



# **Faculty Manual**

## **Section II**

### **Faculty Appointments, Tenure, Promotion, Leaves**

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**Union College**  
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**I. FACULTY RESOLUTION ON PROFESSIONAL ETHICS**

(April 16, 2003)

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

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

- A. Professors (The term "professor" is used generically in this document to apply to all members of the Union College community who hold faculty status.), guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty, represent their own accomplishments accurately, and acknowledge those parts of their work that build on the work of others. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
- B. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between teacher and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from their students. They protect the academic freedom of their students.
- C. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt, honestly representing their own and others' contributions to their work, and they strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of the College.
- D. As members of the Union College community, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

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

**II. FACULTY RANKS AND THE CRITERIA FOR PROMOTION**

(Revised April 2, 2009)

**A. Faculty Ranks****1. Instructor (effective January 1, 2003)**

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

**2. Assistant Professor**

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

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

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

**3. Associate Professor**

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

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

Procedures for tenure reviews are described in Part IV below.

**4. Professor (effective February 2, 2000)**

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

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

Promotion to this rank normally requires these attainments:

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

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

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

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

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

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

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

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

#### Senior Lecturer

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

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

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

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

#### d. Adjunct Faculty

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

### **B. Procedures for Promotion to Professor**

(effective February 3, 2000)

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

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

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

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

If a candidate has been nominated for consideration and wishes to proceed, he/she should provide the Department Chair with a portfolio containing the following information:

- A current curriculum vitae
- Any published material or the disciplinary equivalent
- Other scholarly work such as papers, grant applications, etc.
- Copies of the triennial reviews since the tenure decision with annual reviews attached.
- Any other relevant materials to support teaching the candidate wishes to provide.
- Any materials in support of service activities.
- A research, teaching, and service statement.

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

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

2. If, following the review of the departmental recommendation and the portfolio, the FRB concludes that the process of promotion should proceed, the FRB will follow the procedures outlined in a or b:
- a. If the candidate has been in the rank of Associate Professor for less than fifteen years, the FRB will ask the Department Chair and the other (full) Professors in the Department to constitute a committee of at least two members (if no other full Professors are available they may be selected from the same Division as the candidate). The committee will solicit at least three external reviewers, one of which will be chosen from a list of three potential reviewers presented by the faculty member.

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

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

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

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

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

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

### **C. Procedures for Promotion to Senior Lecturer**

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

Recommendations for promotion to senior lecturer shall originate with the Dean of the Faculty, the Dean of Academic Departments and Programs, the Chair of the Faculty Review Board, the Chair of

the Department, or the faculty member himself or herself. The FRB itself may determine through its triennial review that consideration for promotion is appropriate. In submitting this recommendation, the factors that prompt the request should be listed. The Dean of the Faculty and the Chair of the FRB shall review annually the list of lecturers for the purpose of selecting candidates for promotion.

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

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

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

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

### III. APPOINTMENTS OF TENURE-TRACK FACULTY MEMBERS

#### A. New Appointments to the Faculty

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

#### B. Shared Tenure-Track Positions

These guidelines describe the conditions under which faculty members can share tenure-track positions. They give individuals and departments flexibility to combine tenure-track positions while also giving the college the ability to use tenure-track positions to greatest advantage.

Two tenure-track faculty members in the same department can share one tenure-track position with the approval of the department chair, three-quarters of the tenured members of the department, and the dean of the faculty. The department chair must provide an explanation indicating how the proposed position sharing is beneficial to the department and the college. Approval by the dean of the faculty is contingent on his or her assessment that the benefits of a shared position outweigh any costs.

Shared positions are not contingent on the relevant faculty members being related to each other by marriage or any other personal relationship.

Shared-position appointments will be made in accordance with the provisions listed below.

##### Conditions of appointment:

- Usual practices for hiring into tenure-track appointments apply: a recommendation for a new tenure-track appointment must be sought from the Academic Affairs Council; a national search must be conducted or the usual criteria for hiring without a new national search must apply, including the consent of the Senior Director for Campus Diversity. The College expects that searches will be for full-time positions, which could be shared, rather than for half of a position that is already half-filled.
- The two faculty members who share a tenure-track position agree that they do not have a claim on a second tenure-track position. Either could apply for an open tenure-track position following usual application procedures and would be given consideration in the same manner as other applicants.
- Outside work is subject to the approval requirements in the Faculty Manual. The dean of the faculty will consider half-time status in approving outside work.

- The two people sharing a position agree to resign their appointments at the same time, upon retirement or departure, or to assume full-time employment if the other person resigns or departs for any reason, including a denial of reappointment or a denial of tenure.
- The College reserves the right to require, with 12 months notice, that half-time tenure-track faculty members convert to full-time appointments.

Expectations related to position description:

- The two people sharing a position will provide the equivalent of one person's service contributions to the college and the department, including service on committees that meet year-round and on ad-hoc committees.
- Each person's regular teaching load in each year must be half-time (not including overloads) with the exception that applies to all faculty, namely that one course can be "owed" or "banked" for one year. Beyond that exception, the position cannot be split in fractions other than half and half.
- Combined teaching responsibilities must be distributed throughout the year as they would be for a full-time faculty member. Normally, this will mean that at least one of the two faculty members is teaching during each term, except in sabbatical years. If the department chair agrees to a distribution of combined course assignments that do not include any courses in a particular term, at least one of the faculty members must still be in residence for most of the term, to provide student advising and to participate in college and department activities. Other arrangements may be possible on occasion and would require the approval of the department chair and the dean of the faculty.
- The two faculty members sharing a position will share a normal advising load.
- Half-time faculty members are not automatically qualified to vote as members of the General Faculty. Faculty members considering sharing a position should apply to the Chair of the Faculty Executive Committee for determination of voting status.

Reviews:

- An untenured faculty member on a half-time appointment will have the same review, reappointment, tenure, and promotion schedule as full-time faculty. Normally, the reappointment review will take place in the spring of the third year, and the tenure-review no later than the end of the sixth year of service, whether that service is full-time or half-time.
- Each faculty member in a shared-position is evaluated separately and independently for reappointment, tenure, and promotion and must individually meet the College-wide standards for teaching, scholarship, and service that are articulated in the Faculty Manual.
- Tenured faculty with half-time appointments will continue to receive merit reviews on their regular triennial schedule. As with reappointment and tenure reviews, there is an understanding that numbers of courses taught and amount of service will be half. Award amounts will be half the usual award amounts.

Salary and benefits:

- Faculty members with half-time appointments receive salary increments on the same basis as full-time faculty, appropriately prorated.

- Any teaching undertaken by either of the people sharing a position beyond a joint full-time load will be compensated at the additional course, or “overload” rate. Please note that retirement benefit contributions are not provided on overload courses.
- Each person will receive half-time benefits, as would be the case for any half-time employees. Benefits are reported in the Faculty Manual. Please note that:
  - the 1000-hour requirement for receiving retirement benefits stated in the current Faculty Manual corresponds to half-time faculty employment.
  - the eligibility criteria for the tuition benefit, as stated in the Faculty Manual and implemented by the Human Resources office, are not modified for half-time appointments
  - benefits for all employees, including those on half-time appointments, are subject to change

Sabbatical leaves:

- A tenured faculty member on a half-time appointment will be eligible for a mini-sabbatical (2 courses off at full pay) after teaching 18 courses as part of his or her regular appointment (overloads do not contribute to sabbatical eligibility) and will be eligible for a full sabbatical (3 courses off at full pay) after teaching 36 courses as part of his or her regular appointment.
- A tenure-track junior faculty member in a shared position can 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 on the schedule described above. “Half-year sabbatical” means a release from half of the teaching duties associated with a half-time position, and “full-year sabbatical” means a release from all of the teaching duties associated with a half-time position. “Full pay” means the salary associated with a half-time position, and “half pay” means half of that amount.

Other:

- Two people sharing one position will share one office and the equivalent of one laboratory.
- Start-up funds for a faculty member newly hired into a shared tenure-track position will be half of customary amounts.
- Travel awards for each half-time individual will be limited to half of the customary amount for a full-time individual.
- Tenured faculty members in shared positions are eligible to hold endowed professorships, with salary and research awards at half the customary level.
- Conditions of appointment are subject to change, as is the case for all faculty members, with changes in the Faculty Manual, as well as with changes in this policy.

### C. First-Year Review of Faculty

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

#### Guidelines:

1. The review should include an evaluation of progress relative to college-wide standards in teaching, scholarship and college service.
2. The teaching review should contain a discussion of:
  - a. student course evaluations
  - b. level of challenge in courses
  - c. course materials (such as syllabi, tests, and handouts that may be provided by the candidate)
  - d. peer observations of teaching
3. The scholarship review should discuss the level of scholarly activity and the faculty member's progress in developing a research program at Union. Mention of articles, books, grant applications, shows, performances, conference papers, etc., are all relevant.
4. The review should make appropriate suggestions for further development in teaching, scholarship and departmental/college service.

The purpose of this review is developmental. The Faculty Review Board will not see this review nor will it be made available as part of the record for the reappointment review or tenure review. Every effort should be made to give clear and constructive advice to the faculty member. (Suggestions could include writing grants, submission of articles to higher quality journals, videotaping lectures, team teaching, observation of senior faculty, attendance at professional meetings, etc.)

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

### D. Reappointments Prior to Tenure Review

No tenure-track faculty member may be reappointed to a contract that would carry through the year of tenure review without first being evaluated in a formal reappointment review. Normally, tenure-track faculty members will undergo the required reappointment review during the academic year that falls three years before the year in which a tenure review would occur. (Normally such a review

takes place in the spring term.) Tenure-track faculty members with the rank of Instructor (who have not completed the Ph.D. or other terminal degree) may not stand for reappointment review unless the Dean of the Faculty has been notified that all requirements for the terminal degree have been completed. This notification must be received from the appropriate official of the degree-granting university four months before the review begins (December 1, for a spring term review). In the event that the degree requirement is not satisfied, the faculty member in question will be entitled to an additional one-year terminal contract. For tenure-track faculty members with the rank of Assistant Professor, the Dean of the Faculty acts on recommendations of Department Chairs for initiation of reappointment reviews. If it is decided that there is to be no reappointment review and that a faculty member will receive no reappointment after expiration of a contract, the faculty member shall receive such notification no later than 12 months before expiration of the contract. If such notification occurs less than 12 months before expiration of said contract, the faculty member in question will be entitled to an additional one-year terminal contract.

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

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

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

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

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

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

- Teaching
- Activity
- College Service

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

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

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

The candidate must be interviewed by the Department Committee.

A file shall be kept of all materials received or generated or utilized by the Department Committee in its deliberations. Prior to the submission of the Committee's report to the FRB, a list of all the materials in this file must be submitted to the Chair of the FRB, who shall review this list to ascertain whether the file is complete. Upon submission of the report to the FRB, all materials in the file will also be sent to the FRB. (Only senior members of the FRB, the relevant academic deans, the Affirmative Action Officer, and one junior member of the FRB who has passed the reappointment review are eligible to participate in deliberations concerning determination of reappointment.) At this time, the list of these materials will be given to the candidate together with the procedures used by the Department Committee in obtaining the information submitted to the

FRB. Confidential documents in the file shall be identified only as to their nature (e.g., "cover letter providing vote of department"). If the Department Committee seeks any additional materials or information at the behest of the FRB or the Dean of the Faculty, or if such materials are sought or received by the FRB or by the Dean of the Faculty after the submission to the FRB of the Departmental Committee report, the information shall be shared with both the FRB and the Dean so that the final determination made by the FRB and the Dean shall be based on the same body of information. Before the FRB and the Dean of the Faculty reach their final determination in the case, such materials shall be added to the file provided by the Departmental committee, the candidate shall be given the revised list of materials in his or her file, and the candidate shall be given an appropriate opportunity to respond to any additional perceived deficiencies other than those presented to the candidate by the Departmental committee. The candidate shall also be given a copy of the final report of the Department Committee (without the confidential material) at least one week before it is submitted to the FRB. All important perceived deficiencies in the candidate's record (if any) which are mentioned in the confidential portions of the materials submitted to the FRB shall be summarized in that part of the report given to the candidate. (Summary material must be prepared in such a way so as to protect the confidentiality of sources.)

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

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

The FRB and the Dean of the Faculty shall judge a candidate by the appropriate then-current College standards regarding teaching, scholarly activity, and college service. Their review shall consist of an evaluation of the candidate's Department Committee report and attachments. The FRB and the Dean of the Faculty also have the authority to request any other information it deems relevant, using procedures for obtaining information consistent with those required of the Department Committee. If the FRB and the Dean of the Faculty make a positive determination concerning a candidate's reappointment, the Dean of the Faculty shall convey the positive recommendations to the President and the FRB shall convey its findings in writing to the candidate.

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

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

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

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

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

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

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

#### IV. PROCEDURE FOR A DECISION ON TENURE

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

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

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

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

##### A. Procedure for Initiating a Tenure Review

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

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

2. This committee should gather the following information concerning the candidate: written term-end course evaluations (or summaries), copies of publications and any other scholarly work, all performance evaluation letters, and any other information it deems relevant.
3. The written course evaluations should be examined carefully and compared with appropriate departmental norms. The review is to be based on no more than six terms of teaching. (Revision of April 26, 1993.)
4. The scholarly work should be reviewed; it may be helpful, in this regard, to obtain from the candidate a statement guiding the departmental readers to what the candidate feels are the important problems and solutions or achievements of this work.
5. A careful discussion of the candidate's role in the future plans of the department should be undertaken. Special consideration should be made of how the candidate's expertise fits the curricular needs of the department, of how the candidate's scholarly pursuits nourish the intellectual life of the departmental program, and of any other aspect of the candidate's collegiality the committee deems professionally important.
6. After reviewing the evidence available to it, the committee should formulate a written recommendation, with respect to the formation of an ad hoc tenure committee, to the Dean of the Faculty. This recommendation should include summaries of the committee's findings and deliberations for items (3) and (5) above. It may also include, if the committee so desires, a qualitative assessment of the candidate's scholarly work. If the decision is not to recommend formation of an ad hoc tenure committee for the candidate, the specific reasons for the decision must be submitted in writing along with the recommendation.
7. A copy of the written recommendation should be given to the candidate at least one week prior to its submission to the Dean of the Faculty.

## **B. The Ad Hoc Committee**

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

### **1. Constitution of the Ad Hoc Committee**

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

## 2. Procedures of the Ad Hoc Committee

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

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

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

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

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

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

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

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

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

The principal concerns in these deliberations should be the following:

- The candidate's competence, effectiveness, and dedication as a teacher.
- The candidate's quality of mind as indicated by scholarly performance and the candidate's promise of continued professional involvement, commitment, and achievement.
- The quality of the candidate's contributions to the College in areas of service, leadership, and initiative.

The following procedures are recommended:

#### **a. Evaluation of Teaching**

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

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

- 2) Written materials describing innovative and/or especially effective approaches to teaching may be submitted by the candidate for evaluation.
- 3) A notice should be placed in the campus newspaper, the Chronicle, and alumni publications stating that an ad hoc tenure committee has been convened and that it invites student, alumni and faculty response.
- 4) From class lists obtained from the Registrar and, where appropriate, from lab rosters obtained from the candidate's department, the committee should select in a random selection process (see Appendix I) a group of students. The candidate should not supply the selection list. The committee should then solicit letters from the students selected and interview the students individually, either in full session or through members delegated for that purpose, using a uniform interview procedure. The opinions of recent alumni should also be sought. Their names should be chosen as they arise in a random selection process. Appendices II and III contain a suggested form for a letter to be sent to students and alumni inviting them to offer their evaluation and providing some guidance in writing a letter that would be helpful to the committee's deliberations.
- 5) The candidate's evaluation in student and departmental polls should be considered.

b. Evaluation of Scholarship

- 1) The candidate's scholarly writing and/or creative works, published and unpublished, including the Ph.D. dissertation, should be submitted to and read by the committee; even if the scholarship is outside of an individual committee member's discipline, each member should be aware of its nature.
- 2) All the candidate's published materials, and whatever unpublished work the candidate wishes, will be evaluated. This may include artistic work, equipment construction, library projects, or other work appropriate to the candidate's field.
- 3) The material to be evaluated, referred to above, must be sent out for evaluation by three outside referees with whom neither the candidate nor the department head nor any member of the ad hoc committee has close personal ties. In exceptional circumstances the Ad Hoc committee chair may request an additional reviewer with the approval of the chair of the Faculty Review Board. The ad hoc committee should present to the candidate a list of about 15 names of potential referees for the scholarly work. The candidate may comment, in writing, on the suitability of any of the referees for evaluating the work and may suggest that some names be eliminated from the list. Reasons for their unsuitability must be given and may include, for example, that the person is not in the area of the candidate's scholarship, or that the person may be a hostile referee because of extreme ideological, theoretical or

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

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

a. Evaluation of College Service

- 1) The committee should evaluate the contributions to the college community listed on the candidate's resume by obtaining testimony from members of the college community with whom the candidate has worked. This should at least include chairpersons of committees on which the candidate has served and may also include faculty, staff, or students who have primary responsibilities in areas such as admissions, advising, freshman orientation, budgeting, curriculum planning, or the computer center.
- 2) The committee should question the candidate about additional areas of college service not listed on the resume and should evaluate these in the same manner.
- 3) The committee should seek from the candidate information about such community activities that may be of value to the college.

b. General Information on the Ad Hoc Report

- 1) The ad hoc committee's report must include the candidate's full curriculum vitae.
- 2) The ad hoc committee should interview the candidate near the beginning of its evaluation process and at the end of the information-gathering stage. The ad hoc committee is expected to ask the candidate those questions which may significantly affect their recommendations to the FRB. The purpose of these questions is to provide the candidate with a reasonable opportunity to respond to criticisms which may have emerged in the ad hoc committee's deliberations. The candidate has three calendar days to respond in writing to issues raised in this interview. The ad hoc committee should make every effort to interview all faculty in the candidate's department. The ad hoc committee should solicit from the department 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 Departments of Music, Theater & Dance, and Visual Arts, compositions, concerts, exhibitions, or productions may constitute part of or the whole of a candidate's scholarship.
- 5) The report of the committee should include a well-delineated section on methods and procedures of the ad hoc committee. The section should clearly describe the procedures without compromising confidentiality. The section will be detached from the report and given to the candidate to review. The candidate has three calendar days to respond in writing to the procedure statement. The ad hoc committee delivers its report to the Faculty Review Board at this time. Any response by the candidate to the statement of procedures is given to the Chair of the Faculty Review Board, not the ad hoc committee. If the candidate objects to any of the procedures, the FRB will decide whether it considers it necessary to return the report to the ad hoc committee for any necessary corrections before it hears the presentation of the ad hoc committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1999/2000)

**A. Procedure for Reconsideration**

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

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

**B. Faculty Appeals Committee: Procedure**

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

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

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

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

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

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

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

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

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

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

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

- That the determination of the FRB or the Dean of the Faculty was based on "adequate consideration," or
  - That the determination of the FRB or the Dean of the Faculty was not based on "adequate consideration."
1. If the FAC determines that the decision was based on adequate consideration, the President shall notify the appellant of this determination, concurrently provide the appellant with a summary of the FAC's findings, and give the appellant the opportunity to submit to the President within ten (10) days of such notification a written response to the determination of the FRB and the findings of the FAC. After receipt of this response, or after expiration of ten (10) days if no response is made, the President will then make a final decision on the case.
    - a. If the President accepts the FRB's negative determination on the case, the President shall notify the candidate and shall convey his decision to the Board of Trustees.
    - b. If, in a reappointment review, the President decides that a candidate should be granted a pre-tenure contract renewal, he shall convey his decision to the Board of Trustees.
    - c. If, in a tenure review, the President decides that a candidate should be granted the status of tenured, he shall convey his decision to the Board of Trustees, whose approval of tenure status shall be confirmed in writing by the Dean of the Faculty or the President, and made part of the records of the College.
  2. If the FAC decides that the FRB or the Dean of the Faculty's determination was not based on "adequate consideration," it will include in its report to the President the respects in which it believes there was not "adequate consideration," and it will submit to the President a recommendation or set of recommendations for further consideration of the case before the President makes a final decision. (In no instance shall the FAC substitute its judgment for that of the FRB or the Dean of the Faculty on the merits of a case in making a recommendation or recommendations.)

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

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

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

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

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

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

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

**VI. PROCEDURES FOR THE REVIEW OF VISITING FACULTY AND LECTURERS**

(Effective April 2, 2009)

**A. Purpose for the Review**

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

**B. Review Procedures****1. Review of Visiting Faculty**

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

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

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

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

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

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

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

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

## 2. Review of Lecturers (effective April 2006)

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

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

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

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

## VII. PROFESSIONAL LIBRARIAN APPOINTMENTS

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

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

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

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

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

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

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

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

## VIII. LEAVES RELATED TO PROFESSIONAL DEVELOPMENT

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

### A. Sabbatical Leaves

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

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

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

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

#### 1. Tenure-track junior faculty

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

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

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

Tenured members of the faculty are entitled to apply in writing for a sabbatical leave equivalent to one-half of a normal load for the academic year on full salary or a full year on half salary, to be taken during their seventh year of teaching on the Union faculty after six years of full-time teaching, or the equivalent, following a tenure decision or a previous sabbatical leave.

Alternatively, one may apply for a one-term (2 course) sabbatical leave on full salary after three years of full-time teaching, or the equivalent, following a tenure decision or a previous sabbatical leave. The sabbatical clock will normally restart with the year following the year of the leave.

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

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

### **B. Leaves without Pay for Professional Development**

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

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

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

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

### **C. Leaves of Absence for Winners of Prestigious Grants**

(Revised April 2009)

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

#### **Salary**

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

#### **Benefits**

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

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

**IX. INDEMNIFICATION OF EMPLOYEES**

(Sept. 9, 2004)

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

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

1. The employee shall have been acting in good faith, without criminal or other willful misconduct (for example, conduct demonstrating a substantial disregard and/or intentional neglect of duties and obligations), and in the reasonable belief that his or her action was in the best interest of the College.
2. The employee shall give the College's legal officer prompt written notice of such claim or action.
3. The employee shall make no statement, oral or written, regarding the claim, action, or subject matter thereof without the prior written permission of the College.
4. The employee shall give the College the option to select legal counsel for defense of the claim or action and to otherwise control the proceeding; however, this does not preclude the employee from selecting personal counsel at his or her own expense.
5. Any settlement or compromise of the claim or action must have the prior written approval of the College.

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

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

## **X. OUTSIDE WORK**

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

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

### **A. Paid Consulting and Research**

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

1. Faculty members must receive permission in writing from their department head and the Dean of the Faculty or his/her designate before agreeing (in writing or otherwise) to consulting work and shall disclose to the College the nature of the activity, the organization for whom the work will be performed, and estimated days during the year to be spent performing the work.
2. By August 31 each year, all faculty members who have performed outside consulting or research for remuneration must report to the Dean of the Faculty the number of days spent in such activity during the preceding academic year.
3. The College expects that outside work will be such that it will contribute to a faculty member's professional development.
4. Outside work can not in any way interfere with the full and punctual fulfillment of a faculty member's teaching responsibilities and other responsibilities to the College (such as advising and committee service).
5. The equipment, supplies, or facilities of the College are not to be used in activities related to a faculty member's consulting or research which results in private gain unless the College receives full market value for such use from the faculty member or an entity for whom a faculty member is consulting or doing research. (A faculty member must have the approval of the Dean of the Faculty before using equipment, supplies, or facilities in outside consulting or research. He or

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

6. The College's name is not to be used other than to identify the consultant or researcher as an employee of the College.
7. Faculty members are required to report promptly for approval of the Dean of the Faculty or his/her designate all activities or situations that might conceivably involve a "conflict of interest" between outside consulting or research and faculty responsibilities to Union College.

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

**XI. ACADEMIC FREEDOM**

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

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

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

## **XII. CONSENSUAL RELATIONSHIPS**

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

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

### **XIII. PROCEDURES FOR DISMISSAL AND SANCTIONS**

*In the effective college, a dismissal proceeding involving a faculty member on tenure, or one occurring during the term of an appointment, will be a rare exception, caused by individual human weakness and not by an unhealthful setting. When it does come, however, the college must be preserved during the process of resolving the trouble. The faculty must be willing to recommend the dismissal of a colleague when necessary. By the same token, the presidents and the governing boards must be willing to give due consideration to a faculty judgment favorable to the colleague.*

Adapted from the "1958 Statement on Procedural Standards in Faculty Dismissal Proceedings," p. 11, AAUP Policy Documents and Reports. 9th ed.

#### **A. Termination of Faculty Appointments**

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

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

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

#### **B. Dismissal for Cause and Other Sanctions**

##### **1. Dismissal for Cause**

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

- a. substantial and continuing neglect of duties;
- b. demonstrable incompetence;

- c. acts of moral turpitude or sexual harassment, or harassment based on age, color, disability, ethnicity or national origin, gender, race, religion, sexual orientation, or sex; (On "moral turpitude" the standard is not that the moral sensibilities of persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally. AAUP Policy Documents and Reports, 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 testimony by witnesses presented either by the Dean of the Faculty or the faculty member.

The Faculty Review Board may have access to the College counsel to assist it in establishing the procedures for conducting the hearing. The hearing must be private. If any facts are in dispute, the testimony of witnesses and other evidence concerning the charges in the Dean of the Faculty's statement of charges shall be presented at the hearing.

The Dean of the Faculty or a College officer of the Dean's choice may attend the hearing in person, and the Dean may designate a representative from the College community to assist in developing the case. The Faculty Review Board, however, conducts the questioning of witnesses, and controls the course of the hearing.

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

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

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

## **5. Faculty Review Board Recommendation**

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

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

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

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

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

## **6. The President's Decision**

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

### **D. Appeal for Reconsideration**

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

### **E. Communications and Notifications**

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

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

#### **F. Records**

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

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

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

#### XIV. FACULTY RESIGNATIONS

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

- Resignation before May 1 to accept a position in the forthcoming academic year.  
Unless a faculty member has been notified by December 15 that an appointment is terminal, the faculty member should not consider a position elsewhere without first informing the department head of an interest in another position. The College recognizes that a faculty member may well become aware of a teaching opportunity which represents a professional advancement which should be seriously considered, but it is a matter of courtesy to alert the department head to the possibility and to confer before accepting any firm offer. Acceptance of another position requires a release from an appointment at Union College and a formal letter of resignation addressed to the Dean of the Faculty who, after consultation with the President, will acknowledge the action taken
  
- Resignation after May 1 to accept a position in the forthcoming academic year.  
Colleges, including Union, have generally accepted the understanding that after May 1 a faculty member should honor the contract for a coming academic year unless an emergency makes an exception reasonable. If a faculty member is approached by an irresistible opportunity, the department head and the Dean of the Faculty should immediately be notified and the dean or head of the other institution or agency should be requested to confer with the Dean at Union before any further negotiations occur. This procedure prevents any misunderstanding which might prejudice the future appointments of the faculty member. Acceptance of another position requires a release from an appointment at Union College and a formal letter of resignation addressed to the Dean of the Faculty who, after consultation with the President, will acknowledge the action taken.

**XV. SALARY INCREASES AND MERIT AWARDS****A. Salary Increases****1. Procedures**

- a. Each faculty member submits an annual written report of professional activities over the past year to the department head and to the Dean of the Faculty.
- b. Every faculty member is evaluated every third year by the department head. Each faculty member is evaluated on (1) the quality and effectiveness of teaching; (2) research, scholarly activities and publications; and (3) service, i.e., contributions to the department, the college and wider community. This evaluation is made available to the Faculty Review Board.
  - 1) In evaluating the quality of an individual's teaching, the department head uses such criteria as:
    - the department's appraisals of the individual's course standards, syllabi, examinations, written exercises;
    - classroom visits by senior faculty;
    - the students' evaluations;
    - a written statement of goals and achievements by the instructor.
  - 2) In evaluating the quality of research and scholarly activity, the department head shall use such criteria as:
    - the distinction of the individual's published and unpublished works;
    - the impact of research on teaching; and
    - evidence of increasing scholarly maturity.
  - 3) In evaluating the collegial contribution of a faculty member, the department head shall consider, among other criteria:
    - participation in seminars, colloquia and scholarly discussions;
    - assistance given to colleagues in methodology, critiques, bibliographical recommendations, etc.;
    - participation on college and departmental committees.
- c. Procedures for evaluation of the faculty for salary increases are developed by the Dean of the Faculty and the Faculty Review Board. Copies of these procedures are available through the Dean's office or from the Chair of the Faculty Review Board.

**B. Procedure for Triennial Merit**

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

2. The Chairs of the departments will review the annual merit evaluations for the previous three years and write a triennial merit evaluation.
3. The department chair and the faculty member will discuss the contents of the recommendation. Upon request, all of the background material used in arriving at the evaluation or recommendation will be made available to the faculty member.
4. If they are unable to agree on the recommendation, the faculty member may prepare a written statement, together with any appropriate supporting documents, setting forth the disagreement with respect to the evaluation or recommendation. That statement is submitted to the department head.
5. The department head's and the faculty member's respective reports and statements are forwarded to the chair of the FRB and the Dean of the Faculty.
6. The FRB will consider the chairs' merit recommendations and submit its recommendations to the Dean of the Faculty. The final decision about and responsibility for the triennial merit awards rests with the Dean of the Faculty.

**XVI. CONTRACT RENEWALS**

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

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

## **XVII. PERSONAL RECORDS AT UNION COLLEGE**

### **A. Student Records at Union College**

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

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

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

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

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

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

### **B. Requests from Outsiders for Faculty Records**

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

**XVIII. STATEMENT OF ANTIDISCRIMINATION POLICY**

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

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

**XIX. COLLEGE POLICY PROHIBITING HARASSMENT**

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

**A. Purpose and Definition**

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

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

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

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

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

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

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

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

### **B. Definition of Sexual Harassment**

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

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

### **C. Determination of Harassment**

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

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

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

**D. Additional Behavior Prohibited by the Policy**

The following behaviors are also prohibited by the Policy:

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

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

**E. Procedures for Dealing with Cases of Harassment**

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

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

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

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

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

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

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

#### **G. Informal Intervention and Mediation**

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

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

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

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

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

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

#### **H. Initiation of Formal Grievance Procedures**

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

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

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

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

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

The Vice President for Academic Affairs determines whether or not to grant the request for a formal grievance hearing based upon a review of the formal complaint, the response, and factors including but not limited to whether there are any witnesses to the event or events, the time that elapsed between one event or events and the request for the formal grievance, the willingness of complainant to 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.



# **Faculty Manual**

## **Section III Teaching Regulations and Procedures**

**September 1, 2012**

**Union College**  
807 Union Street  
Schenectady, NY 12308

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## I. 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 Academic Departments and Programs.
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**

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 Dean of Studies.

In the event that a faculty member plans a field trip off-campus he/she should notify the department head and the Dean of Studies 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 Studies.

## G. Examinations

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 Dean of Studies. 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 of Studies.

## H. Proficiency Exams

See catalog for details.

The instructor involved is remunerated as follows:

- For preparing, administering and grading a proficiency exam:  
Honorarium = \$125.00.
- 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 Dean of Studies and the Dean of First-Year Students, who consult 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 Dean

of Studies. 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 Dean of Studies.
2. If the issue is not yet resolved within a second two-week period, the matter may be forwarded to the Dean of Studies, who will consult with the faculty member and/or department chair and after considering the relevant information, the Dean of Studies 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 Dean of Studies, 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 Studies.
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 of Studies.

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 Honor Code**

(Adopted September 1, 2012)

### **Preamble**

Union College recognizes the need to create an environment of mutual trust as part of its educational mission. Trust among students ensures that no student has an unfair advantage over another; trust between faculty and students ensures that the effort both parties put into preparation and evaluation of assigned work is not wasted, but can truly advance understanding and learning for students. Creation of this environment of trust is the responsibility of the entire academic community: faculty, staff and students. It requires that students submit work that is prepared in accordance with the course instructor's requirements and that faculty foster an environment of academic honesty. Toward this end, professors will uphold the high ethical standards of their discipline, provide to their students clear guidance on the policy and practice of academic integrity, and fairly evaluate students' work. To help establish mutual assurance of intellectual honesty, Union College expects students to sign the Honor Code Affirmation. Matriculation at the College is taken to signify implicit agreement with the Code.

### **Academic Integrity**

Responsible participation in an academic community requires respect not only for oneself, but also for the thoughts and work of others, whether expressed in the present or in some distant time and place. If you owe an intellectual debt, the principles of academic honesty and integrity require that you acknowledge it. Academic dishonesty is a rejection of the very purposes and ideals for which the College stands: personal integrity, independence of thought, critical understanding, and responsibility for one's own work.

### **Academic dishonesty can take many forms, including, but not limited to:**

- **Plagiarism**

Plagiarism has been variously defined, but nearly all definitions have in common the idea that plagiarism is a form of theft. One author describes plagiarism as "the false assumption of authorship: the wrongful act of taking the product of another's mind, and presenting it as one's own" (Alexander Lindey, *Plagiarism and Originality*. New York: Harper, 1952: 2). Plagiarism involves at least two elements: (1) taking something produced or created by someone else; (2) failing to give proper indication that you have done this. Further information and additional examples may be found in the Union College *Statement on Plagiarism*.

- **Cheating**

Cheating is the improper use of study aids (notes, study guides, and other outside information) in examinations or on other graded materials, or the taking of information from a source not specifically authorized. Collaboration, whether acknowledged or not, on work that is supposed to be one's own is also considered cheating. The amount of permissible collaboration will vary from class to class; students should consult with their instructors to find out how much collaboration is permitted. Students should err on the side of caution, and not assume that collaboration is permitted.

- **Falsification of data or evidence**

Falsification of data or evidence is altering or fabricating any information, data, or citation that may mislead those reading an assignment.

- **Submitting work you have done for another class as though it were new**

An assignment submitted for a particular course is assumed to be done solely for that course. Submitting the same or similar document previously completed for another course without the instructor's approval is considered to be misconduct.

- **Helping someone else commit an act of academic dishonesty**

e.g., knowingly allowing someone to copy from one's paper during an examination or test; knowingly allowing someone to submit your lab report or homework as their own.

- **Forgery on Academic Documents**

e.g. forging a faculty signature on a declaration of major form or course withdrawal form.

### **Student Responsibility**

By joining the Union College community, every student agrees to understand and abide by the Honor Code and Affirmation that is hereby set forth. It is the responsibility of the student to ensure that submitted work is his or her own and does not involve any form of academic misconduct. Students need to exercise common sense in making decisions regarding their academic conduct in and outside of the classroom. All students are expected and encouraged to ask their course instructor for any clarification regarding, but not limited to, collaboration, citations, and plagiarism.

### **Faculty Responsibility**

At the beginning of each trimester, faculty members are requested to include in their syllabus the College's code regarding academic conduct, or at least a reference to it.

Every member of the faculty is responsible for explaining how the academic integrity code applies to his or her specific course. This includes examinations (which may be proctored or not), the degree to which students may collaborate in work submitted for a grade, and the expectations with respect to the use of outside sources in submitted work.

### **Additional Questions**

Additional questions concerning the Academic Honor Code may be addressed to the Chair of the Honor Council.

### **The Honor Code Affirmation**

As a student at Union College, I am part of a community that values intellectual effort, curiosity and discovery. I understand that in order to truly claim my educational and academic achievements, I am obligated to act with academic integrity. Therefore, I affirm that I will carry out my academic endeavors with full academic honesty, and I rely on my fellow students to do the same.

### **Honor Council Procedural Guidelines**

These guidelines are designed to provide participants in Honor Council proceedings with a guide to the rights enjoyed by participants and to what they may expect as normal procedure. Please note that the Honor Council is not a court and an Honor Council hearing is not a trial. These procedures constitute a guide to expected behavior, but the council and its officers are free to act flexibly in ways consistent with fairness, and minor variations should not be considered violations of procedure. The Family Educational Rights and Privacy Act (FERPA) confidentiality safeguards apply to all Honor Council procedures.

#### Composition of Honor Council

The Honor Council shall normally consist of 12 students, the Dean of Studies and 3 faculty members. New members of the Council will be selected and seated in the Spring Term of every year. Students serving on the Honor Council must be in good standing.

Students will serve as Chair and Vice-Chair (who will serve if the Chair is not present), Secretary and Alternate Secretary (who will serve if the Secretary is not present) of the Honor Council. Student representatives to the Honor Council will be nominated through the Committee on Committees. The application will include an essay explaining the relevance of the applicant's experience and why the applicant seeks a position on the Honor Council. As part of the application process, the President of Student Forum and (except in the first year) the Chair of the Honor Council shall interview all candidates and make recommendations to the Committee on Committees, which shall decide which students to appoint to the Honor Council. Except in the first year, the positions of Chair, Vice Chair, Secretary, and Alternate Secretary are reserved for students who have had prior experience on an honor council, or on the Committee on Standing of Students. Students will serve one year terms with a possibility of renewal.

Faculty representatives to the Council will be elected following current faculty governance procedures for other elected positions. Faculty members will serve three year terms. Among the faculty

representatives, one will be from Center I (Social Science and Humanities faculty), one will be from Center II (Science and Engineering faculty), and one will be at-large.

#### Reporting of Violations/Screening Process

Any suspected violations of the Honor Code must be reported to the Honor Council and no other party; accusers must submit evidence in support of the allegation. Suspected violations of the Honor Code cannot be resolved outside of the Honor Council process. Alleged violations of the Honor Code will normally be reported to the student Chair of the Honor Council in writing through the secure mailbox in the Dean of Studies Office. Alternatively the accuser may report the violation to the Dean of Studies. The Chair and the Dean of Studies will review the allegation and its accompanying evidence. If both the Chair and the Dean of Studies agree that the evidence warrants a preliminary discussion, they may arrange a meeting with the accuser and/or the accused, or other parties. If both the Chair of the Honor Council and the Dean of Studies agree that the evidence does not indicate that a violation has occurred, the case will be dismissed. This decision is final. When a case is dismissed at this stage, the accused student will not be notified that an allegation of academic dishonesty was made against him or her and no official records will be kept.

If either the Chair of the Honor Council or the Dean of Studies believes that the evidence warrants a hearing to determine whether a violation of the Honor Code did occur, the case will be referred to the Honor Council. The Chair will then notify the accused student in writing, through the Dean of Studies Office. This notice will also inform the accused student that he/she may request a Chair-Dean Review of the case instead of an Honor Council hearing, if applicable.

#### Chair-Dean Review

The accused student may request a Chair-Dean Review of the case under the following three conditions:

- the accused student admits a violation of the Honor Code, and
- the accused student waives the right to an Honor Council hearing, and
- the violation is the accused student's first.

The Chair and Dean of Studies will decide whether to approve the request for a Chair-Dean Review based on these three conditions. A decision by the Chair and the Dean of Studies to deny a Chair-Dean Review request cannot be appealed.

If the request is approved, the Chair-Dean Review must be held promptly. The accused student, the accuser, the Dean of Studies, and the Chair will be present at the Chair-Dean Review meeting. After the meeting, the Chair and Dean of Studies will determine the sanction. Written notification of the sanction will be delivered to the accused student and the faculty member(s) responsible for teaching the course involved. They will summarize results of Chair-Dean Reviews to the Honor Council at least once per term with student names omitted.

### Honor Council Hearing Procedures

Honor Council hearings must be held promptly. Each case will be heard by a panel. The hearing panel will consist of 5 members of the Honor Council. A hearing panel will include both faculty and students, at least 3 of which will be students. These 5 members will have a vote in the hearing. If the Vice-Chair and Alternate Secretary are not needed to serve in place of, respectively, the Chair and Secretary, as members of the Honor Council, they may serve on the hearing panel. Three non-voting members will also attend every hearing: the Chair, the Secretary and the Dean of Studies. The Chair will moderate the hearing and the Secretary will take the minutes of the hearing. Members of the Honor Council shall disclose any prior connections or relationships with the accuser or the accused to the Chair and the Dean of Studies. If either believes that these relationships might impair, or appear to impair, the objectivity of a council member in this case, the council member shall be asked to recuse himself or herself.

The accused student and the accuser must be present at the hearing. If the accuser is a student, the course instructor can be invited to attend the hearing, at the discretion of the Chair. If the accused student fails to appear on the date and at the time and place specified in the notice, the Council may take the testimony from the accuser and reach a decision on the basis of that information. In the unlikely event that the accuser does not appear, the hearing will be rescheduled. If the accused student is unable to appear on the date specified in the notice, he or she should notify the chair of the Council. If the Council determines that good cause exists for the absence of the accused student, it may set a new date for the hearing.

Witnesses to the alleged violation will also be present at the hearing only while they are testifying. It is the responsibility of the person desiring the presence of a witness to ensure that the witness appears. Only in situations where the witness cannot reasonably be expected to be present at the Honor Council hearing may a witness submit a written statement. A written statement must be dated, signed by the person making it, and the signature witnessed by a Union College employee. The work of the Honor Council will not, as a general practice, be delayed due to the unavailability of a witness.

The accused student may have an advisor at the hearing. The advisor must be a member of the Union College community (as student, faculty, or staff). The advisor may consult with the student during the hearing but may not make any statements during the proceedings.

The Chair will begin the hearing by presenting the charges. The Chair will then ask the accuser to offer information to substantiate the charges. The accused is responsible for presenting his or her own case and may make a written or verbal statement. The accused and the accuser have the right to present witnesses. The accused, the accuser, and the witnesses will be subject to questions from the Council. The accused may question witnesses and the accuser in order to clarify statements during the hearing. The hearing may be recorded, at the request of the accused student. Records will be housed in the Office of the Dean of Studies.

### Honor Council Decisions and Sanctions

After the hearing ends, an accused student will have been found to have committed academic misconduct if at least 4 of the 5 members of the panel, having duly deliberated, vote that the preponderance of evidence makes it more likely than not that the accused has violated the Honor Code.

The hearing panel members will decide on the sanctions for all students found to have committed academic misconduct. Sanctions will be decided by majority of voting members.

Normally, for a first violation of the Honor Code, a student would fail the course; however, given the circumstances of the case (e.g., the accused student's year or the severity of the violation) other sanctions might be levied, ranging from failure on the assignment to, in extreme cases, suspension or expulsion from Union. For all first offenses, a letter will be placed in the student's file in the Dean of Studies office.

For a second violation of the Honor Code, it is generally expected that the student will be suspended or expelled from Union. The student's parents will be notified of the sanction. When the sanction includes suspension or expulsion from Union, a notation will appear on the student's transcript specifying that academic dishonesty was the reason for the suspension or expulsion. For all second offenses a letter will be placed in the student's permanent file.

Written notification of the decision and, if applicable, sanction will be delivered to the accused student, and the faculty member(s) responsible for teaching the course involved. The accused student may request a meeting with the Chair and the Dean of Studies for further clarification of the decision and/or sanction.

If an accused student is found not responsible for a violation of the honor code, the student may petition the Dean of Studies to drop the course without a "W" on their transcript, even if the withdrawal deadline has passed.

#### Revocation of Degrees

The College reserves the right under this code to revoke an awarded degree for serious academic integrity violations committed by a student prior to the student's graduation.

#### Appeals Process

If a student has been found guilty of violating the Honor Code, the student may appeal the Council's decision. For cases decided under a Chair-Dean Review, the student may appeal the sanction. All appeals will be heard by the Vice President for Academic Affairs. The imposition of the sanction will remain in effect during the period of the appeal proceeding.

Appeals must be submitted in writing to the Vice President for Academic Affairs within ten days of written notification of the hearing results. When the appeal grounds include the availability of new evidence, the appeal must be submitted as soon as practicable after the new evidence has emerged. The grounds for appeal must be specified in the written statement, and evidence to support these grounds included. Appeals shall be considered based on the accused's ability to demonstrate that:

- The hearing was materially inconsistent with the established judicial procedure; or
- Information is available that was unavailable at the time of the hearing, and the new information is relevant to the Council's determination; or
- The sanction(s) is unreasonably harsh or inappropriate for the violation(s).

In addition to the letter of appeal, the Vice President will review the initial statement of accusation and accompanying evidence, and the letter to the accused student detailing the decision. The Vice President may, at her or his discretion, consult with the Chair of the Honor Council and/or the Dean of Studies or any other party and/or examine any other materials deemed relevant to the case.

The Vice President may affirm, reverse, or modify the decision and/or may eliminate, reduce, or increase the sanction, or may return the case to the Honor Council. Written notification of the decision of the Vice President will be delivered to the accused, the Chair of the Council, the Dean of Studies, and the faculty member(s) responsible for teaching the course involved.

The outcome of the appeal is final.

#### Reporting of Decisions

At the beginning of each term, the Council will report summaries of the cases they heard as well as cases decided through Chair-Dean Review in the immediately prior term. These summaries will include the outcome of each case, and, if applicable, the sanction and a brief rationale for the decision. Class year of students may be reported, and this may be especially useful when describing the rationale. The Dean of Studies will review these summaries before they are reported publicly to ensure accuracy and anonymity.

Upon their release by the Council, the summaries will be distributed to the entire campus community via email and will be published in campus publications, such as *Concordiensis*.

### Records

The following records will be kept in the Dean of Studies office for all cases decided through a Chair-Dean review or heard by the Council, in accordance with the College's record retention policy:

- The initial statement of accusation and accompanying evidence
- The written summary of the hearing or Chair-Dean review
- The letter to the accused student detailing the decision
- For cases that were appealed, the letter of appeal and the letter from the Vice President for Academic Affairs detailing his or her decision will also be kept.

## **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 of Studies.
- 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 of Studies.
- 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 Manual**

## **Section IV Faculty Constitution**

**September 1, 2012**

**Union College**  
807 Union Street  
Schenectady, NY 12308

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## **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

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 Academic Departments, the Dean of Engineering, the Associate Academic Deans~~ Academic Deans and Associate Academic Deans, the Director of Schaffer Library, the Dean of Students, the Vice President for Admissions, Financial Aid and Enrollment, 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

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. No faculty member may be re-elected immediately to the same position. Election to liaison committees is exempt from these restrictions. Normally, terms of office are for three years.

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. Procedure 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 five faculty representatives (one to be elected by each of the four Divisions, with one other to be elected by the General Faculty at large) and three students (full-time, day-time undergraduates to be appointed by the Student Committee on Committees or its equivalent). In addition, the Dean of the Faculty, and the Dean of Studies 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 one shall serve one-year terms. The Dean of Studies 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 Dean of Academic Departments ~~and Programs and the Dean of Interdisciplinary Studies and Special Programs~~ 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 Dean of Academic Departments and Programs will report the year's staffing decisions to the AAC, explaining them in terms of the Working Plan.

The Academic Affairs Council advises the Dean of the Faculty regarding the definition of all tenure-track positions, whether new or vacated, except those vacated because of negative tenure and reappointment reviews. The department in which a vacated position has resided should use a proposal form supplied by the Dean of Academic Departments and Programs to describe the manner in which the department proposes to fill the position. If a vacated position resides outside a department, the academic dean overseeing the position may use this form to propose how the position may be filled. In making its recommendation, the AAC will consider information available in the Working Plan for Academic Development and in the department or program's most recent external review, in addition to information provided by the department on the proposal form. The AAC may advise the Dean of the Faculty that the position be filled as described, it may recommend that the proposal be resubmitted after certain aspects of it are reconsidered and revised, or it may advise the Dean of the Faculty against filling the position as proposed and instead recommend that proposals be solicited from other departments or programs for a tenure-track position. The Dean of the Faculty will make the final decision regarding the definition of any tenure-track position.

### **C. Standing Sub-Councils of the AAC**

The AAC shall form four standing sub-councils: a Sub-council on the Standing of Students, the General Education Board, the Writing Board, and a Sub-council on Courses and Programs. 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 Dean of Studies or his/her designee, the Dean of Students or his/her designee, the Dean of First-Year Students or his or her designee, and the Registrar. The Sub-council is co-chaired by the Dean of Studies and one faculty member. The Sub-council shall report to the Academic Affairs Council annually about its activities.

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 Interdisciplinary Studies and Special Programs Director of General 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 Interdisciplinary Studies and Special Programs~~ **Director of General Education** shall serve as the Director of the General Education Board and shall be responsible for the administration of the program. The General Education Board shall report to the AAC annually about its activities.

The Writing Board shall oversee the Writing Across the Curriculum program and shall formulate plans and policies to promote WAC on campus. The membership of the Writing Board shall be the Director of the Writing Center, four faculty members, two students, and up to two academic administrators designated by the Academic Affairs Council in consultation with the Director of the Writing Center. Each of the two centers of the faculty shall elect two representatives with no two from the same department, 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 as Director of the Writing Board and be responsible for the administration of the program. The Writing Board shall report to the AAC annually about its activities.

The Sub-council on Courses and Programs shall review all new course proposals and new program proposals. The membership of the Sub-council on Courses and Programs shall be the Dean of Academic Departments and Programs, the five faculty representatives of the AAC, a representative from Schaffer Library's Collection Development, and the Registrar. The Sub-council shall grant preliminary approval to new courses and new programs each term, and bring them before the full AAC each term for discussion and approval. The Dean of Academic Departments shall chair the Sub-council.

#### **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 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 Academic Departments and Programs, and the Affirmative Action Officer. The two 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 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**

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 sub-committees (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 Dean of the Faculty 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 Dean of the Faculty 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, the two faculty trustees, three students (full-time, day-time, undergraduates) to be appointed by the Student Committee on Committees, two members of the staff to be appointed by the Director of Human Relations for three-year terms with the possibility of reappointment, the Vice Presidents, the Senior Director of Campus Diversity and Affirmative Action, and resource people deemed helpful to the discussions of the Planning and Priorities Group. 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.

### **D. Sub-Group**

The Benefits Committee is a standing sub-group of the Planning and Priorities Group (P&P) that makes recommendations to P&P regarding faculty and staff benefits. The Faculty Compensation Committee comprises the faculty membership of the committee. Two administrative staff members, one of whom is designated as the committee's co-chair, and two hourly staff members are nominated

by the Vice President for Finance & Administration and appointed by P&P. The Chair of the Faculty Compensation Committee and the designated appointed administrative staff member co-chair the committee. The Director of Human Resources serves ex-officio. The Director of Human Resources seeks the advice of the committee annually regarding benefits budget planning. P&P and the Director of Human Resources consult the committee on any significant changes to benefits, sometimes requesting analysis of possible policy changes.

## **XI. LIAISON COMMITTEES**

Liaison committees are responsible for making policy recommendations to the administration. The committees are co-chaired by an administrator responsible for the relevant administrative offices and by a faculty member. Faculty representatives to liaison committees are elected by faculty. All liaison committees must meet a minimum of once per term. The agenda and minutes of each committee, including any recommendations made, will be forwarded to the Faculty Executive Committee for review and posting on the Academic Affairs web site. Additional Liaison Committees may be established by the President of the College in consultation with the Conference Group.

## **XII. LIAISON COMMITTEE FOR ADMISSIONS**

### **A. Membership**

The membership shall include the Vice President for Admissions, Financial Aid and Enrollment, four faculty members, two students, the Director of Financial Aid, the Director of Athletics, and one member of the admissions staff. The Vice President for Admissions, Financial Aid and Enrollment and one of the faculty members shall co-chair the Liaison Committee for Admissions.

The faculty members will be elected by the faculty, normally one from each division, for staggered three-year terms. The elected faculty shall select the faculty co-chair from among themselves in consultation with the Faculty Executive Committee. The student members will be appointed by the Student Committee on Committees. The admissions staff member will be appointed by the Vice President for Admissions, Financial Aid and Enrollment.

### **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 Vice President for Admissions, Financial Aid and Enrollment, on all matters of concern to students and faculty about admissions. In addition, the Vice President for Admissions, Financial Aid and Enrollment may bring to the Committee any matter for consultation and opinion.

### **C. Procedures**

The Liaison Committee on Admissions shall advise the Vice President for Admissions, Financial Aid and Enrollment in the preparation and annual revision of a document which outlines the overall goals, policies, and procedures to be used in the admissions process. Vice President for Admissions, Financial Aid and Enrollment 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 least once per term, at the request of the Vice President for Admissions, Financial Aid and Enrollment on all other matters.

### **XIII. LIAISON COMMITTEE FOR ATHLETICS**

#### **A. Membership**

Membership shall include the Director of Athletics, two elected faculty members (one from each center) plus the two campus NCAA faculty representatives, two students (one male and one female), and one alumni representative. The Director of Athletics and one of the faculty members shall serve as co-chairs of the Liaison Committee for Athletics.

The two elected faculty members will be elected by the faculty for staggered three-year terms. The elected faculty and NCAA faculty representatives shall select the faculty co-chair from among themselves in consultation with the Faculty Executive Committee. 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 or the faculty co-chair. 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.

#### **XIV. LIAISON COMMITTEE FOR CAMPUS FACILITIES**

##### **A. Membership**

Membership shall include the Vice President for Finance, four faculty members, two students, one member of the staff, and the Director of Campus Operations. The Vice President for Finance and one of the faculty members shall serve as co-chairs of the Liaison Committee for Campus Facilities.

The faculty members, normally one from each division, will be elected by the faculty, for staggered three year terms. The elected faculty shall select the faculty co-chair from among themselves in consultation with the Faculty Executive Committee. 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 Vice President for Finance or the faculty co-chair. 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.

## **XV. LIAISON COMMITTEE FOR THE LIBRARY**

### **A. Membership**

Membership shall include the Head Librarian, four faculty members, two students, and one member of the Library faculty (in addition to the Head Librarian). The Head Librarian and one of the faculty members shall serve as co-chairs of the Liaison Committee for the Library.

The faculty members, normally one from each division, will be elected by the faculty, for staggered three-year terms. The elected faculty shall select the faculty co-chair from among themselves in consultation with the Faculty Executive Committee. 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 or the faculty co-chair. 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.

**XVI. LIAISON COMMITTEE FOR ACADEMIC COMPUTING AND TECHNOLOGY****A. Membership**

Membership shall include the Chief Information Officer, four faculty members, two students, and one representative each from Academic Computing, the College Library and Web Resources. The faculty members, one of whom serves as Co-Chair, shall be elected by the faculty, 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 Chief Information Officer and a faculty member shall co-chair the Liaison Committee for Academic Computing and Technology. The elected faculty members shall select the faculty co-chair from among themselves in consultation with the Faculty Executive Committee.

**B. Responsibilities**

The function of the Liaison Committee for Academic Computing and Technology is to help form IT policy on all matters pertaining to the operation, maintenance, and improvement of technology and computing that affect the academic program and mission of Union College. This Committee is also charged with assessing the current use of technology for academic purposes and academic technology needs on an annual basis to aid in formulating appropriate IT policies and procedures. As part of this mission the Committee will develop and maintain effective means for integrating views of the faculty into IT policy.

**C. Procedures**

The Liaison Committee for Academic Computing and Technology will meet at least once each term at the convening of the Co-Chairs. It shall discuss whatever business the Co-Chairs or members of the committee shall place before it. This shall include all new policies and changes to IT policies and procedures that significantly affect students and faculty. Proposed new policies and changes to IT policies and procedures shall normally be presented to the Committee at least one month before a policy decision is finalized. All decisions of the committee are advisory to the Chief Information Officer.

## **XVII. LIAISON COMMITTEE ON STUDY ABROAD**

### **A. Membership**

Membership shall include the Director of International Programs, four faculty members and two students. The Dean of the Faculty or her/his designee, Dean of Studies, Dean of First Year Students and other administrators involved in the work of the International Programs Office as invited by the co-chairs of the committee, shall be non-voting members of the Committee. The Director of International Programs and one of the faculty members shall co-chair the Liaison Committee on Study Abroad. Faculty members shall be elected by the faculty, normally one from each of the four Divisions, for staggered three year terms. The elected faculty shall select the faculty co-chair from among themselves in consultation with the Faculty Executive Committee. The student members shall be appointed by the Student Committee on Committees or its equivalent.

### **B. Responsibilities**

LCOSA shall advise the Director of International Programs on all matters of concern to Union's International Programs. These shall include (but not be limited to): design of a time-table and a set of guidelines for the initiation of periodic evaluations of individual term abroad (TA) programs designed to alter, affirm, or eliminate said programs; review of re-designed or newly proposed TAs; review of student proposals for alternative student study abroad (for which the student representatives on LCOSA will not participate); and the development and implementation of new assessment tools for TA programs. LCOSA shall participate in discussions of general policy, analysis and setting of budget priorities related to International Programs, and improving the academic quality of all TA experiences.

### **C. Procedures**

LCOSA shall meet at least once each term at the call of the Director of International Programs or the faculty co-chair, and more often at appropriate times of the year to evaluate student proposals for alternative study abroad. The committee shall develop a regular schedule by which all Union TAs are evaluated and the Director of International Programs shall provide the appropriate assessment data for these reviews. A summary of the TA assessments, alternative student study abroad proposals, and any modifications of general policies shall be made available to the Union College community.

## **XVIII. AMENDING THE GOVERNANCE SYSTEM**

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, online, or other electronic form of 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.



# **Faculty Manual**

## **Section VI Sundry Matters**

**September 1, 2012**

**Union College**  
807 Union Street  
Schenectady, NY 12308

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## I. TRAVEL

### A. Faculty

The Dean of Academic Departments and Programs administers 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 Academic Departments and Programs administers 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.

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:
  - d. All Expense Reports require approval by the department head, director, or Dean responsible for the account to be charged.
  - e. 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.
  - f. 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 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/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. 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.

## B. Investigating and Responding to Allegations of Scientific Misconduct

### 1. Introduction

#### a. General Policy

An underlying principle of all research is the quest for truth. The credibility of research must be above reproach if public trust is to be maintained. Misconduct in research undermines the public trust placed in the research enterprise of our Nation's colleges and universities, and wastes valuable public and private resources. Therefore, it is the policy of Union College to neither condone nor tolerate scientific research misconduct by any member of its community. While breaches in such standards are rare, these must be dealt with promptly and fairly by all parties in order to preserve the integrity of the research community and of this College. This document applies to allegations of research misconduct; "misconduct" as used herein, means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion.

- i. Fabrication is making up data or results and recording or reporting them;
- ii. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record;
- iii. Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

Union College promotes the responsible conduct of research and encourages any person affiliated with the institution involved in research activities to follow the Plan for Training in the Responsible Conduct of Research Training Plan<sup>1</sup> ([http://www.union.edu/offices/grants/\\_docs/rcr-plan-06212011.pdf](http://www.union.edu/offices/grants/_docs/rcr-plan-06212011.pdf))

#### b. Scope

This policy and the associated procedures apply to all individuals at Union College engaged in research, including that which is supported by or for which support is requested from the U.S. Public Health Service (PHS)<sup>2</sup>. This policy applies to any person paid by or under the control of the institution, such as scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators at Union College. In the case of undergraduate students involved in alleged scientific misconduct, this policy and the associated procedures shall apply in those instances where: 1) the research in question is supported by federal agencies; or 2) the student independently submitted a manuscript for peer-reviewed publication, with the intent of

<sup>1</sup> Union College students conducting sponsored research activities are required by the National Science Foundation to complete training in the Responsible Conduct of Research.

<sup>2</sup> Standards for inquiries and investigations into allegations of scientific misconduct are set forth in the Public Health Service's Code of Federal Regulations (C.F.R.) at Title 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science."

influencing the science surrounding the topic, without the participation of the faculty research advisor. Student matters may also, as appropriate, be handled under the relevant academic integrity (Honor Code) guidelines.

This policy and associated procedures will normally be followed when an allegation of possible misconduct in science is received by an institutional official. Particular circumstances in an individual case may dictate variation from the normal procedure deemed in the best interests of Union College.

## 2. Definitions

**Allegation** means any written or oral statement or other indication of possible scientific misconduct made to an institutional official.

**Conflict of interest** means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

**Deciding Official (DO)** means the institutional official who makes final determinations on allegations of scientific misconduct and any responsive institutional actions. The DO will not be the same individual as the Research Integrity Officer (RIO) and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment.

**Division III Representative to the FEC** means a single faculty member appointed to represent their academic division (Biology, Chemistry, Geology, Mathematics, Physics, and Psychology) on the Faculty Executive Committee (FEC).

**Division IV Representative to the FEC** means a single faculty member appointed to represent their academic division (Bioengineering, Computer Science, Electrical & Computer Engineering, Engineering, and Mechanical Engineering) to the Faculty Executive Committee (FEC).

**Faculty Executive Committee (FEC)** means the committee comprised of a Chair, a Secretary, and four additional faculty members who shall be the four heads of the Academic Divisions responsible for, among several duties, revising the faculty constitution and bylaws to be in accord with the governance system and to establish orderly means to accomplish the business of the General Faculty

**Good faith allegation** means an allegation made with the honest belief that scientific misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

**Inquiry** means gathering information and initial fact-finding to determine whether an allegation or apparent instance of scientific misconduct warrants an investigation.

**Investigation** means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred and, if so, to determine the responsible person and the seriousness of the misconduct.

**Office of Research Integrity (ORI)** is the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the scientific misconduct and research integrity activities of the U.S. Public Health Service.

**PHS** means the U.S. Public Health Service, an operating component of the DHHS.

**PHS regulation** means the Public Health Service regulation establishing standards for institutional inquiries and investigations into allegations of scientific misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science."

**PHS support** means PHS grants, contracts, or cooperative agreements or applications thereof.

**Research Integrity Advisory Committee (RIAC)** is a standing committee comprised of Union College faculty and staff who will assist the Research Integrity Officer (RIO) in identifying the appropriate individuals to serve on inquiry and investigation committees.

**Research Integrity Officer (RIO)** means the institutional official responsible for assessing allegations of scientific misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations.

**Research record** means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of scientific misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

**Respondent** means the person against whom an allegation of scientific misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

**Retaliation** means any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has in good faith, made an allegation of scientific misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation.

**Scientific research** means research activities conducted in the fields of science and engineering (S&E) consistent with the 2010 Classification of Instructional Programs (CIP 2010). S&E includes the following fields: agricultural sciences and natural resources sciences, biological and biomedical sciences, computer and information sciences, engineering, health and clinical sciences, mathematics and statistics, physical sciences, psychology, social sciences, and other science and engineering fields. For a detailed list of disciplines included in each of these fields, see section "13. *Fields of S&E, Crosswalk of fields of S&E to the National Center for Education Statistics (NCES) 2010 Classification of Instructional Programs (CIP)*".

**Scientific misconduct or misconduct in science** means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific

community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data<sup>3</sup>.

**Whistleblower** means a person who makes an allegation of scientific misconduct.

### 3. Rights and Responsibilities

Contact information for Union College officials and administrators involved in matters of research integrity may be viewed here: <http://www.union.edu/offices/grants/proposal-prep/Research%20Integrity/index.php>

#### a. Research Integrity Advisory Committee

The Research Integrity Advisory Committee (RIAC) is a standing committee comprised of Union College faculty and staff who will assist the Research Integrity Officer (RIO) in identifying the appropriate individuals to serve on inquiry and investigation committees. The RIO will consult with the RIAC to determine the various expertise and perspectives necessary for a fair inquiry and investigation.

Union College administrators and faculty serving on the RIAC include the:

- Dean of Studies: <http://www.union.edu/offices/academic-affairs/>
- Director of Undergraduate Research:  
[http://www.union.edu/Resources/Academic/undergrad\\_research/index.php](http://www.union.edu/Resources/Academic/undergrad_research/index.php)
- Director of Sponsored Programs: <http://www.union.edu/offices/grants/staff/index.php>
- Division III Representative to the Faculty Executive Committee (FEC)  
<http://www.union.edu/Academics/AcademicAffairs/GovernanceCommittees/Committees/FEC/index.php>
- Division IV Representative to the Faculty Executive Committee (FEC)  
<http://www.union.edu/Academics/AcademicAffairs/GovernanceCommittees/Committees/FEC/index.php>

#### b. Research Integrity Officer

Union's Dean of Academic Departments and Programs (<http://www.union.edu/offices/academic-affairs/>) will serve as the Research Integrity Officer (RIO) who will have primary responsibility for implementation of the procedures set forth in this document. The RIO will be an individual well qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The RIO will consult with the Research Integrity Advisory Committee (RIAC) to identify appropriate individuals to be appointed to the inquiry and investigation committee, ensuring that

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<sup>3</sup> 42 C.F.R. § 50.102.

necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The RIO will attempt to ensure that confidentiality is maintained.

The RIO will assist inquiry and investigation committees and all institutional personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The RIO is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The RIO will report to ORI – and keep ORI updated on – any developments during the course of an inquiry or investigation that may affect current or potential DHHS funding for the individual(s) under investigation or that PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest<sup>4</sup>.

c. Whistleblower

The whistleblower will have an opportunity to testify before the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the RIO has determined that the whistleblower may be able to provide pertinent information on any portions of the draft report, then these portions will be given to the whistleblower for comment.

The whistleblower is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation. The whistleblower has an obligation to respect the reputation of the respondent by refraining from activities potentially harmful or damaging to the reputation of the respondent.

d. Respondent

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, and to review the draft inquiry and investigation reports.

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent is not found guilty of scientific misconduct, he or she has the right to request and receive institutional assistance in restoring his or her reputation<sup>5</sup>.

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<sup>4</sup> 42 C.F.R. § 50.103(d)(12)

<sup>5</sup> 42 C.F.R. § 50.103(d)(13)

e. Deciding Official

The Vice President for Academic Affairs (<http://www.union.edu/offices/academic-affairs/>) shall serve as the Deciding Official (DO), and will receive the inquiry and/or investigation report and any written comments made by the respondent or the whistleblower on the draft report. The DO will consult with the RIO or other appropriate officials and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions.

#### 4. General Policies and Principles

a. Responsibility to Report Misconduct

All employees or individuals associated with Union College should report observed, suspected, or apparent misconduct in science to the RIO. If an individual is unsure whether a suspected incident falls within the definition of scientific misconduct, he or she may call the RIO (<http://www.union.edu/offices/academic-affairs/>) to discuss the suspected misconduct informally.

At any time, an employee may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations. Should an individual observe or suspect scientific misconduct involving the RIO, the individual may contact any member of the Research Integrity Advisory Committee (RIAC) about appropriate procedures for reporting allegations.

Union College administrators and faculty serving on the RIAC include the:

- Dean of Studies: <http://www.union.edu/offices/academic-affairs/>
- Director of Undergraduate Research:  
[http://www.union.edu/Resources/Academic/undergrad\\_research/index.php](http://www.union.edu/Resources/Academic/undergrad_research/index.php)
- Director of Sponsored Programs: <http://www.union.edu/offices/grants/staff/index.php>
- Division III Representative to the Faculty Executive Committee (FEC)  
<http://www.union.edu/Academics/AcademicAffairs/GovernanceCommittees/Committees/FEC/index.php>
- Division IV Representative to the Faculty Executive Committee (FEC)  
<http://www.union.edu/Academics/AcademicAffairs/GovernanceCommittees/Committees/FEC/index.php>

b. Cooperation with Research Misconduct Proceedings

Institutional members will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other institutional officials.

c. Confidentiality

The RIO shall make all reasonable and practical efforts to maintain confidentiality, consistent with federal regulations and institutional policy, and to: (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO should use written confidentiality agreements or other mechanisms to ensure that the recipient does not make any further disclosure of identifying information.

d. Protecting the Whistleblower<sup>6</sup>, Witnesses and Committee Members

The RIO will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The RIO will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action.

Employees should immediately report any alleged or apparent retaliation to the RIO. Institutional members may not retaliate in any way against complainants, witnesses, or committee members. Institutional members should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

Also the institution will protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the whistleblower requests anonymity, the institution will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The whistleblower will be advised that if the matter is referred to an investigation committee and the whistleblower's testimony is required, anonymity may no longer be guaranteed. Institutions are required to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations<sup>7</sup>.

e. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation<sup>8</sup>.

<sup>6</sup> 42 C.F.R. § 50.103(d)(2)

<sup>7</sup> 42 C.F.R. § 50.103(d)(13)

<sup>8</sup> 42 C.F.R. § 50.103(d)(3)

f. Cooperation with Inquiries and Investigations

Institutional employees will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the RIO or other institutional officials on misconduct allegations.

## 5. Conducting the Inquiry

a. Preliminary Assessment

Upon receiving an allegation of scientific misconduct, the RIO will assess the allegation to determine whether the allegation falls within the definition of research misconduct, and is sufficiently credible, significant, and specific so that the potential evidence of research misconduct may be identified.

The assessment period should be brief, preferably concluded within a week. In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible, significant, and specific so that potential evidence of research misconduct may be identified. The RIO shall, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all research records and evidence needed to conduct the research misconduct proceeding.

### Preliminary Assessment of Allegations involving Undergraduates

In the case of undergraduate students involved in alleged scientific misconduct, this policy and the associated procedures shall apply in those instances where: 1) the research in question is supported by federal agencies; or 2) the student independently submitted a manuscript for peer-reviewed publication, with the intent of influencing the science surrounding the topic, without the participation of the faculty research advisor. Student matters may also, as appropriate, be handled under the relevant academic integrity (Honor Code) guidelines ([http://www.union.edu/academic\\_depts/ethics/union/Honor%20Code.php](http://www.union.edu/academic_depts/ethics/union/Honor%20Code.php)).

b. Initiation and Purpose of the Inquiry

Following the preliminary assessment, if the RIO determines that the criteria for an inquiry are met, he or she will immediately initiate the inquiry process. In initiating the inquiry, the RIO should identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, whistleblower, and key witnesses to determine whether there is sufficient evidence of possible scientific misconduct to warrant an investigation. The purpose of the inquiry is **not** to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

c. Sequestration of the Research Records

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, they must be notified in writing. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO may consult with ORI or other pertinent federal agencies for advice and assistance in this regard.

d. Appointment of the Inquiry Committee

The RIO will identify and appoint members of the inquiry committee. The inquiry committee should consist of individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, or other qualified persons, and they may be from inside or outside the institution.

The RIO shall notify the respondent of the names of the standing committee members to give the respondent an opportunity to object to a proposed member based upon a personal, professional, or financial conflict of interest. Objections must be filed within 10 calendar days. If an objection is filed, the RIO will determine whether to replace the challenged member or expert with a qualified substitute.

e. Charge to the Committee and the First Meeting

The RIO will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, whistleblower, and key witnesses to determine whether there is sufficient evidence of possible scientific misconduct to warrant an investigation as required by the PHS regulation. The purpose is not to determine whether scientific misconduct definitely occurred or who was responsible. At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO will be present or available throughout the inquiry to advise the committee as needed.

#### f. Inquiry Process

The inquiry committee will normally interview the whistleblower, the respondent, and key witnesses as well as examining relevant research records and materials. Then the inquiry committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether there is sufficient evidence of possible scientific misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

### 6. The Inquiry Report

#### a. Elements of the Inquiry Report

A written inquiry report must be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the external support pertinent to the allegation, including, for example, grant numbers, grant applications, contracts and publications listing the support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; (5) any comments on the draft report by the respondent or complainant; (6) the names and titles of the committee members and experts who conducted the inquiry; (7) a summary of the inquiry process used; (8) a list of the research records reviewed; (9) summaries of any interviews; (10) and whether any other actions should be taken if an investigation is not recommended.

Institutional counsel may be asked to review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry committee.

#### b. Comments on the Draft Report by the Respondent and the Whistleblower

The RIO will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the whistleblower, if he or she is identifiable, with portions of the draft inquiry report that address the whistleblower's role and opinions in the investigation.

- i. Confidentiality: The RIO may establish reasonable conditions for review to protect the confidentiality of the draft report;
- ii. Receipt of Comments: Within 10 calendar days of their receipt of the draft report, the whistleblower and respondent will provide their comments, if any, to the inquiry committee. Any comments that the whistleblower or respondent submits on the draft report will become part of the final inquiry report and record<sup>9</sup>. Based on the comments, the inquiry committee may revise the report as appropriate.

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<sup>9</sup> 42 C.F.R. § 50.103(d)(1)

c. Inquiry Decision and Notification

- i. Decision by Deciding Official: The RIO will transmit the final report and any comments to the Deciding Official (DO), who will make the determination of whether findings from the inquiry provide sufficient evidence of possible scientific misconduct to justify conducting an investigation. The inquiry is completed when the DO makes this determination, which will be made within 60 days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file;
- ii. Notification: Within 30 calendar days of the DO's decision that an investigation is warranted, the RIO will also notify those institutional officials who need to know of the DO's decision. Where PHS funding is involved, the RIO will also provide ORI, or other pertinent agency as required by regulation, with the DO's written decision and a copy of the inquiry report. The RIO must provide the following information to ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts, or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the investigation.

The RIO and DO shall determine what if any information to provide to the complainant at various stages in the process, balancing the complainant's legitimate interest in the proceeding, its progress, and its outcome, with the need to safeguard the integrity and confidentiality of the process.

- iii. Documentation of Decision Not to Investigate: If the DO decides that an investigation is not warranted, the RIO shall secure and maintain for 7 years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by ORI, or any other pertinent agency as required by regulation, of the reasons why an investigation was not conducted.

d. Time Limit for Completing the Inquiry Report

The inquiry committee will normally complete the inquiry and submit its report in writing to the RIO no more than 60 calendar days following its first meeting<sup>10</sup>, unless the RIO approves an extension for good cause. If the RIO approves an extension, the reason for the extension will be entered into the records of the case and the report<sup>11</sup>. The respondent also will be notified of the extension.

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<sup>10</sup> 42 C.F.R. § 50.103(d)(1)

<sup>11</sup> 42 C.F.R. § 50.103(d)(1)

## 7. Conducting the Investigation

### a. Purpose of the Investigation

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

### b. Sequestration of the Research Records

The RIO will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent is notified that an investigation has begun. The need for additional sequestration of records may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

### c. Appointment of the Investigation Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an investigation committee and the committee chair within 10 days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. The investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation<sup>12</sup>. These individuals may be scientists, administrators, subject matter experts, or other qualified persons, and they may be from inside or outside the institution. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The RIO will notify the respondent of the proposed committee membership within 5 days. If the respondent submits a written objection to any appointed member of the investigation committee or expert, the RIO will determine whether to replace the challenged member or expert with a qualified substitute.

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<sup>12</sup> 42 C.F.R. § 50.103(d)(8)

d. Charge to the Committee and First Meeting

Charge to the Committee

The RIO will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines scientific misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, whistleblower, and key witnesses to determine whether, based on a preponderance of the evidence, scientific misconduct occurred and, if so, to what extent, who was responsible, and its seriousness.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the RIO, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

The First Meeting

The RIO, with the assistance of institutional counsel, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of these instructions and, where PHS funding is involved, the PHS regulation.

e. Investigation Process

The investigation committee will be appointed and the process initiated within 30 days of the completion of the inquiry, if findings from that inquiry provide a sufficient basis for conducting an investigation.<sup>13</sup>

The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls.<sup>14</sup> Whenever possible, the committee should interview the whistleblower(s), the respondents(s), and other individuals who might have information regarding aspects of the allegations.<sup>15</sup> Interviews of the respondent should be tape recorded or transcribed. All other interviews should be transcribed, tape recorded, or summarized. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.<sup>16</sup>

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<sup>13</sup> 42 C.F.R. § 50.103(d)(7)

<sup>14</sup> 42 C.F.R. § 50.103(d)(7)

<sup>15</sup> 42 C.F.R. § 50.103(d)(7)

<sup>16</sup> 42 C.F.R. § 50.103(d)(7)

## 8. The Investigation Report

### a. Elements of the Investigation Report

The final report submitted to ORI must describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as a description of any sanctions imposed and administrative actions taken by the institution.<sup>17</sup>

### b. Comments on the Draft Report

#### Respondent

The RIO will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed 10 days to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.

#### Whistleblower

The RIO will provide the whistleblower, if he or she is identifiable, with those portions of the draft investigation report that address the whistleblower's role and opinions in the investigation. The report should be modified, as appropriate, based on the whistleblower's comments.

#### Institutional Counsel

The draft investigation report will be transmitted to the institutional counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

#### Confidentiality

In distributing the draft report, or portions thereof, to the respondent and whistleblower, the RIO will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the RIO may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

### c. Institutional Review and Decision

Based on a preponderance of the evidence, the DO will make the final determination whether to accept the investigation report, its findings, and the recommended institutional actions. If this determination varies from that of the investigation committee, the DO will explain in detail the basis for rendering a decision different from that of the investigation committee in the institution's letter transmitting the report to ORI. The DO's explanation should be consistent with the PHS

<sup>17</sup> 42 C.F.R. § 50.104(a)(4); 42 C.F.R. § 50.103(d)(15)

definition of scientific misconduct, the institution's policies and procedures, and the evidence reviewed and analyzed by the investigation committee. The DO may also return the report to the investigation committee with a request for further fact-finding or analysis. The DO's determination, together with the investigation committee's report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the RIO will notify both the respondent and the whistleblower in writing. In addition, the DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

d. Transmittal of the Final Investigation Report to ORI

After comments have been received and the necessary changes have been made to the draft report, the investigation committee should transmit the final report with attachments, including the respondent's and whistleblower's comments, to the DO, through the RIO.

e. Time Limit for Completing the Investigation Report

An investigation should ordinarily be completed within 120 days of its initiation<sup>18</sup>, with the initiation being defined as the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the DO for approval, and submitting the report to the ORI<sup>19</sup>.

## 9. Requirements for Reporting to the ORI

a. Allegations and Admissions of Scientific Misconduct when PHS Funding is Involved

- i. An institution's decision to initiate an investigation must be reported in writing to ORI, on or before the date the investigation begins<sup>20</sup>. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the PHS definition of scientific misconduct, and the PHS applications or grant number(s) involved<sup>21</sup>. ORI must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report<sup>22</sup>. Any significant variations from the provisions of the institutional policies and procedures should be explained in any reports submitted to ORI.

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<sup>18</sup> 42 C.F.R. § 50.104(a)(2)

<sup>19</sup> 42 C.F.R. § 50.104(a)(2)

<sup>20</sup> 42 C.F.R. § 50.104(a)(1)

<sup>21</sup> 42 C.F.R. § 50.104(a)(1)

<sup>22</sup> 42 C.F.R. § 50.104(d)(15)

- ii. If an institution plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the PHS regulation, the RIO will submit a report of the planned termination to ORI, including a description of the reasons for the proposed termination.<sup>23</sup>
- iii. If the institution determines that it will not be able to complete the investigation in 120 days, the RIO will submit to ORI a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the RIO will file periodic progress reports as requested by the ORI.<sup>24</sup>
- iv. When PHS funding or applications for funding are involved and an admission of scientific misconduct is made, the RIO will contact ORI for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. When the case involves PHS funds, the institution cannot accept an admission of scientific misconduct as a basis for closing a case or not undertaking an investigation without prior approval from ORI.<sup>25</sup>
- v. The RIO will notify ORI at any stage of the inquiry or investigation if:
  - There is an immediate health hazard involved<sup>26</sup>;
  - There is an immediate need to protect Federal funds or equipment<sup>27</sup>;
  - There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any<sup>28</sup>;
  - It is probable that the alleged incident is going to be reported publicly<sup>29</sup>; or
  - The allegation involves a public health sensitive issue, e.g., a clinical trial; or
  - There is a reasonable indication of possible criminal violation. In this instance, the institution must inform ORI within 24 hours of obtaining that information.<sup>30</sup>

## 10. Institutional Administrative Actions

Union College will take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated.<sup>31</sup>

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<sup>23</sup> 42 C.F.R. § 50.104(a)(3)

<sup>24</sup> 42 C.F.R. § 50.104(a)(5)

<sup>25</sup> 42 C.F.R. § 50.104(a)(3)

<sup>26</sup> 42 C.F.R. § 50.104(b)(1)

<sup>27</sup> 42 C.F.R. § 50.104(b)(2)

<sup>28</sup> 42 C.F.R. § 50.104(b)(3)

<sup>29</sup> 42 C.F.R. § 50.104(b)(4)

<sup>30</sup> 42 C.F.R. § 50.104(b)(5)

<sup>31</sup> 42 C.F.R. § 50.103(d)(14)

If the DO determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the RIO. The actions, determined through the College's campus disciplinary process when appropriate, may include:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where scientific misconduct was found.
- Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;
- Restitution of funds as appropriate

## **11. Other Considerations**

### **a. Termination of Institutional Employment or Resignation Prior to Completing Inquiry or Investigation**

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible scientific misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

### **b. Restoration of Respondent's Reputation**

If the institution finds no misconduct and ORI concurs, after consulting with the respondent, the RIO will undertake reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of scientific misconduct was previously publicized, or expunging all reference to the scientific misconduct allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation must first be approved by the DO.

### **c. Protection of the Whistleblower and Others<sup>32</sup>**

Regardless of whether the institution or ORI determines that scientific misconduct occurred, the RIO will undertake reasonable efforts to protect whistleblowers who made allegations of scientific

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<sup>32</sup> 42 C.F.R. § 50.103(d)(14)

misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the DO will determine, after consulting with the whistleblower, what steps, if any, are needed to restore the position or reputation of the whistleblower. The RIO is responsible for implementing any steps the DO approves. The RIO will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the whistleblower.

d. Allegations Not Made in Good Faith

If relevant, the DO will determine whether the whistleblower's allegations of scientific misconduct were made in good faith. If an allegation was not made in good faith, the DO will determine whether any administrative action should be taken against the whistleblower.

e. Interim Administrative Actions

Institutional officials will take interim administrative actions, as appropriate, to protect Federal funds and ensure that the purposes of the Federal financial assistance are carried out<sup>33</sup>.

## 12. Record Retention

After completion of a case and all ensuing related actions, the RIO will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the RIO or committees. The RIO will keep the file for three years after completion of the case to permit later assessment of the case. ORI or other authorized DHHS personnel will be given access to the records upon request.<sup>34</sup>

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<sup>33</sup> 42 C.F.R. § 50.103(d)(11)

<sup>34</sup> 42 C.F.R. § 50.103(d)(10)

### 13. Fields of S&E

#### Crosswalk of fields of S&E to the National Center for Education Statistics (NCES) 2010 Classification of Instructional Programs (CIP)

**Agriculture sciences and natural  
resources sciences:**

Agricultural economics  
Animal sciences  
Fishing and fisheries sciences  
Food science and technology  
Forestry  
Natural resources conservation and  
research (includes environmental science)  
Natural resources economics  
Plant sciences  
Soil sciences  
Wildlife and wildlands science

**Biological and biomedical sciences:**

Anatomical sciences  
Animal biology  
Biochemistry  
Bioinformatics  
Biology  
Biomathematics  
Biophysics  
Biotechnology  
Botany  
Cell biology  
Cellular biology  
Ecology  
Evolution  
Genetics  
Human nutrition  
Immunology  
Microbiological sciences  
Molecular biology  
Molecular medicine  
Neurobiology  
Neurosciences  
Pathology

Pharmacology  
Physiology  
Plant biology  
Population biology  
Toxicology  
Zoology  
Biological and biomedical sciences, other

**Computer and information sciences:**

Computer science  
Computer software and media  
applications  
Computer systems networking and  
telecommunications  
Information science

**Engineering:**

Aeronautical engineering  
Aerospace engineering  
Agricultural engineering  
Architectural engineering  
Astronautical engineering  
Automation engineering  
Biochemical engineering  
Bioengineering  
Biological engineering  
Biomedical engineering  
Biosystems engineering  
Ceramic sciences and engineering  
Chemical engineering  
Civil engineering  
Computer engineering, general  
Construction engineering  
Electrical, electronics and  
communications engineering  
Electromechanical engineering  
Engineering chemistry

Engineering physics  
Engineering science  
Environmental engineering  
Environmental health engineering  
Forest engineering  
Geological engineering  
Geophysical engineering  
Industrial engineering  
Manufacturing engineering  
Marine engineering  
Materials engineering  
Mechanical engineering  
Mechatronics  
Medical engineering  
Metallurgical engineering  
Mining and mineral processing  
Naval architecture  
Nuclear engineering  
Ocean engineering  
Operations research  
Paper science and engineering  
Petroleum engineering  
Plastics engineering  
Polymer engineering  
Robotics  
Surveying engineering  
Systems engineering  
Textile sciences and engineering  
Engineering, other

**Health and clinical sciences:**

Allied health diagnostic, intervention, and treatment  
Clinical laboratory science/research  
Clinical nursing  
Communication disorders sciences  
Dentistry  
Informatics  
Kinesiology and exercise science  
Medical clinical sciences  
Medical illustration  
Medical laboratory science/research  
Medicine  
Nursing research  
Optometry

Oral sciences  
Osteopathic medicine  
Osteopathy  
Pharmaceutical sciences  
Pharmacy  
Podiatric medicine  
Podiatry  
Public health  
Registered nursing  
Rehabilitation and therapeutic subfields  
Veterinary biomedical sciences  
Veterinary medicine

**Mathematics and statistics:**

Applied mathematics  
Mathematics  
Statistics  
Mathematics and statistics, other

**Physical sciences, group 1:**

Astronomy  
Astrophysics  
Atmospheric sciences  
Chemistry  
Earth sciences  
Geological sciences  
Materials sciences  
Meteorology  
Oceanography  
Physics

**Psychology:**

Applied psychology  
Clinical psychology  
Counseling psychology  
Research and experimental psychology  
Psychology, other

**Social sciences:**

Anthropology  
Archeology  
Criminalistics  
Criminal justice  
Criminal science  
Criminology

Demography  
Economics  
Forensic science and technology  
Geography and cartography  
International relations  
National security studies  
Police science  
Political science and government  
Population studies  
Sociology  
Urban affairs  
Social sciences, other

## 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 found at: <http://www.union.edu/eventservices/> and Central Scheduling found at: <http://www.union.edu/News/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.