted to the FRB. Confidential documents in the file shall be identified only as to their nature (e.g., "cover letter providing vote of department"). If the Department Committee seeks any additional materials or information at the behest of the FRB or the Dean of the Faculty, or if such materials are sought or received by the FRB or by the Dean of the Faculty after the submission to the FRB of the Departmental Committee report, the information shall be shared with both the FRB and the Dean so that the final determination made by the FRB and the Dean shall be based on the same body of information. Before the FRB and the Dean of the Faculty reach their final determination in the case, such materials shall be added to the file provided by the Departmental committee, the candidate shall be given the revised list of materials in his or her file, and the candidate shall be given an appropriate opportunity to respond to any additional perceived deficiencies other than those presented to the candidate by the Departmental committee. The candidate shall also be given a copy of the final report of the Department Committee (without the confidential material) at least one week before it is submitted to the FRB. All important perceived deficiencies in the candidate's record (if any) which are mentioned in the confidential portions of the materials submitted to the FRB shall be summarized in that part of the report given to the candidate. (Summary material must be prepared in such a way so as to protect the confidentiality of sources.)

The candidate has the option to attach written comments to the final report that will be forwarded to the FRB, including comments on the procedures used by the Department Committee. The copy given to the candidate should not include any confidential material, including the cover letter, any statements of dissent from the recommendation, and any attachments or appendices containing confidential materials.

The final report submitted to the FRB must include a discussion of the information indicated above, the recommendation for reappointment or for a terminal contract, and the following information as appendices: 1) the candidate's complete and current curriculum vitae; 2) the candidate's statement of teaching and research objectives; 3) a summary of both the qualitative and quantitative sections of the end-of-course evaluations; 4) a separate appendix including letters solicited from students; and 5) other letters submitted to the Committee.

The FRB and the Dean of the Faculty shall judge a candidate by the appropriate then-current College standards regarding teaching, scholarly activity, and college service. Their review shall consist of an

evaluation of the candidate's Department Committee report and attachments. The FRB and the Dean of the Faculty also have the authority to request any other information it deems relevant, using procedures for obtaining information consistent with those required of the Department Committee. If the FRB and the Dean of the Faculty make a positive determination concerning a candidate's reappointment, the Dean of the Faculty shall convey the positive recommendations to the President and the FRB shall convey its findings in writing to the candidate.

If the FRB and the Dean of the Faculty make a negative determination concerning a candidate's reappointment, the FRB's negative determination and the reasons for it shall be conveyed in writing by the Chair of the FRB to the Dean of the Faculty. The Dean shall then meet with the candidate to convey the FRB's written statement of its determination (and the reasons for it) and to inform the candidate of the opportunities for reconsideration and appeal.

If the FRB makes a negative determination concerning a candidate's reappointment and the Dean does not concur with the determination, the Dean shall refrain from communicating her/his determination to the President until any process of reconsideration and/or appeal has been completed or until the time for requesting either has passed. The FRB's negative determination and the reasons for it shall be conveyed in writing by the Chair of the FRB to the Dean of the Faculty. The Dean shall then meet with the candidate to convey the FRB's written statement of its determination (and the reasons for it) and to inform the candidate of the opportunities for reconsideration and appeal.

In the event of a positive determination by the FRB followed by a negative determination by the Dean of the Faculty, the Dean shall meet with the candidate to convey the Dean's statement, written in consultation with the FRB, of her/his determination (and the reasons for it) and to inform the candidate of the opportunities for reconsideration and appeal.

In all cases the President shall make a decision on whether the candidate should be granted or denied reappointment. In the case of a negative determination by the FRB and/or by the Dean of the Faculty, the President shall make no negative decision until any process of reconsideration and/or appeal has been completed or until the time for requesting either has passed. The Faculty Appeals Committee shall send its conclusions and reasoning to the President, who shall then make the final decision.

In all cases in which the President approves a reappointment, that reappointment shall be reported to the Board of Trustees.

If the FRB and/or the Dean of the Faculty makes a negative determination on the candidate, and if the candidate in timely fashion decides to seek reconsideration by the FRB, and/or if the candidate in timely fashion files an appeal with the Faculty Appeals Committee, or if for any other reason the President does not make a decision on the case before the expiration of the existing contract, then the Dean of the Faculty at a time subsequent to the negative determination by the FRB, but before the expiration of the candidate's contract, will give notice of termination to the candidate, and will offer the candidate a terminal one-year contract, except in that case in which the appointment carries through the following year, in which case the final year of the existing contract becomes a terminal

one-year appointment. This notice will constitute legal notice of termination, but will not prejudice any reconsideration of the case by the FRB, any consideration of the case by the FAC, or any further consideration of the case pursuant to a recommendation to the President by the FAC, or any final decision in the case by the President.

Should the President, subsequent to such notice, make a positive decision on the case, and should his recommendation for reappointment be approved by the Board of Trustees, the candidate will be offered a new contract superseding the terminal contract offered by the Dean of the Faculty.

IV. PROCEDURE FOR A DECISION ON TENURE

Recommendations for a tenure review originate with the departmental head, who shall have consulted with tenured members of the department, and are forwarded to the Dean of the Faculty in writing along with a resume of the faculty member's background and achievement. These recommendations shall reach the President by May 1 of the year preceding a final decision, so that a review may occur and a recommendation, if appropriate, be transmitted to the Academic Affairs Committee of the Board for action at a meeting of the Board of Trustees sometime before the expiration of a candidate's contract.

No such evaluation will be completed later than the end of a faculty member's sixth year of full-time service in a tenure-track position unless any earlier date for completion of the evaluation a) is required by any specific condition of a faculty member's initial appointment or b) has been requested by a faculty member, recommended by his or her Department or the Dean of the Faculty, and approved by the Faculty Review Board and the President.

However, a faculty member is entitled to stop the tenure clock, with or without taking a full or partial leave of absence, if the faculty member has substantial responsibility for the care of a new-born or newly adopted child. Consideration for tenure may be delayed for up to one year per birth or adoption, but may not exceed two one-year extensions of the probationary period. Such arrangements must be made within one year of the birth or adoption for each child, in consultation with the Dean of the Faculty, and will be confirmed in writing by the Dean of the Faculty to the faculty member and the department chair. A request to stop the tenure clock cannot be made during the two terms preceding the term of the tenure review. A faculty member grant such a delay shall not be subject to additional professional development or service requirements above and beyond those normally required in order to qualify for retention or tenure.

"Tenure" is the employment contract between the College and a faculty member which includes both a faculty member's rights and responsibilities. Fundamental faculty rights incident to tenure include the right to academic freedom and the right to continuation of employment with certain exceptions (see FM II, section XII, A). Tenure will not normally be conferred unless the individual holds the doctorate or appropriate terminal degree. Attainment of tenure can only occur through specific notification from the President and may not result from inaction or inadvertences.

A. Procedure for Initiating a Tenure Review

Every department should have a significant role in the tenure decision early in the process. While it is inappropriate for a department to duplicate all of the activities of the ad hoc committee, there are certain aspects of each case for which the department should possess especially pertinent information. Since the Faculty Review Board is interested in having such data available to the ad hoc committee at the outset of the investigation, we suggest the following procedure:

1. The tenured members of the candidate's department should act as a preliminary screening committee.

2. This committee should gather the following information concerning the candidate: written term-end course evaluations (or summaries), copies of publications and any other scholarly work, all performance evaluation letters, and any other information it deems relevant.

3. The written course evaluations should be examined carefully and compared with appropriate departmental norms. The review is to be based on no more than six terms of teaching. (Revision of April 26, 1993.)

4. The scholarly work should be reviewed; it may be helpful, in this regard, to obtain from the candidate a statement guiding the departmental readers to what the candidate feels are the important problems and solutions or achievements of this work.

5. A careful discussion of the candidate's role in the future plans of the department should be undertaken. Special consideration should be made of how the candidate's expertise fits the curricular needs of the department, of how the candidate's scholarly pursuits nourish the intellectual life of the departmental program, and of any other aspect of the candidate's collegiality the committee deems professionally important.

6. After reviewing the evidence available to it, the committee should formulate a written recommendation, with respect to the formation of an ad hoc tenure committee, to the Dean of the Faculty. This recommendation should include summaries of the committee's findings and deliberations for items (3) and (5) above. It may also include, if the committee so desires, a qualitative assessment of the candidate's scholarly work. If the decision is not to recommend formation of an ad hoc tenure committee for the candidate, the specific reasons for the decision must be submitted in writing along with the recommendation.

7. A copy of the written recommendation should be given to the candidate at least one week prior to its submission to the Dean of the Faculty.

B. The Ad Hoc Committee

If a candidate has been recommended for consideration for tenure by the Department and consideration approved by the Dean of the Faculty, the Faculty Review Board, and the President, the Dean of the Faculty will appoint an ad hoc committee in consultation with the chair of the Faculty Review Board and the Deans of Academic Departments, to examine the record of such candidate for tenure and to report its findings, with a recommendation for or against, to the Faculty Review Board. When necessity dictates, considerations such as the staffing needs of a faculty member's department and the financial implications of a positive recommendation on tenure may be taken into account by the Dean of the Faculty and the Faculty Review Board before a recommendation is made to the President that a tenure review is to take place.

1. Constitution of the Ad Hoc Committee

The ad hoc committee will normally consist of one member of the candidate's Department, one member of the Division but not the Department, one member of the Center from the other division, and one member from the other Center. The candidate may strike from the list of eligible faculty members the names of faculty that he or she would prefer not to have serve on his or her committee, but normally no more than one-third of the names in any category may be struck. At least three names must remain in every category. In circumstances in which the candidate considers it important to depart from these rules and wishes to strike more names than are allowed, or in the case of departments in which the list contains three or fewer names and the candidate wishes to strike names, a conference must be held with the Dean of the Faculty and the Chair or other senior members of the Faculty Review Board to determine the final composition of the list of faculty eligible to serve on the ad hoc committee. In no instance may all the names in any category be eliminated. If it appears desirable to the Chairman of the ad hoc committee and approved by the Dean of the Faculty, an outside professional shall also be included as a member of the ad hoc committee.

2. Procedures of the Ad Hoc Committee

A file shall be kept of all materials received or generated or utilized by the ad hoc committee in its deliberations. Prior to the submission of the Committee's report to the FRB, a list of all the materials in this file must be submitted to the Chair of the FRB, who shall review this list to ascertain whether the file is complete. Upon submission of the report to the FRB, all the materials in the file will also be sent to the FRB. At this time, the list of these materials will be given to the candidate together with the procedures used by the ad hoc committee in obtaining the information submitted to the FRB. Confidential documents in the file shall be identified only as to their nature (e.g., "letter from referee"). The candidate will be given three days to respond in writing to the procedures used by the ad hoc committee.

The ad hoc committee shall give to the candidate in advance of its second meeting with him or her a written list of questions regarding any important perceived deficiencies in the candidate's record which have been found in the course of the ad hoc committee's review. The candidate will be given the opportunity to respond in writing to these questions before the second interview, or orally at the interview itself.

If, after the submission to the FRB of the ad hoc report, additional information is sought by the ad hoc committee at the request of the FRB or of the Dean of the Faculty, such materials shall be added to the file provided by the ad hoc committee: the candidate shall be given the revised list of materials in his or her file, and the candidate will be given an appropriate opportunity to respond to any additional perceived deficiencies other than those originally presented to the candidate by the ad hoc committee.

The chair of the ad hoc committee is responsible for preparing a report on the candidate and presenting a favorable or unfavorable recommendation to the Faculty Review Board (FRB). (Only senior members of the FRB, the relevant Deans and the Affirmative Action Officer are eligible to participate in deliberations concerning determination of tenure.) This written report is duplicated

and submitted to senior members of the Faculty Review Board, to the Deans, to the Affirmative Action Officer, and to the President several days before the Faculty Review Board first meets to consider the candidacy. At that meeting, the ad hoc committee will appear for about one hour to answer questions, if any, about the written report and the recommendation of the ad hoc committee. Every effort should be made to explain any ambiguities in the report that might influence a determination on the candidate's tenure. The President may choose to participate in this meeting but not in meetings in which a determination is made.

3. Revised Charge to Ad Hoc Tenure Committees (revised spring 1991)

In your deliberations, there are no rigid formulae to govern your recommendations on tenure, but there are general guiding standards. The quality of the candidate's teaching, scholarship, and service to the College (as outlined below) are major considerations, of which the first two are of paramount importance. The candidate should be judged by the prevailing College-wide standards. Accordingly, the candidate's qualifications in teaching and scholarship should normally be excellent in one of the categories and very good in the other. The candidate is expected to have been actively involved in areas of college service.

Keep in mind that tenure is not a right which normally accrues to those who have avoided serious problems during their time at the College; it involves a major financial investment and a long-term academic commitment, and should, therefore, be granted only when both achievement and promise are demonstrable.

An ad hoc committee of the Faculty Review Board is expected to investigate, evaluate, and report; it is not to act as the candidate's advocate. The report to the Faculty Review Board should reflect the proceedings; it should not be written retrogressively from the final recommendation to the evidence (in fact all but the conclusion should be written before taking a final vote as to the Committee's recommendation). The report should state both the strengths and the weaknesses of the candidate.

The principal concerns in these deliberations should be the following:
— The candidate's competence, effectiveness, and dedication as a teacher.
— The candidate's quality of mind as indicated by scholarly performance and the candidate's promise of continued professional involvement, commitment, and achievement.
— The quality of the candidate's contributions to the College in areas of service, leadership, and initiative.

The following procedures are recommended:

a. Evaluation of Teaching

1) Colleagues who have visited the candidate's classes or team taught with the candidate should be interviewed. Librarians' instructional functions include the selection, organization, and dissemination of information in whatever form. Interviews should be sought with library

colleagues, teaching faculty, and other library users. Course materials such as syllabi and examinations should be reviewed.

2) Written materials describing innovative and/or especially effective approaches to teaching may be submitted by the candidate for evaluation.

3) A notice should be placed in the campus newspaper, the Chronicle, and alumni publications stating that an ad hoc tenure committee has been convened and that it invites student, alumni and faculty response.

4) From class lists obtained from the Registrar and, where appropriate, from lab rosters obtained from the candidate's department, the committee should select in a random selection process (see Appendix I) a group of students. The candidate should not supply the selection list. The committee should then solicit letters from the students selected and interview the students individually, either in full session or through members delegated for that purpose, using a uniform interview procedure. The opinions of recent alumni should also be sought. Their names should be chosen as they arise in a random selection process. Appendices II and III contain a suggested form for a letter to be sent to students and alumni inviting them to offer their evaluation and providing some guidance in writing a letter that would be helpful to the committee's deliberations.

5) The candidate's evaluation in student and departmental polls should be considered.

b. Evaluation of Scholarship

1) The candidate's scholarly writing and/or creative works, published and unpublished, including the Ph.D. dissertation, should be submitted to and read by the committee; even if the scholarship is outside of an individual committee member's discipline, each member should be aware of its nature.

2) All the candidate's published materials, and whatever unpublished work the candidate wishes, will be evaluated. This may include artistic work, equipment construction, library projects, or other work appropriate to the candidate's field.

3) The material to be evaluated, referred to above, must be sent out for evaluation by three outside referees with whom neither the candidate nor the department head nor any member of the ad hoc committee has close personal ties. In exceptional circumstances the Ad Hoc committee chair may request an additional reviewer with the approval of the chair of the Faculty Review Board. The ad hoc committee should present to the candidate a list of about 15 names of potential referees for the scholarly work. The candidate may comment, in writing, on the suitability of any of the referees for evaluating the work and may suggest that some names be eliminated from the list. Reasons for their unsuitability must be given and may include, for example, that the person is not in the area of the candidate's scholarship, or that the person may be a hostile referee because of extreme ideological, theoretical or

philosophical differences with the candidate's work. The candidate must inform the ad hoc committee about the nature of personal or professional relationships between the candidate and any of the potential referees. The ad hoc committee has the final authority to select the referees. The candidate's comments on the list of potential referees must be part of the ad hoc committee's report. The suggested letter to referees should also contain a request for similar information about the nature of personal or professional ties. A suggested letter to be sent to referees may be found in Appendix IV.

4) The ad hoc committee should obtain testimony pertaining to the candidate's scholarship from any Union faculty member whose field is closely allied to the candidate's and in addition must interview any faculty member who wishes to volunteer such testimony.

a. Evaluation of College Service

1) The committee should evaluate the contributions to the college community listed on the candidate's resume by obtaining testimony from members of the college community with whom the candidate has worked. This should at least include chairpersons of committees on which the candidate has served and may also include faculty, staff, or students who have primary responsibilities in areas such as admissions, advising, freshman orientation, budgeting, curriculum planning, or the computer center.

2) The committee should question the candidate about additional areas of college service not listed on the resume and should evaluate these in the same manner.

3) The committee should seek from the candidate information about such community activities that may be of value to the college.

b. General Information on the Ad Hoc Report

1) The ad hoc committee's report must include the candidate's full curriculum vitae.

2) The ad hoc committee should interview the candidate near the beginning of its evaluation process and at the end of the information-gathering stage. The ad hoc committee is expected to ask the candidate those questions which may significantly affect their recommendations to the FRB. The purpose of these questions is to provide the candidate with a reasonable opportunity to respond to criticisms which may have emerged in the ad hoc committee's deliberations. The candidate has three calendar days to respond in writing to issues raised in this interview. The ad hoc committee should make every effort to interview all faculty in the candidate's department. The ad hoc committee should solicit from the department chair-person, in writing, an evaluation of how the candidate fits current and future needs of the department.

3) Theses done under the supervision of the candidate may, at the discretion of the candidate, be submitted as evidence of teaching or scholarship.

4) In the case of candidates from the Departments of Music, Theater & Dance, and Visual Arts, compositions, concerts, exhibitions, or productions may constitute part of or the whole of a candidate's scholarship.

5) The report of the committee should include a well-delineated section on methods and procedures of the ad hoc committee. The section should clearly describe the procedures without compromising confidentiality. The section will be detached from the report and given to the candidate to review. The candidate has three calendar days to respond in writing to the procedure statement. The ad hoc committee delivers its report to the Faculty Review Board at this time. Any response by the candidate to the statement of procedures is given to the Chair of the Faculty Review Board, not the ad hoc committee. If the candidate objects to any of the procedures, the FRB will decide whether it considers it necessary to return the report to the ad hoc committee for any necessary corrections before it hears the presentation of the ad hoc committee.

   The report of the ad hoc committee should include a table of contents with a detailed listing of the appendices to the report and each page of the report should be numbered.

C. The Role of the Faculty Review Board and of the Dean of the Faculty

At a later meeting or meetings to be held normally no less than three days after a meeting with the ad hoc committee, the Faculty Review Board and the Dean of the Faculty make determinations which constitute recommendations to the President as to whether the candidate should be granted or denied the status of tenure. The FRB and the Dean of the Faculty shall judge a candidate by the appropriate then-current College standards regarding teaching, scholarship, and College service. Their review shall consist of a review of the candidate's ad hoc committee report and the above-mentioned meeting with the ad hoc committee. The FRB and the Dean of the Faculty may consider any other information and reports the ad hoc committee reviewed.

The FRB and the Dean of the Faculty also have the authority to request outside review of a candidate's scholarly work as well as any other information it deems relevant, using procedures for obtaining information consistent with those required of the ad hoc committee. If any additional materials are sought or received by the FRB or by the Dean of the Faculty, such information shall be shared with both the FRB and the Dean so that the final determination made by the FRB and the Dean shall be based on the same body of information. Before the FRB and the Dean of the Faculty reach their final determination in the case, such materials shall be added to the file provided by the ad hoc committee, and the candidate shall be given the revised list of materials in his or her file. The candidate shall be given an appropriate opportunity to respond to any perceived deficiencies, other than those already presented to the candidate by the ad hoc committee, that are raised by these materials.

If the FRB and the Dean of the Faculty make a positive determination concerning a candidate's tenure, the Dean of the Faculty shall convey the positive recommendations to the President and the FRB shall convey findings in writing to the candidate.

If the FRB and the Dean of the Faculty make a negative determination concerning a candidate's tenure, the FRB's negative determination and the reasons for it shall be conveyed in writing by the Chair of the FRB to the Dean of the Faculty. The Dean shall then meet with the candidate to convey the FRB's written statement of its determination (and the reasons for it) and to inform the candidate of the opportunities for reconsideration and appeal.

If the FRB makes a negative determination concerning a candidate's tenure and the Dean does not concur with the determination, the Dean shall refrain from communicating her/his determination to the President until any process of reconsideration and/or appeal has been completed or until the time for requesting either has passed. The FRB's negative determination and the reasons for it shall be conveyed in writing by the Chair of the FRB to the Dean of the Faculty. The Dean shall then meet with the candidate to convey the FRB's written statement of its determination (and the reasons for it) and to inform the candidate of the opportunities for reconsideration and appeal.

In the event of a positive determination by the FRB followed by a negative determination by the Dean of the Faculty, the Dean shall meet with the candidate to convey the Dean's statement, written in consultation with the FRB, of her/his determination (and the reasons for it) and to inform the candidate of the opportunities for reconsideration and appeal.

In all cases the President shall make a decision on whether the candidate should be granted or denied the status of tenure. In the case of a negative determination by the FRB or the Dean of the Faculty, the President shall make no negative decision until any process of reconsideration and/or appeal has been completed or until the time for requesting either has passed. In all cases in which the President makes a positive decision, the President shall convey such decisions to the Board of Trustees. The Board's approval of tenure status and a tenure appointment shall be reconfirmed in writing by the Dean of the Faculty or the President and made part of the records of the College.

If the FRB or the Dean of the Faculty makes a negative determination concerning a candidate's tenure, and if the candidate in timely fashion decides to seek reconsideration by the FRB, and/or if the candidate in timely fashion files an appeal with the Faculty Appeals Committee (FAC), or if for any other reason the President does not make a decision on the case before the expiration of the existing contract, then the Dean of the Faculty at a time subsequent to the negative determination by the FRB or the Dean of the Faculty, but before the expiration of the candidate's contract, will give notice of termination to the candidate, and will offer the candidate a terminal one-year contract.

This notice will constitute legal notice of termination, but will not prejudice any reconsideration of the case by the FRB, any consideration of the case by the FAC, or any further consideration of the case pursuant to a recommendation to the president by the FAC, or any final decision in the case by the President.

Should the President, subsequent to such notice, make a positive decision on the case, and should his recommendation for tenure be approved by the Board of Trustees, the candidate will be offered a new contract superseding the terminal contract offered by the Dean of the Faculty.

V. RECONSIDERATION AND APPEALS OF NEGATIVE DETERMINATIONS ON PRE-TENURE CONTRACT RENEWALS AND TENURE

(1999/2000)

A. Procedure for Reconsideration

A faculty member may request that a determination of the Faculty Review Board (FRB) be reconsidered by the FRB on the basis of a review of procedure or a claim that information relevant to the determination was not considered by the ad hoc committee, the Reappointment Review committee, or the FRB. The request for reconsideration, together with supporting documentation, shall be directed to the Dean of the Faculty who will transmit it to the FRB. The FRB may reconsider the case upon review of the information submitted by the candidate to the FRB. All requests for reconsideration and supporting documentation concerning negative contract renewal and tenure determinations by the FRB must be initiated within fifteen (15) days of the candidate's notification of a negative determination.

A faculty member may request that a negative determination of the Dean of the Faculty following a positive recommendation by the FRB be reconsidered by the Dean of the Faculty on the basis of a review of procedure or a claim that information relevant to the determination was not considered by the ad hoc committee, the reappointment review committee, or the Dean of the Faculty. The request for reconsideration, together with supporting documentation, shall be directed to the Dean of the Faculty. The Dean of the Faculty may reconsider the case upon review of the information submitted by the candidate to the Dean of the Faculty. All requests for reconsideration and supporting documentation must be initiated within fifteen (15) days of the candidate’s notification of a negative determination.

B. Faculty Appeals Committee: Procedure

A faculty member may request the Faculty Appeals Committee (FAC) to review a negative determination of the FRB, or a negative determination by the Dean of the Faculty following a positive recommendation by the FRB by submitting a petition to the chair of the FAC. The grounds for an appeal is lack of “adequate consideration” by the FRB or by the Dean of the Faculty, as defined below.

Such a petition must be initiated within ten (10) days of the candidate's notification from the Dean of the Faculty of a negative determination by the FRB or the Dean of the Faculty, together with the reasons for that determination, unless the candidate decides to ask the FRB or the Dean of the Faculty for a reconsideration. If the candidate files a request for reconsideration, a petition to the FAC must be initiated within ten (10) days of 1) notification to the candidate by the Dean of the Faculty that the FRB has decided not to grant the request for reconsideration, together with the reasons for that decision; or 2) notification from the Dean of the Faculty that the FRB, upon reconsideration of the case, has rendered a negative determination, together with the reasons for that determination.

When the petition is received, the faculty member will be informed of the membership of the FAC (and their alternates) who will consider the petition. In the event the faculty member believes that there are valid reasons to replace a FAC member (a maximum of two members may be challenged), a written request to appoint the alternate(s) (setting forth the reasons) shall be made to the Chair of the FAC within five (5) working days of the receipt of the list. The Chair of the FAC at his/her discretion, is empowered to grant or deny the request(s).

In the event that the faculty member believes that there are valid reasons to replace the chair, any written request to appoint the alternate (setting forth reasons) shall be made (in the manner indicated above) to the person serving as the chair's alternate. The chair's alternate shall then convene a meeting which the members of the FAC other than the chair shall also attend. If two or more of the four regular members vote to grant the request, then it shall be granted.

In the case that the faculty member challenges both the chair and another member of the FAC, a written request to do so (setting forth reasons) shall be made (in the manner indicated above) to the person serving as the Chair's alternate. The Chair's alternate will first grant or deny the request regarding the challenged FAC member who is not the chair. When it has then been determined which four members other than the chair will sit on the appeal, these will then be convened by the chair's alternate to determine who shall serve as chair, according to the procedure set forth above.

After it has been determined who shall sit on the appeal, the FAC will notify the appellant of the membership, and of the appellant's right to submit any information he or she wishes to submit in support of the petition.

The FAC may at any time request any information from the appellant it deems relevant to the appeal. The FAC may set reasonable deadlines for the submission of all materials it requests from the appellant.

The function of the FAC in dealing with a petition is to decide whether the determination of the FRB or the Dean of the Faculty was the result of "adequate consideration" as defined below. In reaching this determination, the FAC will not substitute its judgment on the merits of the case for that of the FRB or the Dean of the Faculty.

If, during the course of the FAC's deliberations, questions arise concerning the interpretation of procedures as laid out in the Faculty Manual, the FAC should consult the Dean of the Faculty and the Chair of the Faculty Executive Committee. (May 2000)

The FAC shall normally interview the chair of the FRB and, at its discretion, any other member of the FRB. The FAC may, at its discretion, interview any other participant in the process. It shall have the right, at its discretion, to examine any materials reviewed by any participant in the process, and, with the permission of the Dean of the Faculty or the President, any other information deemed relevant to its investigations.

At the conclusion of the FAC's review (normally no more than six weeks after the candidate has been notified who is to serve on his or her appeal to the FAC), the FAC will submit to the President its findings and a determination either:

— That the determination of the FRB or the Dean of the Faculty was based on "adequate consideration," or
— That the determination of the FRB or the Dean of the Faculty was not based on "adequate consideration."

1. If the FAC determines that the decision was based on adequate consideration, the President shall notify the appellant of this determination, concurrently provide the appellant with a summary of the FAC's findings, and give the appellant the opportunity to submit to the President within ten (10) days of such notification a written response to the determination of the FRB and the findings of the FAC. After receipt of this response, or after expiration of ten (10) days if no response is made, the President will then make a final decision on the case.

   a. If the President accepts the FRB's negative determination on the case, the President shall notify the candidate and shall convey his decision to the Board of Trustees.

   b. If, in a reappointment review, the President decides that a candidate should be granted a pre-tenure contract renewal, he shall convey his decision to the Board of Trustees.

   c. If, in a tenure review, the President decides that a candidate should be granted the status of tenured, he shall convey his decision to the Board of Trustees, whose approval of tenure status shall be confirmed in writing by the Dean of the Faculty or the President, and made part of the records of the College.

2. If the FAC decides that the FRB or the Dean of the Faculty's determination was not based on "adequate consideration," it will include in its report to the President the respects in which it believes there was not "adequate consideration," and it will submit to the President a recommendation or set of recommendations for further consideration of the case before the President makes a final decision. (In no instance shall the FAC substitute its judgment for that of the FRB or the Dean of the Faculty on the merits of a case in making a recommendation or recommendations.)

   The President will notify the candidate of any recommendation(s) of the FAC for further action, and the candidate will be given ten (10) days to respond to these recommendations. After receipt of such a response, or after the expiration of ten (10) days if no response is made, the President will notify the candidate of his or her decision to accept, reject, or modify the recommendation(s) of the FAC, and what further action, if any, will take place. The recommendation(s) of the FAC will be advisory to the President and not binding on him or her.

   If, subsequently, further consideration of the merits of the case takes place by the FRB or by any other body before a final decision is made by the President, and if another negative determination

is made by the FRB, or by another body, reasons for this determination shall be given to the candidate in writing, and the candidate shall have ten (10) days to respond to these reasons in writing before the President makes a final decision in the case.

a. If the President makes a negative decision on the case, the President shall notify the candidate and shall convey his decision to the Board of Trustees.

b. If, in the case of a reappointment review, the President decides that a candidate should be granted a pre-tenure contract renewal, he shall convey his decision to the Board of Trustees.

c. If, in the case of a tenure review, the President decides that a candidate should be granted the status of tenured, he shall convey his decision to the Board of Trustees, whose approval of tenured status shall be confirmed in writing by the Dean of the Faculty or the President, and made part of the records of the College.

"Adequate consideration" is to be interpreted as procedural in nature and requires the FAC to ask the following questions:

— Were the normal procedures conscientiously followed in the case?
— Was the determination arrived at by application of the appropriate then-current College standards?
— Was all the pertinent information bearing on the performance of the candidate available to the FRB, and was there a conscientious attempt by the FRB to examine it?
— Was the determination a bona fide exercise of professional academic judgment?

The FAC may also consider any other procedural matter it deems relevant to the case under the circumstances.

VI. PROCEDURES FOR THE REVIEW OF VISITING FACULTY AND LECTURERS

(Effective April 2, 2009)

A. Purpose for the Review

The Faculty Review Board believes that it is the responsibility of the College and the Faculty to encourage excellence regardless of the rank or possible tenure status of a faculty member. All faculty members who enjoy continued employment at the College should be periodically reviewed in order to meet our obligations to the students as well as to assist the professional development of the faculty member being reviewed. Systematic and formal communication regarding a faculty member's performance is necessary in order that faculty development can take place.

B. Review Procedures

1. Review of Visiting Faculty

All visiting faculty who have an appointment to a second year will receive the same developmental review that is given to tenure-track faculty at the end of the first year at the College. This review will consist of a report by the Chair of the Department to the Dean of the Faculty. The faculty member will receive a copy. The review will consist of:

— An examination of the Course Evaluation Forms including a summary and analysis of student comments and numerical data.
— A discussion of syllabi, assignments, and other teaching material.
— A report on any classroom visits made by the chair.
— A review of any information provided by the faculty member on his or her research.

Any visiting faculty member who is a candidate for a contract that extends his or her appointment beyond a third year at Union will have a formal review of his or her performance since the beginning of his or her initial contract. The review should be completed by the department chair, in consultation with the tenure-track members of the department, and submitted to the FRB. It should include:

— An examination of the Course Evaluation Forms including a summary and analysis of student comments and numerical data, an examination of course material, and a report on any classroom visits.
— A review of written work and evaluation of scholarship potential.
— Evaluation of departmental and college service.
— Evaluation of the faculty member's ability to fulfill departmental needs.
— A cover letter signed by each tenure-track member of the candidate’s department, indicating each member’s agreement or disagreement with the department chair’s request to extend the candidate’s appointment. Junior members may choose to not sign the cover letter if they wish.

The candidate must receive a copy of the final report (without any confidential material such as the signed cover letter) at least one week before it is submitted to the FRB. The candidate then has the option to attach written comments to the final report which will be forwarded to the FRB.

The FRB will be asked to determine whether or not the candidate's performance meets then-current college standards for extending a visitor's appointment. Visiting faculty are not eligible for tenure and therefore should not be held to the same evaluation standards that apply to those undergoing a tenure review. Teaching effectiveness should be the primary focus of this review, with secondary weight given to scholarship and lesser weight to service. Visitors who wish to gain an understanding of College-wide standards for tenure-track faculty are welcome to consult the Chair of the FRB or the Dean of Academic Departments.

If the need to appoint a visitor beyond the third year arises unexpectedly, and a formal review has not previously taken place, it must be undertaken according to the procedures designated above before the appointment is made.

If a visiting faculty member applies for another position within the College for which a search has been undertaken and a formal review has not previously taken place, the material specified in the review procedures for contracts extending beyond the third year will be collected by the department chair and made available to the search committee, the members of the department, and the Dean of the Faculty prior to consideration of the candidate.

2. Review of Lecturers (effective April 2006)

Appointments for the position of Lecturer that are made subsequent to the initial contract require a clear demonstration of teaching excellence. A review of a lecturer is required before any contract subsequent to the initial contract can be offered, and will consist of a report by the Chair of the Department, written in consultation with the tenure-track members of the department, to the Dean of Academic Departments. The review will consist of:

— An examination of the Course Evaluation Forms including a summary and analysis of students' comments and numerical data, an examination of course material, and a report on any classroom visits.
— An evaluation of assigned co-curricular duties.
— An evaluation of departmental and college service.
— An evaluation of the faculty member's ability to fulfill departmental needs.
— A cover letter signed by each tenure-track member of the candidate's department, indicating each member's agreement or disagreement with the department chair's recommendation to extend the candidate's appointment. Junior faculty members may choose not to sign the cover letter if they wish.

Any Lecturer receiving a contract that extends service at Union beyond three years must undergo a review by the FRB. The FRB will receive the Department Chair's review, along with copies of

course evaluations. The FRB will be asked to determine whether or not the Lecturer's teaching and service meets then-current college standards for lecturer reappointment. Scholarship is not part of a lecturer's job description and hence is not considered in the review. The Lecturer or Senior Lecturer must be reviewed every three years thereafter, assuming continued employment at the College. A successful review is necessary but not sufficient for reappointment to a subsequent contract.

VII. PROFESSIONAL LIBRARIAN APPOINTMENTS

The 1992-93 review of librarians' status at Union College resulted in substantive changes to then-current policies regarding librarian status. The status of then-current senior tenured library faculty and junior library faculty who elected to continue in the tenure-track system remains the same as it had been prior to this review. However, the status of librarians holding administrative contracts, those junior faculty who elected to become part of the new system, and all newly hired-librarians is changed to conform with policies and procedures developed as a result of this review. These changes were effective May 14, 1993.

All librarians, both those who elected to continue in the tenure-track system and those governed by the new professional librarian system are members of the General Faculty as described in the May 1991 Union College Faculty Manual, including subsequent amendments to that document. However, those librarians who are covered by the new policies and procedures are considered members of the General Faculty without tenure-track status. They retain faculty voting privileges; eligibility for appointment to committees except those related to review of tenure-track faculty; opportunity for paid professional development leaves; access to travel, research, and development funds; and access to appropriate existing campus grievance procedures. Vacation, health, retirement, insurance and other benefits will be the same as for tenure-track library faculty. Ratings for merit increases will be determined on a triennial basis. Merit raises along with other salary increases, as determined by the College administration, are paid annually. In place of tenure-track status, there will be renewable contracts of employment, promotion evaluation procedures/criteria and discharge procedures which have been designed and implemented to meet the specific goals of professional library service. (See Appendix VI to this document for details regarding much of the above.)

Union College professional librarians are expected to hold a graduate library degree or other appropriate professional credential. They are appointed by the Dean of the Faculty and are responsible to the Director of Schaffer Library who in turn reports to the Dean. Librarian ranks for those covered by the revised system are Assistant Librarian I, Assistant Librarian II, Associate Librarian, and Librarian. As described in Appendix VI of the Faculty Manual, the personnel system for those with professional librarian appointments includes specification of criteria procedures and other provisions related to initial appointments, renewal of appointments, promotion, and merit reviews. Although criteria, procedures and other provisions differ from those governing librarians with faculty appointments, they are designed to constitute a personnel system parallel to that relating to those with faculty appointments.

All who have professional librarian appointments are entitled to academic freedom in the performance of their duties, including full freedom in research and in the publication of the results, subject to the adequate performance of other duties. In instructing students, those with professional librarian appointments are entitled to freedom of discussion but should be careful not to introduce into instruction controversial matter which has no relation to the subject of instruction or which creates an intimidating, hostile, or demeaning educational environment. When speaking or writing as a citizen, those with professional librarian appointments should be free from institutional censorship or

discipline, but the association with the College imposes special obligations. It should be remembered that the public may judge the faculty and the institution by the utterances of its members.

The College may terminate professional librarian appointments "for cause." As used in this document, "for cause" means:

— A librarian's "failure or refusal to perform" substantially all the duties required of him/her as established by the annual work plan and its related guidelines;
— A librarian's inability, due to mental or physical incapacity, to perform his or her essential job duties; or
— A librarian's "breach" of a term or condition of the policies and/or guidelines for the professional librarian.

In case of potential termination, the Director of Schaffer Library would confer with the librarian whose performance is in question, the immediate supervisor, and the Dean of the Faculty. The librarian would be notified in writing of his/her performance problem or problems and given specific directions for improving the alleged performance deficiency or efficiencies or for correcting the alleged breach. If after 30 days from written notification the librarian has not corrected the problem to the Director's satisfaction, the College may terminate the librarian "for cause."

VIII. LEAVES RELATED TO PROFESSIONAL DEVELOPMENT

Refer to Section I-IV for leaves related to personal reasons.

A. Sabbatical Leaves

Faculty members holding tenure-track appointments are eligible to apply for a sabbatical leave. The primary purpose of a sabbatical is to improve the faculty member's competence as a teacher-scholar at Union by involvement in activities which are normally unavailable in the regular teaching year. The activity should be chosen to provide professional growth of the individual such as by participating in a more advanced and broader scope of research; developing one's capabilities in an allied or interdisciplinary area; or engaging in a plan of study aimed at initiating a program of new research. Any teaching or consulting to be done on sabbatical must be demonstrably part of the overall plan of professional growth.

The application for sabbatical leave should provide (a) a full and clear explanation of the plan of study during leave and (b) report on the arrangements made or pending for the carrying out of that study. It should be reviewed and approved by the chair of the applicant's department and then transmitted, with a letter indicating the chair's approval, to the Dean of the Faculty. The Faculty Review Board examines the application and recommends for or against to the President who transmits recommended applications to the Board of Trustees. Since the Board must make its decision in time for a replacement, if one is needed to be engaged, faculty members should submit their applications no later than January first preceding the academic year in which the leave is to be taken.

Upon return from a sabbatical leave of absence, the faculty member is expected to submit a report of activities during the sabbatical leave to the Dean of the Faculty with whom it must be filed as part of the permanent dossier. Such a report must be filed during the year immediately following the sabbatical. A faculty member may not be considered for a sabbatical leave if the report for the previous sabbatical has not been filed.

Although treatment of claims is reported to have lacked uniformity, Revenue Ruling No. 64-176 provides in general that the expenses of a teacher for sabbatical leave travel will be deductible as ordinary and necessary business expenses only if, and to the extent that, the travel is directly related to the duties of the teacher. Anyone planning travel for the purpose of sabbatical study should obtain a copy of the ruling and confer with a local Internal Revenue official in advance of filing a claim.

1. Tenure-track junior faculty

Junior faculty may apply for a half-year sabbatical with full pay or a full-year sabbatical at half pay. This sabbatical does not affect the first sabbatical as a tenured faculty member which occurs in the seventh year, just after the completion of a successful tenure review or, if the tenure review occurs before the sixth year, during the seventh year of employment in a tenure-track position at the college. (Approved by the Board of Trustees January 13, 1993)

In special circumstances, a junior faculty member may be able to combine one of the above sabbatical leaves with an unpaid leave of absence to enable participation in a year-long research program.

2. Regular tenured faculty (amended effective May 10, 2005)

Tenured members of the faculty are entitled to apply in writing for a sabbatical leave equivalent to one-half of a normal load for the academic year on full salary or a full year on half salary, to be taken during their seventh year of teaching on the Union faculty after six years of full-time teaching, or the equivalent, following a tenure decision or a previous sabbatical leave. Alternatively, one may apply for a one-term (2 course) sabbatical leave on full salary after three years of full-time teaching, or the equivalent, following a tenure decision or a previous sabbatical leave. The sabbatical clock will normally restart with the year following the year of the leave.

Chairs of departments try to work out a rotating schedule of sabbaticals, so that no department will be severely handicapped during any particular year by the absence of faculty members on sabbatical leave. Normally the department chair will only replace a faculty member on a one-term leave if absolutely necessary and, in that case, only with adjuncts. Since the purpose of a sabbatical leave is to improve the faculty member's competence as a teacher-scholar at Union, the College expects that anyone granted sabbatical leave will return to teach here for at least one year after termination of the leave.

The College recognizes that, on occasion, circumstances may force a faculty member to change plans after they have been approved. In such situations the faculty member shall notify the Dean of the Faculty and obtain approval for the changed plans. The Dean may consult the FRB before approving such a change in plans. Time spent on leaves of absence without salary normally does not count towards the six (or three in the alternate option outlined above) years of full-time teaching required for sabbatical leave. A faculty member may not apply for a sabbatical leave immediately following a leave of absence. Exceptions to this policy must be approved by the Dean of the Faculty in consultation with the FRB.

B. Leaves without Pay for Professional Development

A faculty member may request through the Dean of the Faculty a leave of absence without pay for not more than one year to pursue research that will enhance professional development. In general, a faculty member should request such a leave before January 1 for the following academic year so that the College may review its personnel needs. If leave is granted, the College assumes that the faculty member will return to Union College the year following the leave unless the faculty member notifies the College to the contrary before February 1 of the academic year on leave.

A leave of absence without pay normally does not count towards establishing eligibility for a sabbatical. Consideration of salary increases while a faculty member is on leave depends upon the extent to which the leave enhances his service to the College. The College wishes to remind the faculty that the Flexible Benefit Program covers faculty on leave only when they are engaged in full-

time study for an advanced degree or actively working in the field of education or pursuing research under a foundation or government grant. The Flexible Benefit Program may be continued, provided the individual pays the full cost. Reimbursement for the College's contribution portion will be made upon the resumption of teaching. The Core Benefit portion of the program will continue to be paid by the College. The College does not make any contribution to the pension plan while the faculty member is on leave. Faculty going on leave who have children in college and are receiving financial assistance from Union toward tuition costs elsewhere should inform the Dean of the Faculty's Office of their plans and, when they return to Union, apply retroactively for this fringe benefit for the year of the leave.

For those faculty on leave who remain in Schenectady, the College makes available office space, laboratory space, and other facilities (including services) so far as they are not needed for the normal operation of the College. Priority for such needs goes to faculty on active status. Requests should be forwarded by the department chair to the Dean of the Faculty's Office.

C. Leaves of Absence for Winners of Prestigious Grants

(Revised April 2009)

Faculty who win prestigious grants that contribute to their professional development and bring favorable notice to the College may apply to the Dean of the Faculty for salary and benefits, as outlined below. The Dean of Faculty will determine which grants are “prestigious grants”. Approval of all leaves of absence will continue to be at the discretion of the Board of Trustees upon recommendation of the President.

Salary

A faculty member may apply to the Dean of the Faculty for a salary supplement in order to maintain full or partial salary during the leave. More lead time will increase the likelihood that a salary supplement can be approved; ideally, the faculty member will apply for any supplement before the grant application is submitted. Approval of a salary supplement depends on the frequency with which the faculty member has received paid leaves, the ability of the faculty member’s department, associated programs, and the College to staff courses in the faculty member’s absence given financial resources, the amount of salary supplement requested, and the prestige of the grant. Adjustment of sabbatical schedule to delay the next sabbatical can ease the resource impact on the College of a salary supplement, thereby increasing the supplement’s feasibility. A faculty member who receives a salary supplement is obligated, as with sabbatical leaves, to file a report upon return with the Dean of the Faculty summarizing the leave and to return to the College for at least one year following the leave.

Benefits

A faculty member may apply to the Dean of the Faculty for continuation of all or specific College benefits during the leave. Eligible benefits include the Flexible Benefit Program, the Retirement Plan, Tuition Program, and other benefits provided to employees as per the eligibility requirements of the College. Approval is contingent on the same factors described in the salary section above, as well as on the feasibility of approving requests involving unusual circumstances. Faculty members

who apply for continued benefits will be responsible for their share of contribution while the College contributes its portion. If a faculty member were not to return to the College, he or she would be required to reimburse the College for its contribution. Faculty who are granted continuation of benefits are subject to all changes in benefits policy that occur while on leave.

IX. INDEMNIFICATION OF EMPLOYEES

(Sept. 9, 2004)

It is possible that an employee of the College may be a defendant to a claim or legal action as a result of his or her employment by the College. In such event, the employee shall be entitled to be reimbursed by the College for, and be indemnified against, all costs and expenses reasonably incurred by him or her in connection with the defense or reasonable settlement of such claim or action provided that the following conditions are satisfied:

The conduct that is the subject of the claim or action shall have occurred within the scope of the individual's employment.

1. The employee shall have been acting in good faith, without criminal or other willful misconduct (for example, conduct demonstrating a substantial disregard and/or intentional neglect of duties and obligations), and in the reasonable belief that his or her action was in the best interest of the College.

2. The employee shall give the College's legal officer prompt written notice of such claim or action.

3. The employee shall make no statement, oral or written, regarding the claim, action, or subject matter thereof without the prior written permission of the College.

4. The employee shall give the College the option to select legal counsel for defense of the claim or action and to otherwise control the proceeding; however, this does not preclude the employee from selecting personal counsel at his or her own expense.

5. Any settlement or compromise of the claim or action must have the prior written approval of the College.

Such reimbursement and indemnification is not available if the conduct giving rise to the claim or action occurred when the employee was providing services for which he or she was being compensated in whole or part by someone other than the College unless the program under which the services in question were being provided had been approved in writing by the College.

Reimbursement and indemnification shall not in other circumstances be available unless specifically so ordered by the Board of Trustees of the College in its sole discretion.

X. OUTSIDE WORK

Since the fundamental obligation of a faculty member is to the College, and since the College regards its contract as one for full-time employment, faculty members should receive permission in writing from their department head before agreeing to extra employment of any nature. The department head must notify the Dean of the Faculty. This provision also covers employment on an "extra-load" basis whether at Union College or elsewhere.

Before a part-time position at Union College is offered to a member of the faculty of another college, the head of the appropriate Union College department must have written clearance from the appropriate department head or dean of the other college.

A. Paid Consulting and Research

The fundamental obligation of the faculty member is to the College and the College regards its contract as one for full-time employment. Recognizing the value of faculty services to the larger community and the value of "work in the field" to faculty members, the College allows faculty members to spend not more than the equivalent of one day's time of each working week during the teaching year in consultancies and research for which outside remuneration is received. Faculty members engaged in "outside work," as defined above, are required to comply with the following procedures and guidelines:

1. Faculty members must receive permission in writing from their department head and the Dean of the Faculty or his/her designate before agreeing (in writing or otherwise) to consulting work and shall disclose to the College the nature of the activity, the organization for whom the work will be performed, and estimated days during the year to be spent performing the work.

2. By August 31 each year, all faculty members who have performed outside consulting or research for remuneration must report to the Dean of the Faculty the number of days spent in such activity during the preceding academic year.

3. The College expects that outside work will be such that it will contribute to a faculty member's professional development.

4. Outside work can not in any way interfere with the full and punctual fulfillment of a faculty member's teaching responsibilities and other responsibilities to the College (such as advising and committee service).

5. The equipment, supplies, or facilities of the College are not to be used in activities related to a faculty member's consulting or research which results in private gain unless the College receives full market value for such use from the faculty member or an entity for whom a faculty member is consulting or doing research. (A faculty member must have the approval of the Dean of the Faculty before using equipment, supplies, or facilities in outside consulting or research. He or

she must also clear with the Chief Financial Officer/Comptroller of the College any arrangement involving payments to the College or income to the faculty member.)

6. The College's name is not to be used other than to identify the consultant or researcher as an employee of the College.

7. Faculty members are required to report promptly for approval of the Dean of the Faculty or his/her designate all activities or situations that might conceivably involve a "conflict of interest" between outside consulting or research and faculty responsibilities to Union College.

   A "conflict of interest" may take various forms but arises when any member of the faculty is in a position to influence the College's decisions in a way that could lead to personal gain by a faculty member or a faculty member's close relative(s), or give improper advantage to others to the College's detriment.

XI. ACADEMIC FREEDOM

The faculty member is entitled to freedom in the classroom in discussing a subject, but should be careful not to introduce into his/her teaching controversial matter which has no relation to the subject at hand or which creates an intimidating, hostile, or demeaning educational environment.

The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties; but research for pecuniary return (contract research) must have written approval of the President of the College.

The college professor is a citizen, a member of a learned profession, and a member of the faculty of an educational institution. When speaking or writing as a citizen, a faculty member should be free from institutional censorship or discipline, but the association with the College imposes a special obligation. As a scholar and a member of the faculty, it should be remembered that the public may judge the profession and the institution by the utterances of its members. With regard to sanctions against a faculty member for extramural utterances, the controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Moreover, a final decision in the considerations of sanctions against a faculty member for extramural utterances should take into account the faculty member's entire record as a teacher and scholar.

XII. CONSENSUAL RELATIONSHIPS

Union College discourages in the strongest possible terms all sexual or romantic relationships between students and faculty. Such relationships violate the standards of common behavior of the teaching profession and the proper role of a faculty member, and are inconsistent with the mission of the College. Such relationships are more than private conduct; they affect the entire academic community that the professor and student share with other faculty and students. A faculty member in a supervisory, evaluative, advisory or other pedagogical role involving a student with whom he or she has had or is having a sexual or romantic relationship must make the relationship known to the Dean of the Faculty; the faculty member will immediately be removed from that role.

Sexual or romantic relationships with a student carry the risk of damaging the student's educational experience and the faculty member's career. In any liaison with a faculty member, voluntary consent by the student involved is considered suspect; mutual consent will not provide immunity if a complaint is brought by the student against the faculty member.

XIII. PROCEDURES FOR DISMISSAL AND SANCTIONS

In the effective college, a dismissal proceeding involving a faculty member on tenure, or one occurring during the term of an appointment, will be a rare exception, caused by individual human weakness and not by an unhealthful setting. When it does come, however, the college must be preserved during the process of resolving the trouble. The faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, the presidents and the governing boards must be willing to give due consideration to a faculty judgment favorable to the colleague.
Adapted from the "1958 Statement on Procedural Standards in Faculty Dismissal Proceedings," p. 11, AAUP Policy Documents and Reports. 9th ed.

A. Termination of Faculty Appointments

A faculty appointment with indefinite tenure will terminate only if and when one of the following circumstances occurs: (1) retirement; (2) resignation; (3) death; (4) commencement of an accepted superseding appointment (e.g., upon promotion from associate professor to professor, or upon entering on a permanent position at another institution); (5) dismissal for cause, upon one or more of the grounds stated in Dismissal for Cause and Other Sanctions and subject to compliance in good faith with the procedures specified there; (6) determination that the number of faculty members must be reduced as a result of good faith discontinuance or reduction in size of all or part of a program, department, or other segment of College operations; such discontinuance or reduction will be implemented only after consideration of the educational, economic, and other relevant aspects of the decision by the Academic Affairs Council and Planning and Priorities, and shall include the Board of Trustees' review; an effort will be made to ease any dislocation experienced by the faculty members involved.

A faculty appointment without indefinite tenure will terminate before the expiration of its term only if and when one of the circumstances stated in items (1) through (6) inclusive as listed above occurs: otherwise it will terminate upon the expiration of the term of appointment without reappointment or promotion.

Authority: Termination of appointment (other than by death or resignation) is made by the Board of Trustees acting upon a recommendation by the President.

B. Dismissal for Cause and Other Sanctions

1. Dismissal for Cause

A person holding a faculty appointment with or without indefinite tenure may be dismissed for cause from employment by the college only on one or more of the following grounds:

a. substantial and continuing neglect of duties;

b. demonstrable incompetence;

c. acts of moral turpitude or sexual harassment, or harassment based on age, color, disability, ethnicity or national origin, gender, race, religion, sexual orientation, or sex; (On "moral turpitude" the standard is not that the moral sensibilities of persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally. AAUP Policy Documents and Reports, 9th ed., "1940 Statement of Principles on Academic Freedom and Tenure, 1970 Interpretive Comments #9: p.7.)

d. egregious conduct that places the institution or members of the College community in substantial danger to life, welfare, or well-being; (See FM II on Academic Freedom)

e. persistent and willful violation of standards of faculty conduct; these standards are set forth in the preceding Statement of Ethics and the Consensual Relation Policy (FM II).

To consider whether to dismiss or otherwise discipline a faculty member for cause, the duly constituted senior members of the Faculty Review Board (as provided in the section entitled Faculty Review Board Procedure) must make a finding as to whether or not the action is justified and whether or not sufficient cause exists based on one or more of the grounds listed above, and these findings must have been arrived at by following in good faith the procedures prescribed in the section on Procedure detailed below. Regardless of whether or not the finding recommended dismissal or other disciplinary measures, these findings must be submitted to the President in a written report. If the recommended sanction is not dismissal, the President makes a decision; if the sanction is dismissal, the President informs the Board of Trustees for final action.

A dismissal becomes effective when notice of the final decision of the Board of Trustees is given to the dismissed faculty member by the President in writing by first-class mail to his or her last known home address. The dismissed faculty member shall continue to receive his or her salary, at the rate in effect immediately before the date of the decision of the Board of Trustees until the earliest of: (a) the end of the current term; (b) the commencement of other employment. If, however, the President upon the recommendation of the senior members of the Faculty Review Board finds that egregious conduct by the faculty member (as defined above) has been established, and the Board of Trustees concurs, the dismissed faculty member shall not be entitled to receive any salary after the dismissal has become effective.

Exception: The Harassment Policy requires an investigation and formal hearing of allegations of faculty conduct that, under the provisions of this section of this Policy, are grounds for dismissal for cause or other sanctions. The termination procedures specified in the Harassment Policy will be followed and not those in this Policy.

2. Sanctions

Sanctions other than dismissal may be imposed on a faculty member only on the same grounds listed in the above subsection on Dismissal for Cause, when it is determined the grounds for the charges are not of such a gravity or such a nature as to merit dismissal. Such sanctions may be imposed by the

President upon reviewing the findings of the senior members of the Faculty Review Board arrived at by following in good faith the procedures prescribed in the subsection of Procedure.

Sanctions that may be imposed in this manner include, but are not limited to: reduction in salary; embargo on the consideration of salary increases for a specified period of time; prohibition of proposing through the College some or all sponsored research or other grants for a specified period of time; censure; public apology to the college community.

When the very nature of the sanction requires disclosure (e.g., censure, public apology), the disclosure shall be made only to the extent strictly required. However, the fact that a sanction has been imposed, and the grounds therefore, documented by the report of the senior members of the Faculty Review Board, shall be made known to those directly participating in any appointment or tenure decision process for the sanctioned faculty member, and the nature and the gravity of the established charges leading to the sanction are a legitimate consideration in formulating recommendations regarding the appointment or tenure decision as well as in making the decision itself.

C. Procedure

1. Initiation and Inquiry

When the Dean of the Faculty becomes aware of facts giving rise to a violation that could result in a procedure aimed at dismissing a faculty member for cause or at imposing other sanctions on him or her, the Dean of the Faculty and/or the Dean's designated representative from the College community shall conduct an investigation and may consult with the faculty member about whom the complaint was made. If the result of such a conversation does not resolve the issue of the violation to the satisfaction of the Dean of the Faculty, the Dean of the Faculty (or a designated representative from the College community) may consult with the Chair and the Secretary of the Faculty Executive Committee and the Affirmative Action Officer. These three officers shall review the findings with the Dean (or the Dean's designated representative) and meet with the faculty member about whom the complaint was made. At the conclusion of the review, an attempt to resolve the matter to the satisfaction of the Dean of the Faculty will be sought.

If no resolution is achieved, the Dean of the Faculty will initiate the procedure by communicating to the faculty member in writing a summary statement of the grounds on which a dismissal for cause or the imposition of another sanction is sought, as well as the specific nature of the proposed sanction, and advising the faculty member of the procedure to be followed and of the options available to him or her.

2. Suspension

If evidence leading the Dean of the Faculty to initiate a procedure for the dismissal for cause of a faculty member appears to the Dean of the Faculty to involve egregious conduct as defined in the subsection of Dismissal for Cause, the Dean of the Faculty may, when initiating the procedure or at any later time during the procedure, suspend the faculty member with pay continued pending the

outcome of the final decision. The suspension shall become effective upon notification in writing to the faculty member. The senior members of the Faculty Review Board shall be informed of the suspension. The Dean of the Faculty may revoke a suspension at any time. If not revoked earlier, a suspension shall remain in effect until the final disposition of the initiated procedure.

3. Statement of Charges

If, after initial inquiry and consultation, the Dean of the Faculty has decided to continue the initiated procedure, he or she shall communicate to the faculty member in writing a statement of charges, which is a formal statement specifying: the grounds upon which dismissal for cause or the imposition of sanctions is sought; the particular charges made on those grounds; the proposed sanction(s) (dismissal for cause or another specific sanction); the detailed procedure to be followed; and the procedural rights accorded to the faculty member.

If the charges in a procedure for dismissal for cause involve egregious conduct, as defined in Dismissal for Cause, the statement of charges shall include a declaration to this effect, whether the Dean of the Faculty has, in consequence of these charges, suspended the faculty member or not.

The statement of charges shall, in particular, inform the faculty member that a hearing on the charges will be conducted by the senior members of the Faculty Review Board at a specified time and place. The time of the hearing shall be set no earlier than thirty days nor later than forty-five days after the communication of the statement of charges, unless the Chair of the Faculty Review Board arranges a reasonable extension of the latter time that is agreeable to the Dean of the Faculty and the faculty member.

No later than ten days before the date set for the hearing, the faculty member should respond in writing to the statement of charges, in order to answer the charges made there.

4. Faculty Review Board Procedure

The following procedures will be followed by the five senior members only of the Faculty Review Board. If a current senior member is unable to serve, the previous corresponding member of the Faculty Review Board (from the appropriate division or "at large") will act in his or her stead. If the faculty member under investigation is him or herself a member of the Faculty Review Board, he or she will step down and the previous corresponding member of the Faculty Review Board will act in his or her stead. If a faculty member wishes to recuse him or herself, he or she may consult with the Chair and the Secretary of the Faculty Executive Committee (FEC) who will determine if recusal is appropriate. If the faculty member under investigation wishes to ask a member of the Faculty Review Board to recuse him or herself, that faculty member will make the request to the Chair and Secretary of the FEC who will determine if the request is justified and the recusal appropriate. If a senior member of the Faculty Review Board is recused, the Dean of the Faculty shall appoint an appropriate, previously elected, senior member of the Faculty Review Board.

The Dean of the Faculty shall promptly provide the Faculty Review Board with the statement of charges and his/her report presenting the results of the Dean's investigation including but not limited to witness statements and the faculty member's response to the charges. The Board shall begin its examination of the case by considering these documents. The deliberation by the Faculty Review Board shall be based on the evidence submitted by the Dean of the Faculty and the faculty member. The evidence may include written documentation and oral testimony by witnesses presented either by the Dean of the Faculty or the faculty member.

The Faculty Review Board may have access to the College counsel to assist it in establishing the procedures for conducting the hearing. The hearing must be private. If any facts are in dispute, the testimony of witnesses and other evidence concerning the charges in the Dean of the Faculty's statement of charges shall be presented at the hearing.
The Dean of the Faculty or a College officer of the Dean's choice may attend the hearing in person, and the Dean may designate a representative from the College community to assist in developing the case. The Faculty Review Board, however, conducts the questioning of witnesses, and controls the course of the hearing.

The faculty member shall have the option of having a member of the College community present as an adviser. The role of the adviser will be limited to consulting with the accused in the course of the hearing. The adviser will not be permitted to represent (speak for, take the place of, etc.) the faculty member during the hearing, or question witnesses. The Faculty Review Board shall assist the faculty member, if necessary, in securing the attendance of witnesses at the hearing. The faculty member, as well as the Dean of the Faculty or the Dean's representative, shall have the right, within reasonable limits set by the Faculty Review Board, to question all witnesses testifying in support of charges. When a witness is unable to appear at the hearing, a sworn deposition, made in the presence of the faculty member and the Dean of the Faculty or the Dean's representative, who shall have the right to question the witness, may be admitted as evidence. All the evidence admitted shall be duly recorded, and a transcript of the hearing shall be prepared. The transcript shall include all documents submitted in the course of the hearing.

In the hearing of a charge of incompetence, the testimony shall include that of qualified faculty members from Union or other institutions of higher education selected by the Dean of the Faculty in consultation with the Faculty Review Board.

The Faculty Review Board shall not be bound by strict rules of legal evidence and may admit any evidence that is of probative value in resolving the issues involved. Every possible effort shall be made to obtain the most reliable evidence available. The findings of fact and the recommendation shall be based solely on the evidence that is presented at the hearing.

5. Faculty Review Board Recommendation

Following a hearing, the Faculty Review Board shall weigh the information and evidence and, after deliberation, shall prepare a reasoned statement of opinion that is a recommendation to the President in the form of a written report containing both the Faculty Review Board's findings and its

recommendations as to whether or not the sanction(s) is justified. This recommendation, together with information and evidence, shall be communicated to the President, and the faculty member. The President, after reading the report, shall form a decision and inform the Board of Trustees.

On each of the charges contained in the Dean of the Faculty's statement of charges, the Faculty Review Board shall decide (a) whether it finds that the charge is contained within one or more of the grounds listed in the Dismissal for Cause and Other Sanctions, and (b) whether it concurs in the Dean's finding that the charges have been arrived at by following in good faith the specified procedures (outlined in the section Initiation and Inquiry).

An affirmative opinion is reached if at least three of the five senior members of the Faculty Review Board agree that the charge is contained within one or more of the grounds listed in the Dismissal for Cause and Other Sanctions, and concur in the Dean's finding that the charges have been arrived at by following in good faith the specified procedures (outlined in the section Initiation and Inquiry).

If the Faculty Review Board concurs in the disposition proposed by the Dean of the Faculty, viz., dismissal for cause or some other specific sanction, it may decide to make a reasoned proposal of a sanction the same as, more severe, or less severe than that proposed by the Dean as it deems appropriate to the case.

6. The President's Decision

The President shall accept in whole, accept in part, or reject the finding and recommendations of the Faculty Review Board, and impose the proposed sanctions or impose the sanctions he or she deems appropriate. The President shall present his or her decision in writing, setting forth the grounds for said decision. If the Dean of the Faculty and the Faculty Review Board have proposed different sanctions or no sanctions, the President will impose whichever he or she considers more appropriate unless the sanction to be imposed is dismissal. In that case, the President will seek the approval of the Board of Trustees in accord with the provisions of Sanctions.

D. Appeal for Reconsideration

If dismissal or other severe sanction is recommended, the President will, on request of the faculty member, transmit to the Board of Trustees the transcript of the case. In addition, the faculty member is entitled to present a written argument to the Board of Trustees. The Board of Trustees' review will be based on the record of the hearing of the Faculty Review Board and the written argument of the faculty member, if it is presented. The decision of the President will either be sustained or the Board of Trustees may make a reasoned determination for a less severe sanction or exonerate the faculty member.

E. Communications and Notifications

All communications and notifications addressed to any person by the President or by the Faculty Review Board regarding or related to a procedure aimed at the dismissal for cause of, or the

imposition of other sanctions on, a faculty member shall be made in writing by first-class mail to the faculty member's last known home address.

F. Records

If the final disposition of the case is the imposition of a sanction other than dismissal for cause, the documents pertaining to the case including the statement of charges, the final Faculty Review Board Report, and the final decision shall be made part of the faculty member's personnel record.

Summary of the established charges shall be disclosed only to the extent strictly necessary. The availability of information on the imposition of a sanction to the persons directly involved in making recommendations on appointment and tenure decisions regarding sanctioned faculty members is provided for in Sanctions and Records.

If a public statement about a case is made by the faculty member concerned or by any other person while the proceedings are still in progress or after they are concluded, the President shall have the right to a public reply.

XIV. FACULTY RESIGNATIONS

In the event that a faculty member decides to resign, the following procedures should be observed:

— Resignation before May 1 to accept a position in the forthcoming academic year.
Unless a faculty member has been notified by December 15 that an appointment is terminal, the faculty member should not consider a position elsewhere without first informing the department head of an interest in another position. The College recognizes that a faculty member may well become aware of a teaching opportunity which represents a professional advancement which should be seriously considered, but it is a matter of courtesy to alert the department head to the possibility and to confer before accepting any firm offer. Acceptance of another position requires a release from an appointment at Union College and a formal letter of resignation addressed to the Dean of the Faculty who, after consultation with the President, will acknowledge the action taken

— Resignation after May 1 to accept a position in the forthcoming academic year.
Colleges, including Union, have generally accepted the understanding that after May 1 a faculty member should honor the contract for a coming academic year unless an emergency makes an exception reasonable. If a faculty member is approached by an irresistible opportunity, the department head and the Dean of the Faculty should immediately be notified and the dean or head of the other institution or agency should be requested to confer with the Dean at Union before any further negotiations occur. This procedure prevents any misunderstanding which might prejudice the future appointments of the faculty member. Acceptance of another position requires a release from an appointment at Union College and a formal letter of resignation addressed to the Dean of the Faculty who, after consultation with the President, will acknowledge the action taken.

XV. SALARY INCREASES AND MERIT AWARDS

A. Salary Increases

1. Procedures

a. Each faculty member submits an annual written report of professional activities over the past year to the department head and to the Dean of the Faculty.

b. Every faculty member is evaluated every third year by the department head. Each faculty member is evaluated on (1) the quality and effectiveness of teaching; (2) research, scholarly activities and publications; and (3) service, i.e., contributions to the department, the college and wider community. This evaluation is made available to the Faculty Review Board.

1) In evaluating the quality of an individual's teaching, the department head uses such criteria as:
   — the department's appraisals of the individual's course standards, syllabi, examinations, written exercises;
   — classroom visits by senior faculty;
   — the students' evaluations;
   — a written statement of goals and achievements by the instructor.

2) In evaluating the quality of research and scholarly activity, the department head shall use such criteria as:
   — the distinction of the individual's published and unpublished works;
   — the impact of research on teaching; and
   — evidence of increasing scholarly maturity.

3) In evaluating the collegial contribution of a faculty member, the department head shall consider, among other criteria:
   — participation in seminars, colloquia and scholarly discussions;
   — assistance given to colleagues in methodology, critiques, bibliographical recommendations, etc.;
   — participation on college and departmental committees.

c. Procedures for evaluation of the faculty for salary increases are developed by the Dean of the Faculty and the Faculty Review Board. Copies of these procedures are available through the Dean's office or from the Chair of the Faculty Review Board.

B. Procedure for Triennial Merit

1. One third of the faculty will be evaluated each year for triennial merit. The group of faculty evaluated will be determined by random assignment to a group that ensures the number of faculty in each group is the same.

2. The Chairs of the departments will review the annual merit evaluations for the previous three years and write a triennial merit evaluation.

3. The department chair and the faculty member will discuss the contents of the recommendation. Upon request, all of the background material used in arriving at the evaluation or recommendation will be made available to the faculty member.

4. If they are unable to agree on the recommendation, the faculty member may prepare a written statement, together with any appropriate supporting documents, setting forth the disagreement with respect to the evaluation or recommendation. That statement is submitted to the department head.

5. The department head's and the faculty member's respective reports and statements are forwarded to the chair of the FRB and the Dean of the Faculty.

6. The FRB will consider the chairs' merit recommendations and submit its recommendations to the Dean of the Faculty. The final decision about and responsibility for the triennial merit awards rests with the Dean of the Faculty.

XVI. CONTRACT RENEWALS

Renewal contracts following positive Presidential decisions in reappointment reviews normally shall be for three years unless financial exigency or the necessity to eliminate the teaching position in question arises. In these cases the contract will terminate at the end of either the first or second year, provided only that notification of termination be given to the incumbent no later than March 1st of the first academic year of service at Union or December 15th of the second academic year of service (or, if the appointment expires within the academic year, not later than six months before the date of expiration), or not later than twelve months before the date of termination for those who have held appointments at Union two or more years.

All contracts are subject to the right of the Trustees to terminate them summarily for malfeasance or non-feasance or other adequate cause, duly adjudicated.

XVII. PERSONAL RECORDS AT UNION COLLEGE

A. Student Records at Union College

The College strives to comply in good faith with the Family Educational Rights and Privacy Act (FERPA); please see the Union College Annual FERPA Disclosure Policy and Statement regarding Student Rights and Confidentiality found in the Student Handbook. In accordance with the College's statutory obligations and the College's policies only those members of the faculty or administration who, for purposes in keeping with the academic objectives of the institution, must refer to student records shall normally have access to the files in the Admissions Office, the Office of the Dean of Students, the Office of the Registrar, the Office of Student Aid, the Alumni Office, or the Career Planning and Placement Office.

Within these general guidelines, the College responds to inquiries from persons not authorized to inspect student records in the following manner:

— Requests for transcripts of the official academic record must originate with the student, or be released by the student.
— Requests by an accrediting agency evaluating the College are honored, with a reminder of the confidentiality of the material.
— Unless a student has signed a release form, the College will not accede to routine requests from federal and state agencies other than those conducting an approved accrediting or auditing visit, except in those cases simply involving an affirmation of a student's date and place of birth, attendance at Union, and status as a degree candidate or recipient of a degree.
— Inquiries concerning the financial position of a student addressed to either the Office of Student Aid or to the Finance Office will be answered only when it is clear that the inquiry came as a request for credit by the student or as a result of publicly-assumed obligations.

In keeping with these stipulations, the College exercises normal precautions in monitoring both its permanent and transient files on students. No records are maintained which reflect either the political activities or beliefs of students.

In those cases where the public media seek information about a student, the College volunteers no details. Faculty and administrators who may be approached should refer all such inquiries to the Director of Public Relations who, at his or her discretion, may answer relevant questions, although it is assumed that qualitative assessments of a student will rest solely on publicly known data within the purview of the College.

In any case not anticipated by these provisions, the College responds in a manner compatible with the best interests of both the student and the institution.

B. Requests from Outsiders for Faculty Records

Faculty and administrators who receive inquiries from outside the College regarding faculty records, especially those from the FBI, CIA, and similar agencies, should refer the inquiry to the President or Dean of the Faculty. Members of the faculty who wish the College to provide references for any purpose should send a statement permitting the President or Dean of the Faculty to comply with the request.

XVIII. STATEMENT OF ANTIDISCRIMINATION POLICY

Union College will not discriminate in the recruitment or selection of faculty and employees, or in any other area of employment, on the basis of age, sex, race, national origin, religious belief, disability, or sexual orientation. In this regard, opportunities for advancement will be made available without bias. Also in this regard, the College, subject to state and federal laws, supports efforts to attract and retain fully qualified women and other minority group members for faculty and other positions. Union College will comply with the letter and intent of all State and Federal laws and applicable orders pursuant to Equal Employment Opportunity and Affirmative Action.

Grievance procedures are established to bring prompt attention to instances of alleged discrimination that arise among employees of the College. Union College hopes that accessibility and fairness inherent in these procedures will encourage all employees to use internal avenues to address problems. These procedures apply to alleged discrimination in employment based on sex, race, color, national origin, religious belief, disability, age, or sexual orientation. Grievances of faculty related to promotion, reappointment review, contract renewal, or tenure review are referred to the Faculty Review Board. Grievances concerning tenure reviews and reappointment reviews also are the province of the Faculty Appeals Committee.

XIX. COLLEGE POLICY PROHIBITING HARASSMENT

(March 1992 - revised June 1994, Sept. 2001, Feb. 2003, March 2004, and March 2006)

A. Purpose and Definition

Union College's Harassment Policy prohibits any form of unlawful harassment, by any member or group of the community, including harassment that creates a hostile environment against any employee or student because of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability (including AIDS), age, marital status, sexual orientation, gender identity and expression, status as a veteran, or any other protected category under applicable local, state, or federal law such as opposing discrimination or participating in any complaint process at the Equal Employment Opportunity Commission or other human rights agencies. A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent or pervasive so as to interfere significantly with an individual's work or education or affect adversely an individual's living conditions.

Union College is also committed to the free and vigorous discussion of ideas and issues, which the College believes will be protected by this policy. This policy is intended to complement Union College's Equal Opportunity Policy. Union College is committed to protecting the academic freedom and freedom of expression of all members of the College community. This policy against harassment shall be applied in a manner that protects the academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, however controversial, in the classroom, residence hall, and in keeping with different responsibilities, in workplaces elsewhere in the College community.

The Harassment Policy applies to all persons who are enrolled or employed at Union College while they are on College property or are participating in a College-sponsored activity off-campus. The Procedures for Resolution of Claims of Harassment, described below, apply to situations in which both complainant and respondent are enrolled or employed at Union College.

Situations which involve others, including applicants for admission or employment who believe they have been harassed by employees of Union College and employees of Union College who believe they have been harassed by contractors or vendors serving the College, will be resolved through procedures for complaints of discrimination. Persons who believe they have experienced these situations should contact the Director of Affirmative Action.

Union College has established informal and formal harassment grievance procedures that can be found in the Student Handbook, Faculty Manual, Administrators Manual or Staff Manual. Union College has also established a dispute resolution process for other forms of work related problems which can be found in the Faculty Manual, Administrators manual, or Staff Manual.

Supervisors, Department Chairs, Deans, Faculty members, and individuals holding similar positions at Union College with knowledge of situations in which harassment may exist shall take appropriate steps to deal with the matter according to College policy and procedures.

Once there is knowledge of harassing behavior, the College is effectively on notice. If, after consultation with the Director of Affirmative Action, the complainant does not wish to pursue the complaint further, the College may still need to respond by taking reasonable appropriate action, including conducting an investigation.

The Harassment Policy and the procedures for resolution of claims of harassment are only part of Union College's effort to prevent harassment in our community. In addition to spelling out steps for making and resolving complaints, the College will also endeavor to provide programs to raise the level of understanding concerning the nature of harassment and ways to prevent its occurrence.

B. Definition of Sexual Harassment

Sexual harassment is unwanted and repeated sexual, abusive, or lewd language and/or suggestive jokes of a sexual nature; demands for sexual favors in exchange for other considerations; unwanted and constant physical or verbal pursuit with a sexual theme; leering, suggestive, or insulting sounds and gestures; unwanted touching, brushing, patting, pinching, or attention to one's body; threats of, or deliberate, sexual assault or molestation. Sexual harassment is also considered when:

— Conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
— Submission to or rejection of such conduct by an individual is used as the basis for affecting decisions about that individual's academic or employment future or for affecting participation in a College activity; or
— Such conduct has the purpose or effect of interfering with an individual's academic or professional performance or creating an intimidating hostile or demeaning employment or education environment.

C. Determination of Harassment

The conduct alleged to constitute harassment under this Policy shall be evaluated from the perspective of a reasonable person, considering all the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior in question.

In considering a complaint under the Union College Harassment Policy, the following understandings shall apply:

— Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities.
— Instructional responsibilities require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

D. Additional Behavior Prohibited by the Policy

The following behaviors are also prohibited by the Policy:

— Reprisals Against Complainant: It is a violation of Union College's Harassment policy to retaliate against a complainant for filing a charge of harassment. A complaint of retaliation may be pursued using the steps followed for a complaint of harassment.
— Reprisals Against Respondent: Lodging a complaint of harassment is not proof of prohibited conduct. A complaint shall not be taken into account during reappointment, tenure, promotion, merit, or other evaluation or review until a final determination has been made that the College's Harassment Policy has been violated.
— Knowingly filing false or malicious complaints: Knowingly filing a false or malicious complaint of harassment or of retaliation is a violation of the Harassment Policy. Such conduct may be pursued using the steps followed for a complaint of harassment. A complaint under this provision shall not constitute prohibited retaliation.
— Intentional breaches of confidence: All participants in the harassment complaint resolution process, including the complainant and respondent, witnesses, advisors, mediators, members of hearing panels, and officers, shall respect the confidentiality of the proceedings. Breaches of confidentiality jeopardize the conditions necessary to the workings of internal procedures for resolution of claims of harassment.

Participants are authorized to discuss the case only with those persons who have a genuine need to know. A complaint alleging an intentional breach of confidentiality may be pursued using the steps followed for a complaint of harassment. Such a breach may also constitute an act of retaliation. A breach of confidentiality may void the outcome of any previously agreed-upon resolution to a complaint.

E. Procedures for Dealing with Cases of Harassment

Members of the Union College community who feel they have been harassed may speak with the Director of Affirmative Action who is prepared to provide support and information. In addition, employees may seek help from their own supervisor or department head. If an employee feels uncomfortable going alone to one of the designated persons for help, she/he can bring a friend along for support. Whether or not a person consults with a College official, he or she will have the option of bringing the complaint under the informal or formal grievance procedures.

Union College hopes that accessibility and fairness inherent in these procedures will encourage all employees and students to use each step outlined in the Informal and Formal Grievance Procedures prior to instituting any proceeding regarding the subject matter of the grievance in any State or Federal court or agency.

The grievance procedure is provided for the internal resolution of differences and is not a legal forum. Those wishing to use legal counsel in the search for redress should do so within a judicial system.

Pursuit of the College's grievance procedure shall not be construed as the waiver of any right which would be provided under the jurisdiction of outside agencies, including courts of law. However, the filing of a grievance does not postpone any deadlines for filing of complaints with outside agencies.

F. Informal Discussion Stage of Grievance Resolution with the Director of Affirmative Action

The goals of the informal discussion stage are to discuss specific information about the incident(s) and allow the employee to explain the issues. The College official would be either the employee's supervisor and/or the Director of Affirmative Action.

Included in this discussion will be an exploration of options and a consideration of steps the employee may follow based upon advice from the College official to resolve the problem. The final determination as to which steps are taken will normally be determined by the complainant.

G. Informal Intervention and Mediation

Informal Intervention: The complainant should bring the problem to the attention of the Director of Affirmative Action (hereinafter referred to as the "Director") who will provide assistance in resolving the matter including acting as an intermediary for the complainant in bringing the nature of the complaint to the attention of the person against whom the complaint is made, in an attempt to resolve the problem to the satisfaction of all parties without publicity.

The Director need not come to a conclusion about whether harassment has or has not taken place but should take reasonable steps to prevent harassment or reprisal in the future. Examples of problem solving solutions that might come about through informal intervention are agreement by the accused to change his or her behavior or agreement by the accused to cease all social contact with the complainant.

Mediation: The complainant may bring the problem to the attention of a College appointed mediator (assigned by the Director). Within approximately seven (7) days of his or her involvement, the mediator shall schedule a meeting with each party, together or separately, to attempt to negotiate a settlement of the complaint.

— A settlement shall occur when the parties agree in writing to a resolution of the complaint. A resolution may include, but is not limited to, an agreement by accused not to repeat specific conduct or an apology or participation in counseling.
— If there is a sanction agreed to as part of the resolution of the complaint, the Vice President for Academic Affairs must also agree to the settlement in writing.
— A settlement need not imply an admission of culpability on the part of the accused.
— In order to participate in Mediation, the parties must state that they will not ask for the mediator's notes or request the mediator to appear in any subsequent formal complaint process.
— If necessary and appropriately based on the circumstances surrounding the complaint as determined by the Director, action may be deferred no longer than one (1) year after the most

recent conduct alleged to constitute harassment or until which time the complainant is no longer in a direct relationship with the person against whom the complaint is made (whichever is shorter).

Once any College official with authority to institute corrective action has knowledge of a harassment complaint, the College is effectively on notice. If, after consultation with the Director, the complainant does not wish to pursue the complaint further, the College must still respond by taking reasonable appropriate action.

H. Initiation of Formal Grievance Procedures

For a formal resolution of a complaint of harassment, the case will be referred to the appropriate College judicial system. All complaints of harassment should be filed with the Director as soon after the offending conduct as possible, but in no event, more than one (1) year after the most recent conduct alleged to constitute harassment. The Director may grant a reasonable extension of any other time period established in the Policy; however, the one-year limit for filing a complaint shall not be extended. The one-year "statute of limitations" on filing a complaint is intended to encourage complainants to come forward as soon as possible after the offending conduct and to protect respondents against complaints that are too old to be effectively investigated. There may, however, be sound reasons why a complainant does not come forward within a one-year period. Although such a complaint cannot be pursued under the Formal Complaint procedures, there may still be options for responding to such complaints through counseling or Informal Intervention. If sufficient evidence is available, an investigation can be undertaken by appropriate authorities to determine if the behavior constitutes misconduct sanctionable under other judicial processes. The Guidelines for pursuing these complaints are found in the Student Handbook for complaints against students (see Regulations Governing Conduct), Faculty Manual for complaints against faculty members, and Staff Manual for complaints against staff members. If found responsible through a College judicial process, offenders will be held responsible and will incur a sanction which may range from a Warning to Expulsion or Termination of Employment, depending on the severity of the offence.

A formal grievance proceeding shall be initiated by the complainant (hereafter referred to as the petitioner) by submitting a written request for a hearing to the Vice President for Academic Affairs in accordance with the timelines outlined above.

The request shall be accompanied by a written, sworn and notarized statement setting forth the facts giving rise to the complaint. The request and statement shall be prepared by the petitioner. The petitioner may receive assistance in preparing the statement from a person from the College (member of the faculty, staff, or student) other than a member of the staff who has been involved with the petitioner's case. A copy of the request and the statement shall be provided the accused (hereafter referred to as the respondent) by the Vice President for Academic Affairs. The statement shall be sufficiently detailed to fairly enable the respondent to respond to the allegations.

Within two (2) weeks of receipt of the statement, the respondent shall submit a written response to the Vice President for Academic Affairs. The respondent may receive assistance in preparing the

response from a person from the College (member of the faculty, staff, or student) other than a member of the staff who has been involved with the petitioner's case or a person who is involved with the formal grievance procedure. The answer shall respond to the substance of the statement. If the respondent fails to answer, the Vice President for Academic Affairs may proceed with making a decision without it.

The Vice President for Academic Affairs determines whether or not to grant the request for a formal grievance hearing based upon a review of the formal complaint, the response, and factors including but not limited to whether there are any witnesses to the event or events, the time that elapsed between one event or events and the request for the formal grievance, the willingness of complainant to participant in the formal grievance process, the availability of the witnesses, and any other relevant factor deemed appropriate. The Vice President for Academic Affairs will make the determination within a reasonable period of time from the submission of the written statement. If the Vice President for Academic Affairs grants the request, the Vice President will appoint a Harassment Grievance Committee which will normally consist of two faculty members, two administrators, two staff members, and two alternates. If the grievance involved a student-faculty member complaint, the Vice President for Academic Affairs shall also appoint two students and one student alternate to the Grievance Committee. The list of Grievance Committee members and the names of the alternates shall be provided to the petitioner and the respondent. In the event the petitioner and/or the respondent believes that there are valid reasons to replace a Committee member, a request to appoint an alternate (setting forth the reasons) shall be made to the Chairperson within five days of receipt of the list. The Chairperson, at his/her sole discretion, is empowered to grant or deny the request. The Director will sit on the Grievance Committee as an advisor. Copies of the complaint and response shall be made available to the Grievance Committee members and to the petitioner. The Grievance Committee may request additional information from the petitioner, respondent, and any other party.

The Grievance Committee shall set a date and place for the hearing allowing the parties a reasonable time to prepare their cases, normally not to exceed two weeks. The petitioner and/or respondent may receive assistance in preparing and presenting the case from a person from the College (a member of the faculty, staff, or a student) other than a person who has been involved with the petitioner's case or who may become involved with the formal grievance procedure. If the petitioner or respondent intends to call a witness or witnesses at the hearing, the name(s) or the witness(es) shall be provided to the Grievance Committee and the other party.

The Grievance Committee may proceed independently to secure information for the hearing.

I. Hearings before the Committee

The hearing before the Committee shall be private. The participants shall include the committee members, petitioner, respondent, Director, as an advisor, and any necessary witnesses (only while they are testifying). In addition, one supporting person from the College (a member of the faculty, staff or a student) may be chosen by the petitioner and respondent to attend the hearing. No person outside the College shall be allowed to attend the hearing except as a witness to give testimony.

The parties or their representatives and Committee members shall have the right, within reasonable limits set by the Chairperson, to question witnesses who testify orally. A witness who is unable to attend the hearing may make a written, sworn, and notarized statement which may, at the discretion of the Chairperson, be introduced and read at the hearing provided it is demonstrated in advance, by the party intending to use the witness' statement, that justifiable grounds exist for the witness' nonattendance. The statement, if allowed to be introduced, shall be disclosed to the other party sufficiently in advance of the hearing to permit the other party to contact the witness and prepare for an appropriate rebuttal at the hearing. The Committee is not required to follow the judicial rules of evidence.

J. Consideration of the Case by the Committee

After hearing the evidence, the Committee may request or accept written arguments from the parties and defer ruling on the case until such written arguments have been reviewed.

The Committee shall deliberate in closed session.

The Committee shall make a finding about the grievance in good faith in accordance with the specified procedure, which shall be forwarded in writing to the Vice President for Academic Affairs. The Vice President for Academic Affairs shall review the finding and either affirm or reject the finding or send the matter back to the Committee for further evaluation.

If the finding is affirmed by the Vice President for Academic Affairs, a complete record will be kept of the incident and the action taken and the following documentation will be made a part of the employee's Personnel File at the College: a copy of the sworn complaint; the findings (recommendation) of the Committee; and the written decision of the Vice President for Academic Affairs. Action will be conveyed to the Director and Human Resources.

The Vice President for Academic Affairs shall take appropriate action which may take the form of one or more of the following: counseling, close management supervision, reprimand, suspension, or dismissal.

If the Vice President for Academic Affairs rejects the finding of the Grievance Committee, a complete record will be kept stating the outcome of the proceedings and will be made part of the Harassment Central File. This file is immune from anyone's having access to its contents other than the Affirmative Action Officer and the College Attorneys.

The petitioner shall have the option to decide whether the following documentation shall be placed in his/her Personnel File: a copy of the sworn complaint; the findings (recommendations) of the Committee; and the written decision of the President.

College officials with access to Personnel Files and their contents would not be authorized to disclose the contents of the files without written approval/release from the employee to do so.

XX. DISPUTE RESOLUTION

(Effective Oct. 2006)

A. General Problem Resolution Process

To foster and promote the best possible employer and employee relationship, there is a procedure available to you for review of work-environment related issues falling outside the purview of existing administrative policies governing allegations of unlawful harassment, sexual harassment, or discrimination. It is usually in the best interest of both the College and the employee to resolve problems as soon as possible at the lowest possible administrative level. In order that employees may be assured fairness in the consideration of such problem(s), this process of appeal and review, without prejudice, to higher levels of authority has been established. The process is available only to employees. Non-College employees may not attend any of the meetings. An employee may have another College employee accompany or represent him or her at the meetings.

The dispute resolution process does not apply to issues concerning compensation and matters that are beyond the control or the jurisdiction of the College. Allegations of unlawful harassment, sexual harassment or discrimination should be referred to the Affirmative Action Office.

Employee complaints or problems should be addressed in the following manner. You may confer with Human Resources at any point during the resolution process.

The employee should first attempt to resolve the issue informally by discussing it with his or her Department Chair. Satisfactory resolution can usually be achieved at this level.

If the matter is not resolved to the employee's satisfaction informally, the employee should meet with the responsible Dean. The employee should write up or be prepared to speak about:
— the specific complaint
— the facts related to the complaint and any other helpful information
— the remedy or resolution sought

The Dean will consider and evaluate the information, discuss the matter with the employee and Department Chair if necessary, and respond in writing.

The dispute resolution process is not a legal forum. Employees who wish to use legal counsel may do so within the judicial system. Use of the dispute resolution process shall not be construed as the waiver of any right that would be provided to an employee under the jurisdiction of outside agencies, including courts of law. The filing of a complaint or the use of this process does not postpone any deadlines for filing of complaints with outside agencies. The College reserves the right to discontinue the complaint resolution process should an employee commence a similar complaint with a state or federal court or agency.