

FACULTY MANUAL  
UNION COLLEGE

SALARY AND FRINGE BENEFITS

I. SALARY PAYMENTS

Faculty contracts for the academic year are paid on a semi-monthly basis over 12 months. Salary payments commence September 1 and continue on the first and fifteenth of each month, with the last installment on August 15th.

Before the first salary check can be prepared it is necessary that one fill out the following forms at The Human Resource Center located at 17 South Lane.

- Federal Income Tax Withholding Certificate - Form W-4.
- Legal proof of Identity and Employability - Form I-9.
- Benefit Enrollment
- Pension Information (see Retirement Plan).
- New York State Loyalty Oath.

II. GENERAL BENEFIT INFORMATION

The College has established a variety of employee benefit options and a flexible benefit program. The following is a brief summary of those options. Complete plan descriptions are contained in plan documents and Summary Plan Description booklets, copies of which are available from Human Resources or on the Human Resources web site. In the event of any contradiction between the information appearing in this handbook and the information that appears in the plan documents, the plan documents shall govern in all cases. For more complete information regarding any benefit, please contact Human Resources.

A. RESERVATION OF RIGHTS

While it is Union College's intent to continue all current benefit plans and policies, Union College reserves the right to amend or terminate any of the plans or to change contribution levels toward benefits at its discretion and for whatever reasons it considers appropriate. The Reservation of Rights provision pertains to all current, former, and retired employees and applies to the retirement plan and to all insurance plans including life, disability, medical, dental, and vision insurance. No oral statement made by a representative of Union College may contradict this Reservation of Rights provision.

B. FLEXIBLE BENEFITS PROGRAM

The College has adopted a comprehensive Flexible Benefits Program that gives employees the opportunity to choose the type of benefits, the level of benefits, and the cost of benefits that meets their personal needs.

This "Flex Plan" provides employees with "flex dollars" and the freedom to select medical, dental, vision, life insurance, disability insurance, personal insurance and

dependent life insurance. Another part of the Plan, the Flexible Spending Account, allows employees to set aside tax exempt dollars for certain unreimbursed medical and/or dependent care expenses. Also included are cash-out options for employees who do not need medical or dental coverage. Additional “flex spending dollars: are available for claiming “Head of Household” on your income tax forms.

Employees participate in the “Flex Plan” and enroll for eligible benefits at the time of hire (within 90 days) and during open enrollment, held in the fall of every year. Employees may change coverage during open enrollment or within 30 days of a qualifying event. A qualifying event is defined as: addition of dependent by birth or adoption, addition or loss of a dependent child through a change in legal responsibility for the child’s medical coverage or attainment of age 25, spouse’s termination or commencement of employment, change in employment status from full-time to part-time or from part-time to full-time, death of spouse or dependent child, divorce, legal separation, marriage, unpaid leave for employee or spouse, or involuntary loss of medical coverage through spouse’s employment.

Details and complete information regarding the Flexible Benefits Plan are available from Human Resources.

#### C. BENEFIT ELIGIBILITY

Several benefit options have eligibility requirements independent of the Flex Plan (i.e., retirement plan and Long Term Disability Insurance). Individuals hired on a temporary basis or as independent contractors are not eligible for employee benefits. Employees who work a minimum of 30 hours per week and at least 1000 hours per year are eligible for 100% of Union’s “flex dollars.” Employees who work a minimum of 20 hours per week and a minimum of 660 hours per calendar year are eligible for 50% of Union’s “flex dollars.” Benefits are available to same sex domestic partners and whenever the term domestic partner is used it is intended to mean same sex domestic partner as defined by Union College.

#### D. DOMESTIC PARTNERSHIP POLICY

Union College extends all benefits, available to spouses of employees, to domestic partners of employees.

The definition of Domestic Partnership is: Two adult individuals who live together in an intimate, long-term relationship of indefinite duration with an exclusive mutual commitment similar to that of marriage.

##### 1. Eligibility

A domestic partner is the adult partner of an eligible employee who is sharing a long term committed relationship of indefinite duration with the following characteristics:

- Living together for at least six (6) months
- Having an exclusive mutual commitment similar to that of marriage

- Financially responsible for each other's well-being and debts to third parties. The couple has entered into a contractual commitment for that financial responsibility or have joint ownership of significant assets such as: home, car, or bank accounts and joint liability for debts such as mortgages and major credit cards
- Neither partner is married to any one else nor has another domestic partner
- Partners are not related by blood closer than would bar marriage in the state of their residence
- Legally recognized marriage is barred by New York State law.

2. Dependent Children

Eligibility for dependent children of domestic partners shall be based upon the relationship between the employee and the child and be consistent with the eligibility definition used by the College for each employee benefit currently in effect, as specified in IRS Section 152.

3. Method of Implementation

The method of implementation requires that domestic partners register a Certification of Domestic Partnership with Human Resources for the partner benefits by signing a declaration stating that they meet all the requirements for domestic partnership.

4. Tax Considerations

Unless the domestic partner qualifies as a dependent of the employee under IRS Sec. 152, Union College's cost of providing these benefits is taxable income to the employee. Because of tax laws and other legal considerations, medical care and dependent care reimbursement accounts cannot be extended to domestic partners.

E. MEDICAL, DENTAL AND VISION INSURANCE

The College provides a choice of HMO and POS medical insurance; two dental options, one of which includes orthodontics; and vision insurance. The College reserves the right to change carriers, modify the scope of contracted coverage, and revise the portion of premium it pays toward the plans. Information on benefit plans are available on line at the Human Resources' web site and from Human Resources located at 17 South Lane.

F. PRESCRIPTION PROGRAM (Mail-In and Pharmacy Direct)

All of the medical insurance plans offer mail-in and pharmacy-direct prescription components. The mail-in service provides employees with maintenance prescription drugs by mail at a reduced cost. Brochures describing this service and how to enroll are available from Human Resources and from the medical insurance providers.

## G. EMPLOYEE ASSISTANCE PROGRAM

Union College offers the services of an Employee Assistance Program (EAP) at no cost to employees and their immediate family members. An Employee Assistance Program provides free, confidential professional counseling services for employees and their family members to help with problems or stressful situations such as family/child issues, financial problems, alcohol/drug abuse, and to assist in preventing personal or work-related problems. Time off from work for EAP visits is treated the same as other medical appointments.

Self-referral is when an employee or family member elects to use the EAP on his or her own.

Supervisory referral is when an employee requests assistance, from a Department Chair, with a personal problem, or there is a work-related situation that indicates the possible presence of a personal problem. The Department Chair would call the Employee Assistance Program with information regarding the situation.

Information describing EAP services including address and phone number of off campus locations is available from the Human Resources web site or at 17 South Lane. For EAP assistance please call 800-252-4555.

## H. WELLNESS BENEFITS

To encourage wellness awareness and good health, the College offers a variety of wellness initiatives administered by Human Resources. Wellness initiatives may include flu shots, health screenings, weight loss clinics, exercise programs, and smoking cessation programs. Athletics also offers employees various fitness activities.

A Union College ID card is the employee's pass to use the fitness center, pool, and other athletic facilities located at the Alumni Gym. Passes for spouses and dependent children are available from Athletics. Locker and towel service is available.

## I. FLEXIBLE SPENDING ACCOUNT

The College offers Internal Revenue Code (IRC) Section 125 Flexible Spending Accounts. Section 125 allows employees to pay for certain health related and/or dependent care expenses with pre-tax dollars. These expenses include medical, dental and vision premiums, medical and drug co-pays, un-reimbursed medical, dental, vision costs, and child/dependent care (children under the age of 13 and/or other dependents that are physically or mentally unable to care for themselves) expenses.

Employees can estimate the amount of their out-of-pocket expenses and authorize the College to withhold that amount from their gross salary before any taxes are calculated. As these expenses are incurred, the employee simply submits a Reimbursement Request Form with original receipt(s) and is reimbursed directly without paying taxes on the

money. A brochure describing how to save money with flexible spending accounts is available from Human Resources.

J. LIFE INSURANCE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE

The College carries a Group Term Life Insurance and Accidental Death & Dismemberment (AD&D) policy on employees who work a minimum of 20 hours a week and at least 660 hours a year. This benefit is provided to employees without charge and coverage is effective on the first of the month concurrent with or following the date of hire and completion of an enrollment application. Insurance is subject to medical underwriting. Coverage is equal to the employee's annual base salary and is doubled in the event of accidental death. Coverage is reduced at age 65 and older.

Employees may also purchase supplemental term life insurance, subject to medical underwriting, or supplemental accidental death and dismemberment insurance.

Premium dollars paid for life insurance coverage above \$50,000 is considered by the IRS as taxable income for the affected employee.

K. LONG TERM DISABILITY INSURANCE

The College provides full-time employees, who have been employed for one year, with a long-term disability insurance plan. The plan helps to protect employees against total or partial loss of income due to a long-term disability, which requires the employee to terminate employment. The plan provides tax-free payments after six months of disability and is designed to augment the College's sick leave program.

If it is determined that an employee can no longer perform the essential functions of his or her position with or without a reasonable accommodation, at any time but no later than a continuous 26 week period/six (6) months, due to personal illness, injury or disability, the College will initiate a termination. The College will consider such employees for other vacant positions, provided they can perform the duties and responsibilities of such other positions.

Employees on long term disability will receive continued contributions to the retirement plan and may remain on the College's medical, dental and/or vision insurance plans, at active employee rates, until reaching regular retirement age. For employees on long term disability, medical, dental and/or vision coverage ceases on the last day of the month for which a premium is paid or immediately when an insurance program ends. If disabled employees elect to discontinue insurance coverage (medical, dental or vision) or remove covered dependents, at any point, they will not be eligible to re-enroll for coverage or re-add covered dependents at a later date. Employees on long-term disability will also not be allowed to add spousal or dependent coverage if they did not have this level of coverage at the time they became eligible for long-term disability benefits.

Employees may also purchase supplemental long-term disability insurance.

L. DEPENDENT LIFE INSURANCE

Employees may purchase life insurance for their spouse and dependent children through the Flexible Benefits Plan.

M. PERSONAL INSURANCE (AUTO, HOME, RENTERS AND OTHER)

Employees may purchase auto, home, renters, and other personal insurance through the Flexible Benefits Plan.

N. RETIREMENT PLAN AND SUPPLEMENTAL RETIREMENT ACCOUNTS

Full-time employees age 23 or older, after one year of service, are qualified to enroll in the College Retirement Plan (a defined contribution plan) and receive a contribution equal to 11% of their base annual salary. The College enrolls employees four times per year in January, April, July, September and vesting is immediate. The age and service requirement will be waived for newly hired employees who have participated in a 403(b) or 403(b7) retirement plan with their immediate past employer. Eligibility will begin the first of the month after 30 days of employment.

The College currently offers employees two companies to choose from: Fidelity Investments and Teachers Insurance Annuity Association/College Retirement Equities Fund (TIAA-CREF).

Salary *reduction* allows employees to set aside money from their gross salary before taxes. Salary reduction not only offers the benefits of untaxed growth and earnings on contributions but also lowers taxable income and current taxes. There are limits on the total contributions through salary reduction allowed by the IRS and Human Resources can assist you in determining maximum contributions.

Salary *deduction* allows employees to set aside money from their net salary after taxes have been taken out. The contributions come back to employees as tax-free income since taxes have already been paid on the money, although employees will be taxed on any earnings that accumulate.

Employees, including those who are not eligible for the retirement plan, may elect to make pre-tax or after-tax contributions to retirement savings by establishing a tax sheltered annuity (TSA)/Supplemental Retirement Account (SRA/GSRA) or other savings plan as regulated by Section 403(b) of the Internal Revenue Code.

Human Resources can provide you with information and booklets describing the retirement programs and can assist in establishing an account. Representatives from TIAA and Fidelity are on campus frequently for group and individual meetings.

O. RETIREMENT POLICY

Faculty who leave employment and who have completed 15 years of service, after attaining age 40, will be considered as Retirees of Union College. Retirees are eligible to participate in, and have access to, College events and facilities. Retirees and their enrolled spouse are also eligible to participate in the Union College Retiree Health Insurance Program.

P. 457 (b)DEFERRED COMPENSATION PLAN

The College has a Deferred Compensation Plan for its officers and other highly compensated employees. The College does not make any contribution to the plan. Eligible employees may elect to make personal contributions by payroll reduction. The amount that may be tax-deferred is determined by the Internal Revenue Code. Human Resources can offer advice regarding this matter.

The College has designated TIAA/CREF as the manager of the 457(b) Deferred Compensation Plan.

Q. LONG TERM CARE INSURANCE

If an accident or illness suddenly left you unable to care for yourself, do you have family or friends who would be available and willing to help out? People of all ages become ill or injured in a manner that requires ongoing care. Long-Term Care insurance assures that you can afford the care you need in your home, assisted living/adult day care facility or nursing home.

Union College offers two Long-Term Care insurance plans. Plans are available through National Corporate Benefits Administrators and CNA. Brochures from both plans are available from Human Resources. Contact either plan for a price quote and take the opportunity to protect your well being for the future.

R. MOVING EXPENSES

New Faculty members may receive financial assistance from the College in meeting expenses incurred by the move to this area. The amount of reimbursement is generally one-half of the cost, up to \$4,000, and does not include mileage, personal transportation, vehicle transportation, personal expenses, storage, warehouse costs, or secondary moves.

The College has entered into an agreement with local agents, which provides a substantial discount for packing materials, packing, and the transportation of household goods. The negotiated discount is available to new hires and all current College employees.

Moves made by the use of rented equipment may be fully reimbursed, if the cost is no more than one half of the cost of a commercial move or \$4,000 (whichever is less).

## S. APARTMENT ASSISTANCE

A limited number of College-owned apartments are available for rental in the College Park neighborhood. The apartments are unfurnished with year-to-year leases. For additional information on College assisted home ownership or apartments contact Human Resources.

## III. TUITION REMISSION AND SCHOLARSHIPS

### A. Faculty/Staff Children's Scholarship Program

The Faculty/Staff Children's Scholarship Program includes:

- Full-time enrollment at certain institutions other than Union College
- Full-time enrollment at Union College
- Part-time enrollment at Union College

The scholarship program is subject to the following eligibility qualifications and other terms and conditions.

#### 1. Full-time Enrollment Scholarships

##### a. Eligibility Provisions

- For the purposes of this program and whenever used herein, the word "children" or "child" refers only to children the employee claims as "dependent" for federal income tax purposes and who are either (1) the natural-born children of the employee in question, or (2) legally adopted children of the employee adopted (i) before the child reached 18 years of age and (ii) five (5) years or more before entrance of the child into college.
- The following are eligible for full-time enrollment scholarship benefits to attend Union or to attend institutions other than Union.
  - Children of members of the Union College faculty and Union College salaried and hourly non-faculty employees, (faculty and employees hereinafter collectively referred to as "employees") provided that:
    - The employee has been employed at the College on a regular full-time basis for at least five (5) years prior to the date on which the requested tuition scholarship would take effect; and
    - The employee is in active service during the scholarship period or on a leave of absence that has been authorized by the Board of Trustees and that extends for not more than one (1) calendar year.
  - For purposes of subdivision (a) time worked in a part-time or temporary status is not considered in determining the five-year minimum. For purposes of subdivision (b) such children are eligible only while the parent is employed by Union College. Eligibility of the child ceases automatically if the parent ceases to be employed by the College.

- Children of retired employees of the College may be eligible upon recommendation of the President and the approval of the Board of Trustees.
- Children of employees who are disabled or who die while in active service of the College and who completed at least ten consecutive years in the College's employ are eligible.
- The changes to the Faculty/Staff Children's Scholarship Program in Section I herein shall be effective and govern eligibility as of July 1, 1985, and thereafter until such time as the Program may again be amended. However, for any eligibility obtained prior to July 1, 1985, the immediate former Faculty/Staff Children's Scholarship Program shall remain valid.

b. Qualifications for Eligible Children

- To qualify for a scholarship from Union College, the child must be:
  - Enrolled in the undergraduate program of an accredited institution offering a bachelor's degree in the arts, sciences, or engineering; or
  - Enrolled in a recognized two-year junior college, provided the applicant is pursuing a program of study that at the end of two years of study will qualify him or her for transfer to another institution offering a bachelor's degree in the arts, sciences, or engineering.
- c. To retain the scholarship, the child must be in good standing at the institution attended.
- d. In the interest of fairness to all, Union College expects that students will complete their baccalaureate education in four consecutive academic years, or the equivalent number of semesters or academic terms including summer, and will therefore limit its tuition scholarships to apply to only these first four years of study. For example, a student who attended a college for two years before the parent became eligible for a Union College tuition scholarship and then requested three years of scholarship once the parent became eligible would only be entitled to (2) additional years, and not three (3) because of this four-year limit.
- e. Individuals who are enrolled full-time under the Faculty/Staff Children's Scholarship Program may take one course or more during the summer tuition free under the part-time benefit. However, any such course or courses shall count toward the four-year limit (eight semesters or twelve terms).

2. Scholarship Amounts to Institutions Other Than Union College

- a. For eligible children who attend institutions other than Union, the amount of each annual award shall be equal to the lesser of
  - One-half the annual tuition at Union, or
  - The annual tuition charge at the institution attended.

b. The maximum cash liability of Union College for all scholarships paid to other institutions in any single year shall be limited in the first year (1985-86) of the program to \$120,000.00. This limit shall be increased in each subsequent year after the first year by the same percentage allowed for increases in the general compensation budget of Union College. In the event that claims for any year shall be in excess of that limit, then treatment of claims and the excess shall be referred to the Board of Trustees by the President of the College. Such treatment may include proportionate reduction in all claims to eliminate the excess.

c. Scholarship Amounts to Attend Union College

For eligible children who attend Union College the amount of each annual award shall be equal to the Union College tuition.

d. General Scholarship Information

- Individual Union College full-time enrollment scholarships for those attending Union College or institutions other than the College are limited to that amount of the tuition fee remaining after the sum of all other grants or awards are subtracted from it (e.g., TAP award, etc.).
- Entitlement amounts under the Scholarship Program shall be payable in installments as tuition for credit against the recipient's tuition charges.
- Scholarship grants under this Part 1 are awarded to each eligible child on an annual basis for not more than four years of undergraduate study.

3. Part-time Enrollment at Union College Eligibility

Eligibility extends only to full-time Union College faculty and Union College salaried and hourly non-faculty employees (hereinafter all collectively referred to as "employees"), their spouses, same-sex domestic partners and "dependent" children (as previously defined). Eligibility for this "Part-Time Enrollment" scholarship begins with the date of commencement of the employee's full-time status at the College.

a. Entitlement

Union College employees may enroll, on a part-time basis, in a maximum of four Union College or Graduate College of Union University courses per calendar year free of charge. For the purposes of part-time enrollment the summer term starts the academic year. This would mean up to two courses per term, including summer school. Employees registering for a free summer course will not be included in the enrollment count that determines whether a course will run or be canceled. Spouses, same sex domestic partners and dependents of Union College employees may enroll on a part-time basis in up to three courses per calendar year up to three (3) per term at no cost. This entitlement does not allow a child, spouse, or same sex domestic partner attending full-time to have his or her tuition bill reduced by one-third.

b. General

- Employees under the part-time enrollment provision shall take courses that are not in conflict with the employee's work schedule.
- Admission to degree status is governed by the regular requirements and procedures of the College.
- Any special or other fees and costs related to tuition-free courses must be paid by the employee.

4. Administration and Miscellaneous Administration

This program is administered by the President or other officers of the College if the President has delegated such authority. These officers will make the availability of the Scholarship Program known to the College community. The Executive Committee of the Board of Trustees shall be sole interpreters of the provisions of this program except that it shall be the responsibility of the administrators of the program to define whether a child remains in good standing.

The Board of Trustees reserves the right to amend all provisions, qualifications, and terms of the program and grants thereunder as, in their sole discretion, circumstances make necessary or advisable.

To retain a scholarship under full-time enrollment or part-time enrollment, the student must remain in good standing at the institution attended, including Union College. It is the responsibility of the parent or employee to notify the officer administering these grants if the student withdraws or fails to remain in good standing at the college for which he or she is receiving benefits. In the event that the student qualifies for a refund from the college attended, such refund will be made directly to Union College for as much of the original Union College award as the refund covers and not merely for a proportion thereof. The employee or student under this program may remain liable to Union College in the event (i) a refund is not directed to Union College as provided herein, or (ii) the College is not notified if the student withdraws or fails to remain in good standing at the college for which he or she is receiving benefits.

Any conflict in this program or between this program and any other program of the College or other rules and regulations of the College shall be resolved by the Executive Committee of the Board of Trustees.

While Union College intends to continue these benefit programs indefinitely, the College reserves the right to change or discontinue any of the benefits described herein.

**B. EMPLOYEE TRAINING SCHOLARSHIP PROGRAM**

Full time employees can pursue external training opportunities to enhance their skill level and effectiveness and/or to broaden their knowledge and skills for future job assignments.

The Employee Training Scholarship Program is intended to reimburse employees and/or departmental budgets, up to \$5,000 per year, for the cost of courses, seminars, workshops, licensures, certifications, etc., which are pursued for the work-related development of the employee. The program does not reimburse for ancillary costs such as travel, hotel or meal expenses, insurance or activity fees, books etc. Some of these costs or fees may be reimbursable by your department.

Employees interested in pursuing training opportunities (courses, seminars, workshops, licensures, certifications, etc.) should submit a brief written proposal, to their Supervisor and Responsibility Center Head, describing the training opportunity and related costs. Each proposal will be considered carefully, in terms of job-relatedness, and a prompt approval or denial will be provided.

Once approved for the Training Scholarship you should forward to Human Resources a copy of a paid bill or invoice that shows the tuition cost. You or your department will then be reimbursed. Payment desired in advance will require additional notice but can be made directly to the provider of educational services.

#### IV. OTHER BENEFITS

##### A. BUSINESS TRAVEL ACCIDENT INSURANCE

This program provides a benefit of \$300,000 if you die in an accident while traveling on Union College business (other than commuting to and from work). The benefit is payable to the beneficiary you name in your group life insurance. It also pays a benefit equal to 50% or 100% of the principle amount if you lose a hand, foot, or are blinded in an accident while traveling on Union College business. The College pays the entire cost of this benefit.

##### B. SURVIVOR'S BENEFITS

Should a faculty member die during the academic year (not on long term disability or retired), the family/estate will receive a pro rata portion of the faculty member's annual salary. The percent of salary to be paid will be dependent upon the percent of the assigned academic services completed at the time of death. In addition, as a widow's/widower's benefit, the College will provide to the surviving spouse of a deceased full-time faculty member a gift amounting to 1/10 of the faculty member's annual salary.

The surviving spouse/family is also eligible for lifetime continuation of enrolled insurance benefits. Employees who met the tuition remission and scholarship program requirements and have at least ten consecutive years in the College's employ may have their surviving children participate in the tuition remission and scholarship program.

### C. UNEMPLOYMENT INSURANCE

All employment at the College, with the exception of student employment, is covered under the provisions of the New York State Unemployment Insurance Law. The College pays the full cost for this benefit.

### D. SOCIAL SECURITY AND MEDICARE

In accordance with federal law, a percentage of each employee's salary is deducted to cover Social Security benefits that may include retirement payments, medicare benefits, death benefits, disability insurance, and monthly income payments to certain dependent survivors of covered workers. These percentages are mandated by law and they are equally matched by a College contribution to Social Security.

### E. ERISA RIGHTS

Employees are entitled to certain rights and protection under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all participants in the College's benefit plan shall be entitled to:

- Examine, during normal working hours at Human Resources, all plan documents, master copies of insurance contracts, and copies of all documents required by the U.S. Department of Labor, such as detailed annual reports and plan descriptions;
- Obtain copies of all, or any of the above documents, at a reasonable cost;
- Receive, upon request, a summary of the plan's annual financial report.

ERISA imposes certain duties on administrators of the College's benefit plan, including the duty to administer the plan prudently in the employees' best interest. Employees shall not be retaliated against for exercising their rights under ERISA.

### F. CONTINUATION OF GROUP HEALTH BENEFITS

Employees and/or their dependents covered under the College health plan may be eligible for the continuation of those benefits at the time their employment ends. The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides that employees who lose group benefits coverage due to a "qualifying event" other than termination for "gross misconduct" are eligible to continue the benefits at their own cost.

### G. NEW YORK STATE DISABILITY

Faculty members absent due to illness, injury or other qualifying medical condition will receive full salary for the first seven consecutive calendar days. Faculty members absent beyond the first seven days will receive continuation of full salary for up to three months plus one additional week for each year of service to a maximum of six months. Full benefits will continue for the duration of the short term disability.

To receive full salary continuation a faculty member must submit an appropriate Physician's statement to Human Resources, indicating date of disability, job limitation/inability to perform job responsibilities, and length of disability/potential return to work date. To return to work, a faculty member must submit a Physician's statement to Human Resources indicating ability to return to regular/modified job responsibilities and a return to work date.

The work of the absent person has been customarily carried out by other members of the faculty during his/her absence, except when the absence was of such duration as to cause a material deficiency in the teaching or of such a duration as to impose undue hardship on the members of the faculty. In such event, the applicable Vice President will consider obtaining a replacement.

These provisions are effective for full-time faculty. Proportional provisions will be made for part-time faculty members. All employees are covered by short-term disability insurance beginning at the eighth calendar day of disability. Claim forms are available from Human Resources.

#### H. WORKERS' COMPENSATION

This benefit provides weekly compensation if a college employee is disabled as a result of an on-the-job injury or work-related illness. The plan also provides benefits for medical treatment and compensation for loss of sight, hearing, or limbs. The College pays the entire cost of this benefit.

All employees are covered by Workers' Compensation Insurance to provide for payment of medical expenses and partial salary continuation in the event of a work-related injury or illness. Employees injured at work must report their accident to Campus Safety within 24 hours.

#### I. FAMILY AND MEDICAL LEAVE (FMLA)

This policy statement is a summary of the Federal Family and Medical Leave Act of 1993. The Act which is effective 8/5/93 is specific in its scope of coverage and will be the determining factor in final interpretation of Leave provisions. You should contact Human Resources for information about specific situations.

Faculty, administrators and staff who are regular employees, who have been employed for at least twelve months and who have worked a minimum 1250 hours in the twelve months preceding the events which are listed below are entitled to receive a combined unpaid medical and/or family leave for a maximum of 12 weeks for each 12 month period beginning from the first date of approved leave.

This Leave is intended to run concurrent with the provisions of College sick leave policy, New York State Disability Insurance, Worker's Compensation Insurance, Long Term Disability Insurance, or accrued vacation time and, for less than 12 month employees, any unpaid period including summer and winter breaks. The provisions of

this policy apply only to family and medical leave circumstances covered by the federal law. The provisions for Personal Leave of Absence under existing policy are not changed and cannot be substituted for the provisions covered by the Federal Law.

### 1. Family Leave Entitlement

- a. Because of the birth of a son or daughter and in order to care for such son or daughter.
- b. Because of the placement of a son or daughter with the employee for adoption or foster care. The length of the leave is a maximum of 12 weeks beginning with the birth or placement of the child. In the case of employees who are birth mothers, the eligibility for the family leave entitlement portion begins when the primary physician releases the employee to resume normal work duties. Entitlement to leave expires at the end of the 12-month period beginning on the date of birth or placement. Appropriate paid time off leave will be paid during the leave period.

Since the need for family leave is typically foreseeable, employees must notify their department chair of their intentions to request the leave at least 30 days in advance so that provisions can be made to have their duties carried out during their leave. If the date of the birth or placement requires leave to begin in less than 30 days, the employee must provide notice as soon as practicable.

### 2. Medical Leave Entitlement

- a. In order to care for your spouse, domestic partner, son, daughter, or parent with a serious health condition as defined in the Law.
- b. Because of your own serious health condition as defined in the Law, which makes it not possible for you to perform your job.
- c. The leave maximum is 12 weeks beginning with medical certification notice from the professional health care provider. Medical leave can be taken on an intermittent or reduced time basis contingent upon documented medical necessity. Appropriate paid time off leave will be paid during the 12-week period.
- d. Whenever possible, you must give 30 days notice before taking leave; otherwise you should give notification as early as possible. You must also make a reasonable effort to schedule treatment so as not to disrupt the work of your department.

### 3. Job and Benefit Protection

Upon return to active work, you will be restored to your former position or a position of equivalent pay, benefits, and other terms and conditions of employment if your former position has been filled.

Your medical, dental, vision, life, and long-term disability benefits will remain in effect during your leave on the same basis and premium sharing/payments as if you were not on leave. College contributions to the pension plan will not be made during the leave period unless your pay has continued under an approved paid leave category. Accrual of benefits or eligibility for benefits based upon time worked or length of employment will not continue during the unpaid leave.

#### 4. Procedure for Securing Leave

You should submit a written Leave request to your Department Chair within a minimum 30 days, or as soon as practical, of the beginning of the Leave. A health care provider statement will be necessary as well in the case of medical leave. For purposes of this policy, a “serious health condition” is an injury, illness, or medical condition involving continuing medical treatment or inpatient care. The College, at its expense, may request a second opinion through its own health professionals. If the second opinion conflicts with the first, the College, at its expense, may request a third and final opinion by a neutral health professional.

The request will be reviewed in light of the requirements of the law and you will receive a written response containing any specific conditions or need for additional documentation.

When an employee qualifies for more than one form of leave (Disability, Workers’ Compensation, FMLA, etc.) at a time, the leave periods will run concurrently.

#### J. RECOGNITION PROGRAMS

The College recognizes the contributions, accomplishments, and valued service of employees through special programs, in campus publications, and on the Union web site. College departments will often recognize employees in their area on special occasions and for excellence at work.

The Annual Recognition Program provides public recognition and demonstrates appreciation for employees when they reach ten years of service and at five-year milestones thereafter. The Annual Recognition Program is also a time when the College recognizes the contributions of those employees who are retiring.

The Annual Quarter Century Club Dinner, held by the President, honors those employees with 25 or more years of service.

The THANK U Picnic, held in June for employees and their families, is a fun time where the College thanks all employees for their contributions during the past year.

U ARE A TREASURE is a program that recognizes and rewards special effort or exemplary performance by employees. Employees are nominated at anytime by anyone who thinks an employee has done something “extra” in the course of his or her employment.

## K. DISCOUNTS

Throughout the year, Human Resources will offer numerous discount programs including Golf Calendars, Amusement Park tickets, and vacation get-aways. Please contact Human Resources for information.

## L. HOTEL DISCOUNTS

While traveling for business or pleasure, if you will be staying at a hotel, first check-out all internet rates, use any available discounts you have available (i.e., AAA), and check the corporate plans available to all employees of Union College. Union currently has an arrangement through the Choice Hotels International program and the Cendant Brand Hotel program. Visit the Human Resources website for more information.

## M. COMPUTER LOANS

Short-term interest free loans, to full-time employees, employed one year or longer, are available to purchase computers, related equipment and software. The maximum loan is \$3,000, payable up to two years. Loans are repaid through payroll deductions. Termination causes the unpaid balance to become due and payable by the last day of work.

Proof of purchase must be submitted when applying for a loan. If submitting a receipt for a purchase already made, the employee will be reimbursed. Employees purchasing a computer through the College Bookstore will be provided with a detailed written quote, which the employee will submit to Payroll. Payment will be made directly to the Bookstore through fund transfer, no down payment is required.

An appointment must be made in advance with Payroll (ext. 6105). Please bring your original written quotation to your appointment (No refunds are available).

## N. SECOND MORTGAGE PROGRAM

This program was established and approved by the Board of Trustees in 1956. In accordance with the privacy provisions of the Gramm Leach Bliley Act, second mortgage loans are to be made available to full-time administrators and faculty members. Such loans are to be issued directly by the College to the employee for the purpose of purchasing homes in the Schenectady area.

How the program works:

- Employee signs note and mortgage to the College.
- The attorneys for the College handle all the paperwork with the employee.
- The legal fees incurred by the College are to be paid by the employee.
- The maximum loan amount available is \$15,000 and the maximum repayment period is 15 years.
- The interest rate on loans granted by Union in this program will be based upon the net yield on Federal National Mortgage Association.

- (Fannie Mae) fixed rate bonds with a 15 year maturity (or less as applicable) plus 1%. This interest rate to be fixed on the third business day prior to closing.
- The College issues a check to the employee.
- The College collects monthly payments from the employee through automatic payroll deduction.
- The loan balance outstanding will be reviewed annually by the Finance Office. The current authorized total amount available for loans shall not exceed \$250,000.

O. COLLEGE PLOT IN VALE CEMETERY

College faculty members, their spouses, and unmarried children have the privilege of interment in the College plot in Vale Cemetery without charge for the plot assigned. Provision for additional plots for other family members may be voted by the Board of Trustees in exceptional circumstances. The administrator is responsible for furnishing adequate markers and for the upkeep of the area assigned. A “perpetual care” plan may be purchased from the Vale Cemetery Association. Further information is available from Human Resources.

P. PERSONAL LEAVE OF ABSENCE WITHOUT PAY (effective July 1, 1989)

Members of the faculty may request a personal leave of absence without pay for one academic term. Leaves may be renewed. Requests for a personal leave or renewal of leave should be submitted to the department chair at the earliest possible time so that arrangements can be made to fulfill personnel needs.

Faculty members should arrange to continue Flexible Benefit coverage through Human Resources. Health care coverage may be continued provided the individual pays the full premium. The College does not make any contribution to the pension plan while the leave is in progress. Those going on leave that have children in college and are receiving financial assistance from Union towards 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.

Finally, although the College recognizes the importance of such leaves, approval of such a requested leave of absence without pay is at the discretion of the Board of Trustees upon the recommendation of the President.

Q. ADOPTIVE PARENT LEAVE

An adoptive parent who is the primary caregiver may apply for an adoptive parent leave consisting of one course off for one term (four credit hours) and release from service expectations for one term. The unpredictable timing of adoption can make it difficult to make course arrangements in advance. Depending on the adoption arrangements, the need to replace a faculty member before a course starts may not be certain. Knowing that an adoption is planned, department chairs should make plans for a substitute faculty member that can be put into place if and when the adoption is finalized. Prospective adoptive parents should keep department chairs informed of plans. If a chair has very

little notice, it may not be possible to find an acceptable substitute, in which case the leave may be in question. The college has an obligation to make a good-faith effort to arrange a substitute faculty member and the adoptive parent has an obligation to make a good-faith effort to keep the college informed of the adoption plans.

R. CREDIT UNION

College employees and their families are eligible to become members and receive the services of the First Teachers Federal Credit Union and/or Capital Communications Federal Credit Union. Services available include free checking, savings accounts, VISA card, insurance, loan programs, and direct deposit of paychecks. Further information can be obtained from Human Resources.

## FACULTY APPOINTMENTS, TENURE, PROMOTION, LEAVES

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. 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 Arts and Sciences 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 Arts and Sciences or the Dean of Engineering.

#### 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.
- Scholarly 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.

### III. PROMOTIONS (effective February 3, 2000)

#### A. PROCEDURES FOR PROMOTION

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 Vice President for Academic Affairs, The Dean of Arts and Sciences or the Dean of Engineering, 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.

## B. FACULTY RANKS AND THE CRITERIA FOR PROMOTION

### 1. Instructor (effective January 1, 2003)

Appointment to the 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 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.

## 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.

## 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 require 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.
5. Special Appointments (effective Nov. 15, 1991)
- a. Any special appointments require authorization of the position by the Dean of the Faculty.
  - b. 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 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 30 courses in total as a full-time or part-time visitor.

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 annual or 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 Faculty.

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).

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 to the Dean of Arts and Sciences or the Dean of Engineering and Computer Science.

The review, written by the Department Chair, will consist of:

- An examination of the Course Evaluation Forms including a summary and analysis of students' comments and numerical data, as well as any other available information on teaching.
- An evaluation of departmental and/or college service.
- An evaluation of the faculty member's ability to fulfill departmental needs.

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 meets then-current college standards. 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.

For those individuals hired on a per course basis the term Adjunct is used.

#### 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 (revised January 1, 1988)

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 Arts and Sciences and Engineering, to examine the record of such candidate for tenure and to re-

port 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 10 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.

c. 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.

d. 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 chairperson, 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 Department of the 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 communi-

cating 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 Vice President for Academic Affairs 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 November 15, 1991)

### 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 teaching, college service, and scholarship are 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 chair and submitted to the FRB. It should include

- Interviews with all full-time department faculty.
- An examination of the Course Evaluation Forms including a summary and analysis of student comments and numerical data, an examination of course materials and a report on any classroom visits.
- A review of written work and evaluation of scholarship potential.
- Evaluation of departmental service.
- Evaluation of the faculty member's ability to fulfill departmental needs.

The candidate must receive a copy of the final report (without any confidential material) 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 consider and evaluate the candidate in terms of existing college-wide standards. The comments of the FRB will be given to the Department Chair, the Dean of the Faculty, and the Candidate. The FRB will not recommend for or against the appointment.

Visiting faculty are not eligible for tenure and therefore should not be held to the same evaluation procedures that apply to those undergoing a tenure review. However, some visiting faculty later succeed in achieving a tenure-track position,

or continue at Union for up to five years. Consequently, they should be encouraged to meet college-wide standards not only in teaching, but also in scholarship and service.

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 to the Dean of Arts and Sciences or the Dean of Engineering and Computer Science. The review will consist of

- An examination of the Course Evaluation Forms including a summary and analysis of students' comments and numerical data, as well as any other available information on teaching.
- An evaluation of departmental and/or college service.
- An evaluation of the faculty member's ability to fulfill departmental needs.

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 meets then-current college standards. 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 (effective May 14, 1993)

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. Annual consideration for merit and salary increases will be the same as for the College's administrative staff. In place of tenure-track status 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 deficiencies 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

### A. SABBATICAL LEAVES (effective November 1992)

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 for 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 such 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 the 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 four 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 OF ABSENCE WITHOUT PAY

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 Chairman to the Dean of the Faculty's Office.

#### C. LEAVES OF ABSENCE FOR WINNERS OF PRESTIGIOUS GRANTS

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 the following benefits. The Dean will determine which grants are "prestigious grants" and make recommendations to the President.

1. Continuation of the College's contribution to the Flexible Benefit Program. (A faculty member would continue to be responsible for his or her share. If a faculty member were not to return to the College, he or she would be required to reimburse the College for its contribution.)
2. Payment to a faculty member of the amount that the College would otherwise contribute to The Union College Retirement Plan.

Finally, although the College recognizes the importance of such leaves, approval of such a requested leave of absence without pay is at the discretion of the Board of Trustees upon the recommendation of the President.

#### 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:

1. The conduct that is the subject of the claim or action shall have occurred within the scope of the individual's employment.
2. 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.
3. The employee shall give the College's legal officer prompt written notice of such claim or action.
4. 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.
5. 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.
6. 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

(Approved by the Board of Trustees January 13, 1993)

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 following condition obtains: 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. 9<sup>th</sup> 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, 9<sup>th</sup> 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 testi-

mony 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 informa-

tion 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 pro-

cedures are available through the Dean's office or from the Chair of the Faculty Review Board.

#### B. PROCEDURES 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, status as a disabled veteran or veteran of the Vietnam era, 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 reap-

pointment, 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. If prior to or subsequent to commencing a complaint under the College's harassment grievance procedure a complainant files a claim regarding the subject matter of the complaint with a State or Federal court or agency, the College reserves the right to discontinue the grievance proceedings.

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, includ-

ing 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 participate 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.

## TEACHING: REGULATIONS AND PROCEDURES

### GENERAL RESPONSIBILITY

The general responsibility for classes resides with the instructor, limited only by the academic regulations of the College and the policy of the department. These regulations represent the conditions under which instruction occurs at Union. When questions arise, a faculty member should first consult the department head.

#### A. CLASSROOM ASSIGNMENTS

All classroom assignments are made by the Offices of the Registrar or Graduate & Continuing Studies. Requests for the use of extra rooms for tests or lectures should be made to the appropriate office. Rooms for special meetings, evening groups, etc., must be cleared through the scheduling office. This is not only to avoid conflicts in assignments but to see that adequate security coverage is made available at the close of meetings. Groups should check doors, windows, and ash receptacles before leaving a room.

#### B. CLASS LISTS

The Registrar's Office distributes preliminary class lists at the beginning of each term. The original class list is replaced by a "revised" list by the fourth week of the term. At this time instructors are requested to bring any discrepancies between the Registrar's list and their own personal record to the attention of the Registrar. This is a critical procedure, for this is the last time before grades are due that clerical errors or wayward students may be recognized. As long as a student's name appears on the "revised" class list (and if the student's name so appear), the student should be considered a member of the class and reports made accordingly.

#### C. CHANGE OF COURSE OR SECTION

Students are not permitted to pass from one course or section to another without specific authorization from the Registrar. The general regulations concerning dropping and adding of courses, changing majors, and withdrawal from College or individual courses appear in the Academic Register. Students entering a class after class-lists have been received are expected to present proper authorization from the Registrar.

#### D. "EXTRA" TEACHING: EVENING DIVISION, OVERLOADS, SUMMER SCHOOL, AND TEACHING AT ANOTHER INSTITUTION

1. Department Chairs must be informed of and approve all teaching duties at Union by departmental faculty members. No course may be listed without prior approval by the Chair. Courses offered by Chairs must be approved by the Dean of Arts and Sciences or the Dean of Engineering.

2. While faculty members are on sabbatical, they are not permitted to teach overloads or evening division courses without prior approval by the Dean of the Faculty. All teaching while on sabbatical must be approved in advance by the FRB when considering sabbatical requests.
3. Teaching a course at another institution while working full-time at Union — or on sabbatical leave — requires prior approval by the Department Chair and the Dean of the Faculty.
4. Generally speaking, faculty members requesting to teach more than two extra courses a year should have approval from the Chair and the Dean of the Faculty.

E. ATTENDANCE (June 1, 1990)

Each instructor shall announce at the beginning of the term the expectation with respect to class attendance. In general, the College expects students to attend classes regularly. Moreover, each instructor may make explicit requirements concerning attendance in the course, for the College realizes that methods of instruction vary and classroom participation may have greater prominence in one course than in another. Within this regulation, each faculty member is expected to keep a record of a student's attendance in classes and laboratories. This record is particularly significant for students in academic difficulty.

Whenever a student is absent for more than a week without explanation, the faculty member should report the student's name and the dates of absence to the Dean of Students. Not infrequently a student may leave college for a time and this information becomes important, especially in the event of accident, injury, or serious emotional stress.

Students who wish to be excused from attendance at class are expected to tell the faculty member in advance or, when that is not possible, immediately afterwards.

The faculty member is not only expected to act promptly to discourage indiscriminate class absences, but also has the privilege of failing a student for excessive cutting. Good practice expects that the instructor will first warn the student; if the habit continues, the instructor should notify the student in writing and address a brief request to the Registrar that a grade of "F" be entered for that student. A copy should go to the appropriate academic Dean.

In the event that a faculty member plans a field trip off-campus he/she should notify the department head and the academic Dean as far in advance as possible and check with all the students in the course to determine whether this absence will work an undue hardship on their participation in other classes scheduled during the field trip.

Faculty members are expected to meet their classes as scheduled. If there are occasions of illness or other necessary absence from the campus, the faculty member should notify and consult with the head of his/her department. If the absence is for more than three days, the

Dean should also be informed. The College hopes that other faculty may be available to substitute if the absence is for more than one class.

A class can be canceled only for a legitimate reason. Any class that a faculty member cancels must be made up. Each faculty member is expected to maintain a minimum of three regularly scheduled and posted office hours per week. It is acceptable to state availability as "to be arranged" only for hours above and beyond the minimum of three hours per week. Any faculty member who finds it necessary to be out of town for more than two consecutive days is expected to notify in advance his or her department chair.

#### F. STUDENT TRIPS

Arrangements for all student trips undertaken by any department involving absence from a course in another department should include prior notice to the Dean of Arts and Sciences or the Dean of Engineering.

#### G. EXAMINATIONS (June 1, 1990)

Faculty members are free to give whatever types of examinations, essays, reports, and laboratory assignments they deem appropriate. Although no regulation requires notifying students in advance of hour tests, it is general practice to announce to students at the beginning of the term an approximate schedule of such tests. An hour test counts as a class. No hour tests may be given during the week preceding the final examinations except for laboratory tests. A student absent from an hour test receives an "F" unless the instructor excuses the student. The faculty member should check directly with the Health Services in case of a student illness or with the Dean of Students if the student is absent because of an official College function. The College asks that instructors arrange directly an approximate make-up test for students who have legitimate excused absences. In deference to their colleagues and in fairness to students, faculty should schedule mid-course exams for regular recitation periods and conclude the exercise within the period of the class.

Final examinations are scheduled by the Registrar's Office and will, whenever possible, avoid student conflicts. For this reason it is generally difficult to change the time of an examination. Any changes to which the Registrar cannot readily agree must have the approval of the appropriate academic dean. Most final examinations are conducted in regular classrooms. Multiple section courses may be combined in one or more large rooms, however, if the instructors do not object and conflicts are not created.

Members of the faculty are free to use a variety of formats for their final examinations (including, for example, "open-book" and "take-home" tests). The format to be used, and the ground rules governing it, should be carefully explained to students well in advance of the examination itself. A faculty member must be present in the room during the time in which his or her students are taking any exam. If it is necessary to find a substitute to be present during an exam, such a substitute must be a faculty member.

If a traditional type of examination is given, the following procedures should be observed:

- The examination should be given at the time and in the place indicated on the Registrar's published examination schedule.
- The examination should be given under the direct supervision of the instructor.
- Reasonable precautions should be taken to assure an atmosphere conducive to maximum performance by all students and to prevent dishonesty.

College regulations require that all assigned work be completed by the deadline set by the instructor, but no later than the end of the examination period. A grade of "Incomplete" may be given only if difficult circumstances clearly beyond the control of the student warrant this procedure. The submission of a grade of "I" must be accompanied by a form signed by both the instructor and the student acknowledging the requirement that the work be completed within two weeks of the end of examination period. Any extensions beyond that date must be approved by the Dean.

#### H. PROFICIENCY EXAMS

See catalog for details.

The instructor involved is remunerated as follows:

- For preparing, administering and grading a proficiency exam:  
Honorarium = \$75.00.
- For administering and grading a previously used exam for a second student, or if two are taking the same exam together:  
Honorarium = \$25.00.

When the instructor submits the grade to the Registrar, he/she will be asked to request payment by means of a form prepared by the Registrar.

#### I. GRADES

Information concerning the grading system is in the Academic Register.

At the outset of the fifth week of each term, faculty members receive from the Registrar a list of all freshmen enrolled in each of their courses and are required to submit interim grades (not of record) for any freshmen currently doing "D" or "F" work. In addition, yellow "D" or "F" cards are included so that particular reasons for low mid-term grades may be explained. Academic advisors are informed about any advisees doing poor or failing work. The yellow cards are sent to the academic Dean, who consults as needed with advisors and students.

Grades are assessments, as fair and objective as possible, of the student's work at the end of the term. Fairness demands that all students be held to the same reasonable deadlines, within the term. All instructors are expected to make fair and careful appraisals of each student's work at the end of the term, and to submit grades to the Registrar no later than the due date specified by the Registrar for the final exam period.

"C-", "D" or "F" cards are again provided and are used by the Sub-Council on the Academic Standing of Students when necessary. Only through faculty cooperation in the prompt filing of grades can the academic standing of the next term and a timely meeting of the Sub-Council on the Academic Standing of Students be held. For students completing requirements for graduation, any grade of "F" (Failed) must reach the Office of Registrar before noon of the Thursday preceding Commencement.

Faculty members should consult the Academic Register for information on withdrawals.

#### J. END OF TERM GRADE CHANGES

Grades, once submitted, come within the protective domain of the College. Grade changes can only be made upon petition to and with the approval of the Sub-Council on the Standing of Students, the body authorized by the Academic Affairs Council to hear such requests.

Should a member of the faculty wish to change a grade for substantive reasons (other than clerical error), it is necessary to make a request to the Sub-Council on Standing of Students, which may be sent to the Associate Dean for Undergraduate Education. The Sub-Council will not accept a request without a full explanation supported with detail. Faculty may not allow a student to submit late or additional work in order to improve his/her grade, unless an official grade of Incomplete has been assigned. In those instances in which the request to change a grade is based on a clerical or computational error, the Registrar may act for the Sub-Council.

The Sub-Council will grant a grade change appeal by a student only under extraordinary circumstances, namely when it can be demonstrated that the grade was inequitably awarded.

This is limited to one or more of the following:

- the assignment of a grade on some basis other than performance in the course.
- the assignment of a grade by applying more exacting and demanding standards than were used for other students in the course.
- the assignment of a grade involving a gross violation of the professor's own announced grading standards for the course.

A student wishing to appeal a grade in a course should do so no later than the end of the second week of the subsequent term. The student should confer with the faculty member who assigned the grade (if this faculty member is not available, then they should meet directly with the department chair – see #2 below). The student should inform the instructor of his or her concerns and seek to fully understand the grounds and procedures the instructor has used in determining the grade. The aim of this conference is to try to reach a mutual understanding about the grade and the process by which it was assigned.

1. If upon meeting with the faculty member, as outlined above, the matter is not resolved within two weeks, the student may make a formal written complaint to the department chair, with a copy of this complaint being sent to the Associate Dean for Undergraduate Education.

2. If the issue is not yet resolved within a second two-week period, the matter may be forwarded to the Associate Dean for Undergraduate Education, who will consult with the faculty member and/or department chair and after considering the relevant information, the Associate Dean for Undergraduate Education may deny the appeal. This decision is final. If upon review, the Dean finds sufficient grounds of an inequitable awarding of the grade to warrant an official hearing, the Dean may consult the Sub-Council on the Standing of Students.
3. If the Dean decides to consult the Sub-Council on the Standing of Students, the Sub-Council will consider the student's letter of appeal, and any other relevant materials provided by the Associate Dean of Undergraduate Education, and make a determination regarding the appeal. The decision of the Sub-Council on the Standing of Students is final.
4. In no case will the Sub-Council on Standing of Students substitute its judgment on the merits of a student's work for the bona fide judgment of a faculty member.

#### K. ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

It is the policy of Union College to make reasonable accommodations for qualified individuals with disabilities in order to facilitate their learning. Students submit documentation and request accommodations through the Director of Student Support Services in the Dean of Students Office.

The procedure for doing so is outlined in the Student Handbook. Letters are drafted and sealed in an envelope to the faculty. Students are asked to hand-deliver the letter to faculty within the first two weeks of the term. Faculty and student discuss and plan how accommodations will be administered. Faculty members have certain responsibilities and rights when dealing with students requesting accommodations.

1. Shared Responsibility: As an employee of Union College who has compliance obligations under federal laws, it is the responsibility of the faculty to assume a shared responsibility in providing reasonable accommodations for students with disabilities.

Whether or not the faculty member disagrees with the law is immaterial. The university is responsible for implementation and, as an employee, faculty are required to adhere to policies and procedures. The responsibility of meeting the academic needs of individuals with disabilities through reasonable accommodations has been assigned to the Director of Student Support Services.

2. Referral: Faculty are encouraged to refer students who advise them that they are disabled to the Disability Services Office. Many faculty find it useful to put a statement on their syllabus encouraging students to seek support from the Disability Services Office if they have a disability and believe they may need accommodations in the class.

3. **Disability Certification Request:** Faculty members should refrain from providing academic adjustments to a student who claims to have a disability, unless there is a letter from the Disability Services Office. Determining whether a condition rises to the level of being a disability is sometimes a complicated question and the Disability Services Office has been charged with this responsibility. Also, Union College strives for consistency in the nature of how accommodation decisions are made. Faculty are encouraged to make additional recommendations for adjustments, if they believe the student will benefit, in consultation with the Disability Services Office and the Dean of Undergraduate Education.
4. **Syllabus Statement:** It is suggested that each course syllabus should contain the following Reasonable Accommodation statement, or its equivalent.

If you have a specific disability that qualifies you for academic accommodations, please provide a letter from Disability Services within the first two weeks of the term and then we can meet to discuss any necessary special arrangements.

5. **Confidentiality Caution:** Students with disabilities are protected under FERPA and the civil rights laws. At no time should the faculty make any statements or implications that the student is any different from the general student population.

Examples:

- Do not ask the student to come to the classroom and then leave with the test in hand.
- Do not place the student in the hall or any other obvious place to take an exam because you want to be close to them in case they have a question.
- Do not ask the student for documentation other than the letter from Disability Services.
- Do not discuss the student's needs or accommodations other than in a private place.
- Do not make comparisons between different students and their different needs.
- Do not use a grading standard that is different from the rest of the class.
- Do not give students with disabilities an advantage over the rest of the class; the idea of the law is to give equal access or equal opportunity through the recommended accommodations.

Faculty have the following rights with regard to accommodation requests:

1. **Taped Lectures:** It is the faculty member's right to request a written agreement before allowing a student to tape record class.
2. **Classroom Behavior:** All students must adhere to the college code of conduct regardless of whether they have a disability. Infractions of this code should be directed to the Dean of Students.

Note: The majority of the above wording regarding responsibilities and rights is taken from *LRP Publications 2000* with suitable alterations to fit the existing policies of Union College.

3. **Challenge Accommodations:** Accommodation requests are based on documentation on file in Disability Services. Due to confidentiality, the nature of the disability may not be disclosed to the faculty unless there is a specific need to know. When beneficial to the faculty/student academic relationship, students are encouraged to self-disclose.

A faculty member has the right to challenge an accommodation request if he/she believes the student is not qualified, if the accommodation would result in a fundamental alteration of the program, if the institution is being asked to address a personal need, or if the accommodation would impose an undue financial or administrative burden. The faculty member should discuss the matter in consultation with the Director of Student Support Services and the Dean for Undergraduate Education.

4. **Appeals Protocol:** If a dispute arises as to whether reasonable accommodations consistent with the recommendations of the Director of Support Services are being provided in a course, the student may appeal by contacting the Chair of the Department in which the course is being offered and the Dean for Undergraduate Education. The Department Chair must determine whether the requested accommodation represents a fundamental alteration of the academic goals of the course. If the Chair is unable to make a determination or upholds the faculty member's decision not to provide the accommodation and the student wishes to appeal further, then the matter goes to the Dean for Undergraduate Education. The Dean for Undergraduate Education may consult with the Director of Student Support Services, the faculty member or anyone else appropriate in reviewing the appeal. The Dean's decision will be communicated to the student. There will be no further appeal.

If the dispute concerns a college-wide academic requirement, then the student may appeal to the Dean for Undergraduate Education, who will consult with appropriate faculty, administrators or committees in reviewing the appeal. The Dean's decision will be communicated to the student. Within 10 days of being notified of the Dean's decision, the student may appeal to the Vice President for Academic Affairs. The Vice President may consult with the Dean and/or anyone else in reviewing the appeal. The Vice President's decision will be communicated to the student. There will be no further appeal.

#### L. ACADEMIC HONESTY

The College assumes that students will not resort to plagiarism, the theft and mutilation of library books, or any other form of academic dishonesty. Therefore, it is important that each instructor make clear to the students the extent to which they may work together in the presentation of papers, reports, essays, problems, or laboratories. Similarly, every faculty member should use some occasion in class to remind students of what plagiarism is and what is expected of them with respect to the use of library materials. As regards

examinations, instructors should be explicit as to whether the test is an "openbook" examination or whether all materials which might assist a student are to be left outside the examination area.

A faculty member who suspects a student has transgressed the standards of academic honesty shall contact immediately and discuss the matter with the Associate Dean for Undergraduate Education.

A preliminary review of the allegations shall include the student, the faculty member making the allegations and the Associate Dean for Undergraduate Education. The student will have an opportunity to respond to the allegations at this meeting.

If the matter is not resolved at the preliminary review, the student will be requested to respond to the charges before the Sub-Council on the Academic Standing of Students. A quorum of the Sub-Council shall be six members.

The following procedural guidelines will govern this meeting:

1. At least forty-eight (48) hours prior to this meeting the student shall
  - Be notified of the meeting.
  - Be provided with a written copy of the charges.
  - Be provided with a list of the members serving on the Sub-Council on the Academic Standing of Students and be given the opportunity to indicate any objections to those sitting on the Sub-Council. These objections shall be made in writing to the Chair of the Sub-Council and shall be delivered to the Office of the Associate Dean for Undergraduate Education at least twenty-four (24) hours prior to the meeting. No Sub-Council member shall be asked to disqualify himself/herself from the proceedings except for reasons related to the objectivity of the Sub-Council member; such determination to be made by the Chair.
2. The students also shall
  - Be permitted to have someone from the College community serve as an advisor during the proceedings. This advisor may not address the Sub-Council.
  - Have an opportunity to hear the information that supports the charges of the faculty member making the allegations.
  - Be permitted to question the faculty member and offer information that contravenes the charges.

The Sub-Council and the student shall adhere to the following procedures:

**Failure to Appear:** If the accused student fails to appear before the Sub-Council on the Academic Standing of Students on the date and at the time and place specified in the notice, the Sub-Council on the Academic Standing of Students may take the testimony and information from the faculty member and reach a decision on the basis of that information. If the accused student is *unable* to appear before the Sub-Council on the Academic Standing of Students on the date specified in the notice, he or she should notify

the chair of the Sub-Council. If the Sub-Council determines that good cause exists for absence of the accused student, it may set a new date for the new meeting.

**Standard of Proof:** In order to determine that the student has violated the standards of academic honesty, the majority of the Sub-Council members present must conclude that the information presented constitutes a clear and persuasive case in support of the charges. “Clear and persuasive” means that the information presented convinces the Sub-Council that there is a high degree of probability that the violation had occurred.

**Penalties:** If the allegations are found to be substantiated by the Sub-Council, possible penalties include: failure in the assignment; a one letter grade reduction for the course; failure in the course; suspension from the College or expulsion from the College. Suspension or expulsion action shall be noted on the permanent record of the student. A memorandum of the charge and the penalty will be sent to the student, and to the Office of the Dean of Students where it will be placed in the student’s confidential file.

**Appeal:** Within ten (10) days of being notified of the decision the student may appeal the decision of the Sub-Council in writing to the Vice President for Academic Affairs of the College when the student believes one or more of the following conditions has occurred

- A significant procedural error was committed (an element in the procedure outlined above was abridged or omitted).
- New facts or information became available.
- The sanction imposed for the violation is unreasonably harsh or inappropriate.

The Vice President may consult with the Sub-Council, its chairperson, the Associate Dean for Undergraduate Education, and/or anyone else appropriate in reviewing the appeal. The Vice President’s decision will be communicated to the student. There will be no further appeal.

#### M. INTERNATIONAL STUDENTS

In light of recent stringent requirements as part of the SEVIS (Student and Exchange Visitor Information System) tracking system, it is important that faculty be aware of certain rules that pertain to international students who are in their classes, who are their academic advisees, or who are engaged in summer research or internship work under their sponsorship.

The College is required to maintain documents and information in SEVIS on all F-1 and J-1 (exchange) students. Students must check in each term within 15 days of the start of the term. Event reporting is required of the Designated School Official and includes:

- Full-time enrollment
- Change in name
- Change in address
- Change in major
- Early graduation

- Disciplinary action taken by the school as a result of the student being convicted of a crime

Faculty will be notified each term of any international advisees or international students in their classes. Chairs and Program Directors will be notified of all international majors in their department or program.

The consequences of the above with regard to faculty advising are the following:

- Carry a full course of study. This means that international students should be advised not to withdraw from classes without consulting the Director of Student Support Services and the Dean for Undergraduate Education.
- Make normal progress. Students should be advised not to sign up for reduced loads or take leaves of absence.
- Report to a Designated School Official. At Union this is the Director of Student Support Services.
- Make required address reports (within 10 days). If you have an advisee and you know that he or she is moving, you must alert him or her to file the proper paperwork.
- Change of Major. If your advisee changes his or her major or you receive an international student as a new major advisee, you need to notify the Director of Student Support Services and the Dean for Undergraduate Education.
- Adhere to regulations regarding employment. Students may engage in work during the educational program and after completion of studies provided such work has been properly approved by the Designated School Official. This requires a three-month application process and fee of \$175. If students do so without prior approval, they will be declared out of status and will have to leave the United States immediately.

## FACULTY CONSTITUTION

### I. BASIC STRUCTURE OF THE GOVERNANCE SYSTEM

Effective June 14, 1980, the Board of Trustees established the following system of governance:

- A General Faculty.
- A Student Government.
- Two Policy Councils: an Academic Affairs Council to recommend educational policy and a Student Affairs Council to recommend policy for student life.
- A Faculty Review Board to advise the Administration and Board of Trustees on matters of faculty salaries, promotion, and tenure.
- Two Consultation Groups to advise the President of the College on matters of institutional concern: a Conference Group to advise on matters of current institutional functioning and a Planning and Priorities Group to advise on matter of budgetary planning and long-range needs.
- Liaison Committees to work with key members of the Administrative Staff of the College.

### II. ORGANIZATION OF THE FACULTY

#### A. MEMBERSHIP (revised May 2000)

The General Faculty shall include as members all full-time members of the teaching faculty, professional librarians, and part-time faculty who teach at least four courses during the academic year. In addition, the following positions which are closely involved with matters of educational policy, also have faculty status: the President of the College, the Dean of the Faculty, the Dean of Arts and Sciences, the Dean of Engineering, the Associate Academic Deans, the Director of Schaffer Library, the Dean of Students, the Vice President for Admissions, the Registrar, and all full-time individuals holding academic administrative appointments who enjoy membership in an academic department by virtue of their academic credentials (and who may teach in that academic department). Individuals filling these positions shall enjoy all the rights and privileges of membership in the General Faculty except that of holding office subject to election by the General Faculty and except any benefits and entitlements specifically provided to any other group within the General Faculty.

#### B. LEADERSHIP OF THE FACULTY (revised May 2000)

The General Faculty shall be directed by an Executive Committee comprising a Chair, a Secretary of the Faculty, and four additional faculty members who shall be the four heads of the Academic Divisions. The Executive Committee shall have as responsibilities: developing the agenda for all General Faculty meetings in consultation with the President of the College and providing supporting materials for those meetings; serving as a nominating committee to submit names of candidates for each office or committee position subject to election by the General Faculty (additional nominations may be made from the

floor) and to any other appointive positions in the governance system; and advising the Administration on all matters of concern to the General Faculty. The Executive Committee shall, as members of the Planning and Priorities Group, be responsible for proposing appropriate levels for the faculty salary budget to the administration. In order to meet this responsibility, the Executive Committee shall appoint a Faculty Compensation Committee, whose membership shall include at least one member of the Executive Committee and one member of the Faculty Review Board, to address this issue. The Faculty Compensation Committee will present its report to the President. The Executive Committee shall also have the responsibility for revising the faculty constitution and by-laws to be in accord with the new governance system and to establish orderly means to accomplish the business of the General Faculty. The Administration shall inform the Faculty Executive Committee, and seek Faculty Executive Committee consultation, as appropriate, about any proposed changes to the Faculty Manual that are not governed by procedures for change that require faculty approval.

The Chair of the Faculty Executive Committee is responsible for the operation of the General Faculty, for the General Faculty's compliance with provisions of the governance system, and for the execution of the tasks assigned to the Executive Committee. The Secretary of the Faculty shall record and report minutes of all meetings of the General Faculty and of the Executive Committee, and shall participate as a regular member of the Executive Committee. The Secretary shall see that the faculty is promptly informed of all formal recommendations of the Academic Affairs Council and the Faculty Review Board and of all other matters which should come to the attention of the faculty.

### C. FACULTY MEETINGS

The General Faculty will meet in three regular meetings during the academic year and in three or more informational sessions. Additional meetings of the General Faculty may be called according to other provisions of the governance system. The regular meetings will be in September (to introduce new administrative officers and faculty and to receive reports from the President and other administrative officers as appropriate), in February (to be informed of budgetary decisions for the coming year and to discuss long-range plans for the College), and in April (to select prize recipients and recommend to the Trustees all persons to be awarded earned degrees and to elect faculty members to serve as officers of the General Faculty and as members of those governance structures for the coming year whose members are to be elected by the General Faculty).

The Chair of the Faculty Executive Committee will issue the call for all meetings of the General Faculty. The Chair will do so as required by the provisions in the governance system, at the request of the President of the College, on receipt of a petition submitted by at least 10 percent of the General Faculty, or at his/her own initiative. The President of the College or the Chair of the Faculty Executive Committee may ask the General Faculty to express an opinion on any matter by vote; and other matters may be brought up for a vote as a result of a petition submitted by at least 10 percent of the General Faculty.

The President of the College will personally chair the meetings of the General Faculty but will relinquish the chair in the following circumstances:

1. To make a formal report to the faculty.
2. To speak on a matter before the meeting.
3. To respond to a question of substance from a faculty member.

Under these circumstances, or if the President is not in attendance at the meeting, the Chair of the Faculty Executive Committee will take the chair.

Individuals who do not have faculty status may be invited to attend as appropriate by the President or by the Chair of the Executive Committee without voting rights. Any guest may speak on invitation of the President or any member of the faculty.

#### D. DIVISIONAL MEETINGS

The academic departments of the College are divided into four divisions: Humanities, Social Sciences, Sciences and Mathematics, and Engineering. The Academic Divisions of the College meet for purposes of communication and informal deliberation, and to elect the Divisional Heads and the members who represent the Division on the Academic Affairs Council and the Faculty Review Board. The Academic Division shall meet at the call of the Division Head.

#### E. CRITERIA FOR ELECTIONS OF FACULTY MEMBERS

A faculty member may be elected at any one time only to one Council, to the General Education Board, to the Faculty Review Board, to any elected position of Faculty leadership, or as Faculty Trustee. Normally, terms of office are for three years. No faculty member may be re-elected immediately to the same position.

Only regularly elected members may vote at meetings of the various governance structures. No proxies or substitutes will be permitted on any governance structure, whether for faculty, student, or administrative representatives except as stipulated below. Divisions shall, however, be permitted to elect a replacement for a divisional representative to any council, board, or committee in the event of an extended absence of that representative for the term of absence.

If a faculty member resigns from any council, board, or committee, his or her term will be regarded as having been completed and the elected or appointed replacement will serve a full term beginning with the year in which the resignation took effect.

If any council, board, or committee finds that turn-over in a given year is such that reasonable continuity is jeopardized, it can request permission from the Faculty Executive Committee to extend the term of one member for a period of one year.

### III. CRITERIA FOR ELECTIONS OF POLICY COUNCILS

#### A. AUTHORITY OF THE POLICY COUNCILS

The Policy Councils shall initiate formal policy recommendations to the President (through the appropriate administrator) and Board of Trustees in the areas of Academic Affairs and Student Life. In the case of the Student Affairs Council, all recommendations will proceed directly to the President and Board for approval and implementation. In the case of the Academic Affairs Council, any formal policy recommendation must be submitted to the General Faculty for approval prior to being forwarded to the President and Board of Trustees.

#### B. CREATION OF SUB-COUNCILS

Each Policy Council shall be empowered to create as many sub-councils as necessary to deal with specific areas of its responsibility, and it shall be empowered to staff these sub-councils with individuals not on the parent council. With the exception of the standing sub-councils established in Sections IV,C and V,C below, all sub-councils shall expire automatically at the end of every academic year, Sub-councils shall normally be chaired by a member of the parent council, and shall have the responsibility for submitting carefully considered proposals to the parent Council for deliberation, but they may not themselves formally recommend policy to the General Faculty and the Administration.

All student members (who are full-time day-time, undergraduates) of the sub-councils (with the exception of chairpersons) shall be appointed by the Student Government Committee on Committees or its equivalent. Faculty representatives shall be appointed by the chair of the parent Council in consultation with the Faculty Executive committee, except as specified below in this document.

#### C. LEADERSHIP OF THE COUNCILS

Each Policy Council shall choose a Chair from among its own members at the beginning of the academic year. The Chair shall serve for a full year and may be re-elected.

#### D. PROCEDURAL TERMINOLOGY DEFINED

In the procedural flow chart stipulated for each Policy Council below, the term academic calendar shall refer to that period of time beginning with the first day of classes and ending on the last day of final examinations for the Fall, Winter, and Spring terms. The word day shall mean a normal calendar day, including weekends and holidays. Except in cases of replacement elections and replacement appointments, the effective dates for all terms of office begin on September 1 of the academic year and end on August 31.

#### IV. THE ACADEMIC AFFAIRS COUNCIL

##### A. MEMBERSHIP

The Academic Affairs Council shall have as voting members seven faculty representatives (one to be elected by each of the four Divisions, with three others to be elected by the General Faculty at large) and four students (full-time, day-time undergraduates to be appointed by the Student Committee on Committees or its equivalent). In addition, the Dean of Faculty, the Dean of Arts and Sciences, the Dean of Engineering, and the Associate Dean of Undergraduate Education shall be non-voting members of the Council. Faculty members shall serve staggered terms and shall meet the criteria set forth in section II,E above. Two of the student members shall serve two-year terms, and two shall serve one-year terms. The Dean of Arts and Sciences will normally serve as the Council's recording secretary.

##### B. RESPONSIBILITIES

The Academic Affairs Council shall formulate and submit for General Faculty approval all changes in academic policy and all proposals for new programs. Proposed changes in academic policy may also be initiated at any meeting of the General Faculty. Such proposals shall be referred to the Academic Affairs Council for review and shall be reported back to the Faculty, at the next Faculty meeting (or as otherwise stipulated at the time of referral). It shall normally be the practice of the Academic Affairs Council to refer to its sub-councils the preliminary formation of plans and policies, and receive from these sub-councils recommendations for action.

The Council shall receive from the appropriate sub-councils recommendations on the approval or disapproval of proposed new courses, reviews of current academic programs and services (such as academic advising of students) and recommendations on new programs within the curriculum. The Council shall solicit proposals and seek support for faculty and student research, for faculty development, and for curricular experimentation; and it shall advise on the allocation of available funds for these activities.

The Academic Affairs Council shall review and revise as necessary the criteria for academic honors and other scholastic awards, and for good academic standing.

The Academic Affairs Council shall advise the Dean of the Faculty in the preparation and annual revision of a working plan for academic development, encompassing both a general direction for the entire academic program and appropriate goals for departments and programs. The Administration shall make available to the Academic Affairs Council the budgetary information it needs to make informed judgments in the development and revision of the plan. The working plan for academic development should be the basis for the annual academic budgetary requests by the Dean of the Faculty. The educational guidelines provided by the Working Plan will be used by the Associate Dean of Undergraduate Education in performing, and reporting to the AAC, a periodic review of each Department and interdepartmental program, with particular attention to the needs and resources

of each. The guidelines provided by the document will also be used directly by the administration in making staffing decisions which affect the distribution of faculty within the curriculum. The Council may occasionally offer its assistance, or be asked for it, in the interpretation of the document concerning specific pending decisions. The Associate Dean of Undergraduate Education will report the year's staffing decisions to the AAC, explaining them in terms of the Working Plan.

C. STANDING SUB-COUNCILS OF THE AAC (revised May 2005)

The AAC shall form two standing sub-councils: a Sub-council on the Standing of Students and the General Education Board. Unless the actions or recommendations of these standing sub-councils are deemed by the AAC to be detrimental to the College's academic programs, they will normally be sustained by that Council.

The Sub-council on the Standing of Students shall review and, as appropriate, recommend revision of those College policies which affect the academic standing of undergraduates at Union; it shall review the records of students who earn less than a satisfactory average and apply to all undergraduate degree candidates the accepted criteria for good academic standing; it shall also evaluate petitions for undergraduate re-admission to Union and consider all requests for exemption from undergraduate academic regulations. The membership of the Sub-council shall be three (3) students (full-time, day-time, undergraduates), four (4) faculty members (appointed as other members to Sub-councils and with one member from each Division), the Associate Dean of Undergraduate Education or his/her designee, the Dean of Students or his/her designee, and the Registrar.

The General Education Board shall oversee the general education program and shall formulate plans and policies relating to it. The membership of the General Education Board shall be the Dean of Undergraduate Education, four faculty members and two students. Each of the four divisions of the faculty shall elect one representative, and the faculty shall serve staggered three-year terms. The two students shall be selected by a process determined by the Student Forum and shall serve staggered two-year terms. The Director of the Writing Center shall serve ex-officio. The Dean of Undergraduate Education shall serve as the Director of the General Education Board and shall be responsible for the administration of the program.

D. PROCEDURES

The procedures to be followed by the Academic Affairs Council shall be those put forward in Chart A.

CHART A

Legislative Flow Chart for Academic Affairs Council

1. Academic Affairs Council (AAC) receives formal proposals from its councils, from its own members, or from Department Heads.

2. The AAC passes a formal policy recommendation.
3. The Student Forum or its equivalent has ten days in the academic calendar in which to respond to the policy recommendation in one of the following ways:
  - Receive the report and take no action; or
  - Return a Sense of the Forum Resolution to the AAC, requesting a formal reconsideration of the policy recommendation.
4. At a meeting of the General Faculty called within thirty days, the General Faculty may
  - Approve (by majority vote) the policy recommendation as it stands, in which case, unless a Sense of the Forum Resolution has been received by the AAC Chair, the policy recommendation is forwarded to the Dean of the Faculty and the President for formal approval and implementation; or
  - Return the recommendation to the Academic Affairs Council with suggested amendments; or
  - Reject (by majority vote) the policy recommendation, in which case the proposal is defeated and may not be reconsidered during the current year.
- 5a. If the recommendation is returned to the Academic Affairs Council by the General Faculty, the AAC has thirty days in the academic calendar to take action. It may
  - Withdraw the policy recommendation, in which case the same recommendation may not be reconsidered during the current academic year; or
  - Return the initial proposal to the General Faculty, explaining why it has not incorporated suggested amendments; or
  - Resubmit a modified proposal to the General Faculty and the Student Forum or its equivalent.
- 5b. If a Sense of the Forum Resolution is returned to the Academic Affairs Council by the Student Forum or its equivalent, the AAC has thirty days in the academic calendar in which to reconsider the proposal and respond in writing to the resolution. Such a written response is the responsibility of the student members of the AAC. The AAC may
  - Withdraw the policy recommendation, in which case the same recommendation may not be reconsidered during the current academic year; or
  - Return the initial proposal to the Student Forum or its equivalent, explaining why it has not incorporated suggested amendments; or
  - Resubmit a modified proposal to the Student Forum or its equivalent, and to the General Faculty.
6. The General Faculty shall meet within ten days in the academic calendar of receiving again the policy recommendation of the AAC (either the resubmitted initial proposal or a modified proposal) and any Sense of the Forum Resolution(s) related to either the resubmitted initial proposal or any modified proposal. The General Faculty may
  - Approve by majority vote the proposal submitted to it by the AAC, in which case the proposal is forwarded to the Dean of the Faculty and the President for formal approval and implementation; or

— Fail to approve by majority vote the proposal, in which case the proposal is defeated and may not be reconsidered during the current academic year.

7. The Dean of the Faculty and President must receive the recommendation of the Council and formally approve or disapprove the recommendation within ten days in the academic calendar. In the unusual instance that the Dean of the Faculty or President vetoes the policy recommendation of the AAC, such disapproval must be communicated in writing to the Chair of the AAC within the ten-day period, explaining the reason for rejection. On receipt of such a rejection message, the Academic Affairs Council may begin again at Step 1.

## V. THE STUDENT AFFAIRS COUNCIL

### A. MEMBERSHIP

The Student Affairs Council shall consist of five students (full-time, day-time, undergraduates). The Student Forum shall determine which of its members shall serve on the SAC and how the remaining non-Forum members on the SAC shall be elected. In addition, the Council shall also include two faculty members, both of whom shall be elected by the faculty at large without regard to Division affiliation, two administrators (the Dean of Students and another administrator designated by the Dean of Students) and one academic administrator *ex officio* and without a vote (designated by the Dean of the Faculty). The Faculty members shall serve staggered three-year terms and shall meet the criteria set forth in section II, E above. The student members shall serve one-year terms. One of the faculty members shall serve as the chair of the Student Affairs Council.

### B. RESPONSIBILITIES

The Student Affairs Council shall continuously review policy and formulate and recommend plans for the following:

- Dean of Students Office
- Residential Life
- Dining Services
- Student Activities and Campus Center
- Health Services
- Student Support Services (counseling, disabilities, international, religious, and other programs)
- Career Center
- Campus Safety

This Council shall formulate and review policy concerning student conduct, including criteria for acceptable social behavior and procedures to be followed by College judicial panels.

This Council shall work to develop policies that encourage students to defend the dignity of all members of the campus community.

This Council shall assume overall responsibility for College policy affecting Greek Organizations and Theme Houses.

This Council shall have responsibilities for advising the Student Forum (or its equivalent) and the Dean of Students on matters of student activities which have a significant impact on student life. The Student Forum is oversees activities of students, including the allocation of all Student Tax Monies. The Dean of Students shall be responsible for ensuring that other College interests are taken into account in the development of student programs and services.

C. SUB-COUNCIL

The Student Affairs Council shall form one standing sub-council: the Sub-council on Housing Reviews (hereafter referred to as the “Sub-council”). The Sub-council is charged with reviewing the applications of residential groups occupying College-owned housing who have applied for renewal. The Sub-council shall read the self-study prepared by each residential group and invite members of the group to meet with the Sub-council. The Sub-council will then make a recommendation to the Student Affairs Council. The full Student Affairs Council will make the decision on the term of renewal for housing groups.

The Sub-council shall be composed of one administrator (designated by the Dean of Students), one Faculty members (from the Student Affairs Council), one representative from the Interfraternity Council (to be appointed by the Interfraternity Council), one representative from the Panhellenic Council (to be appointed by the Panhellenic Council), one representative from the Theme House Consortium (to be appointed by the Theme House Consortium), one representative from Independent students (to be appointed by the Student Affairs Council), and one member of the Residential Life staff.

D. PROCEDURES

The procedures to be followed shall be those put forward in Chart B.

CHART B

Legislative Flow Chart for Student Affairs Council

1. The Student Affairs Council receives proposals from sub-councils, its own members, or the Student Forum.
2. The Student Affairs Council passes policy recommendations.
3. The Student Forum has thirty days in which to respond to the policy recommendation. It may
  - Receive the report and take no action, in which case the proposal is forwarded to the Dean of the Faculty and President for formal approval and implementation; or

- By majority vote, the Forum may call for a reconsideration of the recommendation by the Student Affairs Council, in which case the Forum must be given an opportunity to state its reservations about the recommendation in question.
4. Upon completion of the reconsideration process, the Student Affairs Council may
    - Endorse the recommendation a second time and the recommendation is then forwarded to the Dean of the Faculty and President for formal approval and implementation; or withdraw the recommendation, in which case it may not be dealt with again during that particular academic year; or
    - Modify the recommendation.
  5. The Student Forum has ten days in which to respond to the modified policy recommendation. It may
    - Receive the report and take no action, in which case the proposal is forwarded to the Dean of the Faculty and President for formal approval and implementation; or
    - By majority vote, the Forum may call for a reconsideration of the revised recommendation by the Student Affairs Council in which case the Forum must be given an opportunity to state its reservations about the revised recommendation.
  6. Upon completion of the reconsideration of the revised recommendation, the Student Affairs Council may, as outlined under point four,
    - Endorse again, in which case the revised recommendation is forwarded to the Dean of the Faculty and President for formal approval and implementation; or
    - Withdraw the revised recommendation; or
    - Modify the revised recommendation, in which case the same procedure as outlined above for revised proposals is followed.

(Note: Upon completion of any reconsideration, the Student Affairs Council may endorse the reconsidered proposal and send it for formal approval and implementation.)

7. The Dean of the Faculty and President receive the recommendation of the Student Affairs Council and will formally approve or disapprove the recommendation within ten days. In the unusual instance where the President or the Dean of the Faculty vetoes the policy recommendation of the Student Affairs Council, such disapproval must be communicated in writing within the ten day period explaining the reasons for rejection. On receipt of such a rejection message, the Student Affairs Council may begin again at Step 1.

## VI. FACULTY REVIEW BOARD

### A. MEMBERSHIP

The Faculty Review Board shall have as members five senior faculty (those who have passed tenure review), three junior faculty (those who have not reached the stage of tenure review), the Dean of the Faculty, the Dean of Arts and Sciences, the Dean of Engineering, and the Affirmative Action Officer. The three deans and the Affirmative Action

Officer shall serve ex officio and without vote, except that the Dean of the Faculty shall vote, if requested by the Board, in the event of a tie.

Each Division shall elect one of its senior members to serve on the Faculty Review Board. The fifth senior member and the third junior member shall be elected by the faculty-at-large. The remaining junior members will be elected by the junior faculty, one to represent the Humanities and Social Sciences Divisions, and the other to represent the Science and Engineering Divisions. Each junior member shall have been a member of the faculty for a minimum of two years, shall be elected for a term of one year, and shall not serve on the Board in the year of tenure review.

#### B. RESPONSIBILITIES

The Faculty Review Board shall formulate and submit for General Faculty approval all policies and procedures for review of faculty members for renewal of contract, promotion, tenure, tenure and salary increments. Proposed changes in policies and procedures in matters of salary review, contract renewal, tenure, tenure and promotion may also be initiated at any meeting of the General Faculty. Such recommendations shall be referred to the Faculty Review Board for review and shall be reported back to the Faculty, at the next Faculty meeting (or as otherwise stipulated at the time of referral). The Board shall also be responsible for recommending policies for distribution of funds available for faculty salaries. The Board is further charged with reviewing individual faculty members in consideration of renewal of contract, promotion, tenure and tenure and making recommendations in individual cases.

#### C. PROCEDURES

Only the senior faculty members shall join with the Deans and the Affirmative Action Officer in reviewing individuals for promotion, tenure, tenure and renewal of long-term contracts. During consideration of reappointment reviews for junior tenure-track faculty, one junior faculty member of the Board will participate in an advisory (non-voting) capacity. This junior faculty member will have completed the reappointment review process. Attendance will be rotated among the eligible members. The Board as a whole shall consider all other matters within its jurisdiction. In the event of a tie vote, the board may request the Dean of the Faculty to decide between the favored alternatives.

#### D. CREATION OF SUB-COMMITTEES (May 2000)

The Faculty Review Board shall be empowered to create as many sub-committees as necessary to deal with specific areas of its responsibility, and it shall be empowered to staff these sub-committees with individuals not on the Faculty Review Board. All sub-committees shall expire automatically at the end of every academic year, sub-committees shall normally be chaired by a member of the Faculty Review Board, and shall have the

responsibility for submitting carefully considered proposals to the Faculty Review Board for deliberation, but they may not themselves formally recommend policy to the General Faculty and the Administration.

All student members (who are full-time “day-time,” undergraduates) of the subcommittees (with the exception of chairpersons) shall be appointed by the Student Government Committee on Committees or its equivalent. Faculty representatives shall be appointed by the chair of the Faculty Review Board in consultation with the Faculty Executive Committee.

#### E. RIGHT TO APPEAL

A faculty member may request the Faculty Appeals Committee to review a determination by the Faculty Review Board or the President regarding pre-tenure contract renewal or tenure, according to procedures set forth in the Faculty Manual.

#### CHART C

##### Legislative Flow Chart for Faculty Review Board (May 2000)

1. The Faculty Review Board (FRB) receives formal proposals from its subcommittees, from its own members, or from Department Heads.
2. The FRB passes a formal policy recommendation.
3. At a meeting of the General Faculty called within thirty days, the General Faculty may
  - Approve (by majority vote) the policy recommendation as it stands, in which case the policy recommendation is forwarded to the Dean of the Faculty and the President for formal approval and implementation; or
  - Return the recommendation to the FRB with suggested amendments; or
  - Reject (by majority vote) the policy recommendation, in which case the proposal is defeated and may not be reconsidered during the current academic year.
4. If the recommendation is returned to the Faculty Review Board by the General Faculty, the FRB has thirty days in the academic calendar to take action. It may
  - Withdraw the policy recommendation, in which case the same recommendation may not be reconsidered during the current academic year; or
  - Return the initial proposal to the General Faculty, explaining why it has not incorporated suggested amendments; or
  - Resubmit a modified proposal to the General Faculty

5. The General Faculty shall meet within ten days in the academic calendar of receiving again the policy recommendation of the FRB (either the resubmitted initial proposal or a modified proposal). The General Faculty may
  - Approve by majority vote the proposal submitted to it by the FRB, in which case the proposal is forwarded to the Dean of the Faculty and the President for formal approval and implementation; or
  - Fail to approve by majority vote the proposal, in which case the proposal is defeated and may not be reconsidered during the current academic year.
  
6. The Dean of the Faculty and President must receive the recommendation of the Council and formally approve or disapprove the recommendation within ten days in the academic calendar. In the unusual instance that the Dean of the Faculty or President vetoes the policy recommendation of the FRB, such disapproval must be communicated in writing to the Chair of the FRB within the ten-day period, explaining the reason for rejection. On receipt of such a rejection message, the FRB may begin again at Step 1.

## VII. FACULTY APPEALS COMMITTEE

### A. MEMBERSHIP

The Faculty Appeals Committee (FAC) shall have as members five tenured faculty members. Each division will elect one tenured member of the Division to the committee. The Divisions will also elect a tenured alternate to the FAC who replaces the elected representative should the chair determine valid grounds exist to replace a committee member as determined above. The fifth member of the committee will be elected by the faculty at large and will chair the committee. When this person is elected, the faculty will also elect an alternate to replace the committee chair in the event the chair's membership is challenged by the petitioner. All members of the Appeals Committee will serve for two years.

The Chair of the Faculty Appeals Committee shall not serve concurrently on any ad hoc tenure committee nor on any other of the principal governance structures. No member of the Faculty Appeals Committee can serve on the Faculty Review Board concurrently or in the year immediately preceding service on the Appeals Committee.

### B. RESPONSIBILITIES

The Faculty Appeals Committee shall consider petitions by faculty members to review determinations by the FRB or the President regarding pre-tenure contract renewal or tenure.

## VIII. THE CONSULTATION GROUPS

### A. PURPOSE

The purpose of the Consultation Groups is to assure that the President of the College will systematically receive advice from faculty, students, and staff on all matters of concern to the College as a whole. Consultation on matters of immediate concern to the campus will be provided by the Conference Group; consultation on matters of long-range planning and budgeting will be provided by the Planning and Priorities Group.

B. AUTHORITY

All opinions expressed or recommendations made by the Consultation Groups are advisory to the President of the College.

IX. THE CONFERENCE GROUP

A. MEMBERSHIP

The Conference Group shall be composed of the Chair of the Faculty Executive Committee, the Secretary of the Faculty, the President of the Student Body, the Vice President of the Student Body, and the Chair of the Academic Affairs Council and the Student Affairs Council. The President of the College shall chair the Conference Group.

B. RESPONSIBILITIES

The Conference Group is to advise the President upon request on all matters of immediate concern to the general functioning of the campus. These matters will normally include—but not be limited to—the handling of emergency situations, bottlenecks in the governance system, the creation of ad hoc task forces, procedures to be followed in the case of appeals by members of the faculty and student body on decisions concerning their status at Union College, and the treatment of any problem which falls outside the normal functioning of the governance system and administration.

The Conference Group will meet at the request of the President and will consider whatever business the President places before it.

X. THE PLANNING AND PRIORITIES GROUP

A. MEMBERSHIP

The Planning and Priorities Group shall be composed of the four division Chairs of the Faculty, the Chair of the Faculty Executive Committee, the Secretary of the Faculty, three students (full-time, day-time, undergraduates) to be appointed by the Student

Committee on Committees, one member of the staff to be elected by the staff, one alumni representative to be appointed by the Alumni Council, the Vice President for Finance, the Vice President for College Relations, and the Dean of the Faculty. The President of the College shall chair the group.

#### B. RESPONSIBILITIES

The Planning and Priorities Group shall review and recommend to the President policies concerning long-range planning, the establishment of College priorities, and the preparation of annual budgets. In so doing, the Group shall be concerned with the use of current or proposed facilities, with the financial implications of proposed or anticipated institutional changes, and with all academic and non-academic issues of long-range importance. It shall have the specific responsibility of evaluating the extent to which the annual budget of the College responds to establish College priorities.

#### C. PROCEDURES

The Administration shall provide the Faculty members of the Planning and Priorities Group with complete and timely information relevant to long-range planning and budget issues. To ensure an open and continuing debate over the direction of the College, the President shall prepare for the Group an annual written assessment of the state of the College. This report shall address the suitability of the short- and long-term goals of the College, the progress made during the past year toward attainment of the goals, and future resource requirements.

Normally the Group will concern itself with the development of budgetary priorities and a review of the preliminary budget during the Fall term. Other responsibilities will normally be undertaken during the Winter and Spring terms.

The Planning and Priorities Group will meet at the request of the President and will consider whatever business the President, or designee, places before it.

### XI. LIAISON COMMITTEE FOR ADMISSIONS

#### A. MEMBERSHIP

The Vice President for Admissions shall chair the Liaison Committee for Admissions. Other members will be four faculty members, two students, the Director of Financial Aid, the Director of Athletics, and one member of the admissions staff.

The faculty members will be appointed by the Executive Committee of the Faculty, for staggered three-year terms. The student members will be appointed by the Student Committee on Committees. The admissions staff member will be appointed by the Dean of Admissions.

## B. RESPONSIBILITIES

The Admissions Committee is responsible for recommending general admissions policy to the President and, through him, to the Board of Trustees, and for advising the Dean of Admissions on all matters of concern to students and faculty about admissions. In addition, the Dean of Admissions may bring to the Committee any matter for consultation and opinion.

## C. PROCEDURES

The Liaison Committee on Admissions shall advise the Dean of Admissions in the preparation and annual revision of a document which outlines the overall goals, policies, and procedures to be used in the admissions process. The Dean shall prepare for the Committee an annual report which provides a detailed profile of the applicant pool, accepted candidates for admission, and freshman class. The Liaison Committee on Admissions shall meet each Spring to recommend policy guidelines, which shall then be forwarded to the President for formal approval. It shall meet throughout the year at the request of the Dean of Admissions on all other matters.

## XII. LIAISON COMMITTEE FOR ATHLETICS

### A. MEMBERSHIP (May 2000)

The Director of Athletics shall chair the Liaison Committee for Athletics. Other members will be two faculty members (one from each center, including the campus NCAA faculty representative), two students (one male and one female), and one alumni representative.

The faculty members will be appointed by the Executive Committee of the Faculty, for staggered three-year terms. The student members will be appointed by the Student Committee on Committees or its equivalent. The alumni representative will be appointed by the Alumni Council.

### B. RESPONSIBILITIES

The Liaison Committee on Athletics shall advise the Director of Athletics on all matters of concern to the athletic program. These shall include -- but not be limited to -- intercollegiate athletic programs, club sports, intramural and recreational programs, women's programs, and instruction in athletic skills and sports. The Liaison Committee shall participate in discussions of general policy, in a review of program needs, in the analysis of budgetary priorities, and in bringing to the attention of the Director of Athletics the concerns of members of the faculty and student body.

Although the Liaison Committee is advisory to the Director of Athletics, it shall be understood that the Director is expected to consult with the Committee on a regular basis and to consider carefully its advice.

### C. PROCEDURES

The Liaison Committee on Athletics shall meet at least once each term at the call of the Director of Athletics. It shall discuss whatever business the Director of Athletics or other members of the committee places before it. All decisions of the committee are advisory to the Director of Athletics.

## XIII. LIAISON COMMITTEE FOR CAMPUS FACILITIES

### A. MEMBERSHIP

The Vice President for Finance shall chair the Liaison Committee for Campus Facilities. Other members will be three faculty members, two students, one member of the staff, and the Director of Campus Operations. The faculty members will be appointed by the Executive Committee of the Faculty for staggered three year terms. The student members will be appointed by the Student Committee on Committees. The staff member will be appointed by the Director of Campus Operations.

### B. RESPONSIBILITIES

The Liaison Committee for Campus Facilities shall advise the Vice President for Finance on all matters of the physical state of the campus and on plans for improvements. The Committee shall be consulted regularly at every stage of the planning and construction of new facilities and on other improvements to be undertaken on the campus.

The Liaison Committee for Campus Facilities shall advise the Vice President for Finance in the preparation and annual revision of a working plan for facilities development, which shall prioritize capital improvement projects on the campus. The Administration shall make available to the Committee the budgetary information it needs to make informed judgments in the development of the plan. The working plan for facilities development should be the basis for the annual physical plant capital budget requests by the Vice President for Finance.

### C. PROCEDURES

The Liaison Committee for Campus Facilities will meet at least once each term at the call of the Chairman of the Committee. It shall discuss matters of concern regarding campus operations and any proposed campus improvements. The Administration shall provide all members of the Committee with a complete and timely description of all campus construction projects during their early planning stages. The Committee shall assess the impact of such projects on the physical environment of the campus and report

its findings, along with any recommendations for changes in the plans, to the Planning and Priorities Group which will make a final recommendation to the President.

#### XIV. LIAISON COMMITTEE FOR THE LIBRARY

##### A. MEMBERSHIP (May 2000)

The Head Librarian shall chair the Liaison Committee for the Library. Other members shall be four faculty members, two students, and one member of the Library faculty (in addition to the Head Librarian). The faculty members shall be appointed by the Faculty Executive Committee, normally one from each of the four Divisions, for staggered three-year terms, and the student members shall be appointed by the Student Committee on Committees. The Library faculty member shall be appointed by the Head Librarian.

##### B. RESPONSIBILITIES

The Liaison Committee on the Library shall advise the Head Librarian on all matters of policy pertaining to the operation, maintenance, and improvement of the Library. Committee members are also expected to communicate to their colleagues information concerning Library policies and operations.

##### C. PROCEDURES

The Liaison Committee for the Library will meet at least once each term at the call of the Head Librarian. It shall discuss whatever business the Head Librarian or members of the committee shall place before it. All decisions of the committee are advisory to the Head Librarian.

#### XV. ADDITIONAL LIAISON COMMITTEES

Additional Liaison Committees may be established by the President of the College in consultation with the Conference Group.

#### XVI. AMENDING THE GOVERNANCE SYSTEM (May 2000)

All the structures and procedures established by this document may be amended at any point in the future. The procedures to be followed in amending the Governance System shall be the following:

- A. Amendments may be formally proposed in any of the following ways:
  - By a petition signed by at least 10 percent of the General Faculty.
  - By majority vote of the Faculty Executive Committee.

- By majority vote of the Student Forum (or its equivalent).
  - By the President of the College in consultation with the Conference Board.
- B. Any amendment formally proposed must be circulated in writing to all members of the General Faculty and the Student Forum at least thirty days in the academic calendar prior to a vote being taken upon it.
- C. Any amendment formally proposed must be approved by both
- a majority of all members of the General Faculty who are in residence at the College during the academic term in which the vote is taken; this vote may occur at a meeting of the General Faculty called for this purpose or by mail ballot, at the discretion of the Faculty Executive Committee; and
  - A majority of all members of the Student Forum who were elected or appointed to serve during the academic term in which the vote is taken. (Approval by the Student Forum is not required on amendments pertaining to sections II, VI, and VII.)

In both cases, a vote on the proposed amendment must be held within forty-five days in the academic calendar following the circulation of the amendment.

- D. Upon approval by the General Faculty and where required by the Student Forum, the amendment shall be forwarded to the President of the College and, through the President, to the Board of Trustees. If the President concurs with the amendment and decides that such an amendment is procedural in nature, the amendment will automatically become effective at the beginning of the next academic term. If the President concurs with the amendment and decides that such an amendment is substantive in nature, the amendment will be forwarded to the Board of Trustees for approval and the amendment will become effective at the beginning of the next academic term. If the President disapproves of the amendment, the amendment shall not take effect, and the President must communicate this decision in writing to the Faculty Executive Committee, the Student Forum, and the Executive Committee of the Board of Trustees, explaining the reasons for disapproval. In all cases, the President must act within ten days in the academic calendar following approval by the General Faculty and Student Forum. The Presidential disapproval may be over-ridden by two-thirds of the members of the General Faculty who are in residence in the term in which the vote is taken. The Chair of the Faculty Executive Committee shall then forward the amendment to the Board of Trustees for approval.

## BOOKSTORE, LIBRARY, AND OTHER SERVICES

### I. COLLEGE BOOKSTORE - Reamer Campus Center

Faculty and staff, and members of their families, may use the Campus Store to the full extent of its services. Bookstore charge accounts are available for all employees of the campus community. Accounts are payable within 30 days of the billing date. A finance charge of 1½ percent per month is levied on balances outstanding after 30 days (minimum charge of \$1.00 if balance is under \$65.00). The credit ceiling is \$500.00 per academic year for full-time faculty and staff members employed by Union College. Payments must be received within 30 days of billing date. The privilege of charging will be suspended at the discretion of Union College for any account containing charges which have not been paid within 45 days of the original billing. If charges have not been paid by the end of 90 days, by signing Union's charge account agreement you have authorized Union to deduct the balance you or your spouse or your family member owes the bookstore from your paycheck (within applicable statutory limits).

The College bookstore store offers the following services to the College community:

- Special orders (deposit required).
- Twenty-four hour film processing.
- Magazine subscriptions.
- Education computer discounts.
- Gift certificates.
- Shop by telephone (388-6188) Monday through Friday, 9:00 a.m. to 4:00 p.m.
- Gift wrapping of items purchased at the College Bookstore (\$2.00 - \$5.00 per package).

### A. OF INTEREST TO THE TEACHING FACULTY

1. Textbook adoptions for courses may be submitted on-line six to eight weeks in advance of the beginning of each term.

Or you may choose to use the computer generated textbook adoption letter sent to each faculty member six to eight weeks in advance of the term. These adoption letters should be filled out and returned no later than the cut-off date indicated with the information that accompanies the adoption letter. The following are directions for use with adoption letters:

- Please print or type for legibility, particularly foreign languages.
- Please indicate order of use.
- Be sure to include estimated enrollment figure (even if only an educated guess).

This figure should, if possible, correspond to the registrar's figure for enrollment in your course. If you have these figures, but are estimating a higher number, please explain briefly in the "Remarks" column.

- On your adoption letters, please check specific box if title is recommended or required. We assume that fewer students will buy a "Recommended" title than a required one. To help us avoid underordering, could you, where possible,

estimate in "Remarks" column how many students are likely to buy each of these recommended titles.

- If you are undecided about some titles, but decided on others, give us a list of those titles that are definite, and send in a supplementary list later when you have decided on the balance. Should you do this, state that the initial list is only a partial list.

## 2. Desk Copies

Publishers require that faculty members send to them any request for complimentary desk copies of adopted textbooks. The store is unable to provide complimentary desk copies. We will, however, sell you a textbook and charge it to your personal account or to the respective Department account if permission is granted. If the desk copy you requested is received from the publisher within 30 days and it is free of any stamped markings by the publisher, your account or that of the Department will be credited for the full cost of the book. Otherwise your account or that of the Department will be charged for the full cost of the book. We cannot accept these books back after 30 days for credit.

## 3. Trade Books

The College Bookstore stocks a large number of titles of books encompassing a variety of subjects. The College Bookstore will be happy to carry in its Trade stock additional titles recommended by faculty. Also any book that is in print may be special ordered. A small deposit is required.

## 4. Other Services

If there are items, special equipment, or supplies which you would like to have available to your students, we shall be happy to include them in our stock. The buyer for Stationery and Art products will be most willing to work with you. Please feel free to contact this person at any time at extension 2196.

## 5. Computer Sales and Services

Union College faculty and staff are eligible to purchase personal computers and a wide range of software titles at the College Bookstore. In contrast of off-campus retailers and computer superstores, we offer the more robust professional and business models, as opposed to consumer models. These premium computer lines from Apple Computer, Compaq, Gateway, and Toshiba are designed for the more demanding computing environment found in higher education—they are fully network-certified and typically manufactured to higher-quality standards than their consumer counterparts. Our personal computer prices range from competitive to discounted, based on educational purchase agreements established by Union College with these manufacturers. Custom configuration is available.

The College Bookstore complements our full line of desktop and laptop computers with printers and scanners from Hewlett-Packard and Epson, as well as a full line of peripherals, accessories, and consumables at prices competitive with or below the big box computer retailers. Faculty and staff are thus afforded the convenience of obtaining information technology conveniently on-campus at discounted prices.

A wide range of computer software titles are available at the College Bookstore at deeply discounted prices, again, based on special education purchase agreements maintained with the major developers, including Microsoft, Adobe, Symantec, Corel, Macromedia, and many others. Campus-standardized applications are kept in stock, but almost any title can be special ordered.

A valid Union College ID card is required to document eligibility for hardware and academic software purchases intended for personal use.

Technical support is available and may be provided either directly by manufacturers, or in conjunction with the Union College Office of Computer Services. Hardware service, both in and out of warranty, is provided on a carry-in basis at the College Bookstore through Quest Computers, Inc. of Rotterdam, NY. Quest is an authorized service provider for Apple, Compaq, Toshiba, and Hewlett-Packard. Out of warranty authorized service is also available through Quest for Gateway and Dell. Most computers and printers come with a one-year carry-in warranty that excludes consequential and incidental damage. The Union College Bookstore makes no warranty above and beyond that of the manufacturer.

In addition to cash and checks, (must be certified over \$500.00), payment options include major credit cards, third-party financing, or interest-free payroll deduction loans. Purchases made with personal funds are subject to New York State sales tax. Purchases made with College funds, including departmental purchases and research grant purchases, are tax exempt and charge directly to the appropriate accounts.

The Computer Sales Buyer, David Evans, can be reached at 388-6188, ext. 2402 for further information, or by e-mail at [computers@union.edu](mailto:computers@union.edu).

#### a. Computer Purchase Loans for College Employees

The computer loan program was established to assist qualified faculty and employees in the acquisition of information technology in the furtherance of the College's academic mission. It is a valuable employee benefit that represents further savings to employees by eliminating the interest on the financing of major computer purchases and facilitating these purchases with little or no initial out-of-pocket expense.

- (1) Qualified employees include full-time, regular faculty, administrative, and permanent hourly staff of the College with at least one year of service.
- (2) Eligible purchases include computer hardware and related software and peripherals.
- (3) The maximum amount which can be borrowed is \$3,000 or the total purchase amount, whichever is less, payable up to two years.
- (4) The loans will be interest free.
- (5) Loans shall be repaid through payroll deductions. The total amount borrowed is equally divided over the total number of pay periods within the term of the loan. Termination causes the unpaid balance to be due and payable by the last day of employment.
- (6) Proof of purchase must be submitted when applying for a loan. If submitting a receipt for a purchase already made, the employee will be reimbursed. Employees purchasing a computer through the College Bookstore will be provided with a detailed written quote, which the employee will submit to Payroll. Payment will be made directly to the Bookstore through fund transfer, no down payment is required. An appointment must be made in advance with either Joanne Herrick (ext. 6105) or Carmella Hartman (ext. 6533) in Payroll. Please bring your original written quotation to your appointment. No refunds are available.
- (7) Contact David Evans (ext. 2402) at the College Bookstore to assist in selecting an appropriate computer package and to obtain a written quotation to submit to Payroll.

## 6. Custom Publishing

If you plan to use any custom published materials for your classes, the College Bookstore will reproduce any documents, portions of publications, books, etc., for class use. It works with The Copy Clearance Center, Inc. of Danvers, Massachusetts, to obtain copyright permission to produce practically anything that you may want to use in the classroom.

The Bookstore needs at least six weeks to produce a finished product. Let them know your needs before leaving for the summer. If you have any questions regarding custom publishing, call the textbooks department at extension 2191.

Faculty ID numbers are required to document eligibility for hardware or academic software purchases intended for personal use.

## II. LIBRARY SERVICES

Since its founding in 1795, the Union College library has been housed in various places on campus. Throughout the nineteenth century, its resources were supplemented by those of a number of College literary societies, whose materials eventually were incorporated into the general library collection. From 1903 until 1961 when the current building was completed, the central library was located in the Nott Memorial. In the summer of 1961,

the books were transferred to what is now known as Schaffer Library. A major expansion and renovation was completed in 1998.

Schaffer Library operates on the open stack plan and houses a Current Periodicals Reading Room, individual study carrels, study tables, group study rooms, and Internet research workstations dispersed throughout the four floors of the building. The basement houses periodicals, government documents, audio CDs and books. The reference collection and Reference Desk are located on the first floor, where you will also find a large number of research workstations as well as the Circulation Desk, reserve information, microforms, current periodicals, newspapers and the Current Reading Area. The second floor contains the remaining books that circulate. The third floor houses the administrative Office and Union College's Special Collections and College Archives.

Schaffer Library is committed to providing excellent service in support of the educational mission of Union College.

Its staff is committed to:

- intellectual freedom,
- building, maintaining and preserving a broad and diverse collection of information resources in a variety of formats;
- offering equitable access to information and to the professional expertise of the library staff

We particularly value:

- the traditions of Union College and the Library's role in its history;
- an environment conducive to intellectual and personal growth for all.

#### A. CIRCULATION SERVICES

Please check our Circulation page on the Schaffer Library web site for policy updates and online forms.

Faculty Members will be given borrowing privileges at Schaffer Library when they register at the Circulation Desk. The library card, which must be presented in order to borrow, is the College Picture ID with a preprinted barcode. The faculty without a picture ID will be issued a temporary library card. Faculty must register to borrow if they want to make online requests, such as ordering items through our ConnectNY or interlibrary loan programs.

A faculty member may request a DAP (Direct Access Program) card for the Capital District Library Council program which will be honored at cooperating regional libraries, subject to local lending regulations. If your library account is clear at Schaffer Library, you will be granted borrowing privileges through this program when you register for this card at the Circulation Desk.

Some other services available either online or at the Circulation Desk:

- You may request item(s) be retrieved from our storage facility. Retrieval time is one to two business days.
- You may place a search request for items you can not locate on our shelves.
- You may request an item be recalled for you that is checked out to another patron. If the item has been out for at least two weeks, the recall will be processed immediately.
- You may request items through our ConnectNY program.

The faculty loan period is the academic year. All government documents and books from our general collection are due at the beginning of each July. All items with this loan period are allowed one online renewal.

Other items have shorter faculty loan periods and may or may not be renewed. These include:

— DVD's/VHS	7 days	No online renewals
— Compact Discs	21 days (limit 25)	One online renewal
— Current Reading	21 days	Two online renewals
— ConnectNY	21 days	One online renewal

Faculty members are responsible for at least the following charges:

- Replacement costs for lost or destroyed items including Schaffer Library items, items borrowed from a local institution through the DAP program, items borrowed through the ConnectNY or Interlibrary Loan.
- Damage fee for items that are damaged while checked out to you.
- Recall fines for items not returned after a recall request has been made.
- Fines for overdue Interlibrary loan and/or ConnectNY items (which may include a non-refundable billing fee).

Temporary holds may be placed on your library account and must be cleared with Circulation Staff before borrowing privileges are restored. Some reasons a hold may be placed on your account include:

- Any circulating Schaffer Library item that is long (30 to 60 days) overdue.
- Failure to return a recalled item when requested.
- Library fines (individual or combined) owed of \$50.00 or more.

## B. REFERENCE SERVICE

Professional librarians provide reference service during the daytime and most of the evening and weekend hours of Library operation. Members of the College community are encouraged to avail themselves of reference assistance in using the Schaffer Library collections as well as those resources located at other institutions.

Formal training in library use is offered to classes whose instructors request a group session. Instructional options can range from general procedures and materials to specific bibliographic methods and sources tailored to study or writing assignments. Interested faculty should contact the Coordinator of Bibliographic Instruction (x6281) and give sufficient notice (at least two weeks) to allow adequate planning.

Electronic access to a large number and variety of subscription databases is a resource open to all at the College. Union College users of subscription databases can access them at any campus workstation, and even away from campus by means of Virtual Private Network (VPN) accounts obtainable through the College's Office of Information Technology Services.

The complete list of files is organized through the Library's Web-site, under the major link "Databases & Indexes." Some of these provide access to the literature of separate disciplines, some take a comprehensive subject approach, and some are packages with a limited focus. Full-text provision is often featured. The Reference staff offers point-of-use instruction to individuals; group instruction in use of electronic materials can be an important occasion for a formal training session as mentioned above.

One electronic database that greatly enhances Schaffer Library's book collection is ConnectNY, a virtual catalog combining the holdings of such New York State academic institutions as Bard, Siena, Canisius, the USMA, Vassar, Colgate, St. Lawrence, R.I.T., R.P.I., and Union. Union College users may request the loan of titles not available at Union College but held at one of the other members of ConnectNY.

Beyond the electronic databases, guides kept current for each discipline and program at the College can be found through the Library's Web-side under the major like "Research by Subject." Reference service as well as its mission statement and personnel are described on the Schaffer Library web site.

### C. ACQUISITIONS REQUESTS

Concerns or questions about subject coverage in the collections should be forwarded to the Head of Collection Development who balances the content and form of the Library collections. Discussion of Library support for new courses is encouraged.

Requests for library materials can be forwarded to the Head of Collection Development in any form including electronic mail messages, paper publisher ads, catalogs, reviews from journals, emailed lists from Books in Print or Choice Reviews (databases available on the library's web page), or by using the request form on the Schaffer Library web site.

In-process orders appear with that status in the library's online catalog. Most orders are received within two months. If there is a need to obtain something by a certain date, the requestor must clearly indicate that need; e.g., needed for Fall term.

The Head of Collection Development, together with the College Librarian, evaluates departmental requests for periodicals. There is a very limited budget for new titles. Departments able to identify an existing subscription for cancellation to help support the addition of new titles significantly aid the initiation of new subscriptions. However, all requests for periodicals, including those of an interdisciplinary nature, may be brought to the attention of the Head of Collection Development. Because a periodical subscription represents a continuing commitment of funds, it receives careful consideration.

There is a modest fund to support faculty research: The Whitehorne Fund. Materials outside direct curricular support may be purchased with these monies upon application to the College Librarian. Although purchased for use by a specific faculty member, like all other materials purchased with Library funds, the material belongs to Schaffer Library.

#### D. COURSE RESERVES

Faculty members may request, in writing, that materials be placed at the Reserve Desk for student use. Reserve Submission Forms are available online and at the Reserve Desk. Faculty must include a full citation for all articles and book portions. Reserve items should be submitted at least 48 hours before students will be requesting the material.

Schaffer Library books and government documents, DVD's, Videos, compact discs, as well as personal material and photocopies may be placed on Reserve. Paper reserve material is placed on Reserve with a two hour loan period. DVD and Videos are given a four hour loan period. Faculty may speak with Reserve staff about various loan options.

#### E. INTERLIBRARY LOAN AND DOCUMENT DELIVERY

Interlibrary Loan and Document Delivery (ILL/DD) strives to provide users timely access to books, periodical articles, technical papers, theses and other research materials which are not available at Schaffer Library. Users should be registered borrowers in good standing with the library. Requests for ILL materials are made using an electronic ordering system accessible from the library's online catalog. There are no fees charged to users for this service.

Articles are delivered to users electronically or via campus mail and remain the property of the requester. Users must pick up and return items being loaned to them at the Circulation Desk. ILL loans may be renewed for one loan period. Renewals are at the sole discretion of the lending library. Requests for a renewal need to be lodged with the ILL office before an item's due date. Items returned past their due date will be subject to a \$1.00 per volume per day fine. There is no faculty exemption for Interlibrary Loan overdue fines.

The majority of requests are filled using the following resources: Capital District Library Council (CDLC), a library consortium which provides access to the resources of the area's 60 plus academic, public, school, hospital and technical libraries; the holdings at the New York State Library, one of the largest state libraries in the country; and the Interlibrary Loan Resource Sharing service of the Online Computer Library Center (OCLC), a worldwide library cooperative of over 7,000 libraries which includes document delivery of items from the serial holdings of the British Libraries and National Library of Canada.

ILL/DD employs a variety of delivery mechanisms in an effort to speed receipt of requested items: DCLC daily courier service among its members, LAND daily courier service among member state institutions, ftp and fax delivery. The unit also participates in the administration of ConnectNY for access to books held by participating academic libraries.

For more information on ILL/DD or questions about the service or suggestions for service improvements please contact the Interlibrary Loan Librarian at Schaffer Library. For a more complete description of these services please consult the Schaffer Library web site.

#### F. COLLECTIONS

The Collections of Schaffer Library are acquired and maintained to support and enhance the curricular programs of the College. The collections present information in a variety of formats and modes: print books and journals, manuscripts and archival collections, videos, audio CD-ROMs, microforms and electronic databases, e-journals and e-texts. Schaffer Library's collections also include a number of cultural and recreational titles outside strict disciplinary bounds. These materials are included in the belief that they contribute to a student's ability to achieve breadth of learning and stimulate intellectual curiosity. The Current Reading Area is located in the alcove next to the main stairway near the front entrance, with some 350 contemporary novels and non-fiction titles. These titles are integrated into the Library's permanent collections and new titles are added on a regular basis.

In addition to the circulating collection, the library has several fine special collections that provide opportunities for enhanced scholarship and an enriched classroom experience. Some of these collections are described below:

##### The Bailey Collection of Nineteenth Century North American Wit and Humor

The core of the Bailey Collection was presented to Union College in 1921 by Frank Bailey, Union alumnus and former Treasurer of the College. Authors such as Mark Twain, John Kendrick Bangs, Marietta Holley, Joel Chandler Harris, and Carolyn Wells are represented. Additional volumes are added to the gift and purchase.

### The First Purchase Collection

The First Purchase Collection includes those books which were purchased or donated to form the original library at Union College. Lists of specific titles which were bought or given, and the sources from which they were acquired, are found in the text of the Union College Trustee's Minutes of 1796.

### The Schenectady Collection

The Schenectady Collection currently includes a variety of materials about Schenectady city and county and some other areas in the Capital District, mainly Albany and Troy. Many of the items are historical, but the collection also includes works of fiction by local authors, atlases, city and county government publications, and books about the history of the General Electric Company in Schenectady.

### The Rare Book Collection

The Rare Book Collection in Special Collections is intended to extend the College curriculum and does not focus on one particular subject or author. The collection spans a variety of subjects and the books in it date from the fifteenth century to the present. Volumes representative of the collection include:

- an elephant folio set of Audubon prints
- the first editions of the works of John Galsworthy
- a Koburger Bible
- collected works of Winston Leonard Spencer Churchill
- a number of first editions of significant works by authors such as Newton, Dickens, Johnson, Wordsworth, and Hawthorne
- a growing collection of modern first editions and fine printing

### The Union Collection

Materials on all aspects of Union College, for example its history, faculty, alumni, architecture, etc. are included in this collection. Items in the Union Collection are primarily printed, but some manuscript materials are incorporated as well. Publications by alumni and faculty are obtained and added to the collection whenever possible. Complete runs of the *Concordiensis*, the *Idol*, the alumni magazine, and other College publications are found here. Other formats, including videotapes, audiotapes, and photographs are part of this collection because they contain information relative to some part of Union College. All periods of Union College's history from prior to its founding in 1795 to the present day and beyond are represented in the Collection.

### The Union College Archives

The archive material housed in the Special Collections of the Library ranges from eighteenth century lists of local persons who pledged monies to the founding of a new college in Schenectady, to current Commencement programs, sports programs,

photographs, College catalogues, Trustee records, and other items too numerous to list. The archives actively solicit and collect materials relative to all facets of Union College's history, including its faculty administration, and alumni. Currently, the listing of material housed in the College Archives is available only in the Special Collections department. Anyone seeking information about some aspect of Union College is urged to contact the department directly for further information.

#### G. GOVERNMENT DOCUMENTS

The Federal Depository Library Program originated in the early 1800's when a joint resolution of Congress directed that additional copies of the House and Senate Journals and other documents be printed and distributed to institutions outside the Federal establishment. From that small beginning, the Federal Depository Library Program has grown into a system of close to 1400 Federal depository libraries.

Schaffer Library at Union College has been a selective federal document depository since 1901. As one of six in the capital district of New York State, we participate in a local networking coalition, the Government Information Interest Group (GIIG) of the Capital District Library Council. The institutions included are the New York State Library (our regional depository which receives everything offered), a law library, a public library, and three academic libraries (four if you count one sharing status with the public library). A directory of CDLC Federal Depository Libraries gives basic information about each of these institutions and links with directions, maps and hours can be found on our page, "Getting to Area Libraries."

Of the more than 6,000 publication items the Government Printing Office makes available, we select over 2,000, or around 30%. This material is additionally supplemented by the Congressional Information Service microfiche collection of the American Statistics Index to United States government statistical publications. We collect primarily in the areas of census, geology, and political science. Our collection is comprised of all the available formats; paper, microfiche, maps, CD-ROM databases, and Government Information via the WWW. In addition, we also periodically list the newly cataloged titles and series that are added to our online catalog.

#### H. LIBRARY INSTRUCTION

The Library Instruction Program at Union College defines its mission in terms of striving to nurture within its students the desire to become lifelong learners. This program contributes to the College mission by providing Union students with the research tools and strategies that will help them to meet their personal information needs—not only throughout their college years but for as long as they remain intellectually active contributors to society. Specifically, we are trying to teach students how to identify useful information and how to pull it together from a variety of sources as they make critical judgments about the value and reliability of what they have found.

Through this program we attempt to make formal contact with every First-Year Preceptorial student and then again, in many cases, when the student is conducting course- or thesis-related research. A great deal of informal, individualized instruction—from selecting and searching the appropriate electronic database right through downloading results to the student's individual e-mail account—also takes place daily as a result of the reference service provided here. Because various information technologies play a critical role in the contemporary information seeking process, we devote considerable time to instruction in their use. We are careful, however, to place all the tools and sources that we present within the broader context of the research process in general. The instruction program undergoes constant revision in response to faculty and student needs and input, the evolution of information technology, and our own professional self-examination.

### III. OTHER SERVICES

#### A. NOTARY PUBLIC SERVICE

This service is available without charge to members of the faculty, staff, and students at the Classics Department, Political Science Department, Human Resources Office, the President's Office and Abbe Hall.

#### B. DINING FACILITIES

College dining facilities are as follows, Dutch Hollow Restaurant, a convenience store, and Upper Class Dining Hall, all located in the College Center; Dutchmen's Rathskellar located in the basement of Old Chapel; and West College Dining Hall located in West College. These facilities are available to faculty and staff members and their families. Arrangements can be made for special luncheons or dinners in the College dining halls and other facilities through the Catering Manager at 388-6050. Small parties, receptions, and other events can be catered, upon request, anywhere on campus.

#### C. HEALTH SERVICE

The College Health Service is open when classes are in session. Minor injuries and ailments of members of the faculty and staff are treated by the staff on an emergency basis only and in no way supplant the services of a family physician. Blood pressure readings and Department of Motor Vehicle eye examinations are done as a courtesy.

#### D. OFFICE OF COMMUNICATIONS

##### 1. News Bureau

Official College relations with the local and national press are handled by and through the News Bureau. Information about College functions, whether

sponsored by the College or by organizations within the College (including official student organizations), should be sent to the News Bureau, which will arrange and coordinate appropriate publicity. It is the policy of the College to release all information through this single channel to minimize the chances of duplicate, confusing, or contradictory stories.

Please notify the News Bureau a month in advance, if possible, of events open to the public and/or the College community. Appropriate information to send the bureau includes the title of the event, the speaker or performer, the subject, the time and place, the sponsoring organization, the cost of admission, and a phone number for further details. Biographical information and a black-and-white photograph are helpful. Copies of news releases are sent to Concordiensis and WRUC, but direct contact between the event's sponsor and the student newspaper and radio station can increase on-campus publicity.

The Chronicle is published by the News Bureau every other week throughout the three terms. Items for the Chronicle should be submitted to the News Bureau by 1 p.m. on Monday of the week of publication.

2. The Communications Office is responsible for editing, designing, and producing the College's official publications and the electronic world wide web pages. The office provides publication assistance that includes rewriting, copyediting, and print production coordination; it also offers consultation on project planning, budgeting, photography, scheduling, design, and desktop publishing.

Proposals for additions to the roster of College publications should be submitted in time for review and inclusion in the next year's printing budget. In general, this means proposals should be submitted by November of the academic year preceding the year in which publication is sought.

#### E. OFFSET PRINTING SERVICES

When a project is ready for printing, it should be sent to the Manager of Mail and Printing Services who will obtain the necessary estimates—based on specifications received—within two days. Because we will be using printers off campus, please allow adequate time for production. Mail & Printing Services will also handle arrangements for campus mailings.

#### F. PHOTOCOPY SERVICE

Photocopying machines are located in Feigenbaum Hall (for administrative use) and in the College Center, the Library, and Steinmetz Hall Room 209 (for faculty and staff use). Charges are made against departmental budgets when the service is used. (Cash copying for personal use is available in the Library and Steinmetz Copy Center.) The Copy Center also offers a FAX machine and laser printing for either departmental use or cash.

1. Policy on Use of Duplicating Machines

Use of offset press and photocopying machines located in departmental offices are subject to the following restrictions:

- The work of the office where the machine is located has priority.
- No duplicating on behalf of a political candidate or party is permitted.
- No use is permitted for commercial purposes other than that of promoting approved college events.
- No time of secretaries or clerks may be requested except as approved by the person to whom the secretary or clerk reports.
- Users are responsible for observance of copyright law.

G. STUDENT EMPLOYMENT

The Financial Aid Office coordinates the employment of students in part-time jobs within the College during the academic year. Students who have work as part of their financial aid package are given priority as jobs become available. Student Supervisors should contact the Financial Aid Office to review applications on file. Student Payroll Forms must be completed and signed by Department Heads for each student hired.

For more detailed information contact the Financial Aid Office.

## SUNDRY MATTERS

I. TRAVELA. FACULTY

The Dean of Arts and Sciences and the Dean of Engineering administer the budgets for faculty travel. Any member of the faculty who attends a meeting of a national learned society as a national officer, to read a paper, to serve as an invited participant in a panel discussion, or presents an invited paper at a learned symposium within the contiguous United States and Canada, is ordinarily entitled to receive reimbursement from the College for some expenses as described below.

- Travel to and from the conference by the most direct route by the use of either coach class or the lowest appropriate fare at the time of booking.
- Travel to and from the conference by self-owned auto at the current college mileage rate, the total amount not to exceed air fare.
- Grants for international travel and travel to Alaska and Hawaii are at the discretion of the Dean of the Faculty and shall not exceed the cost for coast-to-coast travel within the United States.
- A per diem at rates specified by the Deans' office.
- Registration fees.

Grants to any particular faculty member in the course of a year shall not normally exceed the approximate cost for coast-to-coast travel within the United States plus a per diem for three days.

If a share of travel expenses or honorarium is paid by the conference host, the faculty member is obligated to claim remuneration from the College sufficient to meet only the difference between what the host provides and the allowable amounts enumerated above.

Faculty members representing the College at meetings, installations, etc., may have their actual travel expenses fully reimbursed.

The Dean of Arts and Sciences and the Dean of Engineering administer modest budgets for travel to meetings, workshops, symposia, etc. for members of the faculty even though they may not be active participants in the program. The purpose of this fund is to enhance and encourage the professional development of members of the faculty, especially in areas in which they have not yet reached the point where they can be reasonably expected to present papers at the meeting. Such grants will be made at the discretion of the Dean of the Faculty. Applications should be made well in advance, and will be evaluated on their merits, subject to the availability of budgeted funds. For these purposes, a maximum of \$400 total to any one member of the faculty per year has been imposed.

Faculty members who are completing the terminal year of an appointment are not eligible for travel support after June 30 of the terminal year.

## B. TERMS ABROAD

When faculty members travel outside the continental United States to teach in the Union College Terms Abroad Program, the College will pay the full cost of the lowest available airfare for the faculty member. In determining lowest available airfare, consideration should be given to

- Domestic vs. Foreign Carriers.
- Using consolidators.
- Completing reservations as soon as possible after receiving the Term Abroad assignment.
- Avoiding having to change departure and return times or dates.

When a spouse accompanies the faculty member for the entire term, the College may pay the full cost of the lowest available airfare for the spouse if he or she assists in directing the program.

The College will not pay for any increased airfare which results from stopovers for personal (non-business) reasons.

Any exceptions to the above policy must be approved by the Dean of the Faculty.

## C. ADMINISTRATIVE STAFF

Travel on college business will be remunerated as follows: the most direct route by either coach class or the lowest appropriate fare at the time of booking, actual surface transportation costs, actual hotel costs, actual meal costs. Judgment should be exercised in keeping costs in line.

## II. POLICIES AND PROCEDURES FOR TRAVEL AND EXPENSE REIMBURSEMENT

### A. PURPOSE

To provide guidelines to employees for the accounting and reporting of reasonable travel-, living- or faculty grant-expenses to be reimbursed in accordance with College policy.

### B. POLICY

In accordance with the College's travel and expense policy, employees will be reimbursed for reasonable expenses incurred in the normal course of activity. Moderate travel, cars, meals and living accommodations, etc., are considered reasonable expenses. Reimbursement will be based on an actual or per diem basis as designated by

Responsibility Center. Reimbursement will be made on a per trip, event, or grant basis upon submission of a properly approved Expense Report.

The form should be all inclusive, showing all expenses pertinent to the trip, grant, etc. In the event that expenses exceed allowable limits, the summary section should report the actual total. In such cases, the reimbursement request will not equal the amount shown as "Due To" the employee.

Employees are encouraged to use Trevi Travel, NFT Travel, Stockade Travel or online discount travel services.

As employees of the College, all faculty and administrators may qualify for an American Express card. Application is through Human Resources; however, the card is the personal property of the employee and charges will be billed to the employee directly. Expenses incurred for College activity should be charged to the employee's College-issued American Express card. College prepayments such as conference registrations and the like should be submitted to the Purchasing Office for payment and should be shown as a College Payment in the summary section of the Expense Report to include all expenses applicable to the trip, grant, etc.

The College will not issue advances in excess of \$125 for any trip, grant, etc. Therefore, in the event that the employee has elected not to receive an American Express card, a personal credit card or personal cash must be used.

## C. PROCEDURES

### 1. Advances

- a. When required, the Cashier will issue advances (not to exceed \$125) to employees upon receipt of a completed Advance Request Form.
- b. Advances should not be drawn more than two working days before needed.
- c. All cash advanced is the personal responsibility of the requestor. Money lost, stolen, misplaced, used for non-reimbursable expenses, or otherwise unaccounted for must be repaid by the individual drawing the cash advance
- d. All Advance Requests will be charged against a holding account in the requestor's name. Upon submission of the Expense Report and the return of any unspent funds, the employee's budget account will be charged for actual expenses and the holding account cleared.
- e. The Finance Office will issue statements quarterly as reminders of outstanding advances.
- f. In cases where employees have not accounted for an advance within 15 days, no additional advances will be processed on their account.

### 2. Reimbursements

- a. Employees will be reimbursed upon submission of a properly completed and approved Expense Report.
- b. Reimbursement will be based on an actual or per diem basis as designated by Responsibility Center.

- c. Employees may request reimbursement for expenses incurred prior to the actual trip, such as airfare. The Expense Report should be separate from all other travel and should show the actual trip date.
- d. In the event that expenses exceed the allowable reimbursement limit, actual total expenses should be reported. In such cases, the reimbursement request will not equal the amount shown as "Due To" the employee.
- e. The amount of the reimbursement requested cannot exceed the total accounted for on the Expense Report.

3. Expense Reports

- a. Expense Reports require a breakdown of the business purpose and the exact amount and date of the expense and must be accompanied by original receipts. All expenses over \$10.00 must be substantiated.
- b. The final Expense Report should be all inclusive, showing all expenses pertinent to the trip, grant, etc., including College payments and related expenses previously reimbursed.
- c. Expense Report Approvals:
  - (1) All Expense Reports require approval by the department head, director, or Dean responsible for the account to be charged.
  - (2) In cases where the department head, director, or Dean is requesting reimbursement or when the total expenses exceed \$500, the Responsibility Center Head or Finance signature is required as second approval.
- d. Expense Reports should be filed within five working days of the completion of the trip. In-town expenses should be filed once a month.

4. Documentation

- |                            |   |
|----------------------------|---|
| a. Air/Rail                | Original copy of Itinerary/Invoice or original copy of passenger coupon |
| b. Hotel                   | Hotel bill plus original payment receipt                                |
| c. Car Rental              | Car rental agreement and proof of payment                               |
| d. Meals/<br>Miscellaneous | Cardmember copy of credit charge or cash register receipt               |

III. PURCHASING PROCEDURE

All significant expenditure commitments for the College are made by or with the cooperation of the Purchasing Office. No individual member of the Staff or Faculty may purchase supplies, materials, equipment or services without complying with the procedures and guidelines as described in the Purchasing Manual.

The Purchasing Manual explains the proper actions for preparing various purchasing documents including the requirements for competitive bidding.

The approved methods for acquiring goods or services for the College are by Limited Purchase Orders (orders totaling \$500 or less), Purchase Requisition/Orders (orders totaling

more than \$500) and Check Requests (when prepayment is required or when a purchase order is not normally required).

Since Union College is exempt from New York State Sales and Use Tax, the Purchasing Office issues exemption certificates as required.

#### IV. USE OF VEHICLES

##### A. CAMPUS VEHICLES

In instances involving authorized travel by car, College employees may use the College-owned vehicles. Arrangements for use of these vehicles are made through Facilities Services (Extension 6181), and car, keys, and vouchers should be picked up at and returned to the Facilities Services Office. The department authorizing travel will be charged at the current authorized rate. A person authorized to drive a College-owned vehicle must possess a valid operator's license, and must carry it when driving a College vehicle.

##### B. PERSONAL CARS ON COLLEGE BUSINESS

When an employee or student uses a personal car on college business, whether reimbursed or not by the College, the insurer of that car provides the primary coverage in the event of an accident up to the limits of the policy. The College's insurance provides secondary coverage when and if the judgment exceeds the limits of primary coverage.

If personal cars are authorized for use of college business, mileage will be reimbursed at the current college mileage rate plus tolls and parking fees. In addition, the College requires that owners carry a minimum of \$50,000 Property Damage and \$100,000/- \$300,000 Public Liability (Bodily Injury) insurance. It should be understood, however, that, in requiring these minimum amounts, the College is not thereby recommending these limits as providing adequate personal coverage. The College does not reimburse for parking or speeding tickets or for car repairs.

##### C. CAR RENTAL PROGRAM

The College has designated Hertz as the preferred provider for business car rentals. Daily rates include unlimited mileage, extended liability coverage (100,000/300,000/25,000) and free loss damage coverage (free loss damage coverage applies only to business rentals). In addition, Hertz provides these services:

- Free #1 Club Gold Service (normally \$50 per year) for all employees who complete the enrollment agreement. At 30 major U.S. airports this means no stopping at any counter, no signing of any rental agreement, no searching for the car, and no waiting for the car to warm up or cool down.
- Computerized driving instructions, flight monitors, and instant return services.
- Emergency road service 24 hours per day, every day of the year.
- Promotional programs with American Express and several airlines.

To utilize this program (for business or personal use), you may contact Hertz directly or any of the travel agencies handling travel for the College. Be sure to provide the Union College CDP-ID number which is 84231. Each time a reservation is made an automated system (RC Best) compares our corporate rate with all published promotional rates, and we receive the lowest rate available.

Travelers should always use Hertz for business travel, unless another rental company provides a lower rate and the extended liability coverage. The other company must also waive loss damage to the rented vehicle.

If you wish to enroll in the #1 Club Gold program, please contact Human Resources (Extension 6108) to obtain an enrollment agreement.

V. COLLEGE INSURANCE - LIABILITY

The insurance protection of the College for the various liability risks inherent in our operation can be defined only in generalities because each individual situation becomes subject to evaluation. General conditions are described here.

It should be noted at the outset that the liability of the College or its insurance company for payment of any damage is based on judgment by a court, or by out of court negotiations, that the College or its agents were negligent. Limits of insurance coverage will not be listed, but are considered adequate.

A. AUTOMOBILE

The College insurance would be the prime defendant in any action for damages involving College-owned vehicles. It is assumed the College cars are used only on legitimate College business within the regulations and policies defined by the College. Other than authorized legitimate use could result in counter suit by the College against the individual so using the vehicle.

B. GENERAL LIABILITY

Adequate insurance coverage is carried by the College to protect the College and anyone acting on behalf of the College as an authorized representative in the legitimate business of the College. This includes field trips, research program work, visitors to our facilities, as well as travel within the guidelines above.

VI. DECLINATION OF SALARY OR STIPEND

In any case in which an employee (part-time or full-time) or speaker wishes to give any or all of a salary or stipend received from the College back to the College, it will be necessary for the following two conditions to pertain:

- The salary or stipend must be offered to the employee or speaker in writing prior to the written indication from the employee or speaker that he or she wishes to return all or part of the salary or stipend to the College.
- A written declination to accept any or all of the fund must be obtained. It is possible for the donor in this case to designate the use of such foregone funds, and any such designation will accompany the written declination.
- The employee or speaker must be notified in writing that the entire salary or stipend will be reported to the Internal Revenue Service.
- The written offer and declination should be passed on to the Comptroller's office for processing and coordination with the Gift Records Office.

## VII. FACULTY RESEARCH

### A. RESOLUTION ON CONSULTANCIES AND PAID RESEARCH WORK (Board of Trustees Minutes, January 13, 1970)

The fundamental obligation of the faculty member is to the College, and the College regards its contract as one for full-time employment. Recognizing, however, 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. In return, the College expects (1) that such remunerated employment will be of character to improve the learning and skill of the faculty member and, by that, to increase his/her value as a teacher, and (2) that it will not in any way interfere with the full and punctual fulfillment of teaching responsibilities.

Faculty members engaged in remunerated consultancies or research work are obligated to report the nature, duration, and contractor to the Dean of Arts and Sciences or the Dean of Engineering as appropriate and to obtain approval from the Department Head and Dean prior to entering into any contract.

### B. INTELLECTUAL PROPERTY (May 20, 2005)

Basic Objective: Union College is a college of liberal arts and engineering whose mission is to maintain a community of inquiry, discourse, and experiment in which it is clear that scholarship and teaching are parts of a single enterprise. The intellectual endeavors and activities of its faculty, staff, or students may result in products of a tangible nature for which the College and the faculty, staff, or student may deem it advantageous to enter these products into commerce. The College strives to support its faculty and employees in securing commercial development of intellectual property resulting from their research so that society may benefit at the earliest opportunity. These products may be the subject of a patent application or a copyrightable work or other tangible material and are known collectively as "Intellectual Property."

This policy is intended to:

- provide an incentive to creative intellectual effort and the advancement of knowledge;
- insure that the respective interests of the College, and supporting sponsor (if any) are considered and protected through the development of fair contracts and procedures;
- assist the Staff and the College to realize tangible benefits from Intellectual Property, and advance and encourage further research within the College with whatever funds accrue to the College from Intellectual Property resulting from College research.

Definitions:

- “College” shall mean Union College.
- “Staff” shall mean any member of the faculty, administration, staff, student body, postdoctoral fellow, or visiting scientist, whether or not they receive all or any part of their salary or other compensation from the College.
- “Inventor” shall mean any Staff member who shall conceive or reduce to practice an invention while engaged in College activities.
- “Author” shall mean any Staff member who prepares any College copyrightable work.
- “Contributor” shall mean any Staff member who shall have contributed substantially to the existence of any item of Intellectual Property.
- “College Activities” shall mean activities engaged in by a member of the Staff by: (a) written assignment of the College administration; (b) contractual agreement with the College or any sponsor; (c) material use of facilities (other than its libraries), or other resources of the College.
- “Intellectual Property” shall mean inventions, College copyrightable works, and tangible results of research.
- “Invention” shall mean “...any new and useful process, machine, manufacture or composition of matter or any new and useful improvement thereof...” as defined under the Patent Laws of the United States.
- “College Copyrightable Work” shall mean copyrightable works owned by the College in accordance with the policies set forth in Section XVIII.
- “Tangible Results of Research” shall mean a physical embodiment of the research effort, including physical embodiments of any invention, or College Copyrightable Work that results from College Activities by any member of the Staff. Such Tangible Results of Research shall include, but not be limited to antibodies, cell lines, new microorganisms, plant lines or progeny thereof; recombinant or other biological materials; integrated circuit chips, computer software, engineering prototypes and drawings, chemical compounds; devices; machines; and models.
- “Sponsor” shall mean any individual or organization that by written agreement with the College shall finance in whole or part any College Activities.
- “New Revenue” or “Annual New Royalty” are defined as revenues received from the licensing and developing of an Intellectual Property after deduction of all costs reasonably attributable to the protection and distribution of such Intellectual Property, including any reasonable expense of patent or copyright prosecution, maintenance, interference proceedings, litigation, marketing or other dissemination and licensing. Net revenues from the following sources are subject to distribution: option fees; up-

front licensing fees; licensing payments; milestone payments; or proceeds from the sale of stock or other equity in the licensee company.

Coverage: These policies shall apply as a condition of appointment or employment by the College to every member of the Staff who during the period of their appointment or employment by the College shall: (a) conceive or first reduce to practice actually or constructively, any Invention; (b) prepare any College Copyrightable Work; or (c) contribute substantially to the existence of any Tangible Result of Research.

Disclosure of Intellectual Property: Every Staff member shall, in writing and in reasonable detail, give the Vice President for Academic Affairs (hereinafter "VPAA")/Dean of the Faculty prompt notice of any: (a) Invention; (b) College Copyrightable Work; or (c) Tangible Result of Research which he or she shall desire to have patented, copyrighted or made available to the investigators or the public by commercial or other means, or shall believe or have reason to believe is patentable, copyrightable, or of value to other investigators or the public, or otherwise of commercial value.

Ownership of Inventions: The rights of ownership to all Inventions which result from College Activities shall be the property of the College; provided, however, that:

- Within the ninety (90) days next following disclosure of an Invention to the College under the preceding Section on Disclosure of Intellectual Property (or such further period of time as may be agreed upon by the Inventor and the VPAA), the VPAA shall determine, and advise the Inventor in writing, whether such rights shall be retained by the College, conditionally retained by the College or shall be released to the inventor; and
- The rights of ownership to every Invention conceived by any Staff member while engaged in other than College Activities shall be the property of that person.

Ownership of Copyrightable Works: The rights of ownership to all copyrightable works prepared while the Staff member is engaged in College Activities shall be the property of the College; provided however that:

- Within the ninety (90) days following disclosure of College copyrightable Work to the College under the preceding Section on Disclosure of Intellectual Property (or such further period of time as may be agreed upon by the Author and the "VPAA", the "VPAA" shall determine, and advise the Author, in writing, whether such rights shall be retained by the College, conditionally retained by the College or shall be released to the Author; and
- Copyrightable works prepared by a Staff member while engaged in activities other than College activities shall be the property of the Author. See the Section on Copyright below for specific details.

Ownership of Tangible Results of Research: All Tangible Results of Research shall be the property of the College.

**Sponsorship of Intellectual Property:** The rights of ownership to each item of Intellectual Property produced during activities conducted pursuant to any agreement between the College and any Sponsor shall be determined in accordance with such agreement; however, it shall be the policy of the College to retain title to Intellectual Property whenever possible under state or federal law. Any agreement with a Sponsor pertaining to the ownership of Intellectual Property and assignment thereof shall be made between the College and the Sponsor in advance of the research or other activity that produces the Intellectual Property.

**Disagreements:** The President shall appoint a Committee on Intellectual Property composed of both faculty members and administrative officers (the VPAA shall serve *ex officio*). The creator of any Intellectual Property that is or might be covered under this Policy (see above for Patents) cannot be a voting member of this Committee. This Committee shall be the body to whom appeals may be made. Whenever legal protection for Intellectual Property is anticipated all persons engaged in such creative activity are encouraged to keep regular notebooks and records, preferably in the form of bound notebooks that are regularly signed and dated by the Inventor(s) as well as periodically signed by one or more witnesses.

**Seeking a Patent or Copyright:** Whenever the VPAA shall determine to seek the patenting or copyrighting of any Invention or College Copyrightable Work, the College shall, without expense to the Inventor or Author provide such professional services as it shall deem to be necessary or desirable for such purpose, and which may include the services of an independent patent organization. The Inventor or Author is obligated to cooperate fully in such effort, including his or her execution of all necessary or desirable agreements, applications, and other forms and instruments. If, at any time subsequently, the College shall terminate its effort to seek such patent or copyright, it shall promptly give written notice thereof to the Inventor or Author who thereupon to the extent allowed by law or any sponsorship agreement shall be free at his or her expense to develop, license, and otherwise use the Invention, patent application, patent or copyright. In this event the Inventor or Author shall receive all benefits of any development, licensing or other use of the Invention, patent application, patent or copyright except that the College shall be entitled to recovery of associated costs.

**Transfer or Sale of Tangible Results of Research:** Tangible Results of Research may not be transferred or sold to any party outside the College before: (a) a disclosure of the Tangible Results of Research has been submitted to the VPAA and (b) the Contributor(s) has been notified by the Office of the VPAA of any required conditions of such transfer or sale. Such notification shall be made within thirty (30) days following the disclosure of Tangible Results of Research.

**Promotion and Licensing:** In interpreting and applying these policies, the College shall, by such means as it shall deem to be most effective and appropriate in each case, act to bring to the public all Intellectual Property to which the College has rights of ownership in whole or part. Such means may include, but shall not be limited to, agreements for the development, patenting, copyrighting, promotion, licensing, printing, distributing or

manufacturing of any Intellectual Property; and in every case the College shall advise the Inventor, Author, or contributor of the terms of any such proposed agreement. No agreements will be entered into by the College without the review of all Inventors, Authors or contributors. Any disagreement between the College and the Inventor(s), Author(s) or contributor(s) concerning a proposed agreement will be resolved in a timely fashion by the Committee on Intellectual Property.

#### Proceeds from Distribution of Intellectual Property:

1. **Invention Proceeds:** Subsequent to the College's recovery of funds that were invested in patenting, marketing or developing Intellectual Property, the Contributor(s) and the College will share in the net revenue received from the Contributor's Intellectual Property(ies) owned by and licensed from the College. The Contributor(s) will receive 50% of the net revenues, and the College will receive 50%. It is understood that one-half of the College's portion will be for the primary purpose of advancing and encouraging further research and intellectual property development within Union College.

In the case of multiple Inventors, the Inventors' share will be distributed among the Inventors in accordance with a written agreement signed by all Inventors; or, if there is no such agreement, all Inventors will receive an equal share.

If inventorship is shared among College Inventors and inventors at one or more other institutions, the College will negotiate with the one or more other institutions concerning exclusive licenses and distribution of revenues. College net revenues from such agreements will be distributed to inventors at the College using the distribution formulae discussed above.

2. **Copyright Proceeds:** These will follow the same distribution and stipulations as Inventions listed above.
3. **Tangible Results of Research Proceeds:** To the extent allowed by law, where any Tangible Result of Research is not within the scope of the claims of a patent, patent application, or copyright, each Contributor shall share in any net revenue or annual net revenue to the same extent a Contributor shares in proceeds listed above for Inventions and Copyrights.

#### Sponsors: Other Organizations

If and when any conflict shall arise between these Policies and any condition or conditions of (a) any proposed grant from or contract with any organization offering to act as a Sponsor or (b) the patent, copyright or intellectual property policies and procedures of any other organization to which any joint appointment or any affiliation or consulting agreement is made, such conflict shall be referred to the Committee on Intellectual Property. Following consideration of the conflict the Committee shall recommend a course of action to the College administration. It is incumbent on the

College to take all reasonable steps, including but not limited to appropriate legal action, to protect and advocate issues on its behalf and those of the Inventor, Author or Contributor in the event of a conflict with a Sponsor.

**Release of Rights Ownership:** The Office of the Vice President for Academic Affairs may, for reasons and upon terms deemed to be satisfactory by its office, release on behalf of the College at any time any Invention, patent, patent application, College Copyrightable Work, copyright or right of ownership to Tangible Results of Research to its Inventor, Author or Contributor. Such release shall be in writing in accordance with the Section on Seeking a Patent or Copyright.

**Copyright:** Within higher education, it has been the prevailing academic practice to treat the faculty member as the copyright owner of works that are created independently and at the faculty member's own initiative for traditional academic purposes. Examples include, but are not limited to, class notes and syllabi, books and articles, works of fiction and nonfiction, poems and dramatic works, musical and choreographic works, pictorial, graphic, and sculptural works, computer programs, computer-generated works, and educational software (commonly known as "courseware"). This practice has been followed for the most part, regardless of the physical medium in which these "traditional academic works" appear, that is, whether on paper or in audiovisual or electronic form. This practice should also ordinarily apply to the development of courseware for use in programs of distance education. Situations do arise, however, in which the College may fairly claim ownership of, or an interest in, copyright in works created by faculty members. Three general kinds of projects fall into this category: special works created in circumstances that may properly be regarded as "made for hire," negotiated contractual transfers, and joint works" as described in the Copyright Act.

#### 1. Works Made for Hire

Although traditional academic work that is copyrightable—such as lecture notes and courseware, books, and articles—cannot normally be treated as works made for hire, some works created by College faculty members do properly fall within that category, allowing the institution to claim copyright ownership. Works created as a specific requirement of employment or as an assigned institutional duty that may, for example, be included in a written job description or an employment agreement, may be fairly deemed works made for hire. Even absent such prior written specification, ownership will vest with the college or university in those cases in which it provides the specific authorization or supervision for the preparation of the work. Examples are reports prepared by a dean or by the chair or members of a faculty committee, or college promotional brochures prepared by a director of admissions. The Copyright Act also defines as a "work made for hire" certain works that are commissioned from one who is not an employee but an "independent contractor." The institution will own the copyright in such a commissioned work when the author is not a College employee, or when the author is such a faculty member but the work to be created falls outside the normal scope of that person's employment duties (such as a professor of art history commissioned by the institution under special contract to write a catalog

for a campus art gallery). In such situations, for the work-made-for-hire doctrine to apply there must be a written agreement so stating and signed by both parties; the work must also fall within a limited number of statutory categories, which include instructional texts, examinations, and contributions to a collective work.

## 2. Contractual Transfers

In situations in which the copyright ownership is held by the faculty member, it is possible for the individual to transfer the entire copyright, or a more limited license, to the College or to a third party. As already noted, under the Copyright Act, a transfer of all of the copyright or of an exclusive right must be reflected in a signed document in order to be valid. When, for example, a work is prepared pursuant to a program of “sponsored research” accompanied by a monetary grant from a third party, a contract signed by the faculty member providing that copyright will be owned by the College will be enforceable. Similarly, the College may reasonably request that the faculty member—when entering into an agreement granting the copyright or publishing rights to a third party—make efforts to reserve to the institution the right to use the work in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, nonexclusive basis.

## 3. Joint Works

Under certain circumstances, two or more persons may share copyright ownership of a work, notably when it is a “joint work.” The most familiar example of a joint work is a book or article written, fully collaboratively, by two academic colleagues. Each is said to be a “co-owner” of the copyright, with each having all the usual rights of the copyright owner provided that any income from such uses is shared with the other. In rare situations it may be proper to treat a work as a product of the joint authorship of the faculty member and the College, so that both have a shared interest in the copyright. Whoever owns the copyright, the College may reasonably require reimbursement for any unusual financial or technical support. (“Unusual financial or technical support” is defined as follows: Extensive un-reimbursed use of major College laboratory, studio, or computational facilities, or human resources. The use of these facilities must be important to the creation of the intellectual property; merely incidental use of a facility does not constitute substantial use, or does extensive use of a facility commonly available to all faculty or professional staff (such as libraries and offices), nor does extensive use of a specialized facility for routine tasks. Use will be considered “unusual” and facilities will be considered “major” if similar use facilities would cost the creator more than \$5,000 (five thousand dollars) in constant 1984 dollars if purchased or leased in the public marketplace. Creators wishing to reimburse the College for the use of its facilities must make arrangements to do so before the level of facilities usage for a particular intellectual property becomes substantial as defined.) That reimbursement might take the form of future royalties or a nonexclusive, royalty-free license to use the work for internal educational and administrative purposes. This means that the course developer and the College must reach an understanding about the conditions of

portability and commercialization of faculty work developed using substantial College resources. Ordinarily, such an understanding will be recorded in a written agreement between the course developer and the College on a course-by-course basis.

### C. UNION COLLEGE POLICY FOR INVESTIGATING SCIENTIFIC MISCONDUCT

Union College has instituted a committee to provide for an impartial procedure to prevent scientific misconduct and to implement policies established by the Departments of Health and Human Services and Public Health Service. Members of the committee are: the Associate Dean for Undergraduate Education (Chair), the Chair of the Biology Department and the Chair of the Chemistry Department.

Union College policy requires that

- The principal investigator submit reports of materials and methods of all experiments in progress once per year.
- All abstracts to be submitted for publication or for presentation at technical meetings be reviewed by the committee.
- The committee will make recommendations to the principle investigator.
- The committee will make recommendations to the Dean of the Faculty who will sign a cover letter assuring that the committee has reviewed papers and abstracts and has found them free of scientific fraud.

Union College also agrees to

- Provide impartial process for receipt of allegations of scientific misconduct and for initiating immediate inquiry into each allegation.
- Complete each inquiry within 60 calendar days from receipt of allegation, including preparation of a written report.
- Maintain detailed documentation of an inquiry for at least three (3) years, which must, upon request, be provided to authorized Health and Human Services personnel.
- Initiate an investigation within 30 calendar days of the completion of an inquiry, if findings from that inquiry provide sufficient basis for conducting an investigation.
- Complete an investigation within 120 calendar days.
- Select impartial experts to conduct inquiries and investigations.
- Take precautions against real or apparent conflicts of interest in an inquiry or an investigation.
- Afford the affected individual(s) confidential treatment to the maximum extent possible, a prompt and thorough investigation, and an opportunity to comment on allegations and findings of the inquiry and/or the investigation.
- Notify the Public Health Service's Office of Scientific Integrity, at the National Institutes of Health, that an investigation will be conducted.
- Notify the Office of Scientific Integrity within 24 hours of obtaining a reasonable indication of possible criminal violations.
- Prepare and maintain the documentation to substantiate an investigation's findings for at least three (3) years after the Public Health Service's acceptance of the final report.

- Take appropriate interim administrative actions to protect Federal funds and ensure that the purposes of the Federal financial assistance are being carried out.
- Promptly advise the Office of Scientific Integrity of any developments during the course of the investigation which disclose facts that may affect current or potential Department of Health and Human Services funding for the individual(s) under investigation or that the Public Health Service needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.
- Make efforts to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed.
- Protect to the maximum extent possible, the positions and reputations of those persons who, in good faith, make allegations of scientific misconduct, and those against whom allegations of misconduct are not confirmed.
- Impose appropriate sanctions on individuals when the allegation of misconduct has been substantiated.
- Notify the Office of Scientific Integrity of the final outcome of the investigation with a written report that thoroughly documents the investigative process and findings.
- Inform the scientific and administrative staff of the policies and procedures and the importance of compliance with those policies and procedures.

## VIII. EMPLOYEE PARKING

### A. VEHICLE REGISTRATION

All motorized vehicles (autos, trucks, vans and motorcycles) brought to the campus by students, faculty or staff must be registered with the Campus Safety Department by the end of the first week of class of a given academic year, or within 48 hours after the owner/operator brings a new vehicle to campus. First-year students enrolled full-time in the regular undergraduate program, except those living at home, are not permitted to have any vehicle on the campus during their first year.

There will be a \$15 registration charge per vehicle for the privilege of parking a vehicle on campus. If the owner/operator wishes to register more than one vehicle at a time, there will be a \$15 charge for each additional vehicle. At the time of registration, students and employees will sign an agreement that they will abide by College driving and parking regulations or be subject to an appropriate fine. Alleged violations may be appealed, in writing, to the Parking Appeals Committee (composed of faculty, students and staff) within seven days of receipt of a violation notice.

All fines remaining unpaid at the end of a term will be added to students' bills for a subsequent term. Students with unpaid fines remaining on their accounts will not be permitted to graduate until payment is made. All employee fines remaining unpaid at the end of a term (following written notice to the employee) will be deducted from the next paycheck.

**B. FAILURE TO REGISTER A VEHICLE**

An unregistered vehicle on the College Grounds will be subject to the following:

- 1st Violation: The owner/operator will be notified that the vehicle must be registered within 48 hours.
- 2nd Violation: \$25 fine. The vehicle must be registered within 48 hours.
- 3rd Violation: \$50 fine and towing charge. The vehicle will be towed to another campus location and booted until the towing charge is paid, and the owner/operator will lose campus parking privileges for a one year period.

**C. OTHER VIOLATIONS**

- Driving on Grass or Pedestrian Walk: \$25 fine.
- Reckless Driving and Speeding: (Exceeding the campus speed limit of 15 MPH on roadways, or 5 MPH in parking lots) \$50 fine.
- Parking in Handicapped Space (without permit):
  - 1st Violation: \$25 fine.
  - 2nd Violation: \$50 fine and towing charge. The vehicle will be towed to another campus location and booted until the towing charge is paid, and the owner/operator will lose campus parking privileges for a one year period.

All campus roadways are considered fire lanes. A vehicle parked in a fire lane, creating a hazard, blocking access to others, or parked in an improper designated lot, will be subject to a \$25 fine and towing.

Parking is permitted only in the prepared parking areas. No parking is allowed on roads, sidewalks or grass, in front of walks, driveways and entrances. Faculty and Staff parking is not permitted in student or visitor parking areas. There may be an occasion when it is necessary to load and/or unload supplies and equipment from your personal vehicle that would require parking along the roadways. In these instances contact Campus Safety (Extension 6911) and advise them of the circumstances, length of time needed to load/unload, and vehicle description. Campus Safety will allow a reasonable time to

accomplish your task. After the load/unload task is completed, your vehicle needs to be moved to an appropriate parking area.

IX. USE OF COLLEGE FACILITIES

To reserve a campus facility for other than regular class use, call the Central Scheduling Office (Extension 6098). All campus space is booked through this office to prevent conflicts. The Policy and Guidelines and the Event Booking Procedures are on the College's Web page under the heading "The Office of Conferences and Special Events".

X. REGULATIONS OF UNION COLLEGE GOVERNING CAMPUS CONDUCT

(Approved by the Board of Trustees of Union College on April 16, 1994)

A. STATEMENT OF PURPOSE

Under Section 6450 of the Education Law, every college chartered by the Regents of the State of New York is required to adopt rules and regulations for the maintenance of public order. In June of 1969, the Regulations of Union College, as approved by the Board of Trustees, were filed with the Commissioner of Education and the Board of Regents. It has now become necessary to amend those Regulations to clarify their scope and applicability. Nothing herein is intended, nor shall be construed, to limit or restrict the freedom of speech or peaceful assembly, since free inquiry and free expression are indispensable to the objectives of a higher educational institution. These rules and regulations are not to prevent or restrain controversy and dissent but to prevent interference with the rights of others, to preserve the ability of members of the College community to perform their respective responsibilities, and to maintain that public order appropriate to a college or university campus without which there can be no intellectual freedom, and they shall be interpreted and applied to that end.

B. APPLICATION OF RULES

The rules hereby adopted shall govern the conduct of students, faculty, and staff, licensees, invitees, and all other persons, whether or not their presence is authorized upon the Union College campus, to which such rules are applicable, and all property under the control of Union College.

C. PROHIBITED CONDUCT

No person, either singly or in concert with others, shall

1. Obstruct the free movement of persons and vehicles in any place to which these rules apply.

2. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfere with the freedom of any persons to express their views, including invited speakers.
3. Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others, remain (without authorization) in any building or facility after it is normally closed, or refuse to leave any building or facility after being asked to do so by an authorized administrative officer.
4. Violate any rules or regulations relating to conduct as enumerated in the Student Conduct Code contained in the Student Handbook filed with the Commissioner of Education and the Board of Regents.
5. Willfully incite others to commit any of the acts herein prohibited with specific intent to encourage them to do so.
6. Take any action or create or participate in the creation of, any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

D. PENALTIES

A person who shall violate any provisions of these rules shall

1. If a trespasser or visitor without specific license or invitation, be subject to ejection.
2. If a licensee or invitee, have authorization to remain upon the campus or other property withdrawn and be directed to leave the premises. In the event of a failure or refusal to do so, the licensee or invitee be subject to ejection.
3. If a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand, or warning.
4. If a faculty member, be guilty of misconduct and subject to dismissal or termination of employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.
5. If a staff member, be guilty of misconduct and subject to dismissal or termination of employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.

6. In the case of any other member of the College community who shall violate any provision of these rules, that person shall be dismissed, suspended, or censured by the President.

#### E. PROCEDURES

Pending adjudication of the matter by the appropriate authorities (see below), members of the College community deemed to have violated these rules will be subject to immediate suspension from the College as determined by the President or the President's designee.

1. In the case of a trespasser or visitor who shall violate any provisions of these rules, the President or the President's designee shall inform the trespasser or visitor that the violator is not authorized to remain on the campus or other Union College property and direct that person to leave such premises. In the event of a failure or refusal to do so, the President or the President's designee shall cause the violator's ejection from such campus or property under the control of the College. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation nor to affect that person's liability to prosecution for trespass or loitering as prescribed in the Penal Law.
2. In the case of a licensee or invitee, the President of the College or the President's designee shall inform the licensee or invitee that the person's license or invitation is withdrawn and direct that person to leave the campus or other property of Union College. In the event of a failure or refusal to do so, the President or the President's designee shall cause the ejection of the violator from such campus or property under the control of the College.
3. In the case of a student, charges for violation of any of these rules shall be presented, heard, and determined in accordance with the Procedural Guidelines for Adjudicating Against Individuals as set forth in the Student Conduct Code.
4. In the case of a faculty member, charges of misconduct in violation of these rules shall be made and heard before a committee, the majority of whom must be faculty members, that is appointed by the President. The President shall also appoint an impartial chairperson from the committee. The purpose of the committee is to ascertain the facts of individual cases and make recommendations to the President for ultimate disposition of the charges. It is recognized that the hearing need not conform to requirements of criminal or civil procedure and/or proof. The intent of the procedure is to provide the faculty member with a fair hearing before peers, to give that person the opportunity to respond to any charges, and to question any witnesses appearing before the committee. Within this framework, the committee chairperson may conduct the hearing and make necessary adaptations to fit particular circumstances. The faculty member may bring a member of the College community to the hearing as an adviser. The role of the adviser will be limited to consulting with the faculty member 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 cross-examine witnesses.

5. In the case of any staff member in violation of these rules, charges of misconduct in violation of these rules shall be made, heard, and determined in accordance with the Staff Manual.
6. In the case of any other member of the College community who shall violate any provision of these rules, charges of misconduct in violation of these rules shall be made, heard, and determined by the President or President's designee.

#### F. ENFORCEMENT

1. The President of the College shall be responsible for the interpretation and enforcement of these rules and shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. It is not intended by any provision herein to curtail the right of students, faculty, or staff to be heard upon any matter affecting them in their relations with Union College. In the case of any apparent violation of these rules by such persons who, in the judgment of the President or the President's designee, do not pose any immediate threat of injury to person or property, the President or the President's designee may make a reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so, the President or the President's designee shall warn such persons of the consequences of persistence in the prohibited conduct including their ejection from any premises of Union College where their continued presence and conduct is in violation of these rules.
3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the President or the President's designee shall cause the ejection of the violator from the campus and shall initiate disciplinary action as hereinbefore provided.
4. The President or the President's designee may apply to the public authorities for any aid which is deemed necessary to cause the ejection of any violator of these rules.

#### XI. POLICY REGARDING COLLECTIVE BARGAINING

Changes in New York State law, effective April 1, 1969, provided that if faculty and/or staff, in accordance with the procedures for election, decide they want a bargaining agent to represent them, the institution of higher education (their employer) must enter into collective bargaining negotiations with the representative(s) certified by the Public

Employees Relations Board. Subsequently, in 1970, the National Labor Relations Board asserted jurisdiction over Cornell and Syracuse Universities and indicated that it would assert jurisdiction over other private educational institutions with disposable income over \$1,000,000. Before certification will be made by the NLRB, it is necessary that the bargaining agent be voluntarily recognized by the College or that it prove its representation of the employees to NLRB.

Union College recognizes the right to organize within the law and, should such organization occur, will bargain in good faith with certified representatives. We believe, however, that the character of our institution permits and, indeed, has provided excellent relationships with faculty and staff without collective bargaining. The flexibility thus available to both the institution and to the individual is highly desirable. We think collective bargaining agreements tend to force rigidity and eliminate the opportunity for consideration of special situations and are not, therefore, in the interest of our faculty and staff.

Should bargaining election nevertheless be demanded, the College will exercise all of its rights and prerogatives so as to provide an atmosphere for fair choice in such election on the part of each person voting. The College reserves the right to express its beliefs as to the propriety of the bargaining unit and all issues which may be raised.

The Vice President of Finance of the College is responsible for labor relations at Union. All inquiries and representations must be made directly to that office.

## XII. INFORMATION SECURITY POLICY AND PLAN

### A. Preamble

In order to protect critical information and data, and to comply with Federal Law (The Financial Services Modernization of 1999 – also known as Gramm Leach Bliley (GLB) 15 U.S.C. §6801), Union College's Information Technology Services (ITS) proposes certain practices in the College information environment and institutional information security procedures. While many of these practices mostly affect ITS, some of them will impact diverse areas of the College including, but not limited to, the Finance Office, the Office of the Registrar, Colleges Relations, Dean of Students Office, the Library, the Bookstore, Admissions, and many third party contractors, including dining services. The goal of this document is to define the College's Information Security Policy and Plan, to provide an outline to assure ongoing compliance with federal regulations related to the Policy, and to position the College for likely future privacy and security regulations.

### B. Gramm Leach Bliley (GLB) Requirements

GLB mandates that the College appoint an Information Security Plan Coordinator, conduct a risk assessment of likely security and privacy risks, institute a training program for all employees who have access to covered data and information. Oversee service providers and contracts, and evaluate and adjust the Information Security Policy and Plan periodically.

### C. Information Security Plan Coordinator

In order to comply with GLB, ITS has designated an Information Security Plan coordinator. This individual will work closely with the College's attorney and Risk Manager. The Interim Information Security Plan Coordinator is presently the Chief Information Officer.

The Coordinator, working with other members of the College administration, must help the relevant offices of the College identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information; evaluate the effectiveness of the current safeguards for controlling these risks; design and implement a safeguards program; and regularly monitor and test the program.

### D. Risk Assessment and Safeguards

The Coordinator will work with all relevant areas of the College to identify potential and actual risks to security and privacy of information. Each Department head, or his or her designee, will conduct an annual data security review, with guidance from the Coordinator. Vice Presidents will be asked to identify any employees in their respective areas that work with covered data and information. In addition, the relevant departments of ITS will conduct an annual review of procedures, incidents, and responses and will publish all relevant materials except in those cases where publication may likely lead to breaches of security or privacy. Publication of these materials is for the purpose of educating the College community on network and information security and privacy issues. ITS will assure that procedures and responses are appropriately reflective of those widely practiced at other national liberal arts colleges.

In order to protect the security and integrity of the College network and its data, ITS will develop and maintain a registry of all computers attached to the College network. This registry will include, where relevant, IP address or subnet; MAC address; physical location; operating system; intended use (server, personal computer, lab machine, etc.); the person, persons, or department primarily responsible for the machine; and whether the machine has, or has special access to, any confidential data covered by relevant external laws or regulations.

ITS assumes the responsibility of assuring that patches for servers and critical systems are reasonably up to date. ITS will review its procedures for patches to operating systems and software and will keep current on potential threats to the network and its data. Risk assessments will be updated annually.

ITS bears primary responsibility for the identification of internal and external risk assessment, but all members of the College community are involved in risk assessment associated with information technology areas. ITS, working in conjunction with the relevant College offices, will conduct regular risk assessments including, but not limited to, the categories listed by GLB.

ITS will work with the relevant offices (Finance, Human Resources, the Registrar, College Relations, and the Library, among others) to develop and maintain a registry of those members of the College community who have access to covered data and information. ITS, in cooperation with Human Resources and Finance, will work to keep this registry up to date.

ITS will oversee the physical security of all servers and terminals which contain or have access to covered data and information. ITS will work with Other relevant areas of the College to develop guidelines for physical security of any covered servers in locations outside the ITS machine room. The College will conduct a survey of other physical security risks, including the storage of covered paper records in non-secure environments, and other procedures which may expose the College to risks.

One of the largest security risks may be the possible non-standard practices concerning social security numbers. Social security numbers are considered protected information under both GLB and the Family Educational Rights and Privacy Act (FERPA – 20 U.S.C. § 123g). By necessity, student social security numbers are in the College student information system. (Social Security Numbers are kept both for historical purposes and due to the requirements of 26 U.S.C. § 6050S, the tuition payment credit reporting requirements.) The College will conduct an assessment to determine who has access to social security numbers, in what systems the numbers are still used, and in what instances students are inappropriately being asked to provide a social security number. This assessment will cover College employees as well as subcontractors such as the food services.

ITS will develop a plan to ensure that all electronic covered information is encrypted in transit and that the central databases are strongly protected from security risks.

It is recommended that relevant offices of the College decide whether more extensive background or reference checks or other forms of confirmation are prudent in the hiring process for certain new employees, for example employees handling confidential financial information.

ITS will develop written plans and procedures to detect any actual or attempted attacks on covered systems and will develop incident response procedures for actual or attempted unauthorized access to covered data or information.

#### E. Employee Training and Education

While directors and supervisors are ultimately responsible for ensuring compliance with information security practices, ITS and the College attorney will work in cooperation with the Office of Human Resources to develop training and education programs for all employees who have access to covered data. These employees typically fall into three categories: professionals in information technology who have general access to all College data; custodians of data, and those employees who use the data as part of their essential job duties.

#### F. Oversight of Service Providers and Contracts

GLB requires the College to take reasonable steps to select and retain service providers who maintain appropriate safeguards for covered data and information. The Risk Manager and the Coordinator, in cooperation with the College attorney, will develop and send form letters to all covered contractors requesting assurances of GLB compliance. While contracts entered into prior to June 24, 2002 are grandfathered until May 2004, the College will take steps to ensure that all relevant future contracts include a privacy clause and that all existing contracts are in compliance with GLB.

#### G. Evaluation and Revision of the Information Security Plan

GLB mandates that this Information Security Policy and Plan be subject to periodic review and adjustment. The most frequent of these reviews will occur within ITS where constantly changing technology and constantly evolving risks indicate the wisdom of periodic reviews. Processes in other relevant offices of the College such as data access procedures and the training program should undergo regular review. The Policy itself should be reevaluated annually in order to assure ongoing compliance with existing and future laws and regulations.

#### H. Definitions

Covered data and information — for the purpose of this Policy includes student financial information required to be protected under the Gramm Leach Bliley Act (GLB). Covered data and information includes both paper and electronic records.

Student financial information — is that information the College has obtained from a student in the process of offering a financial product or service, or such information provided to the College by another financial institution. Offering a financial product or service includes offering student loans to students, receiving income tax information from a student's parent when offering a financial aid package, and other miscellaneous financial services as defined in 12 CFR §225.28. Examples of student financial information include addresses, phone numbers, bank and credit card account numbers, income and credit histories, and social security numbers, in both paper and electronic format.

### XIII. REPORTING FRAUD, DEFALCATION OR ILLEGAL ACTIVITY BY EMPLOYEES (Effective Sept. 2006)

Union College seeks to achieve its mission as an educational institution by conducting its affairs ethically and in full compliance with all federal, state, and local laws. Union faculty, administrators, and staff are expected to adhere to high standards of professional and ethical conduct in carrying out their duties. Responsibilities and decision-making are distributed throughout the organization, and thus the College recognizes the need for review procedures for compliance with laws and regulations. As part of that process, the

College will protect from retaliation any individual employee who has direct knowledge of fraud, defalcation, or illegal actions on the part of a supervisor or employee and communicates that information in good faith for the purpose of correcting the conduct or while participating in an investigation, as outlined below.

Allegations of defalcation or actions contrary to law including, but not limited to, theft, fraud, coercion, or conversation (“improper conduct”), based on first hand observations or direct evidence, should be brought to the attention of the Vice President for Finance and Administration. The allegation of improper conduct must be reported as soon as possible and no later than one (1) year after the event(s) giving rise to the allegation has occurred unless there is a good cause to explain the delay. The Vice President for Finance and Administration (or his/her designee) will document the allegation and seek appropriate assistance and investigate the facts. Care will be taken to maintain confidentiality, to the fullest extent permitted by law and consistent with the need to conduct an investigation, throughout the investigatory phase. The results of this investigation will be brought to the attention of the President, and appropriate action, if any, will be taken. The College will take steps to ensure that subordinates who come forward in good faith will be protected from retaliation in employment practices at Union College provided:

- The subordinate provides the initial information in a good faith belief that improper conduct has occurred;
- The subordinate shall not obtain evidence to which he/she does not have a right to access;
- The subordinate must be truthful and cooperative with the Vice President of Finance and Administration or his/her designee to whom he/she is making a report of improper conduct.

However, the College reserves the right to distinguish between retaliation and ongoing performance appraisal issues or disciplinary actions related to misconduct by the “whistleblower.”

Alternative courses of action have been devised for situations involving the key individuals responsible for carryout this policy. Allegations of defalcation against the Vice President for Finance and Administration should be brought directly to the President. Allegations against the President should be brought to the Vice President for Finance and Administration, who must consult with the chairman of the Board of Trustees.

#### XIV. POLICY ON RESPONSIBLE USE OF UNION COLLEGE COMPUTING AND NETWORK RESOURCES (Sept. 2006)

##### A. General Statement

As a part of the physical and social learning infrastructure, Union College acquires, develops, and maintains computers, computer systems, and networks. These computing resources are intended for College-related purposes, including direct and indirect support of the College’s instruction, research, and service missions; of College administrative functions; of student and campus life activities; and of the free exchange

of ideas among members of the College community and between the College community and the wider local, national, and world communities.

The rights of academic freedom and freedom of expression apply to the use of College computing resources. So, too, however, do the responsibilities and limitations associated with those rights. The use of College computing resources, like the use of any other College-provided resource and like any other College-related activity, is subject to the normal requirements of legal and ethical behavior within the Union College community. Thus, legitimate use of a computer, computer system, or network does not extend to whatever is technically possible. Although some limitations are built into computer operating systems and networks, those limitations are not the sole restrictions on what is permissible. Users must abide by all applicable restrictions, whether or not they are built into the operating system or network and whether or not they can be circumvented by technical means.

## B. Applicability

This policy applies to all users of College computing resources, whether affiliated with the College or not, and to all uses of those resources, whether on campus or from remote locations. Additional policies may apply to specific computers, computer systems, or networks provided or operated by specific units of the College or to uses within specific units. Consult the operators or managers of the specific computer, computer system, or network in which you are interested or the management of the unit for further information.

## C. Policy

All users of Union College computer resources must:

- Comply with all federal, New York State, and other applicable law; all generally applicable College rules and policies; and all applicable contracts and licenses. Examples of such laws, rules, policies, contracts, and licenses include the laws of libel, privacy, copyright, trademark, obscenity, and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit “hacking”, “cracking”, and similar activities; the College’s Student Conduct Code; the College’s harassment and sexual harassment policies; and all applicable software licenses. Users who engage in electronic communications with persons in other states or countries or on other systems or networks should be aware that they may also be subject to the laws of those other states and countries and the rules and policies of those other systems and networks. Users are responsible for ascertaining, understanding, and complying with the laws, rules, policies, contracts, and licenses applicable to their particular uses.
- Use only those computing resources that they are authorized to use and use them only in the manner and to the extent authorized. Ability to access computing resources does not, by itself, imply authorization to do so. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding. Accounts and passwords may not, under any circumstances, be shared

with, or used by, persons other than those to whom they have been assigned by the College.

- Respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected. Again, ability to access other persons' accounts does not, by itself, imply authorization to do so. Users are responsible for ascertaining what authorizations are necessary and for obtaining them before proceeding.
- Respect the finite capacity of those resources and limit use so as not to consume an unreasonable amount of those resources or to interfere unreasonably with the activity of other users. The reasonableness of any particular use will be judged in the context of all of the relevant circumstances.
- Refrain from using those resources for personal commercial purposes or for personal financial or other gain. Personal use of College computing resources for other purposes is permitted when it does not consume a significant amount of those resources, does not interfere with the performance of the user's job or other College responsibilities, and is otherwise in compliance with this policy. Further limits may be imposed upon personal use in accordance with normal supervisory procedures.
- Refrain from stating or implying that they speak on behalf of the College unless doing so in the performance of legitimate duties on behalf of the College. Affiliation with the College does not, by itself, imply authorization to speak on behalf of the College. The use of suitable disclaimers is encouraged.

#### D. Enforcement

Users who violate this policy may be denied access to College computing resources and may be subject to other penalties and disciplinary action, both within and outside of the College. Violations will normally be handled through the College disciplinary procedures applicable to the relevant user. For example, alleged violations by students will normally be investigated, and any penalties or other discipline will normally be imposed, by the Office of the Dean of Students, in accordance with the Student Conduct Code Procedures. However, the College may temporarily suspend or block access to an account, prior to the initiation or completion of such procedures, when it reasonably appears necessary to do so in order to protect the integrity, security, or functionality of College or other computing resources or to protect the College from liability. The College may also refer suspected violations of applicable law to appropriate law enforcement agencies.

#### E. Security and Privacy

Union College employs various measures to protect the security of its computing resources and of their users' accounts. Users should be aware, however, that the College cannot guarantee such security. Users should therefore engage in "safe computing" practices by establishing appropriate access restrictions for their accounts, guarding their passwords, and changing them regularly.

Users should also be aware that their uses of College computing resources are not completely private. While the College does not routinely monitor individual usage of its computing resources, the normal operation and maintenance of the College's computing resources require the backup and caching of data and communications, the logging of activity, the monitoring of general usage patterns, the scanning of systems and network ports for anomalies and vulnerabilities, and other such activities that are necessary for the rendition of service. The College may also specifically monitor the activity and accounts of individual users of College computing resources, including individual login sessions and communications, without notice, when (a) the user has given permission or has voluntarily made them accessible to the public, for example by posting to a publicly-accessible web page or providing publicly-accessible network services; (b) it reasonably appears necessary to do so to protect the integrity, security, or functionality of the College or other computing resources or to protect the College from liability; (c) there is reasonable cause to believe that the user has violated or is violating, this policy; (d) an account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns; or (e) it is otherwise required or permitted by law. Any such individual monitoring, other than that specified in "(a)", required by law, or necessary to respond to perceived emergency situations, must be authorized in advance by the Chief Information Officer or the Chief Information Officer's designees.

Union College, in its discretion, may disclose the results of any such general or individual monitoring, including the contents and records of individual communications, to appropriate College personnel or law enforcement agencies and may use those results in appropriate College disciplinary proceedings.

#### XV. STATE LOYALTY OATH

The oath required by Section 3002 of the Education Law "shall be administered by the president or other head of such school, college, university, or institution, or by the officer or person, or in the case of a board or body, having authority to employ such person as a teacher, instructor, or professor in such school, college, university, or institution...". This oath should be filed by the faculty member with Human Resources.